

ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. LXXI.

An Act for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums, in *Scotland*. [25th *August* 1857.]

WHEREAS an Act was passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act to regulate Madhouses in* Scotland; and another Act was passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act for altering and amending an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled 'An Act to regulate Madhouses in* Scotland;' and another Act was passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her Majesty, intituled *An Act to alter and amend certain Acts regulating Madhouses in* Scotland, *and to provide for the Custody of dangerous Lunatics;*" and it is expedient that the said recited Acts be repealed, and that more efficient Provision be made for the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums in *Scotland:* 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

55 G. 3. c. 69.

9 G. 4. c. 34.

4 & 5 Vict. c. 60.

in this present Parliament assembled, and by the Authority of the same, as follows:

On Jan. 1, 1858, recited Acts repealed.

I. From and after the First Day of *January* One thousand eight hundred and fifty-eight, the recited Acts shall be and are hereby repealed.

Officers to continue till recalled, and Orders made under the repealed Acts to be good.

II. The Inspectors, Medical Officers, and all other Officers or Servants appointed under or in virtue of the recited Acts, or any of them, shall continue to discharge the Duties of their respective Offices until they shall be re-appointed, or superseded by the Appointment of other Persons, Officers, and Servants to discharge the Duties now performed by them; and all Licences heretofore granted under the recited Acts or any of them shall remain in force until the Expiration of the Periods for which they were respectively granted, or until they are revoked under the Powers of this Act; and all Orders, Matters, and Things granted, made, done, or directed to be done in pursuance of the recited Acts, or any of them, shall be and remain as good, valid, and effectual, to all Intents and Purposes, as if the said Acts had not been repealed, excepting in so far as such Orders, Matters, or Things are expressly made void or affected by this Act; and all Fees, Charges, Liabilities, and Expenses due, payable, or prestable under the said Acts, or any of them, shall be payable and prestable from the same Funds and Sources as would have been applicable to such Payments, and otherwise in the like Manner as if the said Acts had not been repealed.

Interpretation of Terms.

III. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) the Words "the Board" shall mean the Board to be appointed under the Authority of this Act for the Superintendence and Care of Asylums and Lunatics; the Words "Public Asylum" shall mean and include all such Hospitals, Madhouses, or Asylums as are or shall be established for the Custody of Lunatics by Act of Parliament or Royal Charter, or under any Deed or Mortification by which the Maker thereof has directed the Appropriation of Funds to the establishing and maintaining any Lunatic Asylum or Hospital, or any Establishment administering Funds for charitable Purposes, without any View to any pecuniary Gain or Profit arising to the Establishment or to the Estate or Funds of the Trust or Charity, and also all Hospitals, Madhouses, or Asylums, other than District Asylums, into which Lunatics committed by Order and Certificate, as herein-after provided, cannot be refused Access or Reception, without special Cause shown; the Words "Private Asylum" shall

shall mean and include all such licensed Madhouses or Asylums as are established for the Reception of more than One Lunatic under the Provisions of this Act, and kept for the pecuniary Gain or Profit of the Proprietors or Superintendents thereof or others interested therein, and into which the Admission of Lunatics is a Matter of Arrangement between the Superintendent thereof and the Party seeking or promoting the Reception of the Lunatic therein; the Words "District Asylum" shall mean an Asylum, in Terms of this Act, of One of the Districts described in the Schedule (H.) hereunto annexed; the Word "House" shall mean any House in which a single Lunatic is kept under an Order of the Sheriff; the Word "Superintendent" shall mean the Person or Persons having the Management or Charge of any Asylum, and shall include the Proprietor, and all Persons having any pecuniary Interest therein or in the Profits to be derived therefrom; the Words "Medical Person" shall mean any Person being a Member or Licentiate of one or other of the Royal Colleges of Physicians or Surgeons in *Edinburgh* or *London*, or holding a Diploma from the Faculty of Physicians and Surgeons of *Glasgow*, or being a Fellow or Licentiate of the King and Queen's College of Physicians in *Dublin*, or of the College of Surgeons in *Dublin*, or holding the Degree of Doctor of Medicine from One of the Universities of *Scotland*, *England*, or *Ireland*, or having a Right to practise Medicine or Surgery from having served in the Army or Navy, and being in actual Practice as such Physician, Surgeon, or otherwise as aforesaid; the Word "Lunatic" shall mean and include any mad or furious or fatuous Person, or Person so diseased or affected in Mind as to render him unfit in the Opinion of competent Medical Persons to be at large, either as regards his own personal Safety and Conduct, or the Safety of the Persons and Property of others or of the Public; the Word "Burgh" shall include and apply to the Cities, Burghs, and Towns which are Royal Burghs, or which send or contribute as Burghs to send a Member to Parliament; the Words "Magistrates of Burghs" shall include the Lord Provost, or Provost or Chief Magistrate, and the Magistrates and Council of Burghs; the Expression "Landward Part of a County" shall include and apply to a County exclusive of the Burghs situated therein; the Word "Secretary" shall mean the Secretary to be appointed under this Act; the Expression "Judicial Factor" shall mean and include any Person having charge of Property of a Lunatic, whether as Judicial Factor, Factor Loco Tutoris, Factor Loco Absentis, Curator Bonis, or Tutor Dative, or by reason of Service as Tutor at Law, or as Curator; the Word "Sheriff" shall mean the Sheriff of and acting in the County of which he is Sheriff, and shall include the Sheriff Substitutes; the Words "Sheriff Clerk" shall mean the Sheriff Clerk and Sheriff Clerk Depute of the County of which he is Sheriff Clerk,

and shall include Steward Clerk and Steward Clerk Depute; the Word "Person" and the Word "Owner" shall extend to Trustees and to Bodies Politic or Corporate as well as to Individuals; and the Word "Month" shall mean Calendar Month.

Constitution of Board.

IV. There shall be constituted for the Purposes of this Act a Board to be called the General Board of Commissioners in Lunacy for *Scotland*, in manner following:—

1. Three Persons shall be appointed by Her Majesty, One of whom shall be an unpaid Commissioner and Chairman of the Board, and Two of whom shall be paid Commissioners, and shall receive such Salary, not exceeding One thousand two hundred Pounds each *per Annum*, as shall be fixed by the Commissioners of Her Majesty's Treasury:
2. It shall be lawful to Her Majesty as often as shall seem expedient, by Warrant under the Hand of One of Her Majesty's Principal Secretaries of State, to appoint not more than Three Persons in all at One Time to be unpaid Commissioners in Lunacy for such Period as may be specified in such Warrant:
4. All Vacancies in the Board may be supplied in like Manner from Time to Time as they occur.

Meetings of the Board.

V. The Board shall have an Office at *Edinburgh* for the Transaction of their Business, and shall meet there, or at such temporary Place as shall be fixed for the Purpose, upon the First Day of *November* next, or upon the first convenient Day within Ten Days thereafter (of which due Notice shall be given by the Secretary to each of the Members of the Board), and shall thereafter hold Two General Meetings in each Year, One upon the First *Wednesday* in *March* and the other upon the First *Wednesday* in *November*; and at such First Meeting, and at all other Meetings of the Board, Three of the Members shall be a Quorum, with Power to act in all the Matters hereby committed to the Board; and the Board shall have Power to adjourn for such Time and to such Place as they shall see fit, and to hold Special or *pro re nata* Meetings, which may be called by the Secretary in such Manner as the Board shall direct; and at all Meetings of the Board the Chairman shall have both an original and a casting Vote.

Power to Board to name Committees.

VI. It shall be lawful to the Board, as often as they deem fit, to appoint any Two or more of their Number as a Committee for the Purposes of this Act, or for any Part of such Purposes as the Board may direct, and if more than Two to fix the Number of such Committee that shall be sufficient to transact Business; and it shall be lawful for such Committee, in transacting the Business committed to them,

them, to exercise all the Powers necessary for that Purpose which are by this Act given to the Board; and such Committee shall report to the Board at such Time or Times as the Board shall direct, and failing such Direction shall report to the Board at its next General Statutory Meeting.

Commissioners before acting to take the following Oath.

VII. Every Commissioner shall, before he acts in the Execution of his Duty, take an Oath to the following Effect; (that is to say,)

'I *A.B.* do swear, That I will discreetly, impartially, and faithfully execute all the Trusts and Powers committed to me by virtue of an Act of Parliament passed in the Twenty-first Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*], and that I will keep secret all such Matters as shall come to my Knowledge in the Execution of my Office, except when required to divulge the same by legal Authority, or so far as I shall feel myself called upon to do so for the better Execution of the Duty imposed upon me by the said Act.

'So help me GOD.'

Which Oath it shall be lawful for the Lord Justice General of *Scotland* to administer.

Commissioners not to derive Profit for discharging the Duties of their Office.

VIII. The Commissioners shall not derive any Profit or Emolument for the Discharge of the Duties of their Office, excepting as herein mentioned, nor shall they be personally responsible for anything done *bonâ fide* in the Execution of this Act, or in the Exercise of the Powers herein contained, and the paid Commissioners shall devote their whole Time to the Duties of the said Office.

Powers of Commissioners.

IX. The Board, over and above the Powers hereby specially committed to them, shall have the Superintendence, Management, Direction, and Regulation of all Matters arising under this Act in relation to Lunatics, and to Public, Private, and District Asylums, and to every House in which a Lunatic is kept or detained under an Order of the Sheriff, as herein-after provided, and shall have the Power of granting or refusing Licences to the Proprietors of Private Asylums, and of renewing or transferring any such Licences, and of recalling or suspending the same; and it shall be lawful for the Board from Time to Time to make and establish such Rules and Regulations as they may deem necessary towards the good Order and Management of all Private and District Asylums, and the Conduct and Duties of the Superintendents, Officers, and Servants thereof, and of the Inspectors, Secretary, Clerk, Officers, and Servants appointed under the Authority of this Act, and to enforce such Rules and Regulations,

by Forfeiture of the Licence of any Party not observing the same, and by Recovery of the Penalties authorized by this Act: Provided always, that all such Rules and Regulations shall, before being put into execution, be approved of by One of Her Majesty's Principal Secretaries of State, and such Rules and Regulations shall also be submitted to both Houses of Parliament, if Parliament be then sitting, and if Parliament be not sitting, then within Fourteen Days after the Meeting of the next Session of Parliament: Provided also, that nothing in this Act contained, unless where otherwise specially provided, shall be construed to extend to any Public Asylum existing or in course of Erection at the passing of this Act, further than to enable the Board to authorize and regulate the Inspection and Visitation of such Asylums, and to make and enforce such Rules and Regulations as they shall think necessary in relation to the Books or Minutes to be kept or made, and the Returns of the Entries therefrom to be made to the Board by the Persons having the Management and Care of such Asylums.

Public Asylums founded after passing of this Act to be subject to it.

X. Provided further, That all such Public Asylums as may be endowed, founded, or established after the passing of this Act, and all Additions to any existing Public Asylum to be hereafter made, shall be under and subject to such and the like Powers and Provisions as existing Public Asylums are by this Act made subject to.

Commissioners may institute Inquiries, and summon Witnesses, and examine them on Oath.

XI. It shall be lawful for the Board to institute, in such Manner as they shall think fit, an Investigation or Inquiry into any Case falling under the Provisions of this Act which they shall think it necessary or proper to inquire into; and in any Case in which it shall be necessary to obtain Evidence, it shall be lawful for the Board, from Time to Time as they shall see Occasion, with the Concurrence of the Lord Advocate of *Scotland* for the Time being, or the Solicitor General for *Scotland* for the Time being acting for and in the Name of the Lord Advocate, to require, by Summons, according to the Form, as nearly as may be, of Schedule (A.) hereunto annexed, and which Summons, as well as the Execution and Service Copy thereof, may be either printed or written, or partly printed and partly written, any Person to appear before them to testify on Oath touching any Matter respecting which they are by this Act authorized to inquire, which Oath the Chairman of the Board is hereby authorized to administer; and such Summons shall contain a Warrant to Messengers at Arms and Sheriff Officers to serve the same; and it shall be lawful for any Messenger at Arms or Sheriff Officer to serve such Summons personally, or at the Dwelling Place of the Person named therein, in the same Form and Manner as Summonses and Citations may be served according to the Law of *Scotland*;

Scotland; and any Person who shall not appear before the Board pursuant to such Summons, or shall not assign some reasonable Excuse for not appearing, or shall appear and refuse to take the Oath or to be examined, shall, on being convicted thereof before the Sheriff, or before a Justice of the Peace of the County or Magistrate of the Burgh within which such Person has his ordinary Residence, or of the County or Burgh within which such Person shall have been by such Summons required to appear and give Evidence, for every such Neglect or Refusal forfeit a Sum not exceeding Thirty Pounds.

Payment of Expenses of Witnesses.

XII. It shall be lawful for the Board to direct the Secretary to pay to any Witness summoned as aforesaid the reasonable Expenses of his Appearance and Attendance in pursuance of such Summons, and the same shall be deemed to be Expenses incurred by the Board in the Execution of this Act, and be taken into account and paid accordingly.

Power to Her Majesty to appoint a Secretary.

XIII. It shall be lawful for Her Majesty to appoint a fit Person to be Secretary to the Board, to whom there shall be paid such Salary, not exceeding Five hundred Pounds *per Annum*, as shall be fixed by the Commissioners of Her Majesty's Treasury; and such Secretary, and every Secretary to be hereafter appointed, shall be removeable from his Office by Her Majesty, on the Application of the Board; and upon the Death, Resignation, or Removal of any such Secretary, Her Majesty, and Her Heirs and Successors, shall appoint a Secretary in the Room of the Secretary so dying, resigning, or being removed; and the Secretary shall perform such Duties in the Execution of this Act as the Board shall direct, and shall in all respects be subject to the Inspection, Direction, and Control of the Board; and each Secretary shall find sufficient Security for his Intromissions and Management to the Satisfaction of the Board.

Secretary to make annual Returns.

XIV. The Secretary shall annually transmit to the Commissioners of Her Majesty's Treasury, and there shall be annually laid before both Houses of Parliament, a Return exhibiting the Number of Orders granted by the Sheriffs for Admission of Lunatics into any Public, Private, or District Asylum or House, stating the Asylum or House to which such Order was sent, also the Number of Licences granted by the Board for the Continuance, Establishment, or Renewal of Private Asylums, and the Transfer of any such Licence from any one Asylum to another, and describing such Public, Private, and District Asylums by their respective Localities, and stating the Names of the Superintendents of each Asylum, and showing also the Number of Patients, Male and Female, received into and discharged

charged from each Asylum, or removed or transferred from any one House to another, classifying those discharged into Three Divisions of "Cured," "Relieved," and "Unaffected by Treatment," during the preceding Year.

Secretary to keep Books, Minutes, and Accounts, and Accounts to be annually furnished to the Commissioners of the Treasury, &c.

XV. The Secretary shall, under the Directions of the Board, keep regular Books and Minutes of all the Proceedings of the Board, and accurate Accounts of all Monies received and paid by the Board or Secretary, and of all Charges and Expenses incurred under or by virtue of or in the Execution of this Act; and such Account shall be made up to the First Day of *August* in each Year, and shall be signed by the Chairman of the Board and by One of the paid Commissioners, and shall specify the several Heads of Charge and Expenditure, and be transmitted to the Commissioners of Her Majesty's Treasury, who shall thereupon audit such Account, and may, if they shall deem it expedient, and where not inconsistent with any other Provision of this Act, direct the Balance (if any) to be paid into the Exchequer to the Account of the Consolidated Fund; and an Abstract of such Accounts shall be laid before Parliament on or before the Twenty-fifth Day of *March* in each Year, if Parliament be then sitting, or if Parliament be not then sitting, then within One Month after the next Sitting of Parliament.

Power to Board to appoint a Clerk.

XVI. It shall be lawful for the Board to appoint a Clerk, to whom there shall be paid a Salary not exceeding One hundred and fifty Pounds *per Annum*, and such Clerk shall be removable from his Office by the Board; and upon the Death, Resignation, or Removal of any such Clerk the Board shall appoint a Clerk in his Room; and every such Clerk shall perform such Duties in the Execution of this Act as the Board shall require of him, and shall, in the Performance of his Duties, and in all respects, be subject to the Inspection, Direction, and Control of the Board; and each Clerk shall, when so required by the Board, find sufficient Security for his Intromissions and Management to the Satisfaction of the Board.

Duties of Commissioners.

XVII. The Board shall, as soon after their First Meeting as may be convenient, make General Rules for the Inspection and Visitation of Public, Private, and District Asylums; and it shall be the Duty of the Two paid Commissioners to visit and inspect, at least Twice in each Year, all the Public and Private and District Asylums, and every Outhouse, Place, or Building thereto belonging, and every House in which any Lunatic is detained under any Order of a Sheriff; and at each such Visitation they shall examine and inquire into the Condition of the Lunatics then confined in such Asylum

Asylum or House, and also whether any Coercion or Restraint has been imposed on any such Lunatics, and shall record in the Patients Book of such Asylum the State of the Health generally, as well mental as bodily, of such Lunatics, and what Coercion or Restraint has been imposed upon any such Lunatics, and the Cause thereof, and specially such particular Cases as may appear to them to require Remark, and they shall also inquire into the Particulars of the Management and the Condition of each Asylum, as to its State of Repair, Heating, Ventilation, Cleanliness, Supply of Water, Diet, and otherwise, and shall see that the Number of Patients, of whom a correct List shall be furnished to them by the Superintendent of each Asylum, does not exceed the Number for which the Asylum is licensed, and that the Books or Registers hereby directed to be kept in each Asylum are regularly and correctly kept; and each Individual in the Management of any such Asylum or House, or connected therewith, shall disclose to the said Commissioners or either of them every Particular in relation to the keeping and Management thereof, and the Care of the Lunatics therein, into which they shall think fit to inquire; and the said Commissioners shall record in a Book to be kept by them all Inspections, stated and occasional, made by them, and the Particulars thereof, and shall communicate the same from Time to Time to the Board, for their Information; and, in addition to the stated Inspections before mentioned, the said Commissioners shall on all Occasions make any particular Visitation or Inquiry which they may think fit into the Condition of any Public, Private, or District Asylum or House, or any special Circumstance therewith connected, and shall also be entitled, by Night or by Day, to visit any such Asylum or House, and to report to the Board the Condition thereof; and a Copy of all Entries of the said paid Commissioners, of the Sheriff and Justices of the Peace, and of the Medical Inspectors herein-after appointed under this Act, in the Patients Book of such Asylum, shall be transmitted to the Board by the Superintendent of such Asylum within Eight Days after such Entries respectively are made, under a Penalty not exceeding Ten Pounds for each Offence in case of Failure.

Commissioners to visit Lunatics in Prisons.

XVIII. The Commissioners shall and may, once or oftener in each Year, on such Day or Days, and at such Hours in the Day or Night, and for such Length of Time as they shall think fit, visit any Prison in which there shall be, or be alleged or supposed to be, any Lunatic, and shall make all such Inquiries as to the Lunatics in such Prison as they shall deem proper, or as the Board may direct.

Commissioners to visit Poorhouses.

XIX. The Commissioners shall and may, on such Day or Days, and at such Hours in the Day or Night, and for such Length of Time as they

they shall think fit, visit all Poorhouses in which there shall be, or be alleged or supposed to be, any Lunatic, and shall inquire whether the Provisions of the Law as to Lunatics have been carried out in the Parish in which any such Poorhouse shall be situate, and also as to the Dietary, Accommodation, and Treatment of the Lunatics in each such Poorhouse, and shall report in Writing thereon to the Board.

Commissioners may take Assistance of Medical Persons.

XX. It shall be lawful for the Board, where they shall deem it necessary for the beneficial Execution of the Purposes of this Act, to take the Assistance of such Medical Persons as may be required, and the Expense attending such Assistance shall be defrayed in the Manner in which the Allowance of Medical Persons to be employed by the Board and the Sheriff are herein-after directed to be defrayed.

Secretary of State may appoint One or Two Medical Persons to be Deputy Commissioners.

XXI. If it shall appear to One of Her Majesty's Principal Secretaries of State to be necessary for the Discharge of the Duties imposed by this Act, he shall have Power to appoint, for such Period as he shall think fit, One or more Medical Persons, not exceeding Two in all, to be Deputy Commissioners under this Act, and shall take the Oath prescribed to be taken by the Commissioners, and such Deputy Commissioners shall have such of the Powers of the Commissioners, and shall perform such Duties, as the Board may direct; and such Deputy Commissioners shall receive a Salary not exceeding Five hundred Pounds *per Annum* each, to be paid in like Manner, and out of the like Fund, as the other Salaries payable under this Act; provided always, that no such Appointment shall subsist after the Expiration of Five Years from the passing of this Act.

Board to cease after Five Years, and the paid Commissioners to be the Inspectors General in Lunacy.

XXII. The General Board of Commissioners in Lunacy for *Scotland* appointed by this Act shall exist for Five Years from and after the First Day of *January* One thousand eight hundred and fifty-eight, and no longer; and from and after the Expiration of said Period of Five Years the Two paid Commissioners then acting under this Act shall become Inspectors General in Lunacy for *Scotland*, subject to the Orders and Direction of One of Her Majesty's Principal Secretaries of State; and the said Inspectors General shall have all the like Powers and Duties of Visitation and Inspection of Public, Private, and District Asylums, and Houses in Terms of this Act, and of Prisons and Poorhouses, and generally of all Houses and Places in which any Lunatic is kept, which are by this Act conferred upon the Board, and shall do and perform all Duties in connexion with the Objects of this Act which may be prescribed to them from Time to Time by such Secretary of State, and all Notices required by this Act to be given to the Board or to the paid Commissioners shall thenceforward be given to the said Inspectors General, and they shall be

be paid for the Performance of their said Office of Inspectors General under this Act such Salary not exceeding One thousand Pounds *per Annum* as shall be fixed by the Commissioners of Her Majesty's Treasury; and on the Occurrence of any Vacancy in any such Office of Inspector General the same shall be filled up by Her Majesty and Her Heirs and Successors; and every such Inspector General so to be appointed shall take such Oath as is by this Act directed to be taken by the Commissioners under this Act, which Oath it shall be lawful for the Lord Justice General of *Scotland* to administer.

After Five Years Secretary of State may empower the Inspector General to exercise Powers of Board.

XXIII. From and after the Expiration of the said Period of Five Years it shall be lawful to One of Her Majesty's Principal Secretaries of State from Time to Time to empower the Inspectors General to exercise, in any Case in which he shall consider it necessary, the Powers of the Board in regard to enforcing any General Regulations made by the Board, or in regard to providing the requisite Accommodation for Lunatics in any District, or in regard to the Citation and Examination of Witnesses, and generally any of the special Powers of the Board which the Circumstances of the particular Case may seem to require; and from and after the same Period of Five Years the Power of granting Licences under this Act shall be vested in the Sheriff, who shall exercise all the Powers of the Board in that Matter: Provided always, that no Licence shall be granted without a Certificate from the Inspectors General that it should be granted, and no Licence shall be continued if the Inspectors General report to the Sheriff that it ought to be discontinued; and the Sheriff Clerk shall receive and account in Exchequer for all the Fees and Duties herein-before provided in respect of Licences.

Oath to be taken by Officers before acting.

XXIV. Every Person appointed to be Secretary, Clerk, or Medical or District Inspector under this Act shall, before he acts in the Execution of his Duty as such Secretary, Clerk, or Inspector, take an Oath to the following Effect; (that is to say,)

'I *A.B.* do swear, That I will faithfully execute all such Trusts and 'Duties as shall be committed to my Charge as Secretary [*or* 'as Clerk, *or* as Medical *or* District Inspector, *as the Case may* '*be*,] to the Board of Lunacy for Scotland, and that I will keep 'secret all such Matters as shall come to my Knowledge in the 'Execution of the Duties of the said Office (except when required 'by legal Authority to divulge the same).

'So help me GOD.'

And which Oath it shall be lawful for the Chairman of the Board to administer.

XXV. It

Sheriff to visit and inspect Asylums.

XXV. It shall be lawful for the Sheriff at all Times to visit and inspect, either alone or with some Medical Person, every Public, Private, and District Asylum and House within his Jurisdiction in which any Lunatic is kept or detained under any Order of the Sheriff, and to institute Inquiry into the Care and Management of such Asylums and Houses, and into the Conduct of the Superintendents, Medical Persons, Officers, and Servants therein or connected therewith, and he shall insert in the Patient Book of such Asylum or House any Observations which he may deem necessary.

Justices of the Peace to visit and inspect Asylums.

XXVI. It shall be lawful for the Justices of the Peace of every County to appoint, at a Quarter Sessions of the Peace to be held annually on the same Day on which the *Michaelmas* Meeting of the Commissioners of Supply takes place, any Three of their Number to visit and inspect any Public, Private, or District Asylum situated in such County, and insert in the Patients Book of such Asylum such Observations as they may deem necessary.

Licences for Private Asylums, and and Orders, Certificates.

And with respect to the licensing of Private Asylums, and to Orders for the Reception of Lunatics, and Medical Certificates, under this Act, be it enacted:

On Application for Licence, Plan of the House to be exhibited.

XXVII. All Private Asylums shall be licensed by the Board, such Licences being granted to the Superintendent of the Asylum; and all Applications for Licences to keep Private Asylums, and Applications for Leave to transfer any Licence from any one House or Asylum to another, shall be made to the Board; and with the Application there shall be laid before them a Statement of the Name and Qualification of the Superintendent, with a Plan, upon such Scale as the Board shall direct, of any House used or proposed to be used as a Private Asylum, showing accurately the Number and Dimensions of the Apartments, and Offices, and Airing Places, and the Courts, Gardens, and other Accommodations, with a Statement as to the Supply of Water, and all further Particulars which the Board may require to be communicated; and such Application shall state also the greatest Number of Lunatics of each Sex proposed to be received into such House; and if any Alteration shall at any Time be made on any such House and Premises between the first granting of any Licence for the same and the subsequent Renewals of such Licence, such Alterations shall be fully and distinctly stated and exhibited upon a Plan when the Application for the Renewal is made.

Licences to be granted by the Board

XXVIII. Every Licence to be granted by the Board shall be according to the Form in the Schedule (B.) hereunto annexed,

or

or as near thereto as conveniently may be, and shall bear a Stamp denoting a Duty of Ten Shillings, and shall be granted for such Period, not exceeding Thirteen Months, as the Board shall think fit; and for every Licence to be so granted (exclusive of the Sum to be paid for the Stamp) there shall be paid to the Secretary the Sum of Ten Shillings and no more for every Patient, not being a Pauper, and the Sum of Two Shillings and Sixpence and no more for every Patient, being a Pauper, proposed to be received into such House, and if the total Amount of such Sums payable to the Secretary shall not amount to the Sum of Fifteen Pounds, then so much more for each Patient in proportion to the above Charges of Ten Shillings and Two Shillings and Sixpence as will make up the Sum of Fifteen Pounds; and no such Licence shall be delivered until the Sum of Fifteen Pounds at least shall be paid for the same: Provided always, that if the Period for which the Licence is granted shall be less than Thirteen Months, it shall be lawful for the Board to reduce the Payment proportionably as they shall think just, and the said Duty of Ten Shillings shall be under the Care and Management of the Commissioners of Inland Revenue, and be subject to all the Rules and Regulations applicable to Stamp Duties. according to Form in Sched. (B).

XXIX. In any Case in which the Board shall refuse to grant Renewal of a Licence, the Board may continue, without any further Payment, such existing Licence for a Period not exceeding Three Months from the Date at which the same would expire; and during the Period of such Continuation the Asylum in respect of which the Application is made, and the Superintendent, Medical Persons, Officers, and Servants thereof, shall be under and subject to all the Regulations imposed upon such Asylums by this Act in the same Manner as if the existing Licence had been renewed. In case of Refusal to renew Licence, existing Licence may be continued for a Time.

XXX. If any Person to whom any Licence shall have been granted under this or the said recited Acts shall become incapable of keeping, or be desirous to discontinue keeping, the Asylum in respect of which such Licence was granted, or shall die, it shall be lawful to the Board, on Application to that Effect, to transfer such Licence, if the Board shall think fit, for the Term then unexpired of such Licence, to such Person as the Board shall in Writing approve, and such Licence shall be held to be unexpired and good and efficient from its original Date; and in case of a Licence granted to Two or more Persons, such Licence, in the event of the Death of any One or more of such Persons, shall, subject to the Provisions of this Act, remain in force to the Survivors or Survivor of such Persons until the Expiration thereof. Licence and Patients may be transferred.

Sums to be paid for Orders of Admission to Public Asylums.

XXXI. For every Order to be granted by the Sheriff for the Admission of a Patient, not being a Pauper, into any Public Asylum, there shall be paid for the general Purposes of this Act the Sum of Five Shillings; and for every such Order for the Admission of a Pauper Patient there shall be paid for the like Purpose the Sum of Two Shillings and Sixpence; and such Sums shall be paid to the Sheriff Clerk, and shall, from Time to Time as the Board shall direct, be remitted by the Sheriff Clerk to the Secretary; and every Sheriff Clerk failing to make such Remittance shall be subject to a Penalty not exceeding Ten Pounds for each Offence.

Monies received for Licences, &c. to be applied in Payment of Salaries and other Expenses of Act.

XXXII. All Monies received for Licences, and for Orders of Admission, and for Searches to be made in pursuance of this Act, as after mentioned, shall be retained by the Secretary, and be applied by him in or towards defraying the Salaries and also the travelling and other reasonable Expenses of the Commissioners, and the Salaries and Allowances of the Secretary and Clerk, and of the Inspectors and Medical Persons employed by the Board or by the Sheriff in examining and visiting Lunatics, or Persons supposed to be Lunatics, as well before as after their Detention, and the Expenses attending the same, and the Expense of providing a Place for the Office of the Board, and for the necessary Accommodation of them, and the Secretary, Officers, and Servants of the Establishment, and also Stationery, Postages, and other Office Expenses; and in the event of there being in any Year any Surplus of such Monies, after providing for the Salaries and Expenses aforesaid, such Surplus shall be paid to and divided among the District Boards, for the Purposes of this Act, in the Proportion of the Sums raised by each such District Board for the Purposes of this Act in the Year in which such Surplus arises; and all Monies payable and that shall be paid under this Act to the Board or the Secretary shall be lodged in an Account to be opened in one of the Banks of Issue in *Scotland*, and the Payments thereout shall be made by Orders which shall be signed by the Board; provided that the Accounts for all such Expenditure shall be audited, passed, and authenticated as the Board may direct.

Balance of Payments over Receipts may be paid out of Monies to be voted by Parliament.

XXXIII. It shall be lawful for the Commissioners of Her Majesty's Treasury, and they are hereby directed and empowered, from Time to Time, on Application to them by the Board, to cause to be issued and paid to the Secretary, out of Monies to be voted for that Purpose by Parliament, such a Sum of Money as the Board shall in such Application have certified to be requisite to pay and discharge so much of the Salaries, Costs, Charges, and Expenses herein-before directed to be paid out of the Monies received for Licences, and otherwise as aforesaid, as such Monies shall in each or any Year be inadequate to pay, and the

Secretary

Secretary shall thereupon apply such Money, under the Directions of the Board, in or towards the Payment or Discharge of such Salaries, Costs, Charges, and Expenses respectively; and it shall be lawful for the Commissioners of Her Majesty's Treasury, from Time to Time, on the Recommendation of the Board, to advance by way of Imprest to the Secretary such Sum or Sums of Money as to such Commissioners of Her Majesty's Treasury may appear requisite and reasonable for or towards the Payment or Discharge of all or any such Salaries, Costs, Charges, or Expenses as aforesaid, such Sum or Sums to be accounted for in the then next Account to be furnished to the said Commissioners of Her Majesty's Treasury under this Act.

Lunatic to be admitted by Order of Sheriff, and on Medical Certificates.

XXXIV. It shall be lawful for the Sheriff to grant Orders for the Reception of Lunatics into any Public, Private, or District Asylum or House in Terms of this Act; but no such Order shall be granted unless upon a Petition subscribed by the Party applying for the same, accompanied by a Statement of Particulars in the Form of Schedule (C.) hereunto annexed, and also accompanied by Certificates in the Form of Schedule (D.) hereunto annexed, bearing Date within Fourteen clear Days next preceding the Date of the Petition, under the Hands of Two Medical Persons, one of whom may be the Medical Superintendent or Consulting Physician of a Public or District Asylum; and such Orders shall be in the Form of Schedule (E.) hereunto annexed; and no Superintendent of any such Public, Private, or District Asylum or House shall receive or detain any Person as a Lunatic therein, unless there shall be produced to and left with such Superintendent such Order by the Sheriff, dated within Fourteen Days prior to the Reception of such Lunatic, or, if such Order be granted by the Sheriff of *Orkney* and *Shetland*, within Twenty-one Days prior thereto; provided that the Superintendent of any such Public, Private, or District Asylum or House may receive and detain therein, for any Period not exceeding Twenty-four Hours, any Person as a Lunatic whose Case is duly certified by One Medical Person to be a Case of Emergency.

Medical Certificate to specify Facts on which Opinion of Insanity has been formed.

XXXV. Every Medical Person signing any Certificate under or for the Purposes of this Act shall specify therein the Facts upon which he has formed his Opinion that the Person to whom such Certificate relates is an insane Person, an Idiot, or a Person of unsound Mind, and distinguish in such Certificate Facts observed by himself from Facts communicated to him by others; and no Person shall be received into any Asylum or House in Terms of this Act under any Certificate which purports to be founded only upon Facts communicated by others.

XXXVI. If,

Orders and Medical Certificates may be amended.

XXXVI. If, after the Reception of any Lunatic, it appear that any Order or Medical Certificate upon which he was received is in any respect incorrect or defective, such Order or Medical Certificate may be amended by the Person signing the same, at any Time within Fourteen Days after the Reception of such Lunatic; provided nevertheless, that no such Amendment shall have any Force or Effect unless the same shall receive the Sanction of the Board.

Copies of Orders, Medical Certificates, &c., to be sent to the Board.

XXXVII. The Superintendent of every Public, Private, or District Asylum or House in Terms of this Act shall, after Two clear Days and before the Expiration of Fourteen clear Days from the Day on which any Patient shall have been received, transmit to the Board, along with a Copy of the Order, and Medical Certificates, and Petition and Statement accompanying the same, on which such Person shall have been received, a Notice of such Admission, and a Report, signed by the Medical Attendant of such Asylum, or by the Medical Attendant of the Lunatic in such House, according to the Form in Schedule (F.) hereunto annexed; and every Superintendent of any such Asylum or House who shall neglect to transmit as aforesaid such Copy, Notice, and Report shall be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding Twenty Pounds; and the Sheriff Clerk shall, within Seven Days after any such Order shall have been granted, send to the Board a Notice, stating the Party by whom the Application was made, and the Party to whom the Order applied, the Medical Persons granting the Certificates, the Sheriff by whom the Order was granted, and the Asylum or House to which it was addressed; and any Sheriff Clerk failing to send such Notice within such Time shall for every such Neglect forfeit a Sum not exceeding Ten Pounds.

No Certificate to be granted without Examination.

XXXVIII. If any Person shall grant any such Certificate or Statement as aforesaid without having seen and carefully examined the Person to whom it relates, at the Time and in the Manner specified in such Certificate, with a view to ascertain the Condition of such Person to the best of his Knowledge and Power, he shall be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding Fifty Pounds; and if any Person shall wilfully and falsely grant any such Certificate to the Effect of any Person being a Lunatic, the Person so granting such Certificate shall be guilty of an Offence, and for every such Offence be liable in a Penalty not exceeding Three hundred Pounds, or be liable to Imprisonment for any Period not exceeding Twelve Months.

Penalty on granting false Certificate.

Penalty for receiving Lunatics

XXXIX. Any Person who shall be convicted of receiving, concealing, detaining, or harbouring any Lunatic, or any Person as such,

in

in any Asylum or House kept for the Reception and Care of Lunatics requiring to be licensed in Terms of this Act, but which shall not be so licensed, and any Person who shall be convicted of sending or delivering any Lunatic, or Person as such, for Custody in any such Asylum or House, knowing the same not to be so licensed, and any Person who shall be convicted of receiving, detaining, or harbouring any Lunatic, or Person as such, in any Public or Private or District Asylum or House, without an Order, where such Order is by this Act required, or notwithstanding an Order to liberate in Terms of this Act, and any Person who shall be convicted of sending or delivering any Lunatic, or any Person as such, for Custody in any Public, Private, or District Asylum or House, without an Order, where such Order is by this Act required, shall severally be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding One hundred Pounds, or to be imprisoned for any Space not exceeding Twelve Months.

in unlicensed Houses or without the required Order.

XL. If any Person shall apply to the Board in order to be informed whether any particular Person is confined in any Asylum or House by this Act made subject to the Visitation of the Board, the Board, if they shall think it reasonable to permit such Inquiry to be made, shall issue an Order to the Secretary, and the Secretary shall, on Receipt of such Order, and on Payment to him of a Sum not exceeding Seven Shillings, (to be applied for the Purposes of this Act,) make search amongst the Returns made in pursuance of this Act, whether the Person inquired after is or has been within the last Twelve Calendar Months confined in any such Asylum or House; and if it shall appear that such Person is or has been so confined, the Secretary shall deliver to the Person so applying a Statement in Writing specifying the Situation of the Asylum or House in which the Person so inquired after appears to be or to have been confined, and also (so far as the Secretary can ascertain from any Register or Return in his Possession) the Name of the Superintendent or Principal Officer of such Asylum or House, and the Date of the Admission of such Person into such Asylum or House, and (in case of his having been removed or discharged) the Date of his Removal or Discharge therefrom.

Board may grant an Order for Search of Records as to whether any particular Person has been confined as a Lunatic within Twelve Months.

XLI. No Person shall receive or keep any One Lunatic, or Person alleged to be a Lunatic, in any Private House in which not more than One Lunatic is kept, without the like Order by the Sheriff and Medical Certificates as are required in respect of the Reception of a Lunatic into a Private Asylum, unless such House shall be the Dwelling Place or temporary Private Lodging of such Lunatic; and any Person who shall so receive any Lunatic shall, within Seven

As to Lunatic received into any Private House.

clear Days thereafter, transmit to the Board a Copy of the Order and Medical Certificates, and Petition and Statement accompanying the same, on which such Lunatic shall have been received, stating the Date of Reception, the Situation of the House, and the Christian Name and Surname of the Owner and Occupier thereof and of the Medical Person attending upon such Patient, and shall also upon the First Day of *January* in every Year, or within Seven Days thereafter, transmit to the Board a Certificate, signed by a Medical Person, describing the State of the Health, mental and bodily, of the Lunatic; and every such Lunatic shall be visited at least once in every Fortnight, unless the Board shall otherwise regulate such Visits, by a Medical Person, who shall enter in a Book to be kept at such House the Date of each Visit, and the Condition of the mental and bodily Health of the Lunatic at each such Visit; and it shall be in the Power of the Board to order such Inspection and Visitation of every such House from Time to Time as to them shall seem proper; provided that this Enactment shall not apply to any Case where the Party so received and kept has been sent to any such House for the Purpose of temporary Residence only, not exceeding Six Months, and under the Certificate of a Medical Person, which Certificate shall be in the Form of Schedule (G.) hereunto annexed; and every Person who shall receive and keep in any unlicensed House, excepting as before mentioned, any Lunatic, or Person alleged to be a Lunatic, without such Order and Medical Certificates, or who, having so received and kept such Lunatic, shall not transmit to the Board such Copies and Statements as aforesaid, or shall fail to cause or permit such Lunatic to be visited as aforesaid and such Book to be kept, and every Medical Person who shall knowingly make a false Entry in such Book, shall severally be guilty of an Offence, and shall be liable in a Penalty not exceeding Fifty Pounds, or be liable to be imprisoned for any Period not exceeding Three Months.

House where Lunatic detained under Order of the Sheriff may be visited by the Board.

XLII. It shall be in the Power of the Board to order such Visitation and Inspection as they may deem proper of every House in which any Lunatic is detained by Order of the Sheriff, though not a Public, Private, or District Asylum, and, if the Board shall see Cause, by reason of improper Treatment of such Lunatic, to transfer such Lunatic to any other such House, or to any Public, Private, or District Asylum, as may be deemed most expedient; and the Expense of maintaining such Lunatic in such other House, or Public, Private, or District Asylum, shall be chargeable on the Property of such Lunatic (if he any have), or on the Party or Parish legally bound for his Maintenance and Support.

XLIII. If

XLIII. If any Occupier or Inmate of any Private House shall keep or detain therein, without an Order by the Sheriff, any Person as a Lunatic, although One of the Family or a Relative of such Occupier or Inmate, beyond the Period of a Year after the Malady becoming apparent and confirmed, and where it has been such as to require during any Part of such Period Coercion or Restraint, such Occupier or Inmate, or the Medical Person attending such Lunatic or Person so detained, shall intimate such Detention to the Board, and shall transmit to the Board a written Certificate, signed by One Medical Person, of the Condition of the Person so detained, and shall state to the Board the Reasons which render it desirable that such Person should remain under private Care; and if the Board shall have reason to believe or suspect that any Lunatic, or any Person treated as a Lunatic, of whose Condition no such Intimation shall have been made, is detained or kept or is dwelling in any Private House, and that the Malady of such Person has endured for any Period beyond a Year after the same has become apparent and confirmed, and is such as to have required Coercion or Restraint, or if such Intimation shall have been made, and the Reasons stated appear to the Board to be insufficient, and they shall be of opinion that it is necessary that Inquiry should be made into the Case, they shall apply to the Sheriff, who shall have Power to make such Inquiry as he thinks fit; and if upon such Inquiry it shall appear that such Person is a Lunatic, and has been so for a Space exceeding a Year after the Malady shall have become apparent and confirmed, and such as to have required Coercion or Restraint, and that there are Circumstances rendering the Removal of such Lunatic to the Care of an Asylum necessary or expedient, it shall be lawful for the Sheriff to grant Warrant for the Removal of such Lunatic to an Asylum, and the Order of the Sheriff shall be sufficient Authority to the Proprietor or the Keeper of any Public or other Asylum to which the Lunatic shall be sent to receive and detain such Lunatic accordingly; and any Person who shall, in the contrary hereof, keep, harbour, or conceal, or be aiding in the keeping, harbouring, or concealing of any Person as a Lunatic, without such Intimation thereof to the Board as aforesaid, or otherwise than under the Authority of this Act, and any Medical Person attending on such Person confined as a Lunatic beyond such Period who shall wilfully neglect to disclose the Condition of such Person so confined to the Board, shall severally be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding Two hundred Pounds, or to be imprisoned for any Period not exceeding Three Months.

Board may order Examination of Lunatics in Private Houses.

XLIV. If

Patients may be transferred.

XLIV. If the Superintendent of any Asylum shall have obtained Leave to transfer the Licence granted to such Superintendent from one House or Building to another House or Building, and shall be desirous on that Account, or for other good Cause, to be submitted to the Board, and of which they shall judge, to transfer the Patients under the Care of such Superintendent to such other House or Building, and shall make Application to the Board to that Effect, it shall be lawful for the Board on being satisfied that due Notice has been given of such Application to the Persons respectively on whose Application the several Patients proposed to be transferred were confined, to grant written Authority for the Transfer of such Patients accordingly, without any new or additional Order from the Sheriff, or new or additional Medical Certificates; and such Superintendent shall, within Eight Days after such Transfer, transmit to the Commissioner a List of the Patients transferred, and in case of Failure so to do shall be guilty of an Offence, and shall be liable in a Penalty not exceeding Fifty Pounds.

Medical Attendance upon Asylums.

XLV. In every Asylum licensed for One hundred Patients or more there shall be a Medical Person resident therein as the Medical Attendant thereof; and every Asylum licensed for more than Fifty and less than One hundred Patients, in case there shall be no resident Medical Person therein, shall be visited daily by a Medical Person; and every such Asylum licensed for Fifty or less than Fifty Patients, in case there shall be no resident Medical Person therein, shall be visited at least twice in every Week by a Medical Person: Provided always, that it shall be lawful for the Board to decide that any Asylum shall be visited by a Medical Person at any other Times not being oftener than once a Day; provided also, that the Board shall be entitled, if they shall see Cause, to require that a resident Medical Person shall be appointed to any Asylum licensed for more than Fifty Patients.

Board, where Licence is for less than 11 Persons, may lessen the Number of Medical Visits.

XLVI. Provided further, That where any Asylum is licensed to receive less than Eleven Lunatics, it shall be lawful for the Board, by written Authority, to permit that such House shall be visited by a Medical Person at such Intervals, more distant than twice in every Week, as the Board shall appoint, but not at a greater Interval than once in every Two Weeks.

Access of Friends and others to Lunatics.

And with respect to the Access of Friends and others to Lunatics, be it enacted:

Power to Ministers

XLVII. The Minister of any Parish wherein any Public, Private, or District Asylum or House in Terms of this Act is situated, or the Minister

Minister of the Congregation of any Denomination of Christians to which any Patient detained in any such Asylum or House belongs, or any Relative of any such Patient, or when such Patient is a Pauper, any Member of the Parochial Board liable to maintain such Patient, shall, subject to such general Conditions or Regulations as the Superintendent and Medical Attendant of such Asylum or House may, with the Sanction of the Board, think it proper to impose, have Liberty to visit any Patient in any such Asylum or House: Provided always, that such Superintendent and Medical Attendant may, where any special Circumstances of the Case may render it proper and expedient, refuse to admit such Minister, Relative, or other Person, or may accompany the Permission to visit any Patient with such Conditions, and Regulations as the Circumstances may require; provided that in every such Case where such Refusal is complained of by the Person or Persons interested, he shall intimate such Refusal, and the Grounds of it, to the Board; and the Decision of the Board therein, after Consideration of the Matter, shall be final and conclusive; and an Entry of every such Refusal, and of the Proceedings had thereon, shall be forthwith made in the Register of such Asylum or House; and a Copy of every such Entry shall, within Two Days after the same is made, be transmitted to the Board.

and Friends of Patients to visit them, subject to Regulations of Asylum.

XLVIII. It shall be lawful for the Board at any Time to give an Order in Writing for the Admission to any Patient confined in any House or Asylum of any Relation or Friend of such Patient (or of any Medical or other Person whom any Relation or Friend of such Patient shall desire to be admitted to him), and such Order of Admission may be either for a single Admission, or for an Admission for any limited Number of Times, or for Admission generally at all reasonable Times, and either with or without any Restriction as to such Admission or Admissions being in the Presence of a Keeper or not, or otherwise; and if the Superintendent or Keeper of any such Asylum or House shall refuse Admission to or shall prevent or obstruct the Admission to any Patient of any Relation, Friend, or other Person, who shall produce such Order of Admission as aforesaid, he shall be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding Twenty Pounds.

Power to Board to grant Orders for Access to Patients.

And with respect to District Asylums, be it enacted:

District Asylums.

XLIX. With a view to the Erection of Asylums for the Reception and Care of Pauper Lunatics, and for the Purposes of this Act, *Scotland* shall be divided into such Districts or Divisions as are set forth and described in the Schedule (H.) hereunto annexed: Provided always, that the Board shall have the Power, on the Application of

Districts fixed.

the Prison Board of any County interested, to alter or vary the said Districts, either by combining Counties or Parts of Counties, or dividing Counties, or otherwise, as they may think fit.

District Boards to be appointed.

L. Within Six Months after the passing of this Act, and thereafter at the First Meeting of the Prison Board in each Year, there shall be chosen, for each District respectively, out of the Commissioners of Supply and Magistrates of Burghs in each County respectively by the Members of the County Prison Boards of the Counties included in such District acting under the Act of the Second and Third of Her Majesty, Chapter Forty-two, a Board, to be called "The District Board," the Number of the Members whereof shall be fixed by the Board, who shall also fix the Number of the Members of each District Board to be elected by each County Prison Board respectively, and such Number shall be proportioned as nearly as may be to the real Rent of the Property situated in each County, as the same is directed to be ascertained and estimated, according to the real annual Value thereof in reference to the Assessments authorized to be levied under the said last-mentioned Act; and in the event of the Decease, or permanent Absence or Incapacity, of any of the Members of the District Board, the Vacancy thereby occasioned shall be filled up at the First Meeting after the Occurrence of such Vacancy of the County Prison Board of the County from which the Member occasioning such Vacancy was elected; and such District Board shall meet at such Times and Places as shall be fixed by the Board from Time to Time, and shall have Power to adjourn, and also appoint Committees of their Number, to whom may be delegated all or any Part of the Powers hereby committed to such District Boards; provided always, that the Meetings of such District Board shall be called and conducted in all respects as Meetings of a Prison Board are in use to be called and conducted.

2 & 3 Vict., c. 42.

Board to inquire into the Necessities of the Districts, and require Asylums to be provided.

LI. The Board shall, as soon as may be, make Investigation into the Population and Necessities, as regards Accommodation for the Pauper Lunatics, of the several Districts hereby established, and into the Accommodation for the Care of such Pauper Lunatics (if any) already existing for such Districts; and upon Consideration of the Result of such Investigation it shall be lawful for the Board to determine, either that the existing Accommodation for the District, with or without additional Accommodation, is sufficient, or that a District Asylum for Pauper Lunatics shall be provided for the District, and the Board shall communicate the Result of such Investigation to the District Board of such District, and may require the District Board to order Plans of the District Asylum to be prepared, together

together with Specifications and Estimates of the probable Expense of erecting and completing the same, or of altering or enlarging and adapting any existing Asylum, House, or Accommodation to the Purposes of a District Asylum under this Act, and to report the same, and also their Opinion of an eligible Site for such District Asylum, where a new one is to be provided, to the Board.

Board to require the District Boards to provide District Asylums.

LII. If and when the Board shall have approved of the Plan, Specification, Estimate, and Site proposed in the Report to be so made by the District Board, it shall be lawful for them to require the District Board, as soon as practicable thereafter, and within a Period not exceeding Two Years after being so required by the Board in Writing, to erect and provide a suitable District Asylum, with all the Accommodation, Upfitting, and Furniture necessary for the Reception, Confinement, and Care therein of the Pauper Lunatics of the District; and all the Powers and Provisions of the said last-mentioned Act relative to acquiring and holding Lands and Heritages shall be applicable to and be construed along with and as Part of this Act, and shall be of the like Force and Effect for enabling the District Board to acquire and hold Lands and Heritages for the Purposes of this Act as for enabling the County Prison Boards to acquire and hold Lands and Heritages for the Purposes of the said last-mentioned Act.

Provisions of 2 & 3 Vict. c. 42. applied to this Act.

District Asylums vested in District Boards.

LIII. All the District Asylums, not otherwise vested by the Constitution or Endowment thereof, shall, subject to the Use of the same for the Purposes of this Act, as herein provided, together with the whole Moveable Property, Goods, and Effects in such District Asylums, subject to the like Use, be vested in the District Boards of the District, who shall be entitled to acquire, hold, and administer the same as aforesaid; and if, from any Change of Circumstances in a District, the Accommodation for the Lunatics of such District shall have become insufficient, it shall be lawful for the Board to call upon the District Board of such District to provide such farther Accommodation as is required, and where Enlargement or Alteration is required, to add to or alter any existing Asylum in such Manner and to such Extent as shall be necessary for the Wants of the District, and where a new District Asylum shall be necessary, to provide and erect such new District Asylum; and it shall be lawful for the District Boards to sell or dispose of the old District Asylum, and to apply the Price to be obtained for the same towards Payment of the Expense of providing and completing the new District Asylum; and the Expense of providing such new District Asylum, or such Part thereof as may be necessary, shall be raised and levied in such and the

the like Manner as the Expense of providing the original District Asylum is herein directed to be raised and levied.

Assessments.

And with respect to Assessments for the Purposes of this Act, be it enacted:

Expense of District Asylum how to be raised.

LIV. The Expense of providing, building, altering, enlarging, and repairing, and fitting up and furnishing District Asylums, and the whole Expense of maintaining the Establishment for the First Year after the opening of the same, and also the after Expense of altering, repairing, and keeping in repair such District Asylums, and of the Surveys, Plans, and Investigations in relation thereto, shall be ascertained by the Board from the Estimates or Reports to be made thereof by the District Boards; and the gross Amount of such Expense shall be apportioned by the Board upon the Landward Parts of Counties, and upon the Burghs respectively, within such Districts, according to the Real Rent of the Lands and Heritages in Terms of the Act of the Seventeenth and Eighteenth of Her Majesty, Chapter Ninety-one, within such Landward Parts of Counties and Burghs respectively; and the Board shall give Notice to the Convener of the Commissioners of Supply of each County respectively, for such County, and to the Chief Magistrate or Administrator of the Affairs of each Burgh, for such Burgh, of the whole Sum or Proportion to be levied on such Burgh and the Landward Part of such County respectively; and the Portion of the gross Amount of such Expense which shall be apportioned as aforesaid on the several Landward Parts of Counties shall, together with such further Sum as may be necessary to cover Expenses of Assessment, Collection, and Remittance, and any Arrears where such shall occur of preceding Years, be assessed, laid on, and collected by or under the Authority of the Commissioners of Supply of each County respectively; and the Portion thereof which shall be apportioned as aforesaid on the several Burghs shall, together with such further Sum as may be necessary to cover Expenses of Assessment, Collection, and Remittance, and any Arrears where such shall occur of preceding Years, be assessed, laid on, and collected by or under the Authority of the Magistrates of each Burgh respectively, in the same Way and Manner in all respects, and upon such and the like Property, according to the real Rent of such Property, and from such Persons, and by such and the like Process and Means of Recovery, and under the like Deductions and Exemptions, and with and under the same Powers and Provisions as to any disputed Matter and otherwise, and generally in all respects as if such Portions of the said gross Amount apportioned under this Act were Portions of a gross Amount of Sums estimated in Terms of the Fortieth Section of the said Act of the Second

and

and Third Years of Her Majesty, Chapter Forty-two, and directed by that Act to be assessed on the said Counties and Burghs respectively; and the said last-mentioned Act shall, in so far as the same is hereby made applicable to the raising Assessments for the Purposes of this Act, be construed herewith as if the same were a Part of this Act; and the Collectors or other Persons employed in reference to Assessments under the last-mentioned Act, or any other Act, may be employed, and shall be bound to act, in the like Capacity under this Act; and the Assessments under this Act may, if thought proper by the said Commissioners of Supply and Magistrates of Burghs respectively, be assessed, laid on, and collected along with any Assessments under the said last-mentioned Act, or along with any Assessments under any other Act.

Expense of Asylums to be defrayed out of Assessment.

LV. The Commissioners of Supply in each County, or their Convener or Collector, and the Magistrates in each Burgh, or their Collector, shall, at their Risk, and free of all Expenses, remit the whole Sum apportioned on such County and Burgh respectively, within Eight Months after Notice by the Commissioners aforesaid, and in the Manner directed by the said last-mentioned Act, to or on account of the District Board, who shall apply the same in defraying the Expense to be incurred in erecting and providing such District Asylums, and fitting up and furnishing the same, and also in defraying the Expense, for a Period not exceeding One Year after the opening of such Asylum, of the Superintendent, Clerk, Officers, or Servants, and of the Medical Attendants to be employed therein; provided that the Expenses of the Superintendent and other Officers and Servants shall not be so defrayed for such Period if the Amount of the Monies to be received as herein-after provided shall be adequate to defray the same, or longer than while such Monies shall be inadequate so to do.

Special Arrangements.

And with respect to special Arrangements, be it enacted:

Property or Money held in trust for Establishment of an Asylum may be contributed in lieu of Assessment.

LVI. Where any Property or Money is or shall be mortified, conveyed, or made over, in trust or otherwise, for the Erection or Establishment of any Asylum or Hospital for Lunatics, for the Use of any County or Counties or Parish or Parishes, and such Property or Money shall be vested, in whole or in part, in the Hands of the Trustees of such Trust or others, they shall be entitled to apply such Money or Proceeds of such Property in Payment of the Assessments leviable for the Purposes of this Act upon such County or Counties, or Parish or Parishes, or to apply the same towards the Trust Purposes of the Mortification or Endowment, in the Erection of the Asylum, Hospital, or other Establishment thereby prescribed; and in such last Case such Asylum, Hospital, or other Establish-

Establishment may be transferred, made over, or be otherwise made available to the District Board in which the same is situated, for the Purposes of this Act, in such and the like Manner as is herein provided in respect of any existing Asylum, Hospital, or available Accommodation in any District; and such County or Counties or Parish or Parishes shall thereupon be relieved to the Extent of the Payment made from such Assessment, or to the Extent of the Value of the Asylum, Hospital, or Accommodation, or Part thereof transferred, made over, or made available to the District Board, such Value to be fixed by the Board.

County making over Asylum to the District Board to have Deduction from Amount of Assessment.

LVII. If in any County or Counties, or Parish or Parishes, there shall be any Asylum or Hospital or other available Accommodation for Lunatics provided for such County or Counties, or Parish or Parishes, or Part thereof, the Use whereof can be validly transferred or made over, or can be made effectually available to the District Board of any District, for their exclusive Use, for the Reception and Confinement of Pauper Lunatics therein, under the Provisions of this Act, such County or Counties, or Parish or Parishes, or Part thereof, by which any such Asylum or Hospital or Accommodation shall be so transferred, made over, or be made available to the District Board, shall be entitled to Deduction from the Amount of the Assessments leviable upon such County or Counties, or Parish or Parishes, or Part thereof, to the Extent of the Value of the Asylum or Hospital or Accommodation to be thereby made over to the District Board of such District, such Value to be fixed by the Board.

Right of Accommodation may be bought up.

LVIII. If in any District there shall be any Public Asylum wherein any other District, or any Parish or Parishes or others within any other District, have any Right to Accommodation, it shall be lawful for the District Board of the District in which such Asylum is situated to apply so much of the Assessment leviable in such District under this Act as may be necessary towards the purchasing up such Right of Accommodation, by Payment of the Value thereof to the District Board of the District which has such Right, or in which any Parish or Parishes having such Right is or are situated; and the District Board receiving the same shall apply the Amount towards the procuring Accommodation for the Pauper Lunatics of the District of the District Board making such Payment; and the Parish or Parishes or others in whom such Right is vested shall be entitled to Deduction from any Assessment to be levied for the Purposes of this Act upon such Parish or Parishes or others to the Extent of the Sum to be paid as the Value of their respective Rights of Accommodation to be so purchased.

LIX. In

District Boards may agree with existing Asylums for the Reception of Pauper Lunatics.

LIX. In case there shall be any Asylum established in any District which shall have sufficient Accommodation for the Reception of the Pauper Lunatics of such District, or can be easily rendered adequate to the Reception of such Pauper Lunatics or any Portion of them, the District Board of such District shall, before proceeding to assess for or erect any District Asylum, contract with the Proprietors or Parties interested in any such Asylum for the Use of the whole or any Part of the same, or for the Reception and Maintenance of the Pauper Lunatics of such District, or any Portion of them, upon such Terms as shall be arranged between the District Board and such Proprietors or Parties interested; and in case of Difference between the District Board and Proprietors or Parties interested relative thereto, such Difference shall be subject to the Decision of the Board; and where any such Agreement shall be completed with a public Asylum, the Portion of such Asylum which shall, in Terms thereof, be appropriated to the Reception of such Pauper Lunatics, shall be and remain under the Care and Management of the Proprietors or Parties interested therein, subject to the Power of Inspection and Visitation, and Power of making Regulations herein-before conferred upon the Board.

As to Pauper Lunatics to be received into the Crichton Institution at Dumfries or the Southern Counties Asylum.

LX. The Trustees and Directors of the *Crichton* Royal Institution for Lunatics at *Dumfries* shall be obliged to receive in such Asylum or in the Southern Counties Asylum the Pauper Lunatics who shall be sent thereto by the Parochial Boards of the Counties of *Dumfries* and *Wigtown* and the Stewartry of *Kirkcudbright*, upon the Conditions herein provided and prescribed in respect of Pauper Lunatics sent to the District Asylums to be established in virtue of this Act; and the Monies to be received by the said Trustees and Directors shall be paid and applied towards the Expense of keeping and maintaining the said *Crichton* Royal Institution or the Southern Counties Asylum: Provided always, that if any Difference shall arise between the said Trustees and Directors and Parochial Boards, the same shall be decided by the Board.

Borrowing Money.

And with respect to the borrowing of Money for the Purposes of this Act, be it enacted:

Power to borrow Money on Security of Assessments.

LXI. It shall be lawful for any District Board, from Time to Time, to borrow on the Security of the Assessments to be levied under this Act in and for such District, or any Part thereof, all or any of the Monies required in such District, or in any County or Burgh within the same, for the Purposes of this Act; and such Money may be so borrowed at any Rate of Interest not exceeding Five Pounds *per Centum per Annum;* and every such Security may be by Assignation in Security in the Form contained in the Schedule (K. No. 1.)

(K. No. 1.) to this Act annexed, or to that or to the like Effect, and shall be duly executed if signed by Three or more Members of the District Board; and every such Deed of Security shall be effectual for securing to the Person advancing the Sum of Money in such Deed expressed to be advanced, and to his Heirs, Executors, and Assignees, the Repayment thereof, with Interest for the same after such Rate and at such Time and in such Manner as in such Deed of Security provided; and the said Deeds of Security shall be numbered in the Order of Succession in which they are granted; and a Copy of each such Deed of Security shall be transmitted to the Secretary appointed under this Act; and a Memorandum of each such Deed shall be entered by the Secretary in a Book to be called the Register of Securities, to be kept by him for that Purpose; and every such Deed of Security, and the Monies secured thereby, shall be deemed to be Personal Property, and may and shall pass as such Property passes by the Law of *Scotland*, and shall be validly transferred by simple Endorsation on such Deed of Security by the Party entitled thereto for the Time being of a Transfer in the Form of the Schedule (K. No. 2.) hereunto annexed; and the Parties in right of such Deeds of Security shall be Creditors upon the Assessments thereby expressed to be assigned in Security in an equal Degree one with another, and shall not have any Preference or Priority other than is provided in such Deeds of Security under the Powers of this Act.

Power to Public Works Loan Commissioners to lend Money for Purposes of this Act.

LXII. It shall be lawful for any District Board to make Application for any Advance of any Sum for the Purposes of this Act to the Commissioners acting in the Execution of the Act of the Fourteenth and Fifteenth Years of Her Majesty, Chapter Twenty-three, and any Act or Acts amending or continuing the same, and the said Commissioners are hereby empowered, if they think fit, to make such Advance upon the Security of any such Assignation in Security as aforesaid.

Provision for Payment of the Interest on borrowed Monies and a Portion of the Principal in each Year.

LXIII. Every District Board by whom any such Assignation in Security as aforesaid shall be granted shall annually make Payment, out of the Monies coming to its Hands under this Act, of all Interest due for the Time on the Sums contained in any such Assignations in Security, and also of a further Sum to Account of the Principal Sums contained in such Assignations in Security, being not less than One Thirtieth Part of the whole Sums contained in and due by the whole Assignations in Security granted by such District Board at the Time such Assignations in Security were made, until the whole Principal Sums for which such Assignations in Security shall have been granted, and the Interest thereof, shall be fully paid and discharged; and the said District Board

Board shall, by Agreement with the Persons advancing any Money for the Purposes of this Act, determine the Order and Priority in which the several Sums advanced shall be respectively discharged; and every District Board so borrowing Money is hereby required to appoint a proper Person to keep an exact and regular Account of all Receipts and Payments in respect of Principal Monies borrowed as aforesaid, and the Interest thereof, in a Book or Books, separate and apart from all other Accounts; and the District Board is hereby required carefully to inspect all such Accounts, and to make such Orders for carrying the several Purposes aforesaid into execution as to them shall seem meet.

Provision for Money borrowed being paid off within 30 Years.

LXIV. Every District Board borrowing Money as aforesaid shall make Provision that the whole Principal Money to be so borrowed, and all Interest for the same, shall be fully paid and discharged within a Time to be limited by such Board, not exceeding Thirty Years from the Time of borrowing the same.

Persons lending Money on Security of Assessments protected against Omissions to comply with Provisions of this Act.

LXV. No Person lending Money to any District Board, and taking an Assignation in Security for securing Repayment of the same, executed in manner directed or allowed by this Act, and purporting to be made under the Authority of this Act, shall be bound to require Proof that the several Provisions of this Act have been duly complied with; and it shall not be competent to any Ratepayer or other Person to question the Validity of any such Assignation in Security on the Ground that such Provisions have not been complied with.

Power to raise Money to pay off Sums already borrowed.

LXVI. In every Case where Monies shall have been borrowed under the Powers of this Act, it shall be lawful for the District Board by which such Monies shall have been borrowed (with the Consent of the Parties to whom the same shall be owing) to pay off the Monies so borrowed, and to raise and borrow the Monies necessary for that Purpose, and also to repay the said last-mentioned Monies, and the Interest thereof, under the Powers of this Act, as if such Monies were borrowed under the Powers herein contained, but so nevertheless that all Monies borrowed shall be discharged within Thirty Years from the Time of first borrowing the same.

District Boards to furnish Annual Statements.

LXVII. Every District Board shall annually, and whenever required by the Board, transmit to them a full and detailed Report and Statement of all Sums falling to be paid by the District Board, whether for Principal or Interest, to the Holders of Assignations in Security granted by the District Board under this Act; and the Board shall, in each Year, in their Ascertainment of the Amount

necessary to be raised within such District for the Purposes of this Act, take care to include and provide for the whole Sums so falling to be paid as aforesaid.

District Board to take charge of Asylum when finished.

LXVIII. Excepting in the Case of Public Asylums, with which Agreements shall have been made by the District Boards in Terms of this Act, when any District Asylum shall be ready for the Reception of Lunatics, and shall have been approved of and adopted by the Board as a District Asylum, the District Board is hereby required to assume the Charge of the District Asylum, and it shall be the Duty of such District Board to appoint any necessary Officers and Servants, and also a Clerk, if necessary, to the said District Board, whom, or any of them, they shall have Power to suspend or remove; and they shall also have Power to fix the Amount of the Salary or Remuneration to be paid to such Clerk, Officers, and Servants respectively; and the Management and Superintendence of such District Asylums, and the well-ordering and Discipline of the same, shall thereafter be under the Care of such District Board.

Notice of the District Asylum being ready for the Reception of Patients to be given.

LXIX. Upon the Completion and Approbation and Adoption of any District Asylum for Pauper Lunatics, the District Board shall forthwith cause Notice of the Day on which such District Asylum will be open for the Reception of Lunatics to be given once in the "*Edinburgh Gazette*;" and the Day on which the Asylum is to be opened as aforesaid shall be not less than One Week subsequent to the Publication of such Notice.

District Inspectors to be appointed, and their Duty.

LXX. It shall be lawful for the District Board, in each of the several Districts constituted by this Act, to appoint Medical Persons, One or more, as may from Time to Time be sanctioned by the Board, to be the Inspector or Inspectors of such District, and such Inspector or Inspectors shall hold their Offices respectively at the Discretion of the District Board, and shall be paid such Fees as the District Board, with the Sanction of the Board, may fix; and it shall be the Duty of such Inspectors to visit the Public, Private, and District Asylums and Houses in Terms of this Act, within their respective Districts, at all such Times as they shall be called upon so to do by the District Board, or the Board, or the Sheriff, and otherwise in Terms of this Act; and upon all such Visitations of Asylums they shall enter in a Book to be kept in each such Asylum, to be called the "Patients Book," the Condition of the Asylum, and the general State of the Health, mental and bodily, of the Lunatics kept therein, and also the Particulars of any Case requiring Remark: Provided always, that where in any District more than One District Inspector shall be appointed, it shall not be necessary

necessary that more than One of such Inspectors shall be a Medical Person.

Unqualified Medical Persons not to practise under this Act.

LXXI. It shall not be competent to any Person not qualified in Terms of this Act as a Medical Person to practise or to be employed or to grant any Certificate under the Provisions of this Act, nor shall it be competent to any Medical Person who shall have any pecuniary or patrimonial Interest or Concern with or in any Asylum or House in Terms of this Act, or any Copartnership or Participation of Profits with any Superintendent of any such Asylum or House, or whose Father, Brother, or Son shall be Superintendent of any such Asylum or House, to practise or to be employed or to grant any Certificate under the Provisions of this Act; and any Person who shall do in the contrary of this Enactment shall be guilty of an Offence, and be liable for each Offence, in a Penalty not exceeding Fifty Pounds, or to be imprisoned for any Period not exceeding Three Months: Provided always, that any Medical Person may practise, be employed, or grant Certificates under this Act in or with reference to any Asylum or House, not being an Asylum or House in or with which such Person, or his Father, Brother, or Son, is so interested or connected as aforesaid: Provided also, that nothing in this Enactment contained shall prevent the Medical Officer of a District Asylum from granting Certificates with reference to any Lunatics of the District to which such Asylum belongs.

Provision for Neglect in Execution of Act.

LXXII. In case the Convener or Commissioners of Supply of any County, or Persons appointed or directed by them, or any Magistrates of Burghs, or Persons appointed or directed by them, shall refuse or neglect to do what is herein or in the said Act of the Second and Third Years of the Reign of Her Majesty, so far as the same is made applicable to this Act, required of them respectively, or in case any Obstruction shall arise in the Execution of this Act, it shall be lawful for the Board to apply, by summary Petition, to the Court of Session, in either of the Divisions thereof, or, during the Vacation of the said Court, to the Lord Ordinary on the Bills, which Court and Lord Ordinary are hereby authorized and required to do therein as to such Court or Lord Ordinary shall seem just and necessary for the Execution of the Purposes of this Act.

Charge for Pauper Lunatics, and Application of the Monies to be received.

LXXIII. There shall be paid to the District Board, for each Pauper Lunatic sent to and detained in any District Asylum, such Sum *per* Week, and by such periodical Payments, as shall from Time to Time be fixed by the District Board, with the Approbation of the Board; and the Monies to be so paid shall be applied by the District

District Board of each District in defraying the Maintenance and Expenses of the Patients, the Salaries and Allowances of the Superintendent, Clerk, Officers, and Servants, and all other the necessary Expenses of such District Asylum; and if such Monies shall prove inadequate to defray such Maintenance and Expenses and Salaries, the District Board of such District shall, with the Approbation of the Board, make such additional Charge for each Pauper Lunatic kept in such District Asylum as may be necessary to make up any Deficiency which shall have arisen or may arise.

District Boards to keep Books.

LXXIV. The District Boards shall keep regular Books and Accounts showing distinctly the Amount of the Monies received by them, and of the Outlay and Expenditure thereof, and shall also keep Minutes of the Proceedings of the District Boards in the Execution of this Act; and at all Meetings of the District Boards Three Members thereof shall form a Quorum, and shall be capable of acting in the Execution of the Matters intrusted to such District Boards by this Act; and the District Boards shall keep a distinct Account of all Assessments and other Monies levied or received under the Provisions of this Act, and of the Application and Disbursement of the same, in such Form and Manner as the Board shall direct; and a Copy of the Account so kept shall be transmitted half-yearly to the Board; and the District Boards shall also keep Minutes of their Proceedings in the Execution of this Act.

Pauper Lunatic to be held to belong to the Parish of his Settlement.

LXXV. Every Pauper Lunatic detained in any District Asylum under this Act shall be deemed and held to belong and be chargeable to the Parish of the legal Settlement of such Lunatic at the Time the Order for his Reception in such Asylum was granted, and the Expense of his Maintenance in such District Asylum shall be defrayed by such Parish accordingly; and the Residence of any Pauper Lunatic in any such District Asylum shall be deemed to be the Residence of such Lunatic in the Parish legally chargeable with the Maintenance of such Lunatic.

Parish of the Settlement to be liable in the Repayment of Expenses.

LXXVI. All the Expenses attending the taking and sending a Pauper Lunatic to any District Asylum in or from any Parish which is not the Parish of the Settlement of such Lunatic, including the Sum paid for the Order for Admission of such Lunatic, and the Maintenance of such Lunatic therein, shall be recoverable by the Party or Parish defraying such Expense from the Parish of the Settlement of such Lunatic; and it shall be competent for the Sheriff of the County in and from which such Lunatic was taken and sent to ascertain and fix the Amount of the same, and the Expense so fixed shall be recoverable by summary Process from the Parish of the Settlement

tlement of the Lunatic before the Sheriff of the County in which such Parish is situated.

Expense incurred for Lunatic, from whom to be recovered.

LXXVII. The Expense incurred by any Superintendent of any Asylum, or by any other Party, for or in relation to the Examination, Removal, and Maintenance of any Lunatic, shall be defrayed out of the Estate of such Lunatic, or if such Lunatic has no adequate Estate, and if such Expense shall not be borne by the Relations of such Lunatic, then the Lunatic shall be treated as a Pauper Lunatic, and such Expense shall be defrayed by the Parish of the Settlement of such Lunatic, and the Superintendent or other Party disbursing such Expense shall be entitled to recover the same from or out of the Parties or Estate liable to defray the same as aforesaid.

Expenses to be paid in the first instance by the Parish in which Lunatic was committed.

LXXVIII. If the Parish of the Settlement of any such Pauper Lunatic cannot be ascertained, and if the Lunatic has no Means of defraying the Expense of his Maintenance, nor any Relations who can be made liable for the same, the Expenses attending the taking and sending such Lunatic, and of his Maintenance in the District Asylum, shall be defrayed by the Parish in and from which he was taken and sent, but with recourse, nevertheless, to such Parish, at any Time when it shall appear that such Expenses are legally chargeable to any other Party or Parish, against such Party or Parish, and who or which shall be liable also in Interest and Expenses; and the Sheriff of the County in which the Parish defraying such Expenses in the first instance is situated shall certify under his Hand the Amount of such Expenses; and such Certificate shall be final and conclusive as to such Amount, and shall not be subject to Review by any Process whatsoever under any Proceeding instituted for Recovery of the same; and the Party entitled to recover such Expenses shall proceed as accords of Law against the Party or the Parish liable for the same, by summary Process before the Sheriff of the County within which such Party resides, or in which such Parish is situated, and the Judgment of such Sheriff shall be final: Provided always, that the Parish of Settlement shall not in any Case be liable in Repayment of the Expenses incurred in relation to any Lunatic as aforesaid, unless written Notice shall have been given by the Parish or Party disbursing the same to the Parochial Board of the Parish of Settlement, and shall then only be liable for the Expenses incurred subsequent to such Notice, and for the Year preceding.

Notice to Parish of Settlement.

Access to Pauper Lunatics by Parties interested in

LXXIX. In any Investigation or Dispute regarding the Settlement of any Pauper Lunatic, the Inspector of the Poor of any Parish, and the Relations of the Lunatic, and other public Officers or Parties

the Expense of their Maintenance, &c.

Parties having an Interest in the Investigation, shall, on Warrant of the Sheriff, have free Access to the Lunatic, in the Presence of Inspector of the District, or other Medical Person appointed by the Board or the Sheriff, for the Purpose of seeing or examining the Lunatic touching the Matter in question.

Where District Asylum can accommodate more than the Lunatics of the District, other Lunatics may be admitted.

LXXX. Where it may appear to any District Board that any Asylum under its Charge is more than sufficient for the Accommodation of all the Pauper Lunatics of the District, or for whom Accommodation therein falls to be provided, it shall be lawful for such District Board, if they think fit, having obtained the Sanction thereto of the Board, to give Notice thereof by Advertisement in some Newspaper, One or more, commonly circulated in such District or Part thereof, and to permit the Admission of so many Pauper Lunatics of any other District, and (if such District Board and the Board think fit) Lunatics not Paupers, but who may be deemed proper Objects to be admitted into a Public Asylum, as to such District Board may seem expedient; and such District Board may at any Time rescind any such Resolution, and, with the Sanction of the Board, may vary the same; and such District Board may, if they think fit, require that no Pauper Lunatic shall be admitted into such Asylum under this Enactment without an Undertaking by the Parochial Board or Inspector of the Poor of the Parish to which such Lunatic is chargeable, or, in the Case of a Lunatic not a Pauper, by the Person signing the Application for the Admission of such Lunatic, for the due Payment of the weekly Charge for the Lodging, Maintenance, Medicine, Clothing, and Care of such Lunatic during his Continuance in such Asylum, and of the Expenses of his Burial in case he die therein, as well as for the Removal of such Lunatic from such Asylum within Six Days after Notice given in Writing by the Superintendent of such Asylum; and such Lunatic, not being a Pauper, shall have the same Accommodation in all respects as the Pauper Lunatics.

Property of Lunatics.

And with respect to the Property of Lunatics, be it enacted:

Where Property of Lunatic not under judicial Management, and not properly applied for his Benefit, Application to be made to the Court.

LXXXI. Whenever the Board, or the Accountant of the Court of Session, shall have Reason to believe or suspect that the Property of any Person detained or taken charge of as a Lunatic is not duly protected, by being placed under the Management of a Judicial Factor, and that the same, or the Income thereof, is not duly applied for his Maintenance, the Board or Accountant, as the Case may be, shall report thereon in Writing to the Lord Advocate; and it shall be competent to the Lord Advocate, in any Case in which he shall be of opinion, either by reason of such

such Report, or from Inquiries made by himself or by his Order, or otherwise, that such Proceeding is expedient and proper, to make Application to the Court of Session in regard to any Person whom he believes to be detained or taken charge of as a Lunatic, setting forth that he is informed, or has Reason to believe or suspect, that the Property of such Person is not duly protected, or that the same, or the Income thereof, is not duly applied for his Maintenance, and praying the Court to cause the Matter to be investigated, and to appoint a Judicial Factor to such Lunatic, with a view to the proper Care and Protection of his Property, and to the Application of it, or the Income thereof, to his Maintenance and Support, or to do otherwise as may be just and expedient; and the Court, after such Intimation or Service, and such Investigation as they may deem fit, may appoint a Judicial Factor on the Property of such Lunatic, or may take any other Measures with a view to the Benefit of such Lunatic, and generally may do under such Application as to them shall seem proper.

Where Property of Lunatic, though under Management of Judicial Factor, not properly applied for Benefit of Lunatic, Application to be made to the Court.

LXXXII. Where in the Case of any Lunatic whose Property shall, by reason of his being a Lunatic, have been placed under the Management of a Judicial Factor, the Board, or the Accountant of the Court of Session, shall be informed or have Reason to believe or suspect that such Property, or the Income thereof, is not applied to the due Maintenance of such Lunatic, the Board or Accountant, as the Case may be, shall report thereon in Writing to the Lord Advocate; and it shall be competent to the Lord Advocate, in any Case in which he shall be of opinion, either by reason of such Report, or from Inquiries made by himself, or otherwise, that such Proceeding is expedient and proper, to make Application to the Court of Session in regard to any such Lunatic as aforesaid, setting forth that he is informed or has Reason to believe or suspect that the Property of such Lunatic, or the Income thereof, is not duly applied for the Maintenance of such Lunatic, and praying the Court to cause the Matter to be investigated, and to take such Measures with a view to the Benefit of such Lunatic, and the securing the Application of the Property or Income of such Lunatic to his due Maintenance and Support, as may be proper; and it shall be lawful for the Court to make such Orders and take such Proceedings under such Application as it may deem proper and expedient: Provided always, that nothing in this Act contained shall derogate from any Powers already possessed by the Accountant of the Court of Session, or be construed to prevent such Accountant from himself making any Investigation or taking any Proceedings which may at present be competent at his Instance.

LXXXIII. The

Expenses incurred as to Property of Lunatics to be defrayed from such Property.

LXXXIII. The Expenses attending such Inquiries and Applications as aforesaid in reference to the Property of Lunatics shall be chargeable against the Property of the Lunatics to whom they respectively relate, and may be decerned for by the Court of Session, under any such Application as aforesaid, or be otherwise recovered in due Course of Law.

Accountant of Court of Session to see that Caution for judicial Factors to Lunatics is sufficient.

LXXXIV. In any Case in which, after the passing of this Act, Judicial Caution falls to be taken for any Judicial Factor of a Lunatic, such Caution shall not be received as sufficient until the Accountant of the Court of Session shall approve thereof by a Marking to that Effect on the Bond of Caution; and where, with reference to any Judicial Caution received prior to the passing of this Act for any such Judicial Factor, such Accountant shall have Reason to believe or suspect that the Caution found is or has become insufficient, it shall be lawful for, and the Duty of, such Accountant to inquire into the Matter, and, if he shall think proper, to call upon such Judicial Factor to find other or additional and satisfactory Caution, and failing such Caution being found, to bring the Matter under the Notice of the Court of Session, in the Division thereof by which such Judicial Factor was appointed, with a view to the Court making such Order on the Subject as to it may seem fit.

Dangerous and Criminal Lunatics.

And with respect to Dangerous and Criminal Lunatics, be it enacted:

Sheriff may commit Dangerous Lunatics.

LXXXV. Where any Lunatic shall have been apprehended charged with Assault or other Offence inferring Danger to the Lieges, or where any Lunatic, being in a State threatening Danger to the Lieges, shall be found at large, or in a State offensive to public Decency, it shall be lawful for the Sheriff, upon Application by the Procurator Fiscal, or Inspector of the Poor, or other Person, accompanied by a Certificate from any Medical Person bearing that the Lunatic is in a State threatening such Danger, forthwith to commit such Lunatic to some Place of safe Custody, and the Sheriff shall thereupon direct Notice to be given in some Newspaper circulated within the County of such Commitment, and such farther Notice as he shall think fit, and that it is intended to inquire into the Condition of such Lunatic on an early Day to be named; and the Sheriff shall accordingly proceed to take Evidence of the Condition of such Lunatic, and upon being satisfied that he is a Lunatic, and threatening to be dangerous, he shall commit the Lunatic to any Public, Private, or District Asylum; and in case there shall be no such Asylum within the Jurisdiction of the Sheriff, he shall commit such Lunatic to some such Asylum of an adjoining County; and an Order, such as is herein-before prescribed, shall be granted

granted by the Sheriff in respect of every such Commitment; and the Person or the Parish liable in the Maintenance of such Lunatic shall be liable for the Expense of apprehending and of keeping and maintaining such Lunatic in such Asylum; and such Lunatic shall be detained in such Asylum until cured, or until Caution shall be found for his safe Custody, in which last Case it shall be lawful for the Sheriff, upon Application to that Effect, and being satisfied as to such Caution, and the Safety and Propriety of such Custody, to authorize the Delivery of the Lunatic to the Person so finding Security.

Power to Sheriff to transmit Lunatic to another County.

LXXXVI. If any Pauper Lunatic in respect of whom Application shall be made to the Sheriff of any County as aforesaid shall have his known Settlement in another County, then it shall be lawful for the Sheriff either to follow out the Provisions of this Act in regard to such Lunatic, or at once to transmit along with the said Application such Lunatic in safe Custody to the Sheriff of such other County, to whom it shall be lawful to proceed as if the Application had been made to him in the first instance.

Provision for Cases where Insanity stands in bar of Trial.

LXXXVII. Where any Person charged under any Indictment or Criminal Libel with the Commission of any Crime shall be found insane, so that such Person cannot be tried upon such Indictment, or if upon the Trial of any Person so indicted such Person shall appear to the Jury charged with such Indictment or Criminal Libel to be insane, the Court before whom such Person shall be brought to be tried as aforesaid shall direct a Finding to that Effect to be recorded, and thereupon such Court shall order such Person to be kept in strict Custody until Her Majesty's Pleasure shall be known; and it shall be lawful for Her Majesty to give such Order for the safe Custody of such Person so found insane, during Her Pleasure, in such Place and in such Manner as to Her Majesty shall seem fit.

Provision for Case of Lunatic acquitted of a Criminal Charge on the Ground of Insanity.

LXXXVIII. In all Cases where it shall be given in Evidence upon the Trial of any Person charged under any Indictment or Criminal Libel with committing any Crime or Offence that such Person was insane at the Time of committing such Crime or 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 committing such Crime or Offence, and to declare whether such Person was acquitted by them on account of such Insanity; and if they shall so find and declare, the Court before whom such Trial shall be had shall order such Person to be kept in strict Custody, in such Place and in such Manner as to the Court shall seem fit, until Her Majesty's Pleasure shall be known; and it shall thereupon be lawful for Her Majesty to give such Order for the safe Custody of such Person during Her

Pleasure, in such Place and in such Manner as to Her Majesty shall seem fit.

Provision for Case of Prisoner exhibiting Insanity when in Confinement as a Prisoner.

LXXXIX. If any Person, while imprisoned in any Prison or other Place of Confinement under any Sentence of Death, Transportation, Penal Servitude, or Imprisonment, or under Charge of any Crime or Offence, or under any Civil Process, shall appear to be insane, it shall be lawful for the Sheriff of the County where such Person is imprisoned to inquire, with the Aid of Two Medical Persons, as to the Insanity of such Prisoner; and if it shall be certified by such Sheriff and such Medical Persons that such Prisoner is insane, it shall be lawful for One of Her Majesty's Principal Secretaries of State, upon Receipt of such Certificate, to direct, by Warrant under his Hand, that such Person shall be removed to such Asylum as the said Secretary of State may judge proper and appoint; and every Prisoner so removed under this Act, and every Person removed previous to the Date of this Act, from Prison to an Asylum, by reason of his Insanity, shall remain in Confinement in such Asylum until it shall be duly certified to One of Her Majesty's Principal Secretaries of State, by Two Medical Persons, that such Person has become of sound Mind, whereupon the said Secretary of State is hereby authorized, if such Person shall remain subject to be continued in Custody, to issue his Warrant to the Superintendent of such Asylum, directing that such Person shall be removed back from thence to the Prison or other Place of Confinement from whence he shall have been taken, or, if the Period of Imprisonment of such Person shall have expired, that he shall be discharged.

Provision for Detention of Lunatics in remote Places.

XC. And whereas it may be difficult in remote Parts of the Country to obtain the Order of the Sheriff and Medical Certificates necessary for the Reception and Detention of Lunatics under this Act, in respect of Persons alleged to be dangerous Lunatics, or Persons in pauper or reduced Circumstances alleged to be Lunatics: It shall in such remote Places be lawful for any Justice of the Peace of the County in which such alleged Lunatic may be, upon being satisfied by sworn Information of the Minister or any Elder of the Parish, or other credible Person, that such alleged Lunatic is a Lunatic or a dangerous Lunatic, to grant Warrant for his Detention and Transmission in safe Custody to the nearest Town in which a Sheriff or Sheriff Substitute shall reside; and the Person in whose Custody the Lunatic is so detained and transmitted shall forthwith take all necessary and proper Steps to obtain the requisite Medical Certificates and Order of the Sheriff of the County in which he has been apprehended, or to which he has been conveyed, by this Act required; and such Case

Case shall thereafter be dealt with as a Case in which the Lunatic had been transmitted under an Order in Terms of this Act.

Lunatics may be removed from one Asylum to another.

XCI. If the Procurator Fiscal or any of the Commissioners shall make Application to the Sheriff for the Removal of any Lunatic from any Asylum or House in Terms of this Act, accompanied by a Certificate of Two Medical Persons to the Effect that such Asylum or House is unsuitable for the Confinement of such Lunatic, it shall be lawful for the Sheriff thereupon to grant an Order for the Removal of such Lunatic from such Asylum or House to some other Asylum or House, either in his own or in some adjoining County: Provided always, that Intimation of the intended Application shall be given (to be proved to the Satisfaction of the Sheriff) to the Party by whom or at whose Instance such Lunatic was confined, or if such Party be dead or cannot be found, to his nearest known Relative; and the Expenses attending such Application for Removal, and attending the Keeping and Maintenance of such Lunatic in the Asylum to which he shall be so removed, shall be defrayed by the Party or Parish liable for the Expense of the Keeping and Maintenance of such Lunatic in the Asylum or House from which he shall be so removed.

Liberation of Lunatic by Relation or others.

XCII. It shall be lawful for any Person, having procured and produced the Certificate of Two Medical Persons, approved by the Sheriff, of the Recovery of any Lunatic, or bearing that such Lunatic may, without Risk of Injury to the Public or to the Lunatic, be set at large, and also an Order from the Sheriff for the Liberation of the Lunatic, to require the Superintendent of the Asylum in which such Lunatic is to liberate such Lunatic, and such Lunatic shall be liberated accordingly; and it shall in like Manner be lawful for the Board, upon being satisfied by the Certificate of Two Medical Persons whom they may think fit to consult of the Recovery or Sanity of any Person confined as a Lunatic, to order the Liberation of such Person; and, previous to the Liberation of any such Person by Order of the Board or the Sheriff, Eight Days Notice in Writing shall be given of such intended Liberation to the Person at whose Instance such Lunatic was detained, or, in the Absence of such Person, to the nearest known Relative of such Lunatic, and, in the Case of a Pauper Lunatic, to the Party or Parish by whom the Expense of the Maintenance of the Pauper Lunatic was defrayed; and in all Cases of Removal or Liberation of any Lunatic the Superintendent of the Asylum shall enter or cause to be entered in the Register to be kept by such Superintendent the Particulars of the Removal or Liberation of such Lunatic, and the Date thereof, and the Authority on which such Removal or Liberation took place; and when any Lunatic has been discharged from any Asylum as incurable, the Fact of such Discharge

charge shall thereupon be entered in the Register of the Asylum, with a Specification of the Place to which, and Person to whose Care, such Lunatic has been sent; and Copies of all such Entries shall, within Two clear Days of the same being made, be transmitted by the Superintendent to the Board.

Exception of Lunatics detained by Courts of Law.

XCIII. Provided always, That no such Removal or Liberation shall be competent or take place in regard to any Lunatic detained under the Sentence of any Court of Justice, without the Authority of such Court, or the Warrant of One of Her Majesty's Principal Secretaries of State: Provided further, that if, by the Expiration of the Period of Confinement awarded by the Sentence of any Court of Law, any Lunatic would be entitled to be set at large, and such Lunatic be then uncured, it shall be lawful, upon Certificate to that Effect by Two Medical Persons, and upon an Order granted by the Sheriff, to detain such Lunatic in the Asylum in which such Lunatic then is, or to remove him to some other Asylum, as may be proper.

Patient released to have Copy of Order, and Certificates, &c. on which he was confined.

XCIV. In the event of the Release from Confinement in any Asylum or House of any Person who shall consider himself to have been unjustly confined, a Copy of the Order, Petition, Statement of Particulars, and Certificates upon which he has been confined, shall, at his Request, be furnished to him or his Agent by the Clerk to the Board, without any Fee or Reward for the same.

Pauper Lunatics to be sent to a District Asylum, except under special Circumstances.

XCV. Every Pauper Lunatic to be detained under the Powers of this Act shall be sent to the Asylum for the District in which the Parish of the Settlement of such Pauper Lunatic is situated: Provided always, that, under special Circumstances, it shall be lawful for the Parochial Board, with Consent of the Board, to dispense with the Removal of any Pauper Lunatic to such Asylum, and to provide for him in such other Manner and under such Regulations as to Inspection and otherwise as shall be sanctioned by the Board; and provided further, that the Provisions of this Act as to the requisite Licence and Order, and Returns or Reports to the Board, shall be duly complied with.

Register of Lunatics to be kept in Asylums.

XCVI. In every Public, Private, and District Asylum there shall be regularly kept a Book, to be entitled "Register of Lunatics," in which shall be distinctly set forth all the Particulars relating to every Lunatic who shall be received or detained in such Asylum in the Manner and Form set forth in the Schedule (I.) hereunto annexed; and a Copy of such Register shall be transmitted to the Board at such Times as they shall direct; and any Superintendent of any such Asylum who shall fail or neglect to keep such Book, or to transmit such

such Copy as so directed, shall be liable in a Penalty not exceeding Twenty Pounds for every such Offence.

Registration and Notice of Death of Lunatics.

XCVII. In case of the Death of any Lunatic in any Public, Private, or District Asylum or House in Terms of this Act, a Statement setting forth the Time and Cause of the Death, and the Duration of the Disease of which the Lunatic died, shall be prepared and signed by the Medical Person who attended the Lunatic during the Illness which terminated in Death, or who attended at the Time of such Death; and in every Public, Private, or District Asylum such Statement shall be entered in a Register to be kept in such Asylum in the Terms set forth in the Schedule (J.) hereunto annexed; and a Copy of such Statement, certified by the Superintendent of such Asylum or House, shall within Three Days of the Date of the Death be transmitted to the Board, and also to the Party or Parish by whom the Expense of the Maintenance of the Lunatic is defrayed, and to the Person on whose Application the Lunatic was confined; and every such Medical Person or Superintendent who shall fail in the Duties prescribed to them as aforesaid shall be guilty of an Offence, and for for every such Offence be liable in a Penalty not exceeding Fifty Pounds.

General Register to be kept.

XCVIII. The Board, on receiving such Copies of such Register Books and Entries, shall, after making such Examination thereof as they may deem proper, cause the same to be preserved in the Office of the Board; and from the Reports and Returns and Copies of Registers, and other Documents transmitted to the Board, shall cause to be prepared and completed, from Time to Time, as they shall direct, a General Register of all the Lunatics who shall be kept or taken care of under the Provisions of this Act, and such Register shall exhibit the Asylum or House under this Act into which each Lunatic is received, and the Time of his Reception, and also the respective Dates of the Removal, and the Place to which and the Person to whose Care the Lunatic is removed, and also the Date of the Liberation or Death of each Lunatic; and the Board may, at their Discretion, give Information to any Party inquiring into any of the Facts set forth in such Register, or may refuse such Information; and no Inspection of the Contents of such Register, or of any such Copies of Register Books or Entries, shall take place without their written Authority; and any Person making or permitting to be made any Inspection of the Contents of such Register, Register Books, or Entries, without such written Authority, shall be guilty of an Offence, and for every such Offence be liable in a Penalty not exceeding Fifty Pounds.

Punishment for maltreating any Lunatic.

XCIX. If any Superintendent, Inspector, Officer, or Servant, or other Person employed in any Public, Private, or District Asylum or House in Terms of this Act, or otherwise having the Care of any Person detained as a Lunatic Patient under this Act, shall wilfully maltreat, abuse, or neglect any Person so detained, to the Injury of such Person, or if any Person detaining or taking or having the Care or Charge, or concerned or taking part in the Custody, Care, or Treatment, of any Lunatic or Person alleged to be a Lunatic, in any way abuse, illtreat, or wilfully neglect such Lunatic or alleged Lunatic, such Superintendent, Inspector, Officer, Servant, or other Person shall be guilty of an Offence, and for every such Offence be liable in a Penalty not exceeding One hundred Pounds, or to be imprisoned for any Period not exceeding Six Months, without Prejudice to any Action for Damages at the Instance of the Party aggrieved, or of the Person on whose Application he was detained acting on his Behalf, or of any other Person having Interest, in any competent Court of Law: Provided always, that where any such Maltreatment or Abuse shall amount to an Assault, the Party committing such Offence may be prosecuted, at the Discretion of the Public Prosecutor, either for such Assault or for the Offence under this Act.

Power to the Lord Advocate to inspect Books of Commissioner.

C. It shall be lawful for the Lord Advocate of *Scotland* for the Time being at all Times to examine and inspect all the Books, Registers, Minutes, Proceedings, Reports, Returns, Accounts, and Documents of every Description kept by and in possession of the Board, who shall afford all such Information regarding every Particular under their Charge, and the Execution of the Duties therewith connected, as the Lord Advocate shall at any Time require.

Penalty on false Statements, or Refusal to comply with Act.

CI. Any Person who shall wilfully make any false Statement or Return or Report, or who shall wilfully make any false Representation upon any Plan or Writing to be used under this Act, or who shall refuse to give any Information which by this Act is required of him, or who shall conceal or refuse to divulge any Matter or Thing as to which Inquiry shall be made of him under this Act, shall be guilty of an Offence, and for every such Offence be liable in a Penalty not exceeding One hundred Pounds, or to be imprisoned for any Period not exceeding Twelve Months.

Board annually to report to Secretary of State.

CII. The Board shall annually, on or before the First Day of *February* in each Year, report to One of Her Majesty's Principal Secretaries of State regarding the Condition and Management of all Public, Private, and District Asylums and Houses in which any Lunatic

Lunatic is kept or detained under an Order of the Sheriff in Terms of this Act.

CIII. *Orkney* and *Shetland*, with their respective Dependencies, shall be taken to be separate Counties for the Purposes of this Act. Orkney and Shetland separate Counties.

CIV. It shall be lawful for Her Majesty's Principal Secretary of State for the Home Department, at any Time, by Order in Writing under his Hand, to require the Persons or Person to whom such Order shall be directed, or any of them, to visit and examine any Person detained or taken charge of as a Lunatic, or represented to be a Lunatic, or to be under any Restraint as a Lunatic, and to make a Report to such Secretary of State of such Matters as in such Order shall be directed to be inquired into; and all and every Person or Persons having the Care, Custody, or Charge of any Person to whom such Order in Writing applies shall give every Facility for the due Execution of such Order. Provision for the Visitation of Lunatics under Order from Secretary of State.

CV. It shall be lawful for Her Majesty's Principal Secretary of State for the Home Department to employ the Board or any Person to inspect and inquire into the State of any Asylum, House, or Place wherein any Lunatic, or Person represented to be a Lunatic, shall be confined or alleged to be confined, and to report to him the Result of such Inspection and Inquiry; and every such Person so employed may be paid such Sum of Money for his Attendance and Trouble as such Secretary of State shall deem reasonable; and every such Person so employed shall be allowed his reasonable travelling and other Expenses while so employed; and such Sum of Money for Attendance and Trouble, and such Expenses, shall be charged on and shall be paid out of any Monies to be voted for that Purpose by Parliament. Power to Secretary of State to order a special Visitation of any Place where a Lunatic is represented to be confined.

CVI. All the Penalties and Forfeitures by this Act imposed may be sued for in the Name of the Secretary or of the Procurator Fiscal of the County in which the Offence shall have been committed or in which the Offender may be found, and may be recovered by summary Proceeding in the Name of such Secretary or Procurator Fiscal, or of any Agent appointed by the Board, upon Complaint in Writing to the Sheriff of the County in which the Offence shall have been committed, or to the Sheriff of any County in which the Offender may be found; and on such Complaint the Sheriff shall issue a Warrant for bringing the Party complained against before him, or shall issue an Order requiring such Party to appear on a Day and at a Time and Place to be named in such Order; and every such Order shall be served on the Penalties, how to be recovered.

the Party by delivering to him in Person, or by leaving at his usual Place of Abode, a Copy of such Order, and of the Complaint whereupon the same has proceeded; and upon the Appearance, or upon the Default to appear, of the Party, it shall be lawful for the Sheriff to proceed to the Hearing of the Complaint, and upon such Proof of the Offence as shall satisfy the Sheriff, and without any written Pleadings or Record, the Sheriff shall convict the Offender, and upon such Conviction shall decern and adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Expenses as the Sheriff shall think fit, and shall grant Warrant for imprisoning the Offender until such Penalty or Forfeiture and Expenses shall be paid: Provided always, that such Warrant shall specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Forfeiture and Expenses shall not have been paid, which Period shall in no Case exceed Six Months, unless herein otherwise specially provided.

Application of Penalties.

CVII. The Amount of the Penalties or Forfeitures to be so awarded and recovered in respect of any Public or Private Asylum shall be paid and applied towards the general Expenses of the Board; and the Penalties or Forfeitures to be awarded in respect of any District Asylum shall be paid to the District Board of the District in which the Offence shall have been committed, as the Case may be, to be by such District Board applied in Payment of the Expenses of the District Asylum under their Charge as aforesaid; provided that no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act unless such Penalty or Forfeiture shall have been prosecuted for within Six Months after the Commission or Discovery of the Offence for which it was incurred.

Informalities.

CVIII. No Proceeding for the Recovery of Penalties or Forfeitures under this Act shall be set aside for Want of Form, nor shall the same be removed by Suspension, Advocation, Appeal, or otherwise, or be in any Manner subject to Review.

Powers granted to Sheriffs to be without Prejudice to their Power at Law.

CIX. The Powers and Authorities granted by this Act to Sheriffs shall be in addition and without Prejudice to the Powers and Authorities otherwise competent to Sheriffs by Law, all which Powers and Authorities, as well as the Powers hereby granted, may be exercised by them in aid and in the Execution of this Act.

Any County may constitute itself into a District under this Act.

CX. If the Prison Board of any County shall so resolve, at a Meeting to be held within Six Months after the passing of this Act, called by public Advertisement for the special Purpose of considering the Propriety of passing such Resolution, such County shall be severed from

from the District of which by this Act it forms Part, and be a separate District in itself; and such Resolution shall be communicated to the Board, and shall be published in the *Edinburgh Gazette* and *North British Advertiser* Newspaper by the Clerk of such Prison Board within Twenty-one Days after the passing thereof, and on being so communicated and published shall receive Effect; and such County shall then be and become a District under this Act, in the same Way and Manner as if it had been herein specially constituted such District, and the Remainder of the District from which it is so severed shall thenceforward be and become a District under this Act, in the same Way as if such County had never been joined with it.

Provisions of this Act may be enforced summarily.

CXI. It shall be competent to the Board, during the Period of Five Years from and after the First Day of *January* One thousand eight hundred and fifty-eight, and to the Inspectors General in Lunacy under this Act, or either of them, after the Expiration of such Period, to enforce the Provisions of this Act or any of them, by summary Application to the Court of Session, or to any Sheriff Court having Jurisdiction over the Respondent in such Application, and it shall not be necessary to proceed by way of ordinary Action.

Inspectors of Poor to give intimation of Pauper Lunatics within their Parishes.

CXII. Every Inspector of the Poor shall, within Seven Days after he shall have become aware of any Pauper Lunatic being within the Parish of which he is Inspector, notify the same to the Chairman of the Parochial Board, and he shall also within the same Period intimate to the Board of Commissioners in Lunacy under this Act the Name and Residence of such Pauper Lunatic, and all the Circumstances he may have ascertained regarding his State and Condition, together with the Steps that may have been taken in reference to the Care and Custody of such Pauper Lunatic; and if any such Inspector shall fail within the said Period to make such Notification and Intimation, or either of them, he shall be liable in a Penalty of Ten Pounds.

Certain Provision of 8 & 9 Vict. c. 83 repealed.

CXIII. Whereas by an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in* Scotland, the Board of Supervision thereby established is authorized and empowered, on any Parochial Board refusing or neglecting to provide for the Removal of an insane or fatuous poor Person to an Asylum or Establishment legally authorized to receive any Lunatic Patients, to take such Measures as may be necessary for removing such insane or fatuous poor Persons to such Lunatic Asylum or Establishment; and it is thereby provided, that under special Circumstances in particular

ticular Cases the said Board of Supervision might dispense with such Removal: The said Act, in so far as it grants such Powers to the said Board of Supervision shall be and the same is hereby repealed.

Assessing Clauses not to apply to Shetland.

CXIV. The assessing Clauses of this Act shall not extend to the County of *Shetland*.

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SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

FORM of SUMMONS by the COMMISSIONERS.

IN the Matter of *A.B.*, a Lunatic [*or* an insane Person, *or* an Idiot, *or* a Person of unsound Mind].

I, one of the Board of the Commissioners in Lunacy for Scotland, in pursuance of the Provisions of an Act passed in the Twenty-first Year of the Reign of Her Majesty Queen Victoria, intituled [*insert the Title of this Act*], do hereby grant Warrant to Messengers-at-Arms and Sheriff Officers conjunctly and severally to summon, warn, and charge and each of them, personally or at their respective Dwelling Places, in common Form, to appear before me at [*insert Place*], on the Day of 18 at o'Clock noon, and then and there to testify and bear witness, so far as they and each of them know and shall be asked, concerning the aforesaid Matter, under the Penalties specified in the said Act.

Given at Edinburgh this Day of in the Year One thousand eight hundred and

C.D., Commissioner.

SCHEDULE (B.)

FORM OF LICENCE by the COMMISSIONERS.

I, one of the Board of the Commissioners in Lunacy for Scotland, do hereby certify, That *E.F.* of in the Parish of and County of has delivered to me a Plan and Description of a House and Premises proposed to be licensed for the Reception of Lunatics situated at in the County of in which it is proposed to receive Patients not exceeding in Number [*or, in the Case of a renewed Licence,* has delivered to me a List of the Number of Patients now detained in a House and Premises situated at in the County of in which there are at present Patients], and the Board having considered and approved of the same do hereby authorize and empower the said *E.F.* [he intending *or* not intending to reside therein] to use and employ the said House and Premises for the Reception of

Male

Male [*or* Female *or* Male and Female] Lunatics, whereof are Paupers, for the Space of Calendar Months from this Date.

Given at Edinburgh this Day of in the Year One thousand eight hundred and

C.D., Commissioner.

SCHEDULE (C.)

FORM of STATEMENT to be lodged with a PETITION to the SHERIFF for the RECEPTION of a LUNATIC.

1. Christian Name and Surname of Patient at Length.
2. Sex and Age.
3. Married, single, or widowed.
4. Condition of Life, and previous Occupation (if any).
5. Religious Persuasion so far as known.
6. Previous Place of Abode.
7. Place where found and examined.
8. Length of Time insane.
9. Whether first Attack.
10. Age (if known) on first Attack.
11. When and where previously under Examination, and Treatment.
12. Duration of existing Attack.
13. Supposed Cause.
14. Whether subject to Epilepsy.
15. Whether suicidal.
16. Whether dangerous to others.
17. Parish or Union to which the Lunatic [*if a Pauper*] is chargeable.
18. Christian Name and Surname and Place of Abode of nearest known Relative of the Patient, and Degree of Relationship (if known), and whether any Member of his Family known to be or to have been insane.
19. Special Circumstances (if any) preventing the Insertion of any of the above Particulars.

I certify, That to the best of my Knowledge the above Particulars are correctly stated.

Dated this Day of One thousand eight hundred and

[*To be signed by the Party applying.*]

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SCHEDULE (D.)

FORM OF MEDICAL CERTIFICATE.

I, the undersigned, [*set forth the Qualification entitling the Person certifying to grant the Certificate, e.g.*, being a Member of the Royal College of Physicians in Edinburgh,] and being in actual Practice as a [Physician, Surgeon, *or otherwise, as the Case may be*], do hereby certify on Soul and Conscience, That I have this Day at [*insert the Street and Number of the House (if any) or other like Particulars,*] in the County of , separately from any other Medical Practitioner visited and personally examined *A.B.* [*insert Designation and Residence, and if a Pauper state so*], and that the said *A.B.* is a Lunatic [*or* an insane Person, *or* an Idiot, *or* a Person of unsound Mind], and a proper Person to be detained under Care and Treatment, and that I have formed this Opinion upon the following Grounds, viz.:—

1. Facts indicating Insanity observed by myself [*state the Facts*].
2. Other Facts (*if any*) indicating Insanity communicated to me by others [*state the Information, and from whom*].

(Signed) [*Name and Medical Designation and Place of Abode.*]

Dated this Day of One thousand eight hundred and

SCHEDULE (E.)

FORM of ORDER to be granted by the SHERIFF for the RECEPTION of a LUNATIC.

I, *G.H.*, Sheriff [*or* Sheriff Substitute, *or* Steward, *or* Steward Substitute] of the County [*or* Stewartry] of having had produced to me, with a Petition at the Instance of *I.K.* [*Name and Designation*], Certificates under the Hands of and being Two Medical Persons duly qualified in Terms of an Act [*specify this Act*], setting forth that they had separately visited and examined *A.B.* [*describe him, and if a Pauper state so*], and that the said *A.B.* is a Lunatic, [*or* an insane Person, *or* an Idiot, *or* a Person of unsound Mind,] and a proper Person to be detained and taken care of, do hereby authorize you to receive the said *A.B.* as a Patient into the Public [*or* Private] Asylum of and I authorize his Transmission to the said Asylum accordingly, and I transmit to you herewith the said Medical

Certificates, and a Statement regarding the said *A.B.* which accompanied the said Petition.

Dated this Day of 18 .

(Signed) *G.H.*

To the Superintendent of the Public Asylum [*or* Private Asylum] of } [*Designation.*]

SCHEDULE (F.)

Notice of Admission.

I HEREBY give Notice, That *A.B.* [*describe him*] was received into this House as a Private [*or* Pauper] Patient, on the Day of , and I hereby transmit a Copy of the Order and Medical Certificates and Statement on which he was received.

Subjoined is a Report with respect to the mental and bodily Condition of the above-named Patient.

(Signed) *E.F.*, Superintendent.

Dated at this Day of One thousand eight hundred and .

Report.

I have this Day seen and personally examined *A.B.*, the Patient named in the above Notice, and hereby report and certify, with respect to his mental State, that [*insert Particulars*], and with respect to his bodily Health and Condition, that [*insert Particulars*].

(Signed) *L. M.*, Physician [*or* Surgeon].

Dated this Day of One thousand eight hundred and .

SCHEDULE (G.)

I, *L.M.*, a Medical Person duly qualified in Terms of the Act [*specify this Act*], certify, on Soul and Conscience, That *C.D.* [*name and design the Patient*] is afflicted [*state the Nature of the Disease*], but that the Malady is not confirmed, and that I consider it expedient, with a view to his Recovery, that he should be placed [*specify the House in which the Patient is to be kept*] for a temporary Residence of [*specify a Time, not exceeding Six Months*].

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SCHEDULE (H.)

DISTRICTS or DIVISIONS of SCOTLAND.

1. The Edinburgh District to comprise the Counties of—
   - Edinburgh.
   - Haddington.
   - Berwick.
   - Linlithgow.
   - Roxburgh.
   - Selkirk.
   - Peebles.
   - Orkney.
2. The Inverness District to comprise the Counties of—
   - Sutherland.
   - Ross and Cromarty.
   - Inverness.
   - Elgin and Nairne.
3. The Aberdeen District to comprise the Counties of—
   - Caithness.
   - Banff.
   - Aberdeen.
   - Kincardine.
   - Shetland.
4. The Perth District to comprise the Counties of—
   - Forfar.
   - Perth.
   - Fife.
   - Clackmannan.
   - Kinross.
5. The Dumfries District to comprise the Counties of—
   - Dumfries.
   - Kirkcudbright.
   - Wigton.
6. The Glasgow District to comprise—
   - Lanarkshire.
7. The Stirling District to comprise the Counties of—
   - Argyll.
   - Bute.
   - Dumbarton.
   - Stirling.
8. The Renfrew District to comprise the Counties of—
   - Renfrew.
   - Ayr.

SCHEDULE (I.)

REGISTER OF LUNATICS.

Date of last previous Admission (if any).	Number in order of Admission.	Date of Admission.	Christian and Surname at full Length.	Sex and Class. Private. M.	Sex and Class. Private. F.	Sex and Class. Pauper. M.	Sex and Class. Pauper. F.	Age.	Condition as to Marriage. Married.	Condition as to Marriage. Single.	Condition as to Marriage. Widowed.	Condition of Life and previous Occupation.	Previous Place of Abode.	County or Parish to which chargeable.	By whose Authority sent.	Dates of Medical Certificates, and by whom signed.	Bodily Condition.	Name of Disorder (if any).	Form of Mental Disorder.	Supposed Cause of Insanity.	Epileptics.	Congenital Idiots.	Duration of existing Attacks. Years.	Duration of existing Attacks. Months.	Duration of existing Attacks. Weeks.	Number of previous Attacks.	Age on first Attack.	Date of Discharge, Removal, or Death.	Discharged. Recovered.	Discharged. Relieved.	Discharged. Not improved.	Died.	Observations.
	1	1850. January 3	William Johnson	–	–	1	–	23	–	1	–	Carpenter	–	–	–	–	–	–	Melancholia	–	–	–	–	4	–	–	17	1850. Sept. 1	1	–	–	–	–
	2																																
	3																																
	4	1852. June 9	William Johnson	–	–	1	–	25	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	–	3	–	3	1852. Dec. 2	–	–	–	–	–
	5																																
	6																																
	7	1856. May 6	William Johnson	–	–	1	–	29	–	1	–	–	–	–	–	–	–	–	–	–	–	–	–	1	–	–	4	1857. June 8	–	–	–	1	–
	8																																

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SCHEDULE (J.)

REGISTER OF DEATHS.

Date of Death.	Date of last Admission.	Duration of Disease.	Christian and Surname at full Length.	Sex and Class.				Assigned Cause of Death.	Age at Death.		Observations.
				Private.		Pauper.					
				M.	F.	M.	F.		M.	F.	
1850: September 1	1850: January 2	—	William Johnson -	-	-	1	-	- -	23		
1852: December 2	1852: June 9	—	John Brown -	1	-	-	-	- -	25		
1856: June 8	1855: May 6	—	William Smith -	-	-	1	-	Phthisis	27		

SCHEDULE (K.)

No. 1.

FORM of ASSIGNATION in SECURITY to be granted for MONIES BORROWED on the SECURITY of ASSESSMENTS.

Assignation in Security No. [*insert Number*].

WE Members of the District Board under the Act [*specify this Act*], in pursuance of the Powers of the said Act, do hereby, in consideration of the Sum of [*specify Sum advanced*], assign to [*name and design Creditor*], and his Heirs, Executors, and Assignees, [*or as the Case may be*], all the District Assessments to be raised and paid within the said District under the said Act, in Security of the Repayment of the said Sum of and of the Interest thereof after the Rate of Pounds per Centum per Annum from the Day of until Payment, which Sum is to be repayable, with the Interest at the Rate foresaid, as follows: [*state the Terms of Repayment according to the Arrangement*]. And we consent to Registration. In witness whereof [*insert Testing Clause in common Form*].

No. 2.

FORM of TRANSFER of ASSIGNATION in SECURITY.

I [*Name and Designation*], transfer to [*Name and Designation*], and his Heirs, Executors, and Assignees, an Assignation in Security, numbered [*insert the Number of the Assignation*], and dated [*insert Date*], granted by the District Board of the District to [*Name and Designation*], for [*insert the Sum*], and the Interest thereof from the Day of . And I consent to Registration. In witness whereof [*insert Testing Clause in common Form*].

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