CHAPTER 67.

An Act to amend the Laws relating to Private and District Lunatic Asylums in Ireland. [2d August 1875.]

WHEREAS the Private Lunatic Asylums (Ireland) Act, 1842, was passed with the object of amending for a limited period therein specified the law relating to private lunatic asylums in Ireland, and the same was amended by an Act passed in the session of Parliament held in the eighth and ninth years of the reign of Her present Majesty, chapter one hundred and seven, (in this Act referred to as "the Act of 1845,") and by the Private Lunatic Asylums (Ireland) Act, 1874, which said Acts are in this Act referred to as "The Private Lunatic Asylums (Ireland) Acts, 1842 to 1874:"

And whereas the Private Lunatic Asylums (Ireland) Acts, 1842 to 1874, were to a certain extent temporary in their duration, but in so far as they are temporary in their duration have been continued until the thirty-first day of December one thousand eight hundred and seventy-five, and it is expedient further to amend the said Acts, and to make the same perpetual:

And whereas under the provisions of an Act passed in the session of Parliament held in the first and second years of the reign of His late Majesty King George the Fourth, intituled "An Act to make more effectual provision for the establishment of Lunatic "Asylums for the Lunatic Poor, and for the custody of Insane Persons charged with "offences in Ireland," and of the Acts amending the same, district lunatic asylums and a central criminal lunatic asylum have been established in Ireland, and it is expedient further to amend the said Acts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Lunatic Asylums (Ireland) Act, 1875."

Interpretation.

2. The term "licensed house" in this Act means any house duly licensed for the reception of insane persons in pursuance of the Private Lunatic Asylums (Ireland) Act, 1842.

The term "district lunatic asylum" in this Act means any district lunatic asylum established in Ireland under the provisions of the said Act of the session of the first and second years of the reign of His late Majesty King George the Fourth, and the Acts amending the same.

The term "the Lord Lieutenant" shall mean the Lord Lieutenant or other chief governor or governors of Ireland for the time being.

Power to detain lunatics in asylums and to retake them.

3. Every proprietor and superintendent of a licensed house, and every other person by the Private Lunatic Asylums (Ireland) Act, 1842, authorised to receive or take charge of a lunatic upon an order, and who shall receive, or has received, a proper order, in pursuance of the said Act, accompanied with the required medical certificates or certificate, for the reception or taking charge of any person as a lunatic, and the assistants and servants of such proprietor, superintendent, or authorised person, shall respectively have power and authority to take charge of, receive, and detain such patient until he shall die, or be removed or discharged by due authority, and in case of the escape at any time or times of such patient to retake him at any time within fourteen days after such escape, and again to detain him as aforesaid.

In every writ, indictment, information, action, and other proceeding which may be preferred or brought against any such proprietor or superintendent of a licensed house, or against any other person authorised as aforesaid, or against any assistant or servant of any such proprietor, superintendent, or authorised person, for taking, confining, detaining, or retaking any person as a lunatic, the person complained of may plead such order and certificates or certificate in defence to any such writ, indictment, information, action, or other proceeding as aforesaid, and such order and certificates or certificate shall, as respects

such person, be a justification for taking, confining, detaining, or retaking such lunatic or alleged lunatic.

Power to detain lunatics in district lunatic asylums and to retake them.

4. The board of governors, or the resident medical superintendent of any district lunatic asylum, or the medical officer acting for him in his absence as superintendent of such district lunatic asylum, who shall receive a lunatic into such district lunatic asylum in accordance with the rules and regulations made by the Lord Lieutenant and Privy Council in Ireland with respect to such district asylum and then in force, and the officers and servants of such district lunatic asylum, shall respectively have power and authority to take charge of, receive, and detain such patient until he shall die, or be removed or discharged by due authority, and in case of the escape at any time or times of such patient to retake him at any time within fourteen days after such escape, and again to detain him as aforesaid.

In every writ, indictment, information, action, and other proceeding which may be preferred or brought against any such board of governors, or any member or members thereof, or against any resident medical superintendent, or any medical officer acting for him in his absence, or any officer or servant of any district lunatic asylum, for admitting, taking charge of, receiving, detaining, confining, or retaking as aforesaid any person as a lunatic, the board or person complained of may plead that such patient was admitted into such district lunatic asylum pursuant to the provisions of the rules or regulations aforesaid; and the fact of such admission shall, as respects such board or person respectively, be a justification for admitting, taking charge of, receiving, detaining, confining, or retaking such lunatic or alleged lunatic.

Order and medical certificates may be amended.

5. If after the reception of any lunatic patient it appear that the order or the medical certificate, or (if more than one) both or either of the medical certificates upon which such lunatic patient was received, is or are in any respect incorrect or defective, such order and medical certificate or certificates may be amended by the person signing the same at any time within fourteen days next after the reception of such lunatic patient: Provided nevertheless, that no such amendment shall have any force or effect unless the same shall receive the sanction of the inspectors of lunatics, or of one of such inspectors.

Provision as to defective order or certificates.

6. Where any order or medical certificate, or, if more than one, both or either of the medical certificates upon which a lunatic patient has been received, is deemed by the inspectors of lunatics incorrect or defective, and the same is or are not duly amended to their satisfaction within seven days after the receipt by the person who shall have received such lunatic patient of a direction or writing from the said inspectors requiring the amendment of the same, the inspectors or one of them may, if they or he think fit, make an order for the discharge of such lunatic patient.

Proprietor of licensed house with consent of inspectors, may take or send patient to any place for his health.

7. The proprietor or superintendent of any licensed house may, with the consent in writing of one of the inspectors of lunatics, take or send under proper control any patient to any specified place for any definite time for the benefit of his health; and any such consent may from time to time be renewed, and the place varied: Provided always, that before any such consent shall be given or renewed, the approval in writing of the person who signed the order for the reception of such patient, or by whom the last payment on account of such patient was made, shall be produced to such inspector, unless he shall, on cause being shown, dispense with the same.

Patients may be permitted to be absent on trial from licensed houses and district lunatic asylums.

8. One of the inspectors of lunatics as regards any licensed house, and three of the governors met as a board of any district lunatic asylum as regards such district lunatic asylum, may, from time to time, of his or of their own authority, permit any patient therein to be absent from such licensed house or district lunatic asylum upon trial for such period, not exceeding thirty days, as he or they may think fit, and such three of the governors of such district lunatic asylum may make or order to be made an allowance during any such period to any such patient of such district lunatic asylum, not exceeding what would be the charge for him in such district lunatic asylum, which allowance shall be charged for him and be payable as if he were actually in such district lunatic asylum, but shall be paid over to him or for his benefit as the said governors may direct.

In case any person so allowed to be absent on trial for any period do not return at the expiration thereof, and a medical certificate as to his state of mind certifying that his detention as a lunatic is no longer necessary be not sent to the proprietor or superintendent of such licensed house, or to the resident medical superintendent of such district lunatic asylum, he may at any time within fourteen days after the expiration of the same period be retaken, as in case of an escape.

Transfer of lunatics from asylums to workhouses.

9. The guardians of any poor law union in Ireland may, with the consent of the Local Government Board and the inspectors of lunatics, and subject to such regulations as they shall respectively prescribe, receive into the workhouse of such union any chronic lunatic, not being dangerous, who may have been received into a district lunatic asylum, and selected by the resident medical superintendent thereof and certified by him to be fit and proper so to be removed, upon such terms as may be agreed upon between the said guardians and the board of governors of any such asylum, and thereupon every such lunatic, so long as he shall remain in such workhouse, shall continue a patient on the books of the asylum for and in respect of all the provisions of an Act passed in the session of Parliament held in the first and second years of the reign of His late Majesty King George the Fourth, intituled "An Act to make more effectual provision for the establishment of asylums for the lunatic poor, and for the custody of insane persons charged with offences in Ireland," and the Acts amending the same, so far as they relate to lunatics and insane persons received into district lunatic asylums; and any expenses incurred by the board of governors in respect of such lunatic in such workhouse shall be deemed part of the expenses of such district lunatic asylum, and shall be paid by the governors out of the moneys applicable to the payment of such expenses.

Lunatics removed from gaols to district asylums to be treated, after expiration of sentence, as ordinary patients.

10. Every person who, in pursuance of the second section of the Act of the session of Parliament held in the first and second years of Her Majesty's reign, chapter twenty-seven, shall have been removed from a gaol to a district lunatic asylum, and who shall not have been duly certified to have become of sound mind, shall from and after the expiration of his sentence be regarded and treated in all respects as if he had been admitted into such asylum as an ordinary patient, and may be by the governors of such asylum, in their discretion, discharged or placed in the care of his friends in the same manner as any such ordinary patient.

Pauper patient on discharge to be forwarded in certain cases to workhouse.

11. Whenever any person being a pauper patient in any district lunatic asylum may be lawfully discharged from such asylum, the board of governors of such asylum shall, unless such patient be otherwise discharged, forward such patient to the workhouse of the union from which he was sent to such asylum, and shall pay the expenses of such removal, and the guardians of the said union shall repay to the said board of governors the expenses so paid by them as aforesaid.

Lunatics in central asylum whose sentences have expired to be removed to district asylum.

12. It shall be lawful for the Lord Lieutenant to order that any person confined in the central criminal lunatic asylum established in pursuance of the Act of 1845, and who shall not have been duly certified to be of sound mind, shall, on the expiration of his sentence, be removed to the district lunatic asylum established for the district to which it shall appear to the said Lord Lieutenant that such person properly belongs, and to determine to which county or county of a city or town comprised in such district the maintenance of such person in the district asylum shall be charged; and every such person, when so removed, shall be regarded and treated in all respects as if he had been admitted into such asylum as an ordinary patient, and may be by the governors thereof in their discretion discharged or placed in the care of his friends in the same manner as any ordinary patient.

A prisoner under remand certified to be insane, to be removed to district lunatic asylum, and when sane be

13. It shall be lawful for the Lord Lieutenant, by warrant under his hand, to order that any person who shall have been remanded by a justice or justices of the peace for further examination, and who during the period of such remand shall be certified by two physicians or surgeons or a physician and a surgeon to be of unsound mind, shall be removed to the district lunatic asylum established for the district in which such person shall be confined; and such person shall when so removed remain under confinement in

such asylum until it shall be in like manner certified that such person has become of sound mind, whereupon the Lord Lieutenant is hereby authorised to issue his warrant directing that such person be remitted to the prison or place of confinement from which he was removed to the asylum, and be brought before the justices before whom he was ordered in the warrant of remand to be brought for further examination.

removed back for further examination.

14. Notwithstanding anything in section ten of the Act of the session of Parliament held in the thirtieth and thirty-first years of the reign of Her present Majesty, chapter one hundred and eighteen, to the contrary, it shall be lawful for any two justices causing any person to be examined by any medical officer as therein mentioned, if they think fit so to do, to make an order under their hands and seals upon the guardians of the union to which such person belongs, for the reasonable remuneration to such medical officer and for the payment of all other reasonable expenses in or about the examination of such person, not exceeding in the whole the sum of two pounds.

Amendment of 30 & 31 Vict. c. 118. s. 10. as to payment to medical officers for examination of lunatics.

All moneys so ordered to be paid by the guardians of such union shall respectively be advanced, paid, and raised in like manner as any other moneys required for supporting and maintaining the destitute poor of such union.

15. The Private Lunatic Asylums (Ireland) Acts, 1842 to 1874, as amended by this Act, shall, in so far as the same are temporary in their duration, be and the same are hereby made perpetual.

Private Lunatic Asylums (Ireland) Acts, 1842 to 1874, made perpetual.

16. Where any person shall be confined in any district lunatic asylum as a patient, it shall be lawful for a court of summary jurisdiction, in case it shall be proved to the satisfaction of such court that such patient has an estate applicable to his maintenance and more than sufficient to maintain his family (if any), by order to require the relation or other the person in receipt of the income of such patient, within one month after the service of such order, to pay the charges of the examination, removal, lodging, maintenance, clothing, medicine, and care of such patient, and within one month from the times in such order respectively specified, to continue to pay, so long as such patient shall remain in such district lunatic asylum, the charges which may from time to time be incurred in respect of the lodging, maintenance, clothing, medicine, and care of such patient in such district lunatic asylum; and in case such charges shall not be paid within the times by this section respectively prescribed, it shall be lawful for the resident medical superintendent of such district lunatic asylum to make such application under "The Lunacy Regulation (Ireland) Act, 1871," to the Lord High Chancellor of Ireland, intrusted by virtue of the Queen's sign manual with the care or commitment of the persons and estates of persons found idiot, lunatic, or of unsound mind, as he may be advised, or to apply to a court of summary jurisdiction, and thereupon it shall be lawful for such court, on proof of the service of such order and of the non-payment of such charges respectively in accordance with the terms of such order, by an order to direct the resident medical superintendent or any officer of such district lunatic asylum to seize so much of any money, and to seize and sell so much of the goods and chattels, and to take and receive so much of the rents and profits of the lands and tenements of such patient, and other income of such patient, as may be necessary to pay such charges, accounting for the same to such court, such charges having been first proved to the satisfaction of such court, and the amount of such charges being set forth in such order; and if any trustee or other person having the possession, custody, or charge of any property of such patient, or if the Governor and Company of the Bank of Ireland, or any other body or person having in their or his hands any stock, interest, dividend, or annuity belonging to or due to such patient, pay any money according to any such order to any person authorised to receive the same to defray such charges, the receipt of the person authorised to receive such money shall be a good discharge to such trustee, governor, and company, or other body or person as aforesaid.

Property of lunatic in district lunatic asylum to be available for his maintenance.

Liability of relations in certain cases.

In case any such patient shall not have an estate applicable for the payment of such charges as aforesaid, then and in such case any person who under the Acts for the relief of the destitute poor in Ireland, or under any other Act, would be liable to maintain or support such patient, or to contribute to the maintenance or support of such patient,

if such patient were not in such district lunatic asylum, shall be liable to pay or to contribute to such charges according to his ability, and it shall be lawful for a court of summary jurisdiction, on the application of the resident medical superintendent of such district lunatic asylum, and after seven days notice of such application to the person so liable, to make an order for the payment from time to time of such charges, or such part thereof as to such court shall seem just, and in case of non-payment of such charges, or such part thereof according to the terms of such order, payment of the same shall be recoverable by the resident medical superintendent in like manner as penalties are recoverable under the Acts for the relief of the destitute poor in Ireland.

The term "court of summary jurisdiction" means, in the police district of Dublin metropolis, a divisional justice of such district acting under the provisions of the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district; and elsewhere, two or more justices of the peace sitting in petty sessions, subject and according to the provisions of "The Petty Sessions (Ireland) Act, 1851," and any Act amending the same.

CHAPTER 68.

An Act for making further Provision respecting the Department of Science and Art. [11th August 1875.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power for Department to take lands by grant or devise, and sell, &c.

1. Any lands or any interest therein may be granted or devised to and taken by the Department of Science and Art, for the purposes of their charter, or for any educational or public purposes, and may be held by them accordingly subject to the control of Parliament, and may be sold or disposed of by them when the trusts on which they hold the same are consistent with such sale or disposition: Provided that the Department of Science and Art, before accepting any such grant or devise, shall obtain the consent in writing of the Commissioners of the Treasury or any two of them to their so doing.

Short title.

2. This Act may be cited as The Department of Science and Art Act, 1875.

CHAPTER 69.

An Act to consolidate and amend certain Laws relating to the Militia of the United Kingdom. [11th August 1875.]

WHEREAS it is expedient that certain laws applicable to the Militia of the United Kingdom, while the same is raised by voluntary enlistment, should be consolidated and amended:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short Title. Interpretation.

Short title.

1. This Act may be cited as "The Militia (Voluntary Enlistment) Act, 1875."