

Papers regarding legislation and lobbying issues including paupers and criminal lunatics, the regulation of asylums, and cost transfer between parishes

Publication/Creation

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*List of Parishes to which
Printed Circulars of Questions and
Opinion of Counsel anent Trans-
ferences, have been transmitted.*

1. Privileged Parishes.

City Parish of Glasgow,
Barony, do.
Ayr,
Baldernech,
Bonhill,
Campbelton,
Carmunnock,
Cathcart,
Cumbarnauld,
Galston,
Greenock,
Houston and Kilallan,
Kilsyth,
Kilspen,
Lanark,
Larbert and Dunipace,
Lismahagow,
Logie (Bridge of Allan),
Loudoun,
Monkton and Prestwick,
Neilston,
New Monkland,
Port Glasgow,

Renfrew,
Rothsay,

2. Lanarkshire Non-Privileged Parishes.

Avondale,
Biggar,
Blantyre,
Bothwell,
Cadder,
Cambuslang,
Cambusnethan,
Carluke,
Carmichael,
Carnwath,
Carstairs,
Covington,
Crawford,
Crawfordjohn,
Culter,
Dalserf,
Dalziel,
Dolphinton,
Douglas,

Dunsgyre,	Strathblane,
Glasford,	
Gorbals,	
Govan,	
Hamilton,	
Kilbride, East,	
Liberton,	
Monkland, Old,	
Pittenhain,	
Rutherglen,	
Shotts,	
Stonehouse,	
Symington,	
Walton,	
Wandell and Lamington,	
Wiston,	

The foregoing Letters, containing printed Circulars of Questions and
 Opinion of Counsel, were posted by me at the General Post Office,
 George Square, on 15th March 1870, at Half-past Three o'clock P.M.
 John M. Craik.

with Moses Brown Accountant
 110, West George Street.

George Dunn, Writer.

Office,
S. M.
attest

H8 13 | 10 | 37

List

*Of Parishes to which Printed
Circulars of Questions and
Opinion of Counsel and
Transferences, have been trans-
mitted.*

*Glasgow, 15. March,
1870.*

16th Feb 1890.

Memorial for the Glasgow Royal
Asylum for Lunatics (at Gart-
navel).

For the opinion of Counsel.

The Asylum was founded in 1810-
14, chiefly by subscriptions in the City
of Glasgow, which amounted to £20,000,
aided by contributions of varied
amount by the Barony Parish of
Glasgow and twenty-four other par-
ishes in Scotland. It was incorpora-
ted by Royal Charter in 1824. Its
management is vested in Directors
annually elected - the greater num-
ber by certain public bodies and a
portion (eight) by contributors to its
funds, whose contributions are
each not less than £5. 5/ in one
sum or £1. 1/ per annum. By an
agreement with the District Board
of Lunacy, dated 10th, 12th and 18th
October 1865, Gartnavel is now a
District Asylum for Lanarkshire.

It was a stipulation by the authori-

-ties of Glasgow on the part of the Glasgow subscribers, and the stipulation has been faithfully acted on during the whole existence of the Asylum, that the rate of board for patients from the City Parish of Glasgow, should be annually fixed by two Directors of the Town's Hospital (now two members of the City Parochial Board) two Directors of the Asylum, and one of the City Magistrates. At the commencement of each year accordingly the rate is thus fixed for that year. The contributions of the Barony Parish and the other parishes before alluded to, were made on the understanding or agreement, that according to the amount contributed, a certain number of the pauper Lunatics of such parishes should be received in preference to those of non-contributing parishes, and at a rate of board similar to that paid for the patients of the City Parish of Glasgow. This arrangement under which the Barony and the other parishes enjoy the two

privileges above mentioned has led to a distinction in the rate levied for pauper patients - a distinction termed privileged and non-privileged - a lower rate of board being exacted from the privileged than is exacted from non-privileged parishes. It may be added here that the Board of Supervision has always recognized the difference of rate for privileged and non-privileged parishes.

The Asylum is now a large Institution and its support is derived from two sources; - 1st, the board paid for patients sent to the Asylum by their relations or friends, and 2nd, the board paid by parishes for the pauper Lunatics of these parishes. The average number of pauper patients is now four hundred, and it is ~~referred~~ to the board of these patients, or rather of such of them as may be transferred from one parish to another, that Councils attention

is now directed.

Until within the last few years the parish of legal settlement, generally speaking, repaid to the parish of first chargeability the amount of board for transferred patients that the latter had paid to the Asylum, without reference to the Memorialists, and indeed without any question whatever, the reason being, that during the period alluded to, the difference betwixt the rate of board of privileged and that of non-privileged parishes was insignificant. But after the passing of the Lunacy Act 1854, by an agreement entered into with the District Board of Lunacy, the differential rate of board was so largely increased that the Memorialists of their own accord introduced the practice, which has since been observed in cases of transferred patients, of charging the board of the patient against the parish which sent him to the Asylum, according to the rate payable by that parish, as long as ^{they} knew no other parish of chargeability, but

so soon as the patient was ascertained to
 belong to a different parish, and this
 fact was intimated to them by the In-
 -specter who had previously paid the
 board, this Inspector withdrew his ob-
 -ligation, and required the Asylum to
 repeat the whole amount paid by him
 from the date of the patient's admission,
 leaving the Asylum to recover from
 the Parish of legal settlement the
 amount of board for which it had
 become legally chargeable from the
 date of the patient's reception, ac-
 -cording to the scale applicable to
 this last parish. The Memorialists
 have found that this practice leads
 in every instance to much incon-
 -venience and trouble, and in some
 instances to great derangement of
 the Asylum Books and accounts.
 The Asylum may have admitted a
 patient from a non-privileged
 parish and charged and received
 the non-privileged rate of board

for years, and it may afterward be discovered that the patient belongs to a privileged parish. - The Asylum thereupon is asked to refund the entire sum advanced by the first parish, to furnish a new account against the privileged parish, going back to the commencement of the patient's residence in the Institution, and to charge the reduced rate of board applicable to the parish of settlement. There may be twenty or fifty such cases in the Asylum, and this system of adjusting the accounts keeps the Memorialists' books in an unsettled state and constantly liable to changes & alterations, years after they have been balanced, audited and closed.

The following case, which has recently occurred, illustrates the operation of the existing system: - Govan, which is a non-privileged Parish, sent a patient to the Asylum on 2nd June 1866, and paid his board quarterly from that

27.

date till 1st October 1869, when the result of a lengthened litigation fixed the Parish of the patient's legal settlement to be Campbelltown, which is one of the privileged Parishes. During this long period, Govan had paid to the Asylum for board &c, the non-privileged rate amounting to £113. 17. 4. The Inspector of that Parish, who holds a different view from what has recently been the practice of the Directors, applied to Campbelltown to have that sum refunded with interest, in virtue of the 41st Section of the Poor Law Act. Campbelltown however declines to pay Govan more than at the privileged rate of £4. 1. 7² on the ground that being a privileged parish, it is not liable for the rate of board advanced by Govan. Campbelltown further maintains that the proper course is for Govan to get back from the Asylum the amount paid to it, & that the Asylum should then make

out a new account at the privileged rate against Campbeltown, as the parish of settlement, in virtue of the 75th Section of the "Lunacy Act, 1857." In this view the Asylum would fall to repay Govan £13. 14. 4². with interest, while it could only claim £94. 1. 7²., with interest from Campbeltown. It is not the matter of loss to which the Memorialists desire to direct attention, but to the uncertainty involved in the present system of settlement, and the trouble, inconvenience, and confusion which it occasions in the Memorialists' accounts. They balance their books at the end of every year, but from the uncertainty and changes of accounts involved in the system just explained, they find it impossible to ascertain the precise state of their accounts at any given period. They know not the day when they may be called upon to open up an account & go back upon it for years,

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having in the end perhaps to repay a considerable sum. And they can never tell how many such accounts may require to be so operated upon. The point therefore upon which the Memorialists desire to be advised is—in what way they ought to treat the accounts of transferred patients. It is held by some Inspectors that a patient is truly the patient of the parish which sends him to the Asylum, so long as no other parish is found to be legally chargeable for him; that the Asylum should look and indeed can look to that parish alone for payment of the board, until intimation is given that some other parish—the parish of settlement—is liable; and that the Institution is not bound nor entitled to receive a different rate of board (which may be larger or smaller for a patient) by his transfer to another parish, the date of discovery of the parish of

legal settlement. Further, that the date of intimation to the Asylum of a transference is the true date at which a different rate of board should be commenced.

Those who adopt this view are very ably represented by Mr. J. D. Kirkwood, the Inspector of the Govan Board, and Editor of the Poor Law Magazine, who has gone so fully into the Campbelltown case, and referred also to other cases in a letter addressed to the Secretary of the Asylum, that the Memorialists lay it before Council in his own words.

"Campbelltown Account."

"The whole question must, in my opinion, be regulated by the provisions of the Poor Law Act, Section 40. — By that clause every person, who shall require parochial relief, is held to belong to the parish of chargeability till his settlement is admitted by some other parish, or otherwise determined. — The practical effect of this provision is, to create an additional parish of settle-

"ment, because by it the parish of charge-
 "ability cannot relieve itself from the
 "burden of the pauper's maintenance
 "unless by a grave delict of duty. - In
 "the case, then, of this (Campbeltown)
 "pauper, he was a person who had a
 "legal claim to relief from the parish
 "of Govan, from the date when the ap-
 "plication was made on his behalf, till
 "the question of his settlement was deter-
 "mined by a competent Court. - From
 "the latter date he ceased to be a Govan
 "pauper, and of that due intimation
 "was made to you. The Parish of Govan
 "was entitled to recover all the advan-
 "ces in so far as they did not exceed
 "similar advances made by Govan to
 "its own acknowledged poor. From
 "the date of the determination, how-
 "ever, the pauper's claim was admit-
 "tedly against the parish of Campbel-
 "town; and the proper course for the
 "Asylum then was, if the pauper
 "was to continue in the Asylum, to

'cancel the order of admission on my re-
'sponsibility, and obtain a new order on
'the responsibility of the Inspector of
'Campbeltown.'

"True, in the conversation with Mr.
 "Herr, he directed my attention to the 45th
 "clause of the Lunacy Act, and he ex-
 "pressed an opinion that by a true
 "construction of the clause, the pauper
 "must be dealt with as belonging to the
 "parish of ultimate settlement, not
 "from the date of determination merely,
 "but from the very day when he first
 "became a ^{patient} pauper. Now, with all defer-
 "ence, I differ most distinctly from Mr.
 "Herr's view. The meaning of the 45th
 "clause is simply to prevent any person
 "who may at some time become a pauper
 "lunatic from acquiring a settlement
 "by residence in the Asylum where he
 "shall have been maintained, out of
 "his own funds, or by his relations for
 "the requisite number of years prior
 "to the time of chargeability. In

"other words, in the recent case of Ann
 "Falconer transferred from mine to your
 "roll, her residence in Gartnavel for
 "nearly twenty years has no effect to
 "give her a settlement in this parish;
 "but that clause reserves entire all
 "my right of relief against the par-
 "ish of her settlement, and also the
 "parish from which she was removed
 "to the Asylum. This clause was
 "fully discussed in the recent
 "Supreme Court Case — Hirkwood
 "against Lennox," and the view of
 "now state, was that adopted by
 "the first Division of the Court
 "unanimously."

"In looking to this matter from
 "the Asylum point of view, I by no
 "means leave out of consideration the
 "obligations under which the Direc-
 "tors come to privileged parishes, but
 "here also, with all deference, I must
 "express my opinion to the effect that
 "that privilege only takes effect, whether

"you look to it in a moral or a legal point
 "of view, - from the date when the Asylum
 "first became aware that the lunatic
 "belonged to a privileged in place of
 "a non-privileged parish. - If any
 "other view was to be taken, the Asylum
 "Directors never can be able to say that
 "their books are closed, because let
 "them once admit the principle, and
 "the lapse of time, or even the cessation
 "of chargeability, forms no barrier to
 "the reclamation on the part of the
 "parish. On the other hand, if the
 "transfer is made from a privileged
 "parish to a non-privileged parish,
 "as was recently the case of a man, William
 "Hinlay, transferred by the City Parish
 "of Glasgow to me - after several years
 "maintenance in the Asylum - I most
 "distinctly refused and shall continue
 "to refuse, to pay one farthing more
 "than was paid by the City Parish
 "during the course of his chargeabili-
 "ty. In this refusal of mine, I know

"I was right, and if I was right on
 "that side of the question, the Directors
 "were equally entitled to refuse to refund
 "to the City Parish the larger sum paid
 "to the Asylum by me in a similar
 "case. You will observe that this
 "rule entails no hardship upon a
 "privileged parish, because that
 "parish is all along well aware of
 "the rate of payment which I and
 "other non-privileged parishes pay.
 "If then the case is hung up to a
 "lengthened period, the loss should
 "fall upon the parish and not upon
 "the Asylum."

The foregoing letter contains a
 very full argument in favor of one
 view of the proper mode of settle-
 ment in the case of transferred
 patients; but on the other hand,
 the Inspector of poor of the Parish
 of Campbelltown, in the case before
 alluded to, maintains that as
 the parish of settlement, and

that parish alone, is legally chargeable and ultimately liable for the patient's board; any other parish which may in the first instance have paid the board is entitled to demand repayment of its advances from the Asylum, while the Asylum can only enforce its altered and different rate of board against the parish of settlement; and the 45th Section of the Lunacy Act 1854 is referred to in support of this contention. This view is based on the principle that the date of the patient's admission to the Asylum is to be regarded as the date of his chargeability to the parish of settlement, and must regulate the rate of his chargeability to that parish, though he may have been charged for years to a different parish.

This conflict of opinion between Inspectors and parochial boards has led to much annoyance and also to

1st.

great trouble and to great uncertainty in the Asylum accounts. The Memorialists have no means of discovering the legal parish of settlement of their pauper patients. As the District Asylum they are bound to admit the pauper patients of Lanarkshire and of the privileged parishes before alluded to, whenever these patients are presented, with the requisite documentary evidence of insanity. — That evidence contains no information as to the parish of legal settlement. — Under such evidence, there are on an average 400 pauper patients in the Asylum; and in every instance the Memorialists, until warned to the contrary, assume and have no alternative but to assume that the patient belongs to the parish which sends him, and according to the scale applicable to that parish his board is charged. If any doubt exists on this point, the

matter is investigated by the parochial Inspectors; the investigation is not even known to the Memorialists; but when a different parish is ultimately fixed as the parish of settlement and intimation thereof made to the Asylum, the liability for board is transferred from the one parish to the other by the respective Inspectors themselves without reference to the Memorialists, and then come the claims and objections regarding rates of board into perplexing conflict, and the Asylum accounts though closed, are again opened up, and a most annoying discussion & change of rate are sure to follow.

In the circumstances before narrated and having reference to the constitution of the Asylum, and the original agreements with subscribing parishes, and also referring to the provisions of the Poor Law Act, and of the Lunacy Act of 1854, Counsel

is requested to advise the Memorial-
ists as to the proper mode in which
they should deal with the accounts
of transferred pauper patients: -
In other words whether, in every
case, no matter whether it comes
from a privileged or non-priv-
ileged parish, the date of the
patient's reception or the date of
his chargeability to the parish of
his legal settlement is to be held
as the date from which the dif-
ferential rate is to be charged
by the Memorialists.

The question may be put in an-
other shape, thus - Is the Asylum
entitled, after a different parish
from that which sent the patient,
has been fixed as the parish of his
legal settlement, to hold the first
parish as his settlement quoad
his board, until the liability of the
second has been intimated, and
to retain whatever rate privileged

or non-privileged, has been paid, commencing the differential rate and the liability of the legal parish of settlement at the date of the intimation, thus leaving the Inspectors of the two parishes to settle their claims of relief and responsibility betwixt themselves.

Perhaps the question laid before Counsel may be more briefly put - Is the parish sending the patient to the Asylum to be relieved from its responsibility ab initio, and is the amount of board received from that parish, to be repaid to it by the Asylum?

Opinion.

It appears to me that, under Sec: 70. of the Poor Law Act of 1845, the parish in which a pauper is found destitute becomes legally chargeable with his maintenance, until the parish of his settlement has been ascertained. No liability whatever

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whatever attaches to the parish of settlement until notice has been given by the relieving parish; and, even after notice, the chargeability of the latter parish not only remains until the pauper's settlement has been determined, but continues thereafter, either until the parish of settlement has made provision for the pauper's subsistence, or until the pauper has been removed under sec: 72. of the Statute. In either of these events, the parish affording relief is entitled to recover, from the parish of settlement, all charges and expenses incurred in respect of the pauper after the date of notice. The measure of this statutory right of relief is not the rate of maintenance which would have been allowed by the parish of settlement, had it at once admitted liability and removed the pauper, but the amount of alimony actually afforded, by the relieving parish, provided always that, in certain cases, the amount does not exceed the rate expended by such parish in relief of its own poor.

I am of opinion that the Royal Highways has no concern with these intra-parochial questions

questions of relief. The claim of the Asylum for the board of a lunatic pauper, in my opinion, lies directly against the parish which places him there, and which for the time is legally chargeable with the burden of supporting him. If such parish be not that of the pauper's settlement, I think the Asylum has nothing to do with the parish of his settlement, until the latter admits liability, and intimates to the Asylum that it, and not the relieving parish, is to maintain the pauper for the future. Accordingly the Asylum ought, in my opinion, to exact from the parish pending a pauper, the rate agreed on with that parish, until another parish comes forward and assumes liability; and that the Asylum ought not, upon such change of the parish maintaining the pauper, either to remodel their books or to pay back any of the rates received.

6 St. Colme Street Edin.
21st February 1870

The Opinion of


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Memorial
for
Glasgow Lunatic Asylum
for
Opinion of Counsel
1870

19 Feb 1870
W. Watson Esq
for Opinion
Three Guineas
per Watson

Opinion sent.

John Kerr, Writer, Glasgow.
Elliot & Fry

[AS AMENDED IN COMMITTEE.]

TO BE PROPOSED ON REPORT

BY

13th June 1871.

(152 a.)

Under 1 oz.

Lunatics (Scotland) Bill.

[AS AMENDED IN COMMITTEE.]

AMENDMENTS

TO BE PROPOSED ON REPORT

BY

THE LORD MELDRUM.

Clause 4, page 2, line 17, after ("asylum") insert ("supported
" by assessment"), and leave out from ("or") to ("maintenance")
in line 19, both inclusive.

line 20, after ("asylum") insert ("if the same
" be a district asylum supported by assessment,")

Clause 6, page 3, line 4, after ("asylum") insert ("supported
" by assessment"), and leave out from ("or") to ("maintenance")
in line 6, both inclusive.

LUNATICS (SCOTLAND) BILL.

MEMORANDUM

ON BEHALF OF

THE ROYAL EDINBURGH ASYLUM FOR THE INSANE.

The object contemplated by the fourth section of this Bill is to provide for the removal of insane prisoners from the general prison at Perth to District Asylums, or to Chartered or licensed Asylums wherein pauper lunatics are maintained, and the object of section sixth is to provide for the removal of such prisoners from local prisons to similar Asylums. Prisoners becoming insane in the general prison will be removed by order of one of the principal Secretaries of State, and those in local prisons by order of the Sheriff, and it is presumed that should the Bill pass into an Act such prisoners will be removed from the general or local prison where they are confined to the District or Chartered Asylum to which they would have been sent had they been ordinary pauper lunatics not under sentence or whose sentences had expired. It may be proper to explain that the District Asylums are those which have been erected by assessment in various districts in Scotland, under the provisions of the Lunacy Act, while the Chartered Asylums are those which had been previously erected by voluntary subscription, and which are to some extent private corporations. A very broad distinction therefore exists between the two classes of Asylums.

The Royal Edinburgh Asylum is a Chartered, not a District, Asylum, and as the law now stands insane prisoners are frequently sent to it from the neighbouring local prisons. The Physician-Superintendent however has it in his power to decline receiving them, and he occasionally exercises this power. By the present Bill he will be deprived of any discretion in the matter, and the managers of the Asylum, acting in concert with the managers of the Glasgow, Dundee, Aberdeen, and Montrose Chartered Asylums, are extremely desirous that in any

change of the law such power of declinature should be distinctly recognised and reserved. The following are amongst the grounds upon which they are unwilling to place the institutions under their charge entirely at the disposal of Government without any reservation :—

1. The above-named Asylums were erected by private contributions for the benefit of all classes of patients. There are confined within the walls of the Edinburgh Asylum, in addition to about 500 paupers, upwards of 200 patients belonging to the upper and middle classes, and in the other Chartered Asylums above-named there are many such patients. Some of these patients would feel much aggrieved were a law passed by which they might be compelled to keep company with criminals and convicts of every description, or might be associated with them even in name. The thought of the possibility of such a calamity befalling them would in many cases operate injuriously upon their mental state, while such of them as had friends who could afford to remove them would probably be transferred elsewhere.

2. The managers of the Asylums above-named have always shown themselves ready to receive and detain insane prisoners, where they considered that the interests of the institutions under their charge would not be affected, nor the welfare of private and respectable patients endangered. The custody of these insane prisoners has often been attended with inconvenience, and has sometimes been the cause of anxiety, but no complaints have been made. The managers are willing to continue to act as they have hitherto done in this matter, but they consider that they are entitled to the exercise of a discretionary power of declining to admit criminal patients, should circumstances seem to them to require it.

3. The managers of Chartered Asylums do not in general possess the machinery suitable for the detention of the worst class of criminals, and the degree of liberty which is found beneficial in the treatment of ordinary mental disease is incompatible with the safe custody of these. Hence the managers of the Asylums above named consider that they should have it in their power to decline receiving such patients.

4. The managers consider that if there be required greater accommodation for criminals than now exists, or accommodation for criminals of the dangerous class, it should be provided by the District Asylums, of which there are now twelve in different parts of Scotland, many of them with ample accommodation at their disposal. These Asylums were erected by assessment and are in no respect of the nature of private property. They can be altered if necessary to meet the requirements of any class of criminals, and it is submitted that criminals who cannot be easily accommodated elsewhere should be confined in them until their sentences expire. Thereafter, if it were thought desirable, such criminals might be

transferred to the Chartered Asylums to which they would at once have been sent had they not been undergoing criminal sentences.

A very slight alteration in each of Clauses fourth and sixth of the Bill will carry out all that seems to be required to render the proposed measure a highly beneficial change in the law. It is proposed to insert after the word "shall," in the 20th line from the top of page 2, the words "if the same be a district Asylum," and to delete the words, in the 4th, 5th, and 6th lines of page 3, "or a chartered or licensed Asylum in which pauper lunatics are maintained in terms of any contract for such maintenance."

The Bill under consideration unfortunately passed the House of Commons without the attention of the managers of any of the above-named Asylums having been directed to its provisions, otherwise an effort would have been made to get it altered in that House. It is hoped that the House of Lords will agree to the proposed amendments being adopted when the Bill comes to be reported, which will be on Monday 12th instant.

IN THE HOUSE OF LORDS.—SESSION 1871.

LUNATICS (SCOTLAND) BILL.

MEMORANDUM

ON BEHALF OF

**THE ROYAL EDINBURGH ASYLUM
FOR THE INSANE.**

D. SCOTT MONCRIEFF, W.S.,
Edinburgh.

CONNELL AND HOPE,
3, Prince's Street,
Westminster.

Lunatics (Scotland) Bill.

[AS AMENDED ON REPORT.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
2. Disposal of persons on indictment placed at Her Majesty's order under 20 & 21 Vict. c. 71.
3. Provision as to persons detained by judgment anterior to recited Act.
4. Relief of lunatic department in general prison from overcrowding.
5. Removals to and from general prison.
6. Disposal of persons becoming insane in local prisons.
7. Persons in custody may be reconveyed to prisons from which they have been removed.
8. Removal of doubts as to application to paupers of provisions for dangerous lunatics.

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PHYSICS

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B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to amend the Law relating to criminal and dangerous Lunatics in Scotland. A.D. 1871.

WHEREAS it is expedient to amend the law relating to criminal and dangerous lunatics 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 this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Criminal and Dangerous Lunatics (Scotland) Amendment Act, 1871." Short title.

2. When in terms of an Act of the twentieth and twenty-first years of the reign of Queen Victoria, intituled "An Act for the regulation of the care and treatment of Lunatics, and for the provision, maintenance, and regulation of Lunatic Asylums in Scotland," any person having been charged under indictment or criminal letters shall be ordered by the court to be kept in custody until Her Majesty's pleasure shall be known, any order which Her Majesty shall be pleased to issue in relation to the custody of such person may be renewed and varied from time to time, and it shall be lawful for Her Majesty, by an order under the hand of a principal Secretary of State, to authorise, on such terms and conditions as shall be specified in the order, the liberation from custody in prison or elsewhere of any person who has been ordered to be kept in custody as aforesaid, and if any of the conditions of such liberation are broken, any principal Secretary of State may, by warrant to be executed by any sheriff officer or by any officer of the General Prison at Perth to whom such warrant is delivered, direct such person to be taken into custody and to be conveyed to the place in which he was detained at the time of his liberation, or to

Disposal of persons on indictment placed at Her Majesty's order. 20 & 21 Vict. c. 71. ss. 87 and 88.

A.D. 1871.

any other place to which he might have been removed if no order for his liberation had been given; and any person so taken into custody shall revert in all respects to the same position as he was in at the time when the order for his liberation was given, and shall be subject to be detained accordingly.

5

Provision
as to persons
detained by
judgment
anterior to
recited Act.

3. When by judgment anterior to the time when the said Act of the twentieth and twenty-first years of Queen Victoria came in force any person charged on indictment or criminal letters has by reason of lunacy been detained until further order of court, or has been disposed of otherwise than by being placed at Her Majesty's disposal, the provisions of this Act, and all other provisions in any Act relating to Scotland authorising Her Majesty to dispose of persons who by reason of lunacy have been ordered to be detained until Her Majesty's pleasure shall be known, shall apply to persons who have been so detained or otherwise disposed of by such judgment.

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Relief of
lunatic
department
in general
prison from
overcrowd-
ing.

4. When in relation to any insane prisoner in the General Prison at Perth it is certified, on oath and conscience, by two medical persons that they have visited and examined such prisoner, and that in their opinion he is insane but that his insanity is of a kind which can be properly treated in a lunatic asylum, it shall be lawful for one of Her Majesty's Principal Secretaries of State, by a writing under his hand, to order that such prisoner be removed to any district asylum, or to any chartered or licensed asylum in which pauper lunatics are maintained in terms of any contract for such maintenance; and the managers or other administrators of the asylum named in the order shall, unless it be certified by Her Majesty's Commissioners in Lunacy that there is not sufficient accommodation at their disposal, be bound to provide for the reception of the prisoner named therein, and for his detention and maintenance, so long as he may be legally detained in such asylum; and if such prisoner be under a sentence which has not expired, the amount to be paid for his detention and maintenance until the expiry of his sentence shall be fixed by Her Majesty's Commissioners in Lunacy, and the same, when so fixed, may be charged in the accounts for the maintenance of the General Prison at Perth; and if such prisoner be not undergoing any sentence, section seventy-seven of the said Act of the twentieth and twenty-first Victoria, relating to the expense of the maintenance of lunatics, and all the provisions of the said Act and of any Act amending the same relating to the expense of the maintenance of lunatics in Scotland, shall apply to such prisoner while

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detained in a lunatic asylum upon an order made under the provisions of this Act: Provided that in the case of chartered asylums or licensed private asylums the consent of the managers or other administrators thereof, both as to the reception of any such person and as to the rate of board, shall be previously had and obtained without prejudice always to existing contracts.

A.D. 1871.

- 5 Any insane prisoner who has been removed from the general prison shall be conveyed back thereto on any order to that effect being issued under the hand of one of Her Majesty's Principal
10 Secretaries of State, and all orders for removal, whether from or to the general prison in terms of this Act, shall be directed to the governor of the general prison, who shall be responsible for the execution of the same.

Removals
to and from
general
prison.

6. When in relation to any person confined in a local prison
15 in terms of the "Prisons (Scotland) Administration Act, 1860," it is certified, on oath and conscience, by two medical persons that they have visited and examined such prisoner, and that in their opinion he is insane, it shall be lawful for the sheriff, on summary application at the instance of the administrators of such
20 prison, by a warrant under his hand, to order such prisoner to be removed to a lunatic asylum; and if the asylum named in such warrant be a district asylum, or a chartered or licensed asylum in which pauper lunatics are maintained in terms of any contract for such maintenance, the managers or other administrators thereof shall,
25 unless it be certified by Her Majesty's Commissioners in Lunacy that there is not sufficient accommodation at their disposal, be bound to provide for the reception of such prisoner, and for his detention and maintenance for the period during which he would have been liable to detention in such prison had he not been so removed; and the
30 amount to be paid for the removal of such prisoner to an asylum, and for detention therein, shall be charged against the assessment for current expenses under the administration of the Prison Board of the county in which the offence wherewith such prisoner is charged was committed, and in case of dispute the amount of
35 such payment shall be fixed by Her Majesty's Commissioners in Lunacy: Provided, that in the case of chartered asylums or licensed private asylums the consent of the managers or other administrators thereof, both as to the reception of any such person and as to the rate of board, shall be previously had and obtained without prejudice
40 always to existing contracts.

Disposal of
persons
becoming
insane in
local prisons.

7. The sheriff of the county in which the prison from which any person has been so removed is situate may, by a warrant under his
(222.)

A 3

Persons in
custody may
be recon-

A.D. 1871.

veyed to
prisons from
which they
have been
removed.

Removal of
doubts as to
application
to paupers
of provisions
for dangerous
lunatics.

25 & 26 Vict.
c. 54, ss. 15
and 16.

hand, order such person to be reconveyed to the prison from which he was so removed; and any warrant under the hand of a sheriff in terms of this Act shall be valid, and may be put in force either within the county of such sheriff's jurisdiction or elsewhere in Scotland; and, for the purposes of this Act, the term "sheriff" shall include "sheriff substitute."

8. For the removal of certain doubts in an Act of the twenty-fifth and twenty-sixth years of the reign of Queen Victoria, entitled "An Act to make further provision respecting Lunacy in Scotland," the provisions therein concerning lunatics charged with assault or other offence inferring danger to the lieges, or found in a state threatening danger to the lieges, or in a state offensive to public decency, shall not be limited to pauper lunatics, but shall apply to any person so charged or found, although he may not, by receiving parochial relief, or in any other form, come within the definition of a pauper, and the powers conferred upon Her Majesty's Commissioners in Lunacy of removal or transfer of any lunatic from any asylum in which he is detained to any other asylum shall apply to such lunatic.

Lunatics (Scotland).

B I L L

[AS AMENDED ON REPORT]

INTITLED

An Act to amend the Law relating to criminal and dangerous Lunatics in Scotland.

(Brought from the Commons 16th May 1871.)

Ordered to be printed 29th June 1871.

(322)

Under 1 oz.

Copy.

General Board of Lunacy,
Edinburgh, 22. May 1872.

The Clerk of the
District Lunacy Board,
Glasgow,
Sir,

I am instructed to inform you that application has been made to this Board for a License, authorizing the reception of curable and incurable lunatics into the Lunatic Ward, of the new Poorhouse of Govan erected at Merryflat; and I am directed to intimate to you for the information of the District Lunacy Board of Glasgow that it is the intention of the Board to comply with the request of the Govan Parochial Board unless adequate reasons to the contrary be submitted to them.

The Board will be glad to hear from you at as early a date as possible and not later than the 15. June as to the views of the District

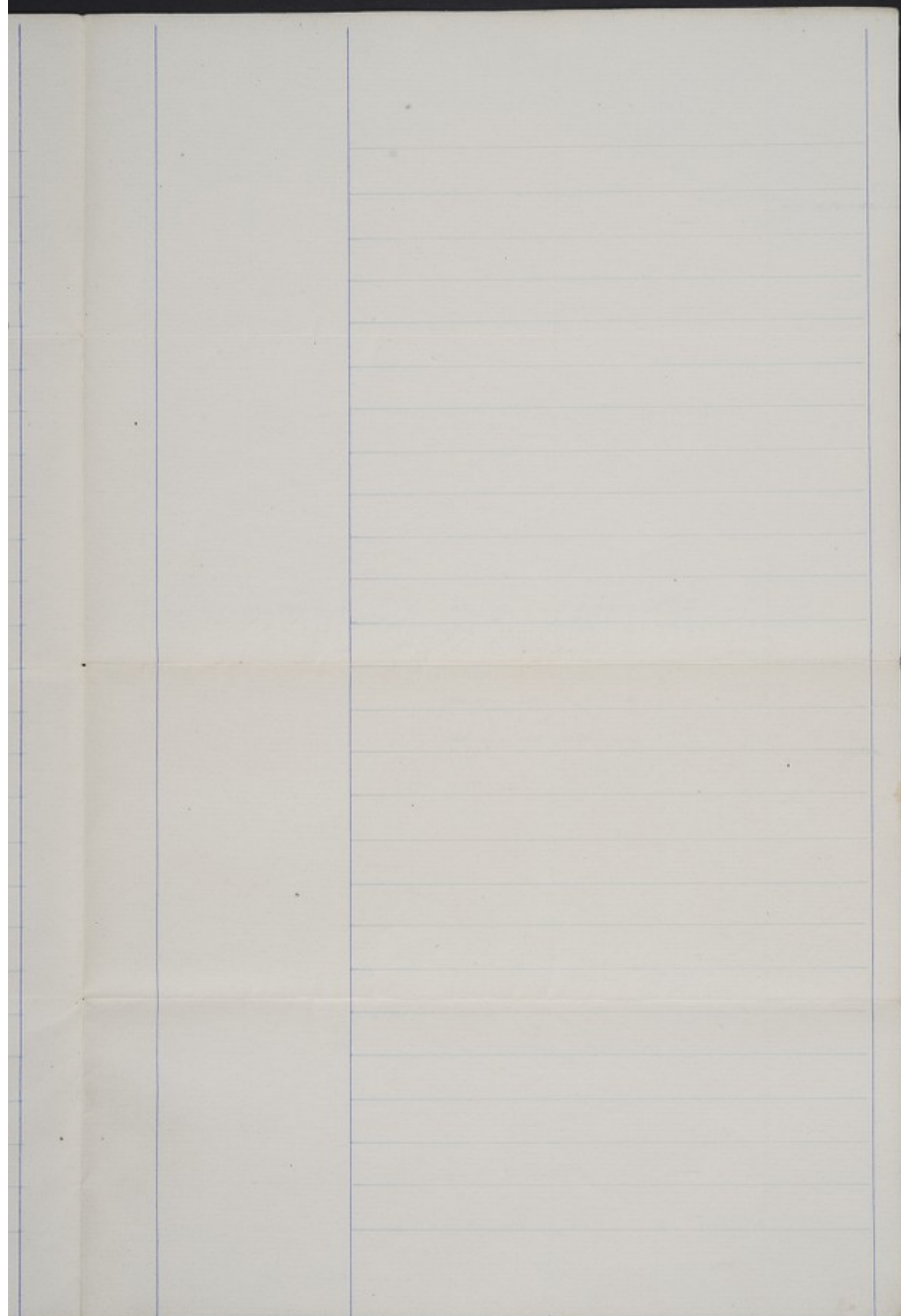
Board on this question.

I am, sir,

Your obed^t serv^t

(Signed) W. Forbes,

Secretary.



Copy
Letter from the
General Board of Lunacy,
Edinburgh,
to

The Clerk of the District
Lunacy Board, Glasgow.

22nd May 1872.

Glasgow District Board of Lunacy.

Glasgow 6th June 1872

Dear Sir,

I duly received your letter of the 3rd inst: and shall lay it before a Meeting of this Board which the General Board of Lunacy has fixed for the 13th inst:...

In answer to a request made by me for a copy of the application made by the Govan Parochial Authorities, Mr. Forbes the Secretary of the General Board writes "It is unnecessary for me to send you the application of Govan for a Licence, it is enough to say that an application has been made for a first class Licence"

Yours faithfully
Wm Young

Club Secretary to the
District Board

J. Roxburgh Strong Esq^r

Secretary to

Glasgow Royal Lunatic Asylum

110 West George Street

Copy.

General Board of Lunacy,
Edinburgh, 8th June, 1872.

Alex^r. Young Esq^r
District Lunacy Board,
Glasgow.
Sir,

In reply to your letter of yesterday's date I beg to say that the application referred to, a copy of which is enclosed, is simply an application for a first class license, by which is meant a license to receive all classes of patients—both curable and incurable.

In giving the District Board notice that this application had been made by the Parochial Board of Govan and that the Board intended to comply with the request, it was not in the expectation that the District Board would raise objections. But because it was thought right to give them an opportunity of doing so, if any reasons for objecting occurred to them.

The effect of granting a first class license to the Lunatic Wards of the Govan Poorhouse would be to place them on the
same

same footing as the Lunatic Ward of the
City and Barony Poorhouses.

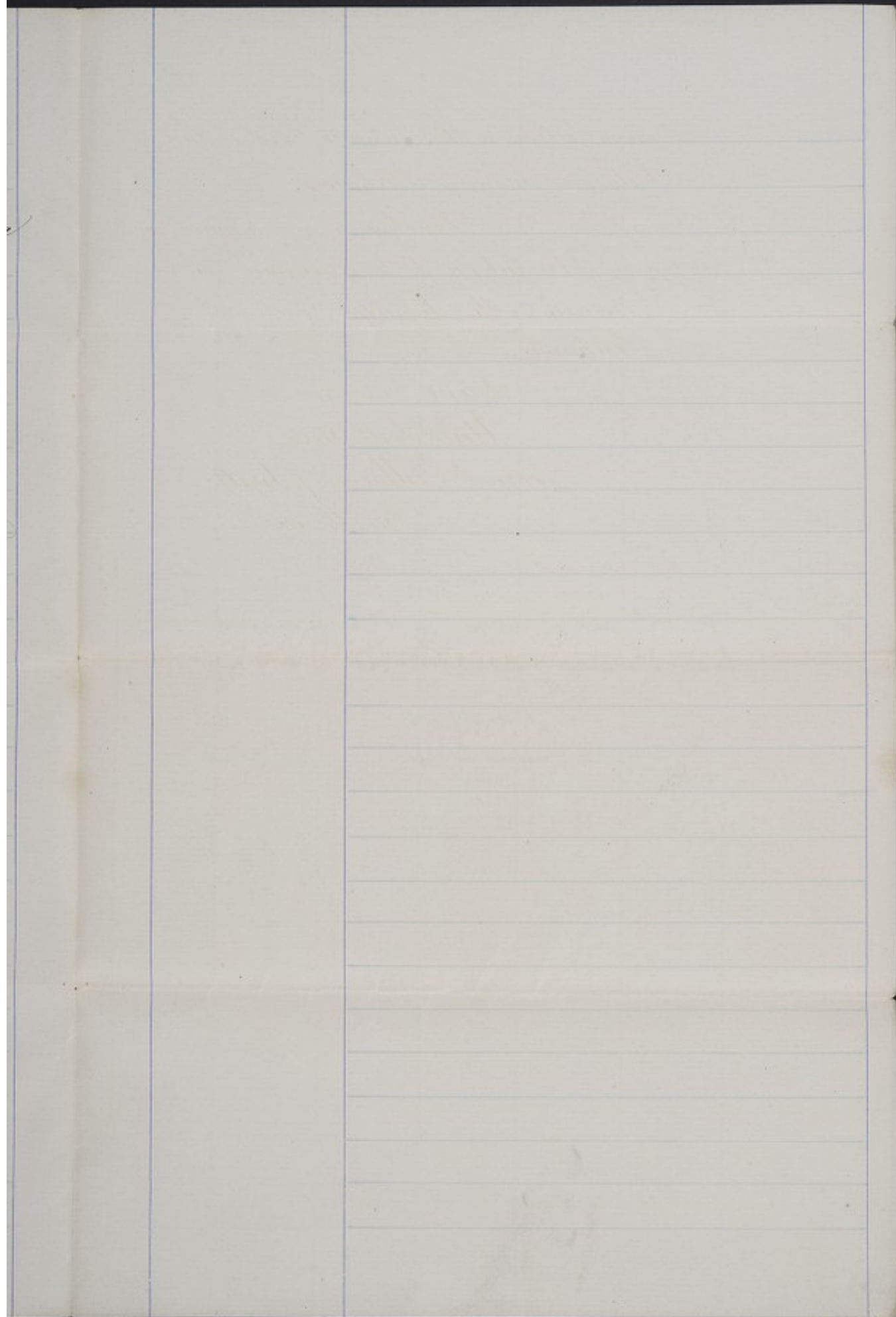
I enclose, as you request, a
copy of the rules as to the granting of
Licenses to the Lunatic Ward of
Poorhouses.

I am, Sir,

Your obed^t. Serv^t.

(signed) William J. Batt.

For the Secretary.



Copy

Letter from the
General Board of Lunacy
Edinburgh
to
Alexander Young Esq.
Clerk of the district Lunacy
Board. Glasgow.

8th June 1872.

Relative to application for a
~~License~~ made by Govan Parish
for a Licence to accommodate
Lunatics in Merryflats.

110, WEST GEORGE STREET,
GLASGOW, 19th February, 1878.

DEAR SIR,

In compliance with a requisition addressed to me by three of the Directors, in terms of the Regulations, I hereby call a *pro re nata* Meeting of the Directors of the Glasgow Royal Asylum for Lunatics, to be held in the RELIGIOUS INSTITUTION ROOMS, 172 Buchanan Street, on *Thursday, the 21st instant, at a Quarter to Two o'clock afternoon*, for disposal of the undermentioned business.

Your obedient Servant,

J. ROXBURGH STRONG, C.A.,
Secretary.

B U S I N E S S :

In view of the present crowded state of the Asylum, to consider the propriety of cancelling the existing Agreement with the District Lunacy Board, and to give instructions.

L. K. L. A.

Circular
calling Meeting of
Directors,

19th February,
1878

Lanarkshire Parishes

Parish	Post Town
✓ Pittenaim	Lanark
✓ Rutherglen	Rutherglen
✓ Stonehouse	Hamilton
✓ Symington	Biggar
✓ Throth	Throth
✓ Mandell & Lamington	Biggar
✓ Winton & Robertson	Biggar
✓ Waleston	Biggar
✓ Alexander Young, Clerk to District Council Board	
✓ Secy. General Board of Lunacy, Edin.	

Lanarkshire Parishes

Parish	Post Town
✓ Avondale Parish, Motherwell	Strathaven
✓ Bothwell	Bothwell
✓ Biggar	Biggar
✓ Blantyre	Blantyre
✓ ^{City} Barony ^{City} Barony	Glasgow
✓ ^{City} Barony ^{City} Barony	Bishopbriggs
✓ ^{City} Barony ^{City} Barony	Carluke
✓ Carlisle	Carluke
✓ Crawford	Abington
✓ Crawford John	Abington
✓ Culter	Biggar
✓ Carmichael	Lanark
✓ Carmunnock	Bushby
✓ Carstairs	Lanark
✓ Carmath	Carmath
✓ Covington	Shankerton
✓ Cambusnetham	Midland
✓ Cambuslang	Glasgow
✓ Dolphinton	Dolphinton
✓ Douglas	Lanark
✓ Ddcruf	Larkhall
✓ Dunmore	Dolphinton
✓ Dalziel	Motherwell
✓ Barony ^{City} Barony ^{City} Barony	Glasgow
✓ Glassford	Hamilton
✓ Hamilton	Hamilton
✓ East Kilbride	East Kilbride
✓ Lanark	Lanark
✓ Leamahagart	Leamahagart
✓ Liberton	Liberton Carmath
✓ New Monkland	Airdrie
✓ Old Monkland	Coatbridge

22nd May 1871,

List of Barishee

to whom notices

(about day's accommodation)

have been sent.

—

GLASGOW ROYAL ASYLUM FOR LUNATICS.

QUESTIONS.

CONTAINED in Memorial submitted to WILLIAM WATSON, Esquire, Advocate, by the Glasgow Royal Asylum for Lunatics at Gartnavel, and

OPINION OF COUNSEL

on these questions, which relate to the practice to be observed in future by the Asylum in charging the board, &c., of transferred Lunatic patients.

QUESTIONS.

In the circumstances narrated in the Memorial, and having reference to the Constitution of the Asylum, and the original agreements with subscribing parishes, and also referring to the provisions of the Poor Law Act, and of the Lunacy Act of 1857, Counsel is requested to advise the Memorialists as to the proper mode in which they should deal with the accounts of transferred Pauper patients; in other words, whether, in every case, no matter whether it comes from a privileged or non-privileged parish, the date of the patient's reception, or the date of his chargeability to the parish of his legal settlement, is to be held as the date from which the differential rate is to be charged by the Memorialists?

The question may be put in another shape, thus:—Is the Asylum entitled, after a different parish from that which sent the patient has been fixed as the parish of his legal settlement, to hold the first parish as his settlement *quoad* his board, until the liability of the second (parish) has been intimated, and to retain whatever rate, privileged or non-privileged, has been paid, commencing the differential rate and the liability of the legal parish of settlement at the date of the *intimation*, thus leaving the Inspectors of the two parishes to settle their claims of relief and responsibility betwixt themselves?

OPINION.

It appears to me that, under Sec. 70 of the Poor Law Act of 1845, the parish in which a pauper is found destitute becomes legally chargeable with his maintenance until the parish of his settlement has been ascertained. No liability whatever attaches to the parish of settlement until notice has been given by the relieving parish; and even after notice, the chargeability of the latter parish not only remains until the pauper's settlement has been determined, but continues thereafter either

until the parish of settlement has made provision for the pauper's subsistence, or until the pauper has been removed under Sec. 72 of the Statute. In either of these events, the parish affording relief is entitled to recover from the parish of settlement all charges and expenses incurred in respect of the pauper after the date of notice. The measure of this statutory right of relief is not the rate of maintenance which would have been allowed by the parish of settlement, had it at once admitted liability and removed the pauper; but the amount of aliment actually afforded by the relieving parish, provided, always, that in certain cases the amount does not exceed the rate expended by such parish in relief of its own poor.

I am of opinion that the Royal Asylum has no concern with these intra-parochial questions of relief. The claim of the Asylum for the board of a lunatic pauper, in my opinion, lies directly against the parish which places him there; and which, for the time, is legally chargeable with the burden of supporting him. If such parish be not that of the pauper's settlement, I think the Asylum has nothing to do with the parish of his settlement until the latter admits liability, and intimates to the Asylum that it, and not the relieving parish, is to maintain the pauper for the future. Accordingly the Asylum ought, in my opinion, to exact from the parish sending a pauper the rate agreed on with that parish, until another parish comes forward and assumes liability; and that the Asylum ought not, upon such change of the parish maintaining the pauper, either to remodel their books or to pay back any of the rates received.

THE OPINION OF

(Signed) WM. WATSON.

6 ST. COLME STREET,
EDINBURGH, 21st February, 1870.

Asylum Chambers, 110 West George Street,
Glasgow, 8th March, 1870.

Sir,

I beg to call your attention to the prefixed copy of Questions submitted to Counsel by the Directors of the Glasgow Royal Asylum for Lunatics, and of Counsel's opinion thereon, both of which you will perceive relate to the practice of the Asylum in regard to transferred Lunatic Patients. And I am instructed by the Directors to intimate to you that in future the practice pointed out by Counsel will be observed in every case of transferred Patients in which the Asylum is interested.

I remain, Sir,

Your most obedient Servant,

I beg to call your attention to the fact that the
original is forwarded by the Director of the
Bureau and of course a copy of the same will
be sent to the Director of the Bureau. I am
also directed by the Director to inform you that the
particulars of the same will be found in the
document in which the same is mentioned.

I remain, Sir,

Very respectfully,
Your most obedient servant,

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Asylum Accommodation for Pauper Lunatics.

The Directors of the Glasgow Royal Asylum request the special attention of the Inspectors of Poor of Lanarkshire to the following notice.

The Glasgow Royal Asylum, Gartnavel, has for many years past received the pauper lunatics of the Lanarkshire District under a Contract with the District Board of Lunacy.

The population of Lanarkshire has increased so greatly since this Contract was made that the Asylum has for years been extremely crowded.

The erection of separate Asylums by the Govan Combination and by the Barony Parish, for the accommodation of their own patients, afforded material relief; but the over-crowding has again become so great that the Directors are unable for want of room satisfactorily to accommodate all the patients, and they are thus reluctantly compelled to terminate their agreement with the District Lunacy Board.

Notice to this effect was accordingly given, as provided for by the Contract, and this notice expires today on 21st May. 1878.

Although no longer bound by Contract, the Directors are most willing to continue to receive the pauper lunatics of the District as heretofore, so far as the accommodation at their disposal will enable them to do so.

The Institution exists for the Public good, and the Directors are anxious that it should subserve this end to the utmost possible extent.

In order to avoid dangerous delay in the admission of patients and to lessen the inconvenience to the parochial Officers, ^{the Directors} ~~they~~ have adopted the following regulations, it being of course understood that the Statutory requirements are duly observed in every case.

1. All recent and urgent cases will until further notice be received at once without previous enquiry as to accommodation.
2. In all other cases previous enquiry must be made by letter addressed to the Physician-Superintendent, and the patients' sex, age, & duration of illness must be stated. If there be room, authority for the patients' admission will be at once forwarded.

3. The following classes of cases cannot be admitted at present.

— Idiots and Imbeciles who are not dangerous, Old cases of insanity which can be managed at home or in an ordinary dwelling, and cases due to the enfeeblement of old age which only require care and nursing.

It is absolutely necessary that these Regulations be carefully observed. Otherwise admission must be refused even although the patient be brought to the Asylum.

Robertson Strong
Secretary

110 West George Street
Glasgow, 21st May 1878

Notes
regarding
Asylum Accommodations
for pauper Lunatics.

1878.

At Glasgow and within the
Religious Institution Rooms
the Twenty third day of July
Eighteen hundred and twenty eight,
At a pro re nata meeting of the
Directors of the Glasgow Royal
Asylum for Lunatics, held for
the purpose of considering what
reply should be given to an Enquiry
by the Glasgow District Board of
Lunacy, regarding the future
accommodation of their Pauper
Lunatics in Gartnavel.

Present,

Mr William West Watson,

" John Brown Junior,

" John Roxburgh,

" James Brown,

" Alexander Begg,

" John Clark,

Dr Yellowlee.

Mr William West Watson in the Chair.

The Secretary read to the Meeting
a Letter which he had received from Mr
Alexander Young, Clerk to the Glasgow

District Lunacy Board, in the following terms; -

"Glasgow District Board of Lunacy."

Glasgow 20th June 1878.

Dear Sir,

The Glasgow District Board of Lunacy understand that, although the Directors of the Royal Asylum at Gartnavel have put an end to the Agreement with the District Board for the accommodation of the whole super lunatics of the District, yet the Directors are still disposed, for a number of years to come at all events, to undertake to give to the District Board a certain limited amount of accommodation.

In estimating the amount of accommodation which the District Board will require to provide, it is necessary that it should know to what extent the District Board can calculate on accommodation being got in the Royal Asylum. I have therefore been directed by the District Board to ask you to be good enough to let me know at your earliest convenience how many Patients the Directors will undertake to accommodate, and for what number of years, after the probable time when the District Board are likely to have their next accommodation ready? -

I am Dear Sir,

Yours truly

(J. J.) Alex Young
Clerk

"J. Foxborough Strong Esq."

Glasgow Royal Asylum for Lunatics.

X Take in from
Separate paper

At the request of the Chairman,
Dr Fallowfield reported that after careful
consideration and having made a minute
inspection of the East House, he was of
opinion that, while providing for an increase
of the lower paying class of ~~Patients~~ private
in the House, patients, the Directors could undertake

He considered it

to accommodate in hospital
150 men and 100 women
in all 250 pauper patients belonging to the

reported that, after very careful consideration and repeated inspection of all the apartments, he was of opinion that accommodation should be ^{afforded} provided in the East House for Private patients at the lower rates of Board to the extent of 50 of each sex, — that the maximum number of Pauper patients who could thereafter be properly accommodated was 150 men and 100 Women — and that a Contract to this extent or thereby might be entered into with the District Lunacy Board.
He considered to be

The Secretary was instructed to communicate to the District Board, as a reply to their enquiry, the resolution now adopted by the Directors.

to accommodate in Hartnave -

150 men and 100 women,
in all 250 pauper patients belonging to the
District Lunacy Board, - and that to this
extent or thereby a contract might be

in with that
Board?

extended into 5. He further considered that
these numbers should be subject to alteration
to the extent of ten of each sex at the end
of every second or third year of such contract,
and that the patients to be sent to Hartnave
should not be selected from any Asylum or parish
but should be fresh cases as they arise among
the general population, and ought to comprise
the whole and not merely a portion of the
Lunatics of any parish.

It was moved by Mr. Begg, seconded
by Mr. Clark, & unanimously agreed to, that
Dr. Yellowlees' Report be approved of and that
it be remitted to the Weekly Committee to
negotiate and carry into effect an arrangement
with the District Lunacy Board on the footing
of the Report, and to do whatever is necessary
for that purpose.

The Secretary was instructed to communicate
to the District Board, as a reply to their enquiry,
the resolution now adopted by the Directors.

Part C Minute
of
pro re nata meeting of
Directors of the Glasgow
Royal Asylum,
held on
23rd July 1878.

J. Leitch & Son, Glasgow.

UNTO THE MOST NOBLE
THE MARQUIS OF LOTHIAN, SECRETARY FOR SCOTLAND,

THE
MEMORIAL
OF THE

PAROCHIAL BOARDS OF THE PARISHES IN THE DISTRICTS IN
WHICH THERE ARE ROYAL ASYLUMS ONLY,

HUMBLY SHEWETH,—

THAT by the Act 20 and 21 Vict., cap. 71, sec. 49, Scotland was divided into districts for the purpose of the administration of the said Lunacy Act.

That section 61 of 40 and 41 Vict., cap. 53, provides for the appointment of a District Board for each of these districts.

That sections 51 and 52 of the first-mentioned Act require the said Boards to provide the accommodation necessary for the reception and treatment of the lunatics in these districts.

That section 59 provides that "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 may 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 hereinbefore conferred upon the Board."

That section 60 provides that the Crichton Royal Institution and the Southern Counties Asylum shall be obliged to receive the pauper lunatics who may be sent thereto by the Parochial Boards of the counties of Dumfries and Wigton and the stewartry of Kirkeudbright.

That the said sections 59 and 60 were introduced, your Memorialists have reason to believe, at the instance of the Managers of Royal Asylums, to protect the interests of these institutions.

That in consequence of the provisions contained in the said sections 59 and 60, no District Asylums have been built in the districts in which there are Royal Asylums, the latter having agreed with the District Boards to receive all the lunatics chargeable to the parishes in the districts in which such asylums are situated.

That the following are the Royal Asylums in Scotland, viz. :—

- The Edinburgh Royal Asylum, Morningside, for the Urban District of Edinburgh and Orkney;
- The Dundee Royal Asylum, for part of Forfar;
- The Montrose Royal Asylum, for Caithness, part of Forfar, Kincardine, and Shetland;
- The Glasgow Royal Asylum, Gartnavel, for Lanark;
- The Aberdeen Royal Asylum, for Aberdeen;
- The Crichton Institution and Southern Counties Asylum, for Dumfries, Wigtown, and Kirkcudbright.

That the constitution of the Directorate of these Asylums is as follows, viz. :—

EDINBURGH.—By Royal Charter, granted 11th April, 1807, it is ordained that the Edinburgh Royal Asylum shall be governed by one governor, five deputy-governors, and by twenty extraordinary managers, who shall consist of the Lord Provost of the City of Edinburgh for the time being, the Lord President of the Court of Session, the Lord Justice-Clerk of the Court of Justiciary, the Lord Chief Baron of the Court of Exchequer, His Majesty's Advocate and Solicitor-General for Scotland, the Dean of the Faculty of Advocates, the Deputy-Keeper of His Majesty's Signet, the Representative in Parliament for the City of Edinburgh, the Representative in Parliament for the County of Edinburgh, the Sheriff-Depute of the County of Edinburgh, the Principal of the University of Edinburgh, the President of the Royal College of Physicians, the President of the Royal College of Surgeons, the Senior Minister of the City of Edinburgh, the Master of the Merchant Company, the Preses of the Society of Solicitors before the Supreme Courts of Scotland, the Judge of Police of the City of Edinburgh, the Dean of Guild of Edinburgh, and the Deacon Convener of the Trades of Edinburgh,—all for the time being, and their successors in office; and by twelve ordinary managers, four of whom (together with the Governor and five Deputy-Governors) may be named out of the foresaid extraordinary managers, and from those contributors to the charitable institution authorised to be established by the said Charter, who shall have contributed the sum of ten pounds towards the same.

By the Act 14 and 15 Vict., cap. 106, it is provided that the extraordinary managers of the said Asylum shall be the same official persons as those specified in the said Charter, or those of them whose offices shall from time to time continue to exist, with the addition of the Members of Parliament for the City of Edinburgh; and that the Board of Ordinary Managers shall consist of fifteen members, of whom the Lord Provost of the City of Edinburgh for the time being shall always be one *ex officio*, and the remaining fourteen members shall be elected by the whole Managers, extraordinary and ordinary, assembled at the next annual meeting of the Corporation, to be held on the last Monday of February, 1852; and all vacancies which shall thereafter occur, whether by death, resignation, retirement, or other cause, shall be filled up by election in like manner by the whole Managers, extraordinary and ordinary, assembled at the annual meeting of each year subsequent to that in which any such vacancies shall occur; and of the said Board of Ordinary Managers five shall be a quorum.

DUNDEE.—By Royal Charter, dated 27th May, 1875, the Board of Management is composed as follows, viz. :—*Extraordinary Directors*.—The Lord-Lieutenant of the County of Forfar, the Representative in Parliament of the County of Forfar, the Representatives in Parliament of the Royal Burgh of Dundee, and the Moderator of the Synod of Angus and Mearns, all for the time being, and certain other individuals, not exceeding five in number, for and during their respective lives, to be elected by the Directors of the Corporation referred to in the Charter, in manner and at times to be fixed by the bye-laws hereinafter mentioned. *Ordinary Directors*.—The Provost, the Senior Bailie, and the Dean of Guild, all of the Royal Burgh of Dundee, for the time being; three persons to be chosen by the Nine Incorporated Trades of Dundee, being members of one or other of the said trades, and each of the persons so chosen being of a different trade from the others; four persons to be chosen by the Guildry Incorporation of Dundee, one of whom shall be a

member of the Fraternity of Maltmen of Dundee; one person to be chosen by the Fraternity of Masters and Seamen of Dundee; one person to be chosen by the Presidents or Chairmen of the several Masonic Lodges or Societies in Dundee who have already contributed, or may hereafter contribute, twenty guineas to the funds of the Asylum; two persons to be chosen by the Kirk-Session of Dundee; two persons to be chosen by the Presbytery of Dundee; four persons to be chosen by the Commissioners of Supply of the County of Forfar; and eight persons to be chosen by the governors of the Dundee Infirmary Establishment, two of which eight persons shall be medical practitioners in Dundee, and one shall be a minister of a dissenting congregation in Dundee.

It is also provided that all the Ordinary Directors must be members of the different elective bodies by whom they are chosen, and shall be elected annually on or before the second Monday of June in each year; and notifications in writing of such elections shall be sent to the secretary of the corporation hereby erected, on or before the said second Monday of June yearly; and if any of the elective bodies shall cease to exist, or fail in notifying the elections in manner aforesaid, then the Directors of the Corporation hereby created, acting at the time at their General Court, in or about the third week in June yearly, as may be fixed by the bye-laws, shall proceed to elect for the year ensuing and from the body or bodies so failing, or in the event of any elective body ceasing to exist, from the general community or public, the number of persons as ordinary directors, which each of such bodies is or was entitled to elect.

MONTROSE.—By Royal Charter, dated 20th October 1810, the management of the affairs of "The Royal Lunatic Asylum, Infirmary, and Dispensary of Montrose" is vested in a Corporation consisting of the Provost and eldest Bailie of Montrose, for the time being, and by forty-eight other managers (excepting in the events of the said Provost and eldest Bailie, or either of them, happening previously to their or his election into these offices, to have been managers, in which events the number shall be only forty-six or forty-seven, as the case may be, so that the total number of managers shall never exceed fifty, nor be fewer than forty-eight), and any seven of the said managers shall form a quorum; and these managers shall consist of the said Provost and the said eldest Bailie of Montrose for the time being; thirty managers elected from the inhabitants of the said Burgh of Montrose (including the said Provost and eldest Bailie, or either of them, if they or either of them shall have been managers previous to their election into these offices); and the remainder shall always consist of eleven gentlemen of landed property, and five clergymen of the Established Church of the parishes in the neighbourhood of Montrose.

It is further provided that the managers shall meet on Tuesday in the second week of June, annually, for the purpose of making bye-laws, for auditing of accounts, and for the election of managers in the room of such as may have died, resigned, or otherwise have been removed from the management during the course of the year preceding.

GLASGOW.—The Directorate consists of—The Lord Provost of Glasgow, the Chief Magistrate of Paisley, the Professors of Anatomy and Medicine in the University of Glasgow, and the Physician to the Asylum, all *ex officio*; representatives from the Town Council of Glasgow, the Merchants' House, the Trades' House, the Faculty of Physicians and Surgeons, the General Session, and from the general body of qualified contributors.

ABERDEEN.—The Directorate of this Asylum is incorporated with that of the Aberdeen Royal Infirmary, and is composed as follows, viz :—

1. The Lord Provost, the Bailies, the Dean of Guild, the Treasurer, the Master of Mortifications, the immediately preceding Lord Provost, the Town Clerk, the Convener of the Trades, all of the City of Aberdeen;
2. The Professor of Medicine in the University of Aberdeen, the Professor of Chemistry in that University;
3. The Moderators of the Established and Free Synods of Aberdeen, the Bishop of the United Diocese of Aberdeen and Orkney;

4. The Members of Parliament for the City and County of Aberdeen, or for any division or district thereof respectively ;

5. The President of the Medico-Chirurgical Society of Aberdeen ;

6. The Trustees of the deceased John Burnett of Dens, who may from time to time be assumed and acting under his deed of mortification in virtue of which the lands of Kinnadie and other funds are now vested in perpetuity in the Corporation ;

7. The Principal of the University of Aberdeen, the Professor of Divinity of that University, the eldest minister of Aberdeen of the Established Church, and the Rector of the Grammar School of Aberdeen, all for the time being, agreeably to the provisions contained in the settlement of the late Doctor James Dun, Rector of said Grammar School ;

8. One person to be nominated by the Managers of the moneys collected for pious purposes in St. Paul's Chapel in the City of Aberdeen ;

9. One person to be nominated by the Society of Shipmasters there. One person to be nominated by the Incorporated Trades ;

10. Two nominees in perpetual succession for and during their respective lives to be elected as life managers by the Trustees acting under the trust disposition and settlement and codicils of the late Elizabeth Crombie Duthie of Ruthrieston, whom failing, by the Senatus Academicus of said University of Aberdeen ;

11. Every person for and during his life who shall contribute and pay from his own means the sum of fifty pounds as a contribution to the funds ;

12. Every person for and during his life who shall regularly contribute from his own means a sum of not less than five pounds annually to the funds, so soon as such annual contribution shall amount to the sum of fifty pounds ;

13. Every person for and during his life who, by professional services rendered or performances given, or other means used for the express purpose of raising funds for the Corporation, shall collect and pay over a sum of not less than fifty pounds as a contribution to the funds ;

14. Provided always that in the event of any person, in terms of any of the three preceding paragraphs, so contributing or so collecting and paying over any such sum of fifty pounds, not himself desiring to act, then and in that case the nominee of such person appointed with the concurrence of the Corporation may act for and during the life of such nominee ;

15. The nominee for and during his life of every corporation, congregation, society, association, combination, company, club, employes of any company or firm, or workmen following the same or similar trades or occupations, however constituted, combined, or associated, respectively collecting and contributing to the funds not less than fifty pounds, which nominee may be appointed by the session, deacons' court, vestry, or other office-bearers of such congregation, or by the committee, managers, directors, or other conductors of such corporation, society, association, company, combination, club, employes, or workmen, or in such other way as the Corporation shall from time to time by regulation determine ;

16. The nominees for and during their respective lives in the numbers respectively after-mentioned appointed, with the concurrence of the Corporation, by a testator bequeathing or named, with the like concurrence of trustees and executors paying to the funds sums of the amounts following, namely :—One representative for a sum of not less than fifty pounds, two representatives for a sum of not less than one hundred pounds, three representatives for a sum of not less than three hundred pounds, and four representatives for a sum of not less than five hundred pounds ;—declaring always that the trustees or executors of a testator, who has failed to nominate or to empower them to nominate representatives, may themselves nominate representatives in the like proportions ;

17. The nominees in perpetual succession for and during their respective lives, and to the number after specified, named from time to time in such way as shall satisfy the Corporation, by a donor or testator, or in virtue of powers conferred by a donor or testator giving or bequeathing or mortifying, for the benefit of the Corporation, estates or other property, heritable or movable yielding or capable of yielding a free annual revenue, reckoning at the time of its becoming available to the Corporation, of the amounts following, namely :—an annual revenue of not less than fifty pounds, two representatives, an annual revenue of not less than one hundred pounds, three representatives, and an annual revenue of not less than two hundred pounds, four representatives.

18. The nominees for one year of every corporation, congregation, society, association, combination, company, club, employes of any firm or company, or workmen following the same or similar trades or occupations, however constituted or combined, collecting, contributing, or paying to the funds the annual sums following, namely:—an annual contribution of not less than fifteen pounds, one representative, and for each additional contribution of fifteen pounds, after the first, one additional representative; and such representative or representatives may be nominated either by the session, deacons' court, vestry, or other office-bearers of such congregation, or by the committee, directors, or others managing such corporation, society, association, combination, company, club, employes, or workmen, or in such other way as the Corporation shall from time to time by regulation determine;

19. The nominees for one year, to the number after specified, appointed by every presbytery, or by the clergy of every diocese, the congregations within the bounds of which presbytery or diocese respectively contribute yearly or for one year to the funds, exclusive of, and after deducting the yearly contributions of the congregations within said respective bounds, entitled in virtue of their contributions to nominate representatives in their own right respectively, sums as follows, namely—a yearly sum of not less than twenty-five pounds, one representative; a yearly sum of not less than fifty pounds, two representatives; a yearly sum of not less than seventy-five pounds, three representatives; and a yearly sum of not less than one hundred pounds, four representatives, such nominees being appointed with the concurrence of the Corporation;

20. Every person who shall contribute from his own means an annual subscription of not less than three pounds;

21. Every person who shall contribute from his own means an annual subscription of not less than one pound, so soon as such subscription shall amount to three pounds, and thereafter for and during each year in which an annual contribution of one pound shall continue to be regularly paid to the Treasurer;

Provided always that the admission and right to act as managers of the said contributors or donors, and of the said nominees and representatives of the contributors, donors, testators, trustees, or executors, corporations, congregations, societies, associations, combinations, companies, clubs, employes, and workmen, and of the said presbyteries and dioceses, shall not commence until the expiration of such time after the money, in respect of which the right to claim admission arises, has been paid to the Treasurer, as the Corporation shall by regulation made, as hereinafter provided, determine, and provided also that every payment to the funds of the Corporation, requisite to qualify for the office of manager, may be payable to the Royal Infirmary Convalescent Hospital and Lunatic Asylum, or to one or other of them;

22. And also the persons named and designed in the Schedule A to this Act, such persons having been duly admitted by the existing Corporation as managers thereof for life.

CRICHTON ROYAL INSTITUTION AND SOUTHERN COUNTIES ASYLUM.—This Institution was founded and endowed by Mrs. Elizabeth Crichton out of the surplus estate of her husband, James Crichton, Esquire, of Friars' Carse, Dumfriesshire, and by Act of Parliament, dated 3rd July, 1840, a corporation of trustees and directors was formed as follows, viz:—

Trustees.—Elizabeth Crichton, William Grierson, and Charles James Johnston, to be trustees during their respective lives, with power to nominate, by a writing under her or his hand, a person to succeed upon her or his death to the office of trustee, which person was also entitled to name her or his successor, and so on in all time coming; Provided that, in the event of any of the said trustees or their successors failing to make such nomination, then the remainder of the trustees then acting to nominate a person to succeed upon every such vacancy; and every such person so appointed to have the same privilege of appointing her or his successor.

Additional Trustees.—His Grace the Duke of Buccleuch and Queensberry, and his successors, Dukes of Buccleuch or Queensberry, for the time being; the Right Honourable the Earl of Galloway, and his successors, Earls of Galloway, for the time being; and the Right Honourable the Earl of Selkirk, and his successors, Earls of Selkirk, for the time being; the Lord

Lieutenant for the Shire of Dumfries for the time being; the Member serving in Parliament for the said Shire for the time being; and the minister for the time being of St. Michael's Church, in the town of Dumfries.

Directors.—James Macalpine Leny, Esquire of Dalswinton, Francis Maxwell, Esquire of Gribton, John Babington, Esquire, David Melville, Esquire, and John Staig, Esquire,—two of the said directors to retire, as may be determined by lot amongst themselves, at the annual general meeting in 1841, and two other persons to be appointed in their stead by the remaining trustees and directors present at such meeting, and at the next annual meeting, two others of the directors to retire in same manner, and two other persons to be elected in like manner to fill their places, and at the next annual general meeting, the director who shall have been longest in office to retire from office, and a successor to be appointed as before described, and so on in all time coming, the directors or director who shall have been longest in office retiring, and their places or place being filled up by the remaining trustees and directors. And every director so going out of office shall not be eligible for re-election at the same general meeting.

The rate charged for the board of pauper patients in these asylums has been gradually increased, until at present it stands very much in excess of that of the district asylums throughout the country, the rate in the Edinburgh Royal Asylum being £33, 10s. per annum; Dundee, £28, 12s.; Montrose, £28, 12s.; Aberdeen, £26; and Dumfries, £25, while the highest rate over the district asylums is £28, 1s. 3d. by the Mid-Lothian, and the lowest £20, 9s. 1d. by the Inverness, the average being £24, 6s. 10d. To these charges the Parochial Boards, being precluded by section 59 of the Act from building new asylums or sending their patients elsewhere, are forced to submit. It may be mentioned that in 1867 the number of pauper lunatics in Scotland was 5594, and the cost £112,214, while in 1887 the number was 9514, and the cost £224,051, or an increase of cost per patient of £3, 9s. 9d. The ordinary pauperism in Scotland for the same period has remained stationary.

The directorate of these asylums is composed of gentlemen who are self-elective, or, at any rate, elected in such a way as not to be amenable to the public for their actions, and who, therefore, have not the same interest as a publicly elected Board in seeing to the economical administration of the funds.

Your Memorialists would respectfully point out that upwards of one half of the money expended in most of these institutions is collected from the ratepayers by the Parochial Boards of the district, and paid in as the cost of maintenance of lunatic paupers, and the ratepayers look upon the Parochial Boards as responsible for the expenditure, while in reality they have no control whatever over it, none of the Parochial Boards being represented on the management of any of these institutions, with the exception of the parish of Edinburgh, which has a representation of two on the Board of the Edinburgh Asylum.

May it therefore please your Lordship to take the matter into consideration, and to introduce into Parliament a Bill amending the law relating to the constitution of Royal Asylum Boards, in such a way as to place their management in the hands of those who would be directly responsible to the public for the manner in which their affairs are conducted, and also in view of the large proportion of the money expended in these institutions being parochial funds spent for the support of the poor, to grant the Parochial Boards of the districts a fair share of representation on these Boards.

D. MACDONALD,

*Chairman of Dundee Parochial Board, and on behalf of the
Conference of Parishes.*

EDINBURGH, 29th March 1888.

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MEMORIAL

TO

THE MOST NOBLE

THE MARQUIS OF LOTHIAN,

SECRETARY FOR SCOTLAND,

BY

PAROCHIAL BOARDS

OF

EDINBURGH, DUNDEE, AND OTHERS,

AS TO

CONSTITUTION OF ROYAL

ASYLUMS.

1888.

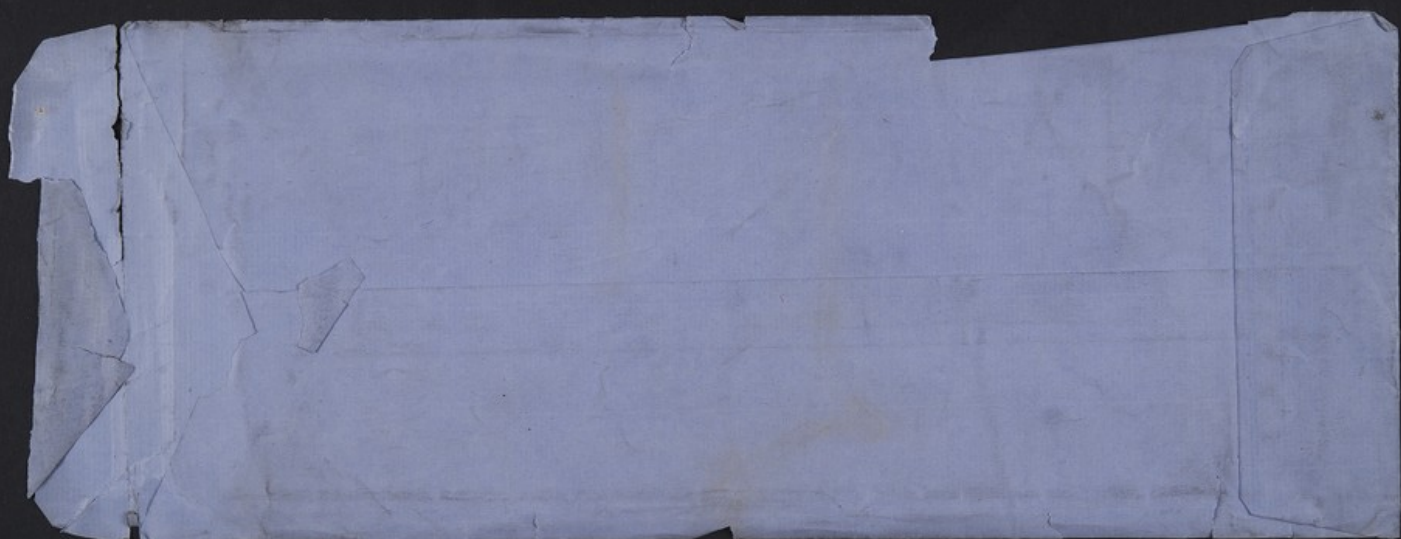
Glasgow Royal Asylum for Lunatics

Lunacy Law in Scotland.

Memorandum on behalf of the
Parochial Boards of Edinburgh, St.
Cuthberts, Glasgow, Foran, Barony,
Dundee, Aberdeen, Stirling & Others
June 1885.

together with
Statement of the Royal Edinburgh
Asylum in reply to statements
contained in Memorandum as above.

2nd July, 1885.





LUNACY LAW IN SCOTLAND.

MEMORANDUM ON BEHALF OF THE PAROCHIAL BOARDS OF EDINBURGH, ST. CUTHBERTS, GLASGOW, GOVAN, BARONY, DUNDEE, ABERDEEN, STIRLING, AND OTHERS.

1. At a Meeting of representatives of the Parochial Boards of Scotland, held in Dundee on the 26th March last, it was unanimously resolved as follows:—"That the existing legislation applicable to the care and treatment of pauper lunatics in parishes is, with a few exceptions, defective and objectionable in material respects, and the cause of much extravagant and unnecessary expense to ratepayers, and that it is specially so as regards those districts which are bound in whole or in part to Chartered Asylums."

This resolution was come to after careful discussion and deliberation. The following facts illustrate it:—

(a) Pauper lunatics can be maintained, clothed, and medically attended to in the lunacy wards of poorhouses at an average cost of about eight shillings per week, but the rates in the Asylums of the country have for many years past been much larger, and are still increasing. Although the Parochial Boards bear all the cost, they are helpless, as they have no voice in fixing the rates, and no power or franchise in the election of the members of District Lunacy Boards.

(b) In those counties such as Forfarshire, Edinburgh, and Aberdeen, which are obliged to send their patients to chartered Asylums, the rates have not only greatly increased, but the Asylums practically do as they please, being supported by the General Board against unanimous resolutions of District Boards and strong representations of Parochial Boards interested. For instance, when the Lunacy Act passed, the rate in the Forfarshire Asylums was only £20 16s., but the Asylums now demand £28 12s.; and without notice or communication of any kind to the District Board, the General Board approved of that rate for Montrose Asylum. The previous increases from the passing of the Act were as follows:—In 1868 the rate was raised to £23 8s.; in 1873 to £24 14s.; and in 1874, as from 1st January 1875, to £26. In 1842 the rate of board of paupers in the Royal Edinburgh Asylum was £15. In 1857, when the Lunacy Act passed, it had increased to £22. In 1861 it was again increased to £24; in 1867 reduced to £23; in 1873 increased to £24 and £25; in 1874 to £27; in 1881 to £30; and in 1885 to £33 10s., notwithstanding the decrease in the price of provisions during the last ten years. These increases were all claimed and granted in consequence of the great rise in the prices of provisions, fuel, &c., but since 1874 there has been a great fall in provisions and fuel, &c., as follows:—

ROYAL EDINBURGH ASYLUM FOR THE INSANE.

STATEMENT OF THE ROYAL EDINBURGH ASYLUM IN REPLY TO STATEMENTS CONTAINED IN MEMORANDUM ON BEHALF OF THE PAROCHIAL BOARDS OF EDINBURGH, ST. CUTHBERTS, GLASGOW, GOVAN, BARONY, DUNDEE, ABERDEEN, STIRLING, AND OTHERS.

1. *Vide* Paragraph 3 of this Statement.

(a) This statement is misleading, in respect that the patients maintained in the lunatic wards of poorhouses are of a totally different class from those treated in District and Royal Asylums. By the Act 25 and 26 Vic., c. 54, § 3, lunacy wards of poorhouses may be licensed for the reception "of such pauper lunatics only who are not dangerous, and do not require curative treatment," necessarily a much less expensive class to maintain than those in the Asylums. The annual cost of such pauper lunatics in the Edinburgh City Poorhouse at Craiglockhart for the four years, 1876-77-78-79, averaged L30 12s. 3d. each, while the rest of the pauper lunatics from the City parishes were only charged L27 each in the Royal Asylum. In 1884 the actual cost in Craiglockhart Poorhouse was L31 1s. 10d., including instalment of debt repaid, and expenditure on buildings.

(b) The rates charged in the Edinburgh Asylum have never been sufficient to pay the actual cost of the paupers. It was shown by the report of the Finance and Charity Committees of 1880 that the actual cost of each pauper was L2 16s. more than the rate then charged (L27), although there was nothing included for contingencies, or repayment of the debt contracted to provide accommodation for pauper patients. The cost of erecting and reconstructing the West House, the department for paupers and lower and intermediate class private patients, including the cost of the grounds, has been upwards of L112,000, whereof L40,000 has been expended since 1874. Estimating the accommodation for paupers at three-fourths of the whole, which is under the mark, the cost of providing for them has thus amounted to upwards of L84,000. In 1844 the Managers received from the Metropolitan parishes for the right of presenting their pauper lunatics to the Asylum only L4430. By the sale of similar rights of presentation to other parties, and by subscriptions and donations from the public, they realised a further sum of L9895. After giving credit to the Metropolitan parishes for the whole of these moneys, to which they have no claim whatever, there remains a balance of expenditure for pauper behoof of fully L70,000, which has been wholly defrayed out of the surplus revenues arising from the East House, the department reserved for the higher class of private patients. In 1884 the Finance Committee specially reported that the actual cost of each pauper patient was L31 15s., exclusive of any charge in the name of rent. To that sum only L1 15s. has been added

PRICES OF THE FOLLOWING ARTICLES
IN 1874 AND 1885.

	In 1874.	In 1885.
Oatmeal, per bag	49s.	33s. 6d.
4 lb. Loaf	8d.	5d.
Flour, per bag	47s.	28s.
Tea, per lb.	3s. 4d.	2s. 8d.
Sugar, per lb.	4d.	2d.
Potatoes (Regents), per ton	£3 15s.	£2 10s.
Butcher Meat, per Dutch stone	12s. to 14s.	10s. 3d.
Coals (screened) Scotch, small, as used at Dundee Asylum, delivered per ton	13s.	8s.

Notwithstanding these striking contrasts, an increase of £2 12s. per patient per annum is still demanded in Forfarshire, and the double of it even suggested.

In the Urban Lunacy District of Edinburgh, which consists of the Parishes of St. Cuthbert's, Edinburgh, South and North Leith, and Duddingstone, the state of matters is actually worse. These parishes have a contract with the Royal Edinburgh (Chartered) Asylum to receive the whole of their lunatic patients in all time coming at the lowest rate of board, but from the extravagant expenditure of the Directors of that Asylum, over which the parishes have no control, and, with the exception of Edinburgh, have now no representation on the Board of Directors, the rate of board for pauper patients now demanded is £33 10s. per annum, a rate which the Asylum authorities themselves admit is more than the actual cost of keep of pauper patients, yet the parishes have no remedy, and they have no guarantee that the rate may not, if the present management goes on, be increased to £40 or £50 per annum.

- (c) As already indicated, the voices of the Parochial Boards are never listened to or even heard in the matter of rates, and yet they are the paymasters. Recently the Forfarshire District Board moved the General Board to hear the Parochial Boards interested, as well as the District Board itself, on the question of the increased rates demanded by the Dundee Asylum, but the General Board declined to admit any of the Parochial Boards to a hearing.

2. At the said meeting in Dundee the following additional resolution was unanimously adopted:—"That every Parochial Board, by itself or in combination with other Boards, should have power to provide and manage Asylums for the maintenance of Pauper Lunatics, subject only to such superintendence and control as the Legislature may think proper to determine."

Unless the wasteful extravagance now going on in the administration of District and Chartered Asylums is to be put a stop to by Parochial Boards having a large representation in District Boards, and also a voice in the fixing of rates, it is absolutely necessary that Parochial Boards should have power to provide and manage Asylums of their own, and this latter alternative would be best.

- (a) The Chartered Asylums were originally for the most part benevolent institutions, created and supported by the charitable of the district, and many of them, Montrose, for instance, has no debt; but notwithstanding of that, they insist upon including in their

to meet contingencies and existing incumbrances upon the institution, in accordance with the contract between the Asylum and the City parish, although there was a contingent expenditure last year of £2300 for female pauper accommodation, and over £1000 for repayment of debt exclusively applicable to the pauper department. The recent increases in the rate of board have not been made in consequence of the rise in the price of provisions, fuel, &c.; and the paupers have got the full benefit of the reductions in prices since 1874, as the difference in the cost under the heading Provisions for 1874 and 1884 has been, according to the published accounts, no less than £1 12s. 3d. per head. The small increase that has arisen since 1874 in the actual cost has been confined to Furnishing and Repairs, Salaries and Wages (which have increased everywhere to a material extent, and in Craiglockhart Poorhouse to a much greater extent than in the Royal Asylum), and to the interest of the debt contracted for the special benefit of paupers, which at present is about £30,000.

In the City Poorhouse at Craiglockhart there was expended on Provisions in 1867	-	£7 14s. 8d. each.
" " 1884	-	£11 0s. 0d. "
On Salaries—1867	-	£2 1s. 6d. "
" " 1884	-	£4 14s. 5d. "
Total cost of pauper lunatics in 1867	£15 15s. 11d. each.	
" " 1884	£31 1s. 10d. "	

The parishes of St. Cuthbert's, Edinburgh, South and North Leith, and Duddingstone, which form the Urban Lunacy District of Edinburgh, have contracts (which may or may not be binding) with the Royal Edinburgh Asylum, by which the Asylum is taken bound to receive the whole of their lunatic patients in all time coming at the lowest rate of board chargeable in the Asylum. It is contrary to fact that any extravagant expenditure is made by the Managers, as the charge for paupers, including rent, is now only £33 10s., while the average cost of pauper lunatics in District Asylums in Scotland for 1884, including rent, was £36 19s.

It is not the case that the Managers of the Asylum admit that the lowest rate now charged is more than the actual cost of pauper patients; but if the Parochial Boards think the charge excessive, they have a remedy under the Act 20 and 21 Vic., c. 71, § 59. For various reasons, it has not been deemed expedient for parochial boards to be represented on the managing Boards of Royal Asylums.

2. The charge of wasteful extravagance in the Royal Edinburgh Asylum is emphatically denied.

Vide Paragraph (b) *ante*.

- (a) The Royal Asylum is a charitable institution founded for "rich and poor" private patients, and was conducted on this footing for twenty-eight years. The pauper department, which was no part of the original design, has produced most detrimental effects, so far as the deserving poor above the condition

charge a sum for what they call rent, and the General Board indorses that view. This is quite out of the question. It presses up the rates against the Parochial Authorities to the relief of Private Patients, whom Chartered as well as District Asylums take in, and compete with one another for.

- (b) In the administration of Chartered Asylums favouritism abounds. For instance, it was only recently discovered that, while the Montrose Asylum has had Agreements with the District Board of Forfarshire fixing high rates of board since the Lunacy Acts passed, the parish of Montrose has all that time been paying much less than any other parish in the county. Down to about a month ago it was only paying £16 per annum, while the other parishes were charged and have had to pay £26.
- (c) At the present moment the parochial authorities have no power of superintendence over their lunatics in Chartered Asylums; they are not allowed even to visit them except as a favour; and they are often put to much inconvenience by refusals of admission. All these drawbacks weaken the power of Parochial Boards, and prevent them seeing and seeking to correct the weak points of Asylum administration. Everything should be patent and open to the public, and for that reason the administration should be in the hands of the public, represented by the Parochial Boards, who are specially chosen for the protection of the poor, be they sane or insane.

of paupers are concerned. Many such cases have been excluded from its benefit to make way for paupers, and higher rates have been imposed on the richer and middle classes, in order to meet the cost of accommodating paupers,—a cost which has been laid by the legislature upon the heritors of each district. A charge for rent does not appear to be “out of the question.” It seems reasonable that Parochial Boards should bear the cost of buildings erected exclusively for their paupers, nor can these buildings be maintained without a fair charge for the use of them. The present system of making private patients pay high rates to relieve the ratepayers of Edinburgh from their statutory obligations admits of no defence. What claim in equity can Parochial Boards have upon charitable institutions to demand free accommodation for their pauper lunatics? There are ample statutory powers in the existing Lunacy Acts for providing additional accommodation for pauper lunatics in districts where Royal Asylums cannot admit them all; but to give powers to Parochial Boards to duplicate Asylum accommodation for pauper patients where it already exists would lead to a wasteful misuse of ratepayers’ money, and would be an injustice to Corporations which, like the Edinburgh Asylum, have provided accommodation for pauper patients at great expense, on the faith of the existing lunacy laws. It would also alter the incidence of taxation.

(b) There is no favouritism in the Edinburgh Royal Asylum. The agreements with the Parochial Boards has compelled the Managers to refuse admission almost every year since 1846 to large numbers of private patients above the condition of paupers, in order to make room for paupers. It has not unfrequently happened, that respectable people, willing to pay a low rate of board, have had to make their mentally afflicted relatives paupers as the only way of procuring their admission to the Asylum. One of the primary objects of this charitable institution was to provide accommodation for this deserving class of the community.

(c) This assertion is contrary to fact. Parochial Boards are not specially chosen for the protection of the insane. One of the causes which led to the passing of the Lunacy Act in 1857 was the insufficient provision which had up to that time been made by the Parochial Boards for the care and treatment of the insane poor. The Lunacy Act imposes that duty on the District and General Lunacy Boards. Parochial Boards, by Section 47 of that Act, have ample statutory rights for the visitation of all their patients maintained in Royal Asylums; and the City of Edinburgh Parochial Board has the following provision in their contract:—“The Managers of the Poor for the time being shall be entitled to appoint Committees of three of their number to visit the said Asylum once a quarter, or oftener, if they shall think fit, with the view of reporting to their constituents on the state thereof, and the condition of the City patients.”

3. It is not the case that Parochial Boards can provide accommodation and maintain pauper lunatics in Parochial Asylums more economically than Royal (Chartered) Asylums. A few Asylums were allowed by the General Board to be erected by and to remain under the direct management of Parochial Boards, and they are the most expensive Asylums in Scotland. The figures given in the report for 1884 of the General Board of Lunacy for Scotland prove the very opposite of their assertion. In the Chartered Asylums the rates are as follows:—Aberdeen, L. 26 per annum; Dumfries, L. 25; Dundee, L. 26; Edinburgh, L. 30; Glasgow, L. 31 12s. 6d., L. 32 1s. 4d., and L. 35 6s. 4d.; and Montrose, L. 24 10s. The estimated annual cost of patients belonging to their parishes in Parochial Asy-

The Govan Combination Parochial Board in the year 1872 erected, under the special approval and supervision of the General Board of Lunacy, a large and commodious Parochial Asylum at a cost of from £60,000 to £70,000 for the accommodation of their pauper lunatics, and to which the Board of Lunacy granted a first class license, which has since been renewed from year to year; yet, notwithstanding this action on the part of said Parochial Board, the ratepayers in the Govan combination have been assessed for the erection and maintenance of the district Asylums erected or in course of erection by the Glasgow District Board of Lunacy, in the same manner and to the same extent as the ratepayers in the other parishes which have not provided any accommodation whatever for their pauper lunatics; and thus the Govan ratepayers are unjustly subjected to double taxation for lunacy purposes.

For these and other reasons the Parochial Boards humbly think that the Bill now enclosed should receive the favourable consideration of Parliament and be passed into law during the present Session.

On behalf of the Conference of Parochial Boards,

D. MACDONALD, *Chairman*.

June, 1885.

lums is—Abbey, L.30 1s. 3d.; Barony, L.28 3s. 4d.; Glasgow, L.25 4s. 10d.; Govan, L.31 0s. 9d.; Greenock, L.31 15s. 11d.; and Paisley, L.36 1s. 6d. These are only the estimated costs in the Parochial Asylums. But the report of the Barony Parochial Asylum for 1884 supplies sufficient data to show that the actual cost to the ratepayers of that parish was over L.36, including the interest paid on the debt of that Asylum, and the amount of debt paid off during that year—all paid out of rates. The average cost per patient for "lodging and land" in the Parochial Asylums has been L.309, as compared with L.173, which the District Asylums cost. The cost of the accommodation for paupers in the Royal Edinburgh Asylum, from first to last, has amounted to L.160 per patient, including what has been paid for land and the additions and renovations of the past eleven years pressed on the Managers by the General Board and demanded by the advanced medical requirements of the time for the treatment of the insane.

4. Throughout the Memorandum for the Parochial Boards there occur various insinuations against the General Board of Lunacy. The Managers of the Royal Edinburgh Asylum, while desiring to record their dissent from these, do not consider themselves called upon to reply to them.

Signed on behalf of the Managers of the Royal Edinburgh Asylum for the Insane by

D. SIMSON.

2nd July, 1885.

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balance of 80*

MEMORANDUM ON THE LUNACY ACTS AMENDMENT
BILL. [H.L.]

The principal objects of the Lunacy Acts Amendment Bill are—

Principal
objects of
the Bill.

I. To furnish safeguards against the improper confinement of persons as lunatics by allowing them to be detained only under orders made by an independent authority, and at the same time to remove the difficulty which is at present felt in securing the speedy treatment of mental disease by giving protection to medical practitioners and others who in the performance of their duty are concerned with lunatics.

II. To amend the law as to single patients.

III. To give increased powers for administering the property of lunatics.

IV. To put a check upon the establishment of new licensed houses, without injuring vested rights.

V. To enable public asylums to receive private patients upon such terms as may be agreed.

VI. To make certain amendments in detail, with a view to a consolidation of the Lunacy Acts, and for other purposes.

The Bill adopts in the main the recommendations made by the Report of the Select Committee on Lunacy Law in the year 1878, and is substantially the same as that which was introduced by Lord Chancellor Selborne in 1883 and passed in the House of Lords by Lord Chancellor Herschell in 1886, and again passed in that House by the present Lord Chancellor last session.

Report of
Select Com-
mittee,
March 28,
1878.

I. The principle of the Scotch procedure has been adopted with somewhat fuller elaboration of details. The Bill provides (sections two to five) that except in cases of urgency a person not a pauper is not to be confined as a lunatic without an order of a county court judge, stipendiary magistrate, or special justice, to be obtained upon a petition presented, if possible, by the husband or wife or by a relative of the lunatic, and accompanied by two medical certificates. Provision is made to secure privacy (section four (4) and (6)), and for the alleged lunatic's right to have a personal interview after his reception with a county court judge, magistrate, or justice (section nine).

Confinement
of persons as
lunatics.

In urgent cases (section eight) a patient may be confined upon an order by the husband or wife or by a relative of the lunatic, accompanied by one medical certificate; but in that case a petition

Select Com-
mittee
Report, p. v.

(22.)

a

Urgency
orders.
Select Com-
mittee
Report, p. iv.

for an order must be presented to a county court judge, stipendiary magistrate, or justice within seven days, and the urgency order remains valid only for the seven days or so long as the petition is pending.

Provision is made for the appointment of special justices to make the orders for reception (section ten).

Protection
to medical
men and
others.

Full protection is given to the persons who properly sign orders and medical certificates, and to persons whose duty it is to carry out orders for the reception of lunatics; and power is given to stay proceedings if the court is satisfied that there has been no want of good faith or reasonable care (section eleven).

Disinterest-
edness of
medical
practitioner.
Select
Committee
Report, p. iv.
Officiating
clergyman
and overseer
not to confine
paupers.
Workhouses.

Sections thirteen and fourteen are intended to secure that the medical certificate shall be signed by disinterested persons.

Reports on
patients.
Select
Committee
Report, p. v.

The power of an "officiating clergyman" and overseer to confine a pauper patient is taken away (section seventeen), and provision is made to prevent the improper confinement of lunatics in workhouses (section twenty).

Payment
of medical
visitor.

A report upon every private patient (section twenty-seven) is to be sent to the Commissioners in Lunacy within a month after the patient's reception as a lunatic, and a visit is to be made to the patient as soon as possible. If the patient is found to be improperly detained he is to be discharged. Patients in hospitals and licensed houses beyond the immediate jurisdiction of the Commissioners are to be visited by the medical visitor appointed for the county or borough, and provision is made for his remuneration (section forty-nine (3), (4)).

Orders for
reception to
come to an
end if not
continued.

At the end of a year after the reception of a patient, and at the end of every subsequent two, three, and five years, a special report is to be made on his case (section twenty-eight). If no report is made, the order for his detention comes to an end. If the report is not satisfactory the patient is to be visited, and if it is thought proper discharged.

Medical
examination
at instance
of any
person.
Select
Committee
Report, p. v.

Similar provisions are applied to lunatics so found by inquisition so far as relates to the custody of the person (section forty-four).

Maintenance
of pauper
lunatic.
Select
Committee
Report, p. v.
Lunatics
in religious

Any person may apply to the Commissioners for authority to have a patient medically examined with a view to his discharge if his detention should prove improper (section thirty-five).

Encouragement is given to the relatives of a pauper lunatic to take charge of the lunatic by allowing payment to be made for the lunatic's maintenance while under the care of his relatives (section thirty-seven).

Power is given to the Commissioners to make inquiries as to persons who are treated as lunatics in charitable and religious

establishments and in the houses of persons who derive no profit from the charge (section thirty-eight).

and charitable establishments.

II. After the passing of the Act, orders for the reception of single patients in houses belonging to or kept by medical men are to be made by the Judge in Lunacy, except in cases of temporary lunacy, decay of mind in old age, and voluntary submission to treatment (section thirty-two (1)).

Select Committee Report, p. v. Single patients.

The powers of the Commissioners over single patients (section thirty-two) and their powers of discharge and removal are enlarged (sections twenty-nine, thirty).

Committee Report, p. v.

III. Power is given to the court to appoint a committee of the estate only of a person who, upon inquisition, is found capable of managing himself, but incapable of managing his affairs (section forty-two).

Committee of estate only. Select Committee Report, p. vi. Administration of property.

Although under the existing law a person may be deprived of his personal liberty upon an order signed by a relation and two medical certificates, there is no power (except in cases under two thousand pounds or one hundred pounds a year) to protect and administer his property without an inquisition. This is amended by giving power to the Judge in Lunacy to exercise all the powers over the property of a person confined under order and certificates, or incapacitated by age and infirmity, which he could exercise upon inquisition found (section forty-six).

IV. No new licence is to be granted for a house for the reception of lunatics, but vested rights are protected and provision is made for houses in course of being established at the passing of the Act and for the substitution of new houses for existing houses (section forty-eight).

New licences.

V. Persons not paupers may be received in county and borough asylums upon special terms, and the justices of counties and boroughs are authorised to provide accommodation for lunatics not being paupers either by enlarging existing asylums or by establishing new asylums (sections fifty-seven, fifty-eight, fifty-nine).

Private patients in public asylums. Select Committee Report, p. vi.

Justices are also empowered to purchase licensed houses (section fifty-nine (2)).

VI. The Bill makes a large number of miscellaneous amendments which the practical working of the Acts has shown to be desirable. Of these the most important are—

Miscellaneous amendments.

- a. As to the letters of patients (section forty).
- b. Amendments as to licensed houses (section forty-nine).
- c. Provisions for the registration of hospitals where lunatics are received and other amendments (sections fifty to fifty-six).

See Select Committee Report, p. vii.

d. Amendments as to asylums (sections sixty, sixty-one, sixty-six, sixty-seven).

Select
Committee
Report, p. vii.

e. Power to retake lunatics escaping into Ireland, Scotland, or England (sections sixty-eight to seventy-one).

Power is inserted to amalgamate the lunacy departments if it is found expedient to do so, and to make rules for carrying the Acts into effect (sections seventy-six, seventy-seven).

It is proposed to introduce a Bill consolidating the existing enactments with a view to the ultimate incorporation with it of the Amendment Bill.

[1884-85]

Lunacy Acts Amendment Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title, commencement, and extent.
2. Private patients to be received only under order of county court judge, magistrate, or justice.
3. Petition for order for reception.
4. Procedure upon petition for an order for reception.
5. Dismissal of petition. Commissioners may require information where order made or refused.
6. Orders for reception.
7. Certain provisions of the Lunacy Acts applied and excepted.
8. Urgency orders.
9. Right of lunatic to be examined by judge, magistrate, or justice.
10. Appointment of justices to make orders for reception of lunatics.
11. Protection to persons signing and carrying out orders, reports, and certificates.
12. Lunatics not under proper control or care and cruelly treated or neglected.
13. Persons disqualified from signing certificates.
14. Patients not to be received under certificates by interested persons.
15. Medical certificate.
16. Order for reception of lunatic so found by inquisition.
17. Persons disqualified from signing orders as to paupers.
18. When lunatic may be treated as a pauper.
19. Partial repeal of 16 & 17 Vict. c. 97. ss. 67, 68.
20. Lunatics in workhouses.
21. Power to send discharged pauper not recovered to a workhouse.
22. Mis-statement to be a misdemeanor.
23. Amendment of orders and certificates.

Clause.

24. Power to order payment of remuneration to medical practitioner, and of expenses.
25. Application of 8 & 9 Vict. c. 100. and 16 & 17 Vict. c. 97., &c.
26. Change of classification of patient.
27. Reports upon and visits to private patients.
28. Duration of orders for reception.
29. Powers of discharge and removal.
30. Removal for health or on trial, and transfer.
31. Chargeability of lunatic becoming pauper.
32. Single patients.
33. Person deriving profit from charge of lunatic defined.
34. Power to appoint substitute for the person who signed or applied for order of reception.
35. Provision for any person to apply to have patient examined.
36. Power to take boarders in licensed houses.
37. Maintenance for pauper lunatic taken charge of by relatives.
38. Information as to lunatics in private families and charitable establishments.
39. Notice of order of discharge.
40. Letters of patients.
41. Notices as to letters and interviews.
42. Provision on inquisition for commitment of estate only and not of person.
43. Judge in Lunacy may supersede inquisition and rescind or vary order for commitment of person.
44. Order for custody of person of lunatic so found to determine unless continued.
45. Temporary provision for maintenance of lunatic.
46. Orders as to the property of a lunatic.
47. Power to deal with property of small amount.
48. Restrictions on new licenses.
49. Amendments as to licensed houses.
50. Provisions for registration of hospitals in which lunatics are received.
51. Buildings not shown on plans not to be used for accommodation of lunatics.
52. Accounts to be audited and printed.

Clause.

53. Superannuation allowance of officer of hospital.
54. Persons disqualified to be members of governing body of hospital.
55. Powers for enforcing regulations of hospitals.
56. No agreements between justices and subscribers.
57. Provisions as to private patients in asylums.
58. Power to enlarge asylums in order to provide accommodation for private patients.
59. Power to provide asylums for pauper and private patients.
60. Case of officer transferred to another asylum.
61. Contracts for reception of lunatics of borough not to be determined without consent of a Secretary of State.
62. Power of council of borough.
63. Resignation and illness of medical and legal Commissioners.
64. Reports by Commissioners.
65. Salary of secretary.
66. Removal of lunatic from workhouse. Payment of expenses.
67. Ministers of any religion in asylum.
68. Escape from England into Scotland or Ireland.
69. Escape from Scotland into England or Ireland.
70. Escape from Ireland into England or Scotland.
71. Limit of time of retaking lunatic.
72. Abuse of female lunatic.
73. Prosecution by Crown.
74. Defaults and misdemeanors.
75. Evidence upon prosecution.
76. Power to amalgamate the lunacy departments.
77. Power to make rules.
78. Forms.
79. Saving as to criminal lunatics.
80. Definitions.
81. Construction of Act.
82. Short titles of Acts.
83. Repeal.

SCHEDULES.

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A

B I L L

INTITULED

An Act to amend the Acts relating to Lunatics.

WHEREAS it is expedient to amend the laws relating to lunatics: A.D. 1888.

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:

1.—(1.) This Act may be cited as the Lunacy Acts Amendment Act, 1888, and shall come into operation, save as in this Act otherwise expressly provided, on the first day of January one thousand eight hundred and eighty-nine, hereinafter referred to as the commencement of this Act.

Short title,
commence-
ment, and
extent.

(2.) Save as in this Act otherwise expressly provided, this Act shall not extend to Scotland or Ireland.

X X

2.—(1.) Subject to the exceptions in this Act mentioned, no person, not being a pauper or a criminal lunatic and not being a lunatic so found by inquisition, shall be received and detained as a lunatic in any asylum, hospital, or licensed house, or as a single patient, unless under an order made by a judge of county courts or magistrate, or by a justice of the peace, specially appointed as herein-after provided, having respectively jurisdiction in the place where the lunatic is. No relative of the person applying for an order under this section or of the lunatic, or of the husband or wife of the lunatic, shall be capable of making such order.

Private
patients to
be received
only under
order of
county court
judge magis-
trate or
justice.

(2.) The order shall be obtained upon a private application by petition accompanied by a statement of particulars and by two medical certificates on separate sheets of paper under the hands of two medical practitioners.

Forms 1, 2,
8.

3.—(1.) The petition shall be presented, if possible, by the husband or wife or by a relative of the alleged lunatic. If not so

Petition for
order for
reception.

(22.)

A

Form 1.

A.D. 18 88. presented it shall contain a statement of the reasons why the petition is not so presented and of the connexion of the petitioner with the alleged lunatic, and the circumstances under which he presents the petition.

(2.) No person shall present a petition unless he is at least 5 twenty-one years of age and has within fourteen days before the presentation of the petition personally seen the alleged lunatic.

(3.) The petitioner shall in the petition undertake that he will personally, or by some one specially appointed by him, visit the patient once at least in every six months; and the undertaking 10 shall be recited in the order.

Form 2. (4.) The petition shall be signed by the petitioner and the statement of particulars by the person making the statement.

(5.) One of the medical certificates accompanying the petition shall, whenever practicable, be under the hand of the usual medical 15 attendant if any (being a medical practitioner) of the alleged lunatic. Where the person to whom the petition relates has been received under care and treatment under an urgency order, neither of the medical certificates accompanying the petition shall be signed by the medical practitioner who signed the medical certificate accompanying the urgency order. If the usual medical at- 20 tendant of the alleged lunatic shall have signed such last-mentioned certificate, or if for any reason it is not practicable to obtain a certificate from such usual medical attendant, the fact or reason, as the case may be, shall be stated in writing by the petitioner to 25 the judge, magistrate, or justice to whom the petition is presented, and such statement shall be deemed to be part of the petition.

(6.) No order shall be made upon a petition under this section, unless each of the persons who sign the medical certificates accom- 30 panying the petition shall, separately from the other, have personally examined the person to whom the petition relates not more than seven clear days previously to the date of the presentation of the petition, but nothing herein contained shall prevent a consultation between the persons signing the certificates at any time or place 35 before the signature thereof.

(7.) No order shall be made upon a petition under this section for the reception of a single patient in a house belonging to or kept by a medical practitioner, unless the single patient is by the medical certificates, upon which the order is made, certified to be suffering from unsoundness of mind of a temporary character, or from decay 40 of mind in old age, or to be desirous of voluntarily submitting to care and treatment.

A.D. 1888.

Procedure
upon petition
for an order
for reception.
Form 3.

4.—(1.) Upon the presentation of the petition the judge, magistrate, or justice shall consider the allegations in the petition and statement of particulars and the evidence of lunacy appearing by the medical certificates, and whether it is necessary for him personally to see and examine the alleged lunatic; and, if he is satisfied that an order may properly be made forthwith, he may make the same accordingly; or, if not so satisfied, he shall appoint as early a time as practicable, not being more than seven days after the presentation of the petition, for the consideration thereof; and he may make such further or other inquiries of or concerning the alleged lunatic as he may think fit; notice of the time and place appointed for the consideration of the petition (unless personally given to the petitioner) shall be sent to the petitioner by post in a registered letter addressed to him at his address as given in the petition.

(2.) The judge, magistrate, or justice, if not satisfied with the evidence of lunacy appearing by the medical certificates, may, if he shall think it necessary so to do, visit the alleged lunatic at the place where he may happen to be.

(3.) The judge, magistrate, or justice shall have the same jurisdiction and powers as regards the summoning and examination of witnesses, the administration of oaths, and otherwise, as if he were acting in exercise of his ordinary jurisdiction, and shall be assisted, if he so requires, by the same officers, as if he were so acting, and their assistance under this Act shall be considered in fixing their remuneration.

(4.) The petition shall be considered in private, and no one except the petitioner and the persons signing the medical certificates accompanying the petition shall, without the leave of the judge, magistrate, or justice, be present at the consideration thereof.

(5.) At the time appointed for consideration of the petition the judge, magistrate, or justice may make an order thereon or dismiss the same, or, if he shall think fit, may adjourn the same for any period not exceeding fourteen days for further evidence or information, and he may give notice to such persons as he may think fit of the adjourned consideration, and summon any persons to attend before him.

(6.) Every judge, magistrate, and justice, and all persons admitted to be present at the consideration of any petition for an order under this section, or otherwise having official cognisance of the fact that a petition has been presented, shall be bound to keep secret all matters and documents which may come to his or their

A.D. 1888. knowledge by reason thereof, except when permitted to divulge the same by lawful authority.

Dismissal of petition. Commissioners may require information where order made or refused.

5.—(1.) If the petition is dismissed, the judge, magistrate, or justice shall deliver to the petitioner a statement in writing under his hand of his reasons for dismissing the same, and shall send a copy of such statement to the Commissioners, and shall also, where the alleged lunatic is detained under an urgency order, send notice by post or otherwise to the person in whose charge the alleged lunatic is, that the petition has been dismissed.

(2.) If after a petition has been dismissed another petition is presented as to the same alleged lunatic, the person presenting such other petition, so far as he has any knowledge or information with regard to the previous petition and its dismissal, shall state the facts relating thereto in his petition, and shall obtain from the Commissioners at his own expense, and present with his petition, a copy of the statement sent to them of the reasons for dismissing the previous petition, and, if he wilfully omits to comply with this sub-section, he shall be guilty of a misdemeanor.

(3.) Any judge, magistrate, or justice making or refusing an order under this section shall, if so required by the Commissioners, give to them all such information as they may require as to the circumstances under which the order was made or refused.

Orders for reception. Form 3.

6.—(1.) An order for the reception of a lunatic into an asylum, hospital, or licensed house, or as a single patient, if the same purports to be signed by a judge, magistrate, or justice, shall be sufficient authority for the petitioner or any person authorised by him to take the lunatic and convey him to the place mentioned in such order and for his reception and detention therein, without further evidence of the signature or of the jurisdiction of the person making the order to make the same.

(2.) The order, together with the petition, statement of particulars, and medical certificates upon which the order was made, shall be delivered or sent by post to the person on whose petition the order was made, and shall by him or his agent be delivered to the superintendent or proprietor of the asylum, hospital, or licensed house in which, or to the person by whom, the lunatic is to be received.

(3.) No order under this section for the taking or reception of a lunatic shall continue in force unless the lunatic has been taken or received thereunder before the expiration of seven clear days from its date.

Certain provisions of the Lunacy Acts

7.—(1.) The person upon whose petition an order for reception has been made shall, with reference to the lunatic to whom the

order relates, have and be subject to all such authorities, powers, obligations, and liabilities as are by the Lunacy Act, 1845, and the Lunatic Asylums Act, 1853, and the Acts amending those Acts respectively conferred or imposed upon the person signing an order for the reception of a lunatic not being a pauper.

A.D. 1888.

applied and
excepted.8 & 9 Vict.
c. 100.16 & 17 Vict.
c. 97.16 & 17 Vict.
c. 96, ss. 4, 8.16 & 17 Vict.
c. 97, s. 74.

(2.) The provisions of sections four and eight of the Lunacy Act, 1853, and section seventy-four of the Lunatic Asylums Act, 1853, prohibiting the reception of a private patient unless the medical practitioners who sign the certificates accompanying the order for his reception have personally examined him not more than seven clear days previously to his reception, shall not apply to an order made upon a petition under this Act.

(3.) The provisions of this Act as to orders for reception shall not affect the provisions of section sixty-eight of the Lunatic Asylums Act, 1853, as to lunatics or alleged lunatics, not paupers, who are wandering at large.

16 & 17 Vict.
c. 97, s. 68.

8.—(1.) In cases of urgency where it is expedient, either for the welfare of a person (not a pauper) alleged to be a lunatic or for the public safety, that the alleged lunatic should be forthwith placed under care and treatment, he may be received and detained in an asylum, hospital, or licensed house, or as a single patient upon an urgency order, made (if possible) by the husband or wife or by a relative of the alleged lunatic, accompanied by one medical certificate under the hand of a medical practitioner.

Urgency
orders.

Form 4.

(2.) No person shall be received under an urgency order under this section unless the medical practitioner who signs the certificate accompanying the order has personally examined the person to whom the certificate relates not more than two clear days previously to the reception of such person, and states the date of such examination in the certificate.

(3.) An urgency order may be signed before or after the medical certificate.

(4.) If an urgency order is not signed by the husband or wife or by a relative of the alleged lunatic, the order shall contain a statement of the reasons why the same is not so signed and of the connexion with the alleged lunatic of the person signing the order, and the circumstances under which he signs the same.

(5.) No person shall sign an urgency order unless he is at least twenty-one years of age and has within two days before the date of the order personally seen the alleged lunatic.

(6.) An urgency order may be made as well after as before a petition has been presented under the last preceding section or an application made to the Judge in Lunacy, in cases where the order

A.D. 1888. for reception is to be made by the Judge in Lunacy under this Act. An urgency order, if made before a petition has been presented, shall be referred to in the petition, and if made after the petition has been presented, a copy thereof shall forthwith be sent by the petitioner to the judge, magistrate, or justice to whom the petition has been presented. 5

(7.) An urgency order shall remain in force for seven days from its date; or if a petition under the last preceding section or application to the Judge in Lunacy is pending, then until the petition or application is finally disposed of. 10

(8.) An urgency order accompanied by such medical certificate as aforesaid, if the same respectively appear to be in conformity with this Act, shall be sufficient authority for taking the lunatic and conveying him to the place mentioned in the order, and for his reception and detention therein. 15

Form 2. (9.) An urgency order shall have subjoined or annexed thereto a statement of particulars.

Right of lunatic to be examined by judge, magistrate, or justice. 9.—(1.) When a lunatic has been received as a private patient under an order of a judge of county courts, magistrate, or justice, without a statement in the order that the patient has been personally seen by such judge, magistrate, or justice, the patient shall have the right to be taken before or visited by a judge, magistrate, or justice, other than the judge, magistrate, or justice under whose order he has been received, unless the medical superintendent of the asylum or hospital, or the medical proprietor or attendant of the house, or, in the case of a single patient, his medical attendant, within twenty-four hours after reception, in a certificate signed and sent to the Commissioners, shall state that the exercise of such right would be prejudicial to the patient. 20 25

Form 5. (2.) Subject to any such certificate, the superintendent or proprietor of the asylum, hospital, or house in which the patient is, or the person having charge of him as a single patient, shall, within

Form 6. twenty-four hours after reception, give to the patient a notice in writing of his right under this section, and shall ascertain whether he desires to exercise the right; and if he, within seven days after his reception, expresses his desire to exercise the right, such superintendent, proprietor, or person shall procure him to sign a notice of such desire, and shall forthwith transmit it by post in a registered letter to the judge, magistrate, or justice, who is to exercise the jurisdiction under this section, or to the justices clerk of the petty sessional division or borough, where the lunatic is, to be 30 35

Form 7. by him transmitted to such judge, magistrate, or justice, and the judge, magistrate, or justice shall thereupon arrange, as soon as 40

conveniently may be, either to visit the patient or to have him brought before him by the superintendent, proprietor or person as the judge, magistrate, or justice may think fit. A.D. 1888.

(3.) The judge, magistrate, or justice shall be entitled, if he desires so to do, to see the medical certificates and any other documents, upon the consideration of which the order for reception was made, and shall after personally seeing the patient send to the Commissioners a report, and the Commissioners shall take such steps as may be necessary to give effect to the report.

10 (4.) For the purposes of this section the jurisdiction shall be exercised by any judge, magistrate, or justice, other than the judge, magistrate, or justice who made the order for reception, who shall, under arrangements which shall be for that purpose from time to time made amongst themselves by the justices of the county or
15 borough respectively, where the person received is, undertake such jurisdiction.

(5.) If any superintendent of an asylum or hospital, or any superintendent or proprietor of a licensed house, or any person having charge of a single patient, omits to perform any duty
20 imposed upon him by this section, he shall be guilty of a misdemeanor.

10.—(1.) The justices of every county and quarter sessions borough, at their Michaelmas quarter and special sessions respectively, to be held in the year one thousand eight hundred and
25 eighty-eight and in every succeeding year, shall appoint out of their own body as many fit and proper persons as they may deem necessary to exercise during the ensuing year within the county and borough respectively, the powers conferred by this Act upon justices of the peace in relation to orders for the reception of
30 lunatics not being paupers. In making such appointments the justices of every county shall have regard to the convenience of the inhabitants of each petty sessional division thereof.

(2.) If in any year such appointments are not made, it shall be lawful for the Lord Chancellor, by writing under his hand, to make
35 the same; and if, on any representation made to him that the number of justices so appointed for any county or borough is at any time insufficient, the Lord Chancellor shall be satisfied that such representation is well founded, he shall have power to appoint, by writing under his hand, any other justices of such county or
40 borough to act, until the next Michaelmas quarter or special sessions, with the justices so appointed.

(3.) If in the case of a borough, not having a separate quarter sessions, representation is made to the Lord Chancellor that public

Appointment
of justices to
make orders
for reception
of lunatics.

A.D. 1888. inconvenience is likely to result, unless power is given to the justices of such borough to exercise within the same the powers conferred by this Act upon justices of the peace in relation to orders for the reception of lunatics not being paupers, it shall be lawful for the Lord Chancellor from time to time, with or without a fresh representation, to nominate and appoint, by writing under his hand, one or more of the justices of such borough to exercise within the same during such time as the Lord Chancellor shall think fit the powers aforesaid, together with any other specially appointed justices acting therein.

(4.) In the case of the death, absence, inability, or refusal to act of any justice appointed under this section, the justices of the county or borough, or the Lord Chancellor, as the case may be, may appoint a justice to act in his place.

(5.) All appointments of justices under this section shall be recorded by the clerk of the peace of the county or borough, or in the case of a borough, not having a separate quarter sessions, by the clerk to the justices, and it shall be the duty of every such clerk to publish the names of the justices so appointed in each petty sessional division of the county and otherwise for the information of all persons interested.

(6.) For the purposes of this section "county" does not include a county of a city or a county of a town (except the city of London), but includes any county, riding, division, part or liberty of a county having a separate court of quarter sessions, and "borough" means a borough subject to the Municipal Corporations Act, 1882.

15 & 46 Vict.
c. 50.

Protection to
persons
signing and
carrying out
orders, re-
ports, and
certificates.

11.—(1.) A person who before the passing of this Act has signed or carried out or done any act with a view to sign or carry out an order purporting to be an order for the reception of a person as a lunatic, or a medical certificate that a person is of unsound mind, and a person who after the passing of this Act presents a petition for any such order, or signs or carries out or does any act with a view to sign or carry out an order purporting to be an order for the reception of a person as a lunatic, or any report or certificate purporting to be a report or certificate under this Act, or does anything in pursuance of this Act, shall not be liable to any civil or criminal proceedings if such person has acted in good faith and with reasonable care.

(2.) If any proceedings are taken against any person for signing or carrying out or doing any act with a view to sign or carry out any such order, report, or certificate, or presenting any such petition as in the last preceding sub-section mentioned, or doing anything in pursuance of this Act, on the ground that such person did not act in good faith or with reasonable care, such

proceedings may, upon summary application to the High Court of Justice or a Judge thereof, be stayed upon such terms as to costs and otherwise as the Court or Judge may think fit, if the Court or Judge is satisfied that there is no reasonable ground for alleging want of good faith or reasonable care.

A.D. 1888.

(3.) This section shall come into force immediately after the passing of this Act.

12.—(1.) Every constable, relieving officer, and overseer of a parish, who has knowledge that any person within the district or parish of the constable, relieving officer, or overseer, who is not a pauper and not wandering at large, is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him, shall within three days after obtaining such knowledge give information thereof upon oath to a justice specially appointed under this Act.

Lunatics not under proper control or care and cruelly treated or neglected.

(2.) Any specially appointed justice upon the information on oath of any person whomsoever, that a person within the limits of his jurisdiction, not a pauper and not wandering at large, is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected as aforesaid, may himself visit the alleged lunatic, and shall, whether making such visit or not, direct and authorise any two medical practitioners whom he shall think fit to visit and examine the alleged lunatic and to certify their opinion as to his mental state, and the justice shall proceed in the same manner so far as possible, and have as to the alleged lunatic the same powers, as if a petition for an order for his reception as a lunatic had been presented by the person by whom the information with regard to the alleged lunatic has been sworn.

(3.) If upon the certificates of the medical practitioners who examine the alleged lunatic, or after such other and further inquiry as the justice may think necessary, he is satisfied that the alleged lunatic is a lunatic, and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him, and that he is a proper person to be taken charge of and detained under care and treatment, the justice may, by order direct the lunatic to be received and detained in any asylum to which, if a pauper, he might be sent under the Lunatic Asylums Act, 1853, or (where by that Act authorised) in a hospital or licensed house, and the constable, relieving officer, or overseer upon whose information the order has been made, or any constable whom the justice may require so to do, shall forthwith convey

Form 15.
16 & 17 Vict.
c. 97.

A.D. 1888. the lunatic to the asylum, hospital, or licensed house named in the order.

(4.) A justice making an order under this section may suspend the execution of the order for such period not exceeding fourteen days as he may think fit, and in the meantime may give such 5 directions or make such arrangements for the proper care and control of the lunatic as he may consider proper.

(5.) If either of the medical practitioners who examines an alleged lunatic under this section certifies in writing that the lunatic is not in a fit state to be removed, the removal shall be 10 suspended until the same or some other medical practitioner certifies in writing that the lunatic is fit to be removed; and every medical practitioner who has certified that the lunatic is not in a fit state to be removed shall, as soon as in his judgment the lunatic is in a fit state to be removed, be bound to certify 15 accordingly.

(6.) This section shall not restrain or prevent any relative or friend from retaining or taking care of a lunatic as to whom an order might be or has been made under this section, if the relative or friend satisfies the justice before whom the information as to the 20 lunatic has been sworn, that he will be properly taken care of.

(7.) A constable, relieving officer, or overseer whose duty it is to lay an information under this section may exercise the powers conferred by section two of the Lunacy Acts Amendment Act, 1885, as if it were his duty to lay such information under the 25 Lunatic Asylums Act, 1853, and the powers conferred by section three of the Lunacy Acts Amendment Act, 1885, may be exercised by any justice in any case where an order might be made by him under this section.

Persons disqualified from signing certificates.

13. No medical certificate accompanying a petition for an order 30 for the reception of a private patient, or accompanying an urgency order, shall be signed by the petitioner or person signing the urgency order, or by the husband or wife, father or father-in-law, mother or mother-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-in-law, sister or sister-in-law, partner or 35 assistant of such petitioner or person.

Patients not to be received under certificates by interested persons.

14.—(1.) No person shall be received or detained as a lunatic in any asylum, hospital, or licensed house, or as a single patient, where any certificate accompanying the order for reception has been signed by any of the following persons: 40

(a.) The superintendent or proprietor of the asylum, hospital, or house, or the person who is to have charge of the single patient:

(b.) Any person interested in the payments on account of the patient: A.D. 1888.

(c.) Any regular medical attendant in the asylum, hospital, or house:

5 (d.) The husband or wife, father or father-in-law, mother or mother-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-in-law, sister or sister-in-law, or the partner or assistant of any of the foregoing persons.

10 (2.) Neither of the persons signing the medical certificates in support of a petition for an order of a county court judge, magistrate, or justice, under this Act, shall be the father or father-in-law, mother or mother-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-in-law, sister or sister-in-law, or the partner or assistant, of the other of them.

15 (3.) No person shall be received as a lunatic in a hospital under an order made on the application of, or under a certificate signed by, a member of the managing committee of the hospital.

20 (4.) The superintendent and proprietor of any asylum, hospital, or house, and any person having charge of a single patient, who knowingly receives a person as a lunatic contrary to the provisions of this Act shall be guilty of a misdemeanor.

15.—(1.) Every medical certificate shall be signed by the person making the same. Medical certificate. Form 8.

25 (2.) Every medical certificate accompanying an urgency order shall contain a statement, that it is expedient for the welfare of the alleged lunatic or for the public safety that he should be forthwith placed under care and treatment, with the reasons for the statement. Form 9.

30 (3.) Every medical certificate made under and for the purposes of this Act shall be evidence of the facts therein appearing and of the judgment therein stated to have been formed by the certifying medical practitioners on such facts, as if the matters therein appearing had been verified on oath.

35 16. Where a person has been found lunatic by inquisition, but no committee of the person has been appointed, an order under the hand of one of the Masters in Lunacy shall be sufficient authority for the reception of the lunatic into an asylum, hospital, or licensed house, or as a single patient. Order for reception of lunatic so found by inquisition.

40 17. After the commencement of this Act no pauper shall be received as a lunatic into any asylum, hospital, or licensed house under an order under the hands of an officiating clergyman and overseer or relieving officer. Persons disqualified from signing orders as to paupers.

A.D. 1888.

When
lunatic may
be treated as
a pauper.

Form 12.

16 & 17 Vict.
c. 97.

Partial
repeal of
16 & 17 Vict.
c. 97. ss. 67,
68.

Lunatics in
workhouses.
48 & 49 Vict.
c. 52.
Form 10.

18. After the commencement of this Act a justice of the peace shall not sign an order for the reception of any person as a pauper lunatic into an asylum, hospital, licensed house, or workhouse unless the justice is satisfied that the alleged pauper is [either] in receipt of relief [or in such circumstances as to require relief for his proper care]. If it shall appear by the order that the justice is so satisfied, such lunatic shall be deemed to be a pauper chargeable to the union, county, or borough properly liable for his relief, under the Lunatic Asylums Act, 1853. A person who is visited by a medical officer of the union at the expense of the union is for the purposes of this section to be deemed to be in receipt of relief.

19. So much of the Lunatic Asylums Act, 1853, as provides that a justice may in any case act upon his personal knowledge only for the purpose of making an order for the reception of a lunatic is hereby repealed.

20.—(1.) Except in the cases mentioned in the Lunacy Acts Amendment Act, 1885, and this Act, no person being a lunatic shall be allowed to remain in a workhouse unless the medical officer of the workhouse certifies in writing—

- (a.) That such person is a lunatic, with the grounds for the opinion;
- (b.) That he is a proper person to be allowed to remain in a workhouse as a lunatic;
- (c.) That the accommodation in the workhouse is sufficient for his proper care and treatment, separate from the inmates of the workhouse not lunatics, unless the medical officer certifies that the lunatic's condition is such that it is not necessary for the convenience of the lunatic or of the other inmates that he should be kept separate.

(2.) A certificate under this section shall be sufficient authority for detaining the lunatic therein named against his will in the workhouse for fourteen days from its date.

(3.) No lunatic shall be detained against his will or allowed to remain in a workhouse for more than fourteen days from the date of a certificate under this section without an order under the hand of a justice of the peace having jurisdiction in the place where the workhouse is situate.

(4.) The order in the last preceding sub-section mentioned may be made upon the application of a relieving officer of the union to which the workhouse belongs, supported by a medical certificate under the hand of a medical practitioner, not being an officer of the workhouse, and by the certificate under the hand of the medical officer of the workhouse herein-before mentioned.

Form 11.

Form 8.

(5.) [The guardians of the union to which the workhouse belongs shall pay such reasonable remuneration as they think fit to the medical practitioner who, not being an officer of the workhouse, examines a person for the purpose of a certificate under this section.] A.D. 1888.

(6.) If, in the case of a lunatic being in a workhouse, the medical officer thereof shall not sign such certificate as in this section mentioned, or if at or before the expiration of fourteen days from the date of the certificate an order is not made under the hand of a justice for the detention of the lunatic in the workhouse, or, if after such an order has been made, the lunatic shall cease to be a proper person to be detained in a workhouse, the medical officer of the workhouse shall forthwith give notice in writing to a relieving officer of the union to which the workhouse belongs that a pauper in the workhouse is a lunatic and a proper person to be sent to an asylum, and thereupon the like proceedings shall be taken by the relieving officer and all other persons for the purpose of removing the lunatic to an asylum, and within the same time, as by the Lunatic Asylums Act, 1853, provided in the case of a pauper deemed to be a lunatic and a proper person to be sent to an asylum. 16 & 17 Vict. c. 97.

(7.) If the medical officer of a workhouse omits to give such notice to a relieving officer as by the last preceding sub-section provided he shall for each day or part of a day after the first day and before the notice is given during which the alleged lunatic remains in the workhouse be liable to a penalty not exceeding ten pounds.

(8.) Every relieving officer who fails to perform the duty by this section imposed upon him shall for each offence be liable to a penalty not exceeding ten pounds.

(9.) The guardians of the union, to which a workhouse belongs, may direct that any lunatic detained therein be discharged or removed therefrom.

(10.) For the purposes of this section an asylum provided for reception and relief of the insane under the Metropolitan Poor Act, 1867, shall be deemed to be a workhouse, and the managers of such asylum shall exercise the powers and perform the duties by this section conferred and imposed upon the guardians of the union to which a workhouse belongs, and notices to be given to and proceedings to be taken by a relieving officer shall in the case of a lunatic in any such asylum be given to and taken by one of the officers of the asylum to be nominated for the purpose by the managers of the asylum. 30 Vict. c. 6.

(11.) An order under section three of the Lunacy Acts Amendment Act, 1885, shall not authorise the detention of a lunatic after 48 & 49 Vict. c. 52.

A.D. 1888. the expiration of fourteen days from its date, except under the conditions mentioned in this section.

Power to send discharged pauper not recovered to a workhouse.

21. Where a pauper lunatic is discharged from an asylum, hospital, or licensed house, and the medical officer of the asylum or the medical attendant of the hospital or house is of opinion 5 that the lunatic has not recovered and is a proper person to be kept in a workhouse as a lunatic, the medical officer or medical attendant shall certify such opinion, and his certificate shall accompany the notice of discharge, and the lunatic may thereupon be received and detained against his will in a workhouse 10 without further order if the medical officer of the workhouse certifies in writing that the accommodation in the workhouse is sufficient for the lunatic's proper care and treatment, separate from the inmates of the workhouse not lunatics, or that the lunatic's condition is such that it is not necessary for the convenience of the 15 lunatic, or of the other inmates, that he should be kept separate.

Misstatement to be a misdemeanor.
8 & 9 Vict.
c. 100.
16 & 17 Vict.
c. 97.

22.—(1.) Any person who makes a wilful misstatement of any material fact in any petition, statement of particulars, or order for the reception of a private or pauper patient under the Lunacy Act, 1845, or the Lunatic Asylums Act, 1853, or the Acts amending 20 those Acts respectively, or under this Act, shall be guilty of a misdemeanor.

8 & 9 Vict.
c. 100.
16 & 17 Vict.
c. 97.

(2.) Any person who makes a wilful misstatement of any material fact in any medical or other certificate or in any statement or report of bodily or mental condition under the Lunacy Act, 1845, or the 25 Lunatic Asylums Act, 1853, or the Acts amending those Acts respectively, or under this Act, shall be guilty of a misdemeanor.

(3.) No prosecution for a misdemeanor under this section shall take place except by order of the Commissioners or by the direction of the Attorney General or the Public Prosecutor.

Amendment of orders and certificates.

23.—(1.) If any order or medical certificate for the reception of 30 a lunatic shall after such reception be found to be in any respect incorrect or defective, such order or certificate may, within fourteen days next after such reception, be amended by the person who signed the same. No amendment shall be allowed unless the same shall receive the sanction of the Commissioners, or of some one of 35 them, and (in the case of a private patient) the consent of the judge, magistrate, or justice by whom the order for the reception of the lunatic may have been signed.

(2.) If the Commissioners deem any such certificate to be 40 incorrect or defective, they may, by a direction in writing, addressed to the superintendent or proprietor of the asylum, hospital, or licensed house, or to the person having the charge of a single

patient, require the same to be amended by the person who signed the same, and, if the same be not duly amended to their satisfaction within fourteen days next after the reception of the patient, the Commissioners, or any two of them, may, if they think fit, make an order for the patient's discharge.

A.D. 1888.

24.—(1.) Whenever a justice directs an alleged lunatic, whether a pauper or not, to be examined by any medical practitioner, the justice directing the examination, or any other justice having jurisdiction in the place where the examination took place, may make an order *[upon the guardians of the union in which the examination took place]* for payment of such reasonable remuneration to the medical practitioner, and of all such other reasonable expenses in and about the examination, and the inquiry whether an order for the reception of the alleged lunatic ought to be made, and also if an order for reception is made for payment of such reasonable expenses of carrying the order into effect, as the justice may think proper.

Power to order payment of remuneration to medical practitioner, and of expenses.

(2.) The guardians *[upon whom an order is made under this section]* shall have the same rights *[for recovery of any sums paid thereunder]* against the lunatic and his estate, and the person or authority legally liable for his maintenance, as in the case of orders for maintenance under the Lunatic Asylums Act, 1853.

25. Subject to the modifications made by this Act the provisions of the Lunacy Act, 1845, and the Lunatic Asylums Act, 1853, and the Acts amending the same, shall apply to orders for the reception of patients and to medical certificates under this Act.

Application of 8 & 9 Viet. c. 100, and 16 & 17 Viet. c. 97. &c.

26. In the case of a pauper patient afterwards classified as a private patient, the power of ordering his discharge may be exercised by the person who would have been entitled by law to order such discharge, if such patient had been originally admitted as a private patient, and the person who signed the order or presented the petition for the order for his reception were dead, or if there is no person who would have been so entitled or no such person willing to act, then by the Commissioners.

Change of classification of patient.

27.—(1.) The medical superintendent of every asylum or hospital, and the medical proprietor or attendant of every licensed house, and the medical attendant of every single patient, shall at the expiration of one month after the reception of a private patient prepare and send to the Commissioners a report as to the mental and bodily condition of the patient, in such form as the Commissioners may from time to time direct.

Reports upon and visits to private patients.

(2.) The medical proprietor or attendant of every house licensed by justices shall also at the same time send a copy of such report to

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the clerk of the visitors of licensed houses in the county or borough where the house is situate to be by him laid before the visitors.

(3.) The Commissioners, after receiving the report upon any patient in a licensed house within their immediate jurisdiction, shall make arrangements for a visit being paid as soon as conveniently may be to the patient by one or more of the Commissioners; and the Commissioner or Commissioners so visiting shall report to the Commissioners whether the detention of the patient is or is not proper.

(4.) The visitors, after receiving the report, shall, in every case of a private patient in a licensed house in the county or borough for which the visitors are appointed, make arrangements for a visit being paid by the medical visitor (either alone or with one or more of the other visitors) to the patient therein named for such purpose as aforesaid, as soon as conveniently may be; and if on such visit there shall appear to be any doubt as to the propriety of the detention of the patient, such visitor or visitors shall forthwith report the same in writing to the Commissioners, who shall thereupon make all such further inquiries as may be necessary to satisfy themselves whether the patient is properly detained as a lunatic, or whether he ought to be discharged, or whether the case ought to be reported to the Lord Chancellor with a view to an inquisition.

(5.) In the case of a single patient the Commissioners, after receiving the report, shall either make arrangements for a visit being paid as soon as conveniently may be to the patient therein named by one or more of the Commissioners, or shall cause a copy of the report to be sent to a medical visitor for the county or borough in which the single patient resides, or to some other competent person, and shall direct him to visit the patient therein named as soon as conveniently may be. The Commissioner or Commissioners, or other person visiting the patient, shall report to the Commissioners whether his detention is or is not proper.

(6.) The person directed to visit a single patient under the last preceding sub-section shall for that purpose have all the powers of a Commissioner, and the Commissioners may pay to him such reasonable remuneration for his services as they think fit [*out of any funds which may be provided by Parliament to defray the general expenses of the Commissioners*].

(7.) In the case of a private patient in an asylum or hospital the Commissioners, after receiving the report, shall either make arrangements for a visit being paid, as soon as conveniently may be, to the patient therein named by one or more of the Commissioners,

who shall report to the Commissioners whether the detention of the patient is or is not proper; or the Commissioners shall send a copy of the report to the clerk to the committee of visitors of the asylum or to the managing committee of the hospital, and one or more members of the committee shall thereupon, as soon as conveniently may be, visit the patient named in the report and report to the committee whether his detention is or is not proper, and the committee, or any three of them, may, upon consideration of such last-mentioned report, by writing under their hands discharge the patient or give such directions with regard to him as they think fit.

(8.) If within a month after the reception of any private patient, the asylum, hospital, licensed or other house into which he was received is visited by one or more Commissioners or by any visitors, and such patient is there seen and examined by him or them, and the propriety of his detention reported on in like manner as by this section provided, no special visit shall necessarily be paid to such patient after receipt of any such report.

(9.) If the Commissioners in any case under this section determine that a patient ought to be discharged they may make an order under their seal for his discharge.

(10.) The reports to be furnished under this section shall be in addition to the reports or statements which by the existing Acts relating to lunacy are required to be furnished.

28.—(1.) Any order for the reception of a patient, whether a pauper or not, into an asylum, hospital, or licensed house, or as a single patient, dated after or within three months before the commencement of this Act, shall expire at the end of one year from its date, and any order dated three months or more before the commencement of this Act shall expire at the end of one year after the commencement of this Act unless such orders respectively are continued as herein-after provided.

Duration of
orders for
reception.

(2.) In the case of any asylum, hospital, or licensed house the Commissioners may by order under their seal from time to time direct that the orders for the reception of patients detained in such asylum, hospital, or house shall, unless continued as herein-after provided, expire on any quarterly day next after the days on which the orders would expire under the last preceding subsection.

(3.) An order for the removal of a patient from one custody to another shall not be deemed to be an order for reception within this section, but the patient who is removed shall after removal be deemed to be detained under the original order for his reception as

A.D. 1888. a lunatic, and such order shall expire in accordance with the provisions of this section unless continued as hereinafter provided.

(4.) An order for the reception of a patient, whether a pauper or not, into an asylum, hospital, or licensed house, or as a single patient, shall remain in force for a year after the date by this Act or by an order of the Commissioners appointed for it to expire, and thereafter for two years and thereafter for three years, and after the end of such periods of one, two, and three years for successive periods of five years, if at the end of each period of one, two, three, and five years respectively a special report of the medical superintendent of the asylum or hospital or the medical proprietor or attendant of the licensed house or of the medical attendant of the single patient as to the mental and bodily condition of the patient with a certificate under his hand certifying that the patient is still of unsound mind and a proper person to be detained under care and treatment is sent to the Commissioners in manner herein-after directed. Such report shall be sent to the Commissioners not more than one month and not less than seven days before the end of each period.

(5.) The person sending the special report shall give to the Commissioners such further information concerning the patient to whom the special report relates as they may require.

(6.) If in the opinion of the Commissioners the special report does not justify the accompanying certificate, then—

(a.) In the case of a patient in a hospital or licensed house or under care as a single patient, the Commissioners shall make further inquiry, and if dissatisfied with the result they or any two of them may by order direct his discharge.

(b.) In the case of a patient in an asylum, the Commissioners shall send a copy of the report, with any other information in their possession relating to the case, to the clerk to the committee of visitors of the asylum, and the committee, or any three of them, shall thereupon investigate the case and may discharge the patient or give such directions respecting him as they may think proper.

(7.) The superintendent of any asylum, and the superintendent or proprietor of any hospital or house, and any person having charge of a single patient, who detains a patient after he has knowledge that the order for his reception has expired, shall be guilty of a misdemeanor.

(8.) The special reports and certificates under this section may include and refer to more than one patient, and such reports shall be in such form as the Commissioners may, with the approval of the Lord Chancellor, from time to time direct.

(9.) A certificate under the hand of a Commissioner that an order for reception has been continued to the date therein mentioned shall be sufficient evidence of the fact.

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29.—(1.) The powers of ordering the discharge of a patient detained in a hospital or licensed house given to the Commissioners by section seventy-six and seventy-seven of the Lunacy Act, 1845, may be exercised after one visit to the patient by two Commissioners, instead of two visits as required by those sections, but no such order shall be made later than seven days after the day of the visit, and all the provisions of the said Act with regard to such orders of discharge which are not inconsistent with this subsection shall remain in force.

Powers of
discharge
and removal.
8 & 9 Vict.
c. 100. ss. 76,
77.

(2.) Any two of the Commissioners, one of whom shall be a medical and the other a legal Commissioner, may, after one visit and not later than seven days thereafter, order the discharge of any person detained as a single patient with the like consequences as follow an order by the Lord Chancellor for the discharge of a single patient under section eighteen of the Lunacy Act, 1853.

16 & 17 Vict.
c. 96. s. 18.

(3.) Upon the death of a person having charge of a single patient the Commissioners may, upon the application of the person having authority to discharge the patient, or, if he does not apply within seven days after the death, upon their own motion, by order direct the patient to be placed in the charge of the person named in the order, and such order shall have the same effect as an order of transfer made under the powers of section twenty of the Lunacy Act, 1853.

16 & 17 Vict.
c. 96. s. 20.

(4.) The Commissioners or any two of them may at any time by order direct the removal of a lunatic from the charge of any person under whose care he is as a single patient to the charge of any other person or to any asylum, hospital, or licensed house.

30.—(1.) The consent in writing of one Commissioner countersigned by the secretary of the Commissioners shall be sufficient for the exercise of the powers conferred by section eighty-six of the Lunacy Act, 1845, sections twenty and twenty-two of the Lunacy Act, 1853, and section thirty-eight of the Lunacy Act, 1862.

Removal for
health or on
trial, and
transfer.
8 & 9 Vict.
c. 100. s. 86.
16 & 17 Vict.
c. 96. ss. 20,
22.

(2.) The medical superintendent of a hospital, or the medical superintendent or proprietor of a licensed house, may, of his own authority, permit a patient to be absent from such hospital or house for a period not exceeding forty-eight hours without giving notice of such absence to the Commissioners, and during such absence the order for reception shall remain in force.

25 & 26 Vict.
c. 111. s. 38.

31.—(1.) [Where a lunatic in an asylum, hospital, or licensed house becomes destitute he shall be deemed to be chargeable to the

Charge-
ability of
lunatic

A.D. 1888. *union from which he was brought until it has been established in the manner provided by the Lunatic Asylums Act, 1853, that the lunatic is settled in some other union or that it cannot be ascertained in what union the lunatic was settled; and the superintendent or proprietor of the asylum, hospital, or house shall forthwith give to the authority liable for his maintenance notice that the lunatic has become destitute.]*

becoming
pauper.
16 & 17 Vict.
c. 97.

(2.) The words "if any pauper lunatic be not settled in the parish from which" are hereby substituted for the words "if any pauper lunatic be not settled in the parish by which" in section ninety-eight of the Lunatic Asylums Act, 1853.

16 & 17 Vict.
c. 97.

Single
patients.

32.—(1.) After the commencement of this Act, except in the case of persons who shall by the medical certificates accompanying the orders for their reception be certified to be suffering from unsoundness of mind of a temporary character, or from decay of mind in old age, or to be desirous of voluntarily submitting to care and treatment, no order shall be made for the reception of a lunatic as a single patient in a house belonging to or kept by a medical practitioner, except by the Judge in Lunacy, who is hereby authorised to make the same, and every such order shall, subject to the General Orders in Lunacy for the time being in force, be obtained in the same manner and subject to the same conditions as an order made by a judge of county courts, magistrate, or justice upon petition under this Act. The provisions of the Lunacy Act, 1845, and the Acts amending the same, and of this Act relating to single patients, and all other relevant provisions, shall apply to patients for whose reception an order is made by the Judge in Lunacy under this subsection, and the person upon whose application the order is made shall, with reference to the lunatic to whom the order relates, have and be subject to the same authorities, powers, obligations, and liabilities, as if the order had been made by a judge of county courts, magistrate, or justice, upon the petition of the applicant.

(2.) Any two Commissioners may direct that the medical attendant of a single patient shall cease to act in that capacity, and that some other person be employed in his place.

(3.) If the person having charge of the patient fails to give effect to the direction by causing the patient to be visited by some other duly qualified medical practitioner he shall be guilty of a misdemeanor.

8 & 9 Vict.
c. 100. s. 92.

(4.) One or more of the Commissioners shall once at least in every year visit every unlicensed house in which a single patient is detained as a lunatic, and inquire and report to the Commissioners on the treatment and state of bodily and mental health of the patient.

(5.) Any Commissioner visiting an unlicensed house may inspect every part of the house and the grounds belonging thereto. A.D. 1888.

(6.) If the person having charge of a single patient refuses to show to any Commissioner at his request any part of the house wherein the single patient resides or any part of the grounds belonging thereto he shall be guilty of a misdemeanor.

33. A person who for payment takes charge of or receives to board or lodge or otherwise any other person as a lunatic or alleged lunatic, shall be deemed to be a person deriving profit from the charge of a lunatic within the meaning of the Lunacy Act, 1845. Person deriving profit from charge of lunatic defined.

34.—(1.) The Commissioners may by order under this section substitute for the person who signed the order for reception of a private patient, or for the person upon whose petition or application any such order was obtained, and either during the life of such person or after his death, any other person who is willing to undertake the duties and responsibilities of the person who signed or obtained the order. Power to appoint substitute for the person who signed or applied for order of reception.

(2.) As from the date of an order by the Commissioners under this section the substituted person shall be subject to all the obligations and may exercise all the powers and authorities in relation to the patient of the person for whom he is substituted.

(3.) The substitution shall not release the person who signed or obtained the order for reception or his estate from any liabilities already incurred by him.

(4.) An order under this section may be made with or without the consent of the person who signed or obtained the order for reception, but in the last-mentioned case the order shall not be made during his life until fourteen days after the Commissioners have given to him notice in writing of their intention to take into consideration the advisability of making an order under this section and of the name of the person proposed to be substituted.

(5.) Within fourteen days after receipt of the notice the person to whom the notice is given may lay before the Commissioners a statement in writing of his reasons why an order under this section should not be made, or he may appear in person before the Commissioners at such time and place and subject to such restrictions as the Commissioners may appoint for the purpose of stating such reasons. The Commissioners shall, upon consideration of such statement, or, if no statement is made, at their own discretion, finally determine the matter, and make or decline to make the order, as they may think fit.

A.D. 1888. (6.) A notice under this section may be sent by post in a prepaid letter addressed to the person who signed or obtained the order for reception at his last known address, and the same shall be deemed to have been received at the time when the same would arrive in due course of post. 5

Provision for any person to apply to have patient examined.

35. An order for the examination by two medical practitioners, authorised by the Commissioners, of any person detained as a lunatic in any asylum, hospital, licensed house, or as a single patient, may be obtained from the Commissioners upon the application of any person, whether a relative or friend or not, who shall satisfy the Commissioners that it is proper for them to grant such order; and on production to the Commissioners of the certificates of the medical practitioners so authorised, certifying that after two separate examinations with at least seven days intervening between the first and the second examination, they are of opinion that the patient may, without risk or injury to himself or the public, be discharged, the Commissioners may order the patient to be discharged at the expiration of ten days from the date of the order. 10 15

Power to take boarders in licensed houses.

16 & 17 Vict. c. 96, s. 6.
25 & 26 Vict. c. 111, s. 18.
Form 14.

36.—(1.) The superintendent or proprietor of a licensed house may, with the previous consent in writing of two of the Commissioners, receive and lodge as a boarder for the time specified in the consent any person who is desirous of voluntarily submitting to treatment; after the expiration of which time (unless any further consent shall be in like manner given for the extension thereof) he shall be discharged. The superintendent or proprietor of a licensed house may also, with such previous consent as aforesaid, receive and lodge as a boarder, for the time specified in the consent, any relative or friend of a patient. 20 25

(2.) The consent of the Commissioners shall be given only upon application to them by the intending boarder. 30

(3.) The total number of patients and boarders in a hospital or licensed house shall at no one time exceed the number of patients for which the hospital is certified or the house licensed.

(4.) Every boarder shall, if required, be produced to the Commissioners and visitors respectively on their respective visits. 35

(5.) A boarder may leave the licensed house in which he is a boarder upon giving to the superintendent or proprietor thereof twenty-four hours notice in writing of his intention so to do.

(6.) If any person is not allowed to leave the licensed house in which he is a boarder after the expiration of twenty-four hours notice to the superintendent or proprietor thereof of his intention so to do, he shall be entitled to recover from the superintendent or 40

proprietor ten pounds as liquidated damages for each day or part of a day during which he is detained. A.D. 1888.

37.—(1.) Where application is made to the committee of visitors of an asylum by any relative or friend of a pauper lunatic confined therein that he may be delivered over to the custody of such relative or friend, the committee may, upon being satisfied that the application has been approved by a justice having jurisdiction in the place where the relative or friend resides, and that the lunatic will be properly taken care of, order the lunatic to be delivered over accordingly.

Maintenance for pauper lunatic taken charge of by relatives. 16 & 17 Vict. c. 97. s. 81.

(2.) [Where any such order is made, the authority liable for the maintenance of the lunatic shall pay to the person to whom the lunatic is delivered such allowance for the maintenance of the lunatic, not exceeding the expenses which would be incurred on his account if he were in the asylum, as such authority may on the recommendation of the committee of visitors of the asylum from which the lunatic was delivered over think proper.]

(3.) So long as an allowance is paid under this section on account of the lunatic, the lunatic shall be visited once in every three months by a medical officer of the asylum from which the lunatic was delivered over, or if the person to whom the lunatic is delivered resides more than three miles from the asylum, then by a medical practitioner to be approved [and remunerated] by the committee of visitors of the asylum, and such medical officer or practitioner shall within three days after each visit report the result thereof to the committee of visitors of the asylum.

(4.) Any two of the visitors may at any time, if they think fit, make an order for the removal of the lunatic to the asylum from the custody of the relative or friend to whom he has been delivered.

(5.) So long as an allowance is paid under this section, the lunatic for whose maintenance the allowance is paid shall not be deemed to be a pauper lunatic not in an asylum for the purposes of the Lunatic Asylums Act, 1853, section sixty-six.

16 & 17 Vict. c. 97. s. 86.

38.—(1.) If it comes to the knowledge of the Commissioners that any person appears to be without an order and certificates detained or treated as a lunatic or alleged lunatic by any person receiving no payment for the charge, or in any charitable, religious, or other establishment (not being an asylum, hospital, or licensed house), they may require the person by whom the patient is detained, or the superintendent or principal officer of the establish-

Information as to lunatics in private families and charitable establishments.

A.D. 1888.

ment, to send to them, within or at such time or times as the Commissioners may appoint, a report or periodical reports by a medical practitioner of the mental and bodily condition of the patient, with all such other particulars as to him and his property as they may think fit. 5

(2.) Any one or more of the Commissioners may at any time visit any such patient and report the result of the visit to the Commissioners, and may exercise, with respect to such patient, all the powers (except that of discharge) given to them as to persons confined in any asylum, hospital, or licensed house, or as single patients. 10

(3.) The Commissioners may, if they think fit, transmit any reports received by them, or may report the results of any inquiries made by them under this section, to the Lord Chancellor, who may thereupon make an order for the discharge of the patient from the custody in which he is detained or for his removal to an asylum, hospital, or licensed house, or to such other custody as he may think fit, and the expenses properly incurred of carrying any such order into effect and of maintaining the patient if so removed shall, if the order so directs, be paid by *[the guardians of the union in which the patient was found, until the authority legally liable for his maintenance has been ascertained; and such guardians shall have the same right to recover any such expenses paid by them against the lunatic and his estate, and]* the person or authority legally liable for his maintenance as in the case of orders for maintenance under the Lunatic Asylums Act, 1853. 25

16 & 17 Vict.
c. 97.

(4.) Where an order is made by the Lord Chancellor under this section for removal of a lunatic to an asylum, any two justices of the county or borough in which the asylum is may exercise all the authorities conferred upon justices by the Lunatic Asylums Act, 1853, for the purpose of making the lunatic's property applicable to his maintenance and for maintaining him as a pauper. 30

16 & 17 Vict.
c. 97.

(5.) All reports and particulars sent to the Commissioners under this section shall be kept by them, and shall be open to inspection only by the Commissioners and the Lord Chancellor, and by such persons as the Lord Chancellor may direct. 35

Notice of
order of
discharge.

39.—(1.) The Commissioners when they shall have made any order of discharge shall forthwith serve the same upon the superintendent or proprietor of the asylum, hospital, or licensed house where the patient is detained, or upon the person having charge of the patient as a single patient, and shall give notice of such order,— 40

a. In the case of a private patient, to the person who signed or obtained the order for his reception or who made the last payment on account of the patient:

b. In the case of a pauper, to the guardians of the union by whom the expense of the maintenance of the lunatic was defrayed, or, if the lunatic was chargeable to a county or borough, to the clerk of the peace of the county or the town clerk of the borough.

- 5 (2.) Any person who has been duly served with an order of discharge and detains a patient after the date of discharge appointed thereby shall be guilty of a misdemeanor.

- 40.—(1.) The superintendent or proprietor of every asylum, hospital, and licensed house, and the person having charge of a single patient, shall forward unopened all letters written by any patient and addressed to the Lord Chancellor or any Judge in Lunacy, or to a Secretary of State, or to the Commissioners, or any Commissioner, or to the person who signed the order for the reception of the patient, or on whose petition or application such order was made, or to the visitors or any visitor or visiting committee, or any member of the visiting committee of the asylum, or licensed or other house, in which any patient writing such letters may be, and may also at his discretion forward to its address any other letter if written by a private patient, and shall within twenty-four hours send by post to the Commissioners in the case of private patients not found lunatic by inquisition, or to the Masters in Lunacy in the case of patients so found, every letter written by a private patient not so forwarded, unless the same is within that time submitted to a visiting Commissioner or visitor.

Letters of
patients.
25 & 26 Vict.
c. 111. s. 40.

(2.) The Commissioners may nevertheless from time to time order that letters written by any patient or patients named in the order be either not sent to them or be sent at such intervals as the Commissioners may direct.

- 30 (3.) The Commissioners and Masters in Lunacy (but subject in the case of the Masters to the provisions of the General Orders in Lunacy) may, in their discretion, forward to its address or detain any letter sent to them under this section, and any letter not forwarded to its address may be destroyed either at once or after an interval, or may be dealt with in such other manner as may be thought proper.

- 40 (4.) Every superintendent or proprietor of an asylum, hospital, or licensed house, and every person having charge of a single patient who makes default in complying with the obligation imposed on him by this section shall for each offence be liable to a penalty not exceeding twenty pounds.

A.D. 1888.

Notices as to
letters and
interviews.

41.—(1.) There shall, unless there is no private patient therein, be posted up in every asylum, hospital, and licensed house printed notices setting forth—

(a.) The right of every private patient to have any letter written by him forwarded to the Commissioners, or the Masters in Lunacy, if it is not forwarded to its address or within twenty-four hours submitted to a visiting Commissioner or visitor:

(b.) The right of every private patient to request a personal and private interview with a visiting Commissioner or visitor at any visit which may be made to the asylum, hospital, or house.

(2.) The notices shall be posted in the asylum, hospital, or house, so that every private patient may be able to see the same.

(3.) The visiting Commissioners or visitors may give directions as to the places in which such notices are to be posted.

(4.) If the superintendent or proprietor of an asylum, hospital, or licensed house makes default in posting such notices, or does not within ten days carry out any directions as to such notices given by the visiting Commissioners or visitors, he shall for each offence be liable to a penalty not exceeding twenty pounds.

Provision on
inquisition
for commit-
ment of
estate only
and not of
person.

42. If in any case of an inquisition it shall appear that the alleged lunatic is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself, and is not dangerous to himself or to others, it may be specially so found and certified; and every such special finding and certificate shall be brought before the Judge in Lunacy, who shall thereupon make all such orders, and direct all such acts to be done, as may be necessary or proper relative to the commitment, management, and application of the estate and effects of the person so found to be of unsound mind (including all proper provisions for his maintenance), but it shall not be necessary, unless in the discretion of the Judge it shall appear proper so to do, to make any order as to the custody or commitment of the person.

Judge in
Lunacy may
supersede
inquisition
and rescind
or vary
order for
commitment
of person.

43.—(1.) In any case of a person who has been found lunatic by inquisition the Judge in Lunacy, being satisfied on the report of the Commissioners or of one of the Lord Chancellor's Visitors in Lunacy, or on any other evidence that the lunatic is cured, or that he is capable of managing himself, and not dangerous to himself or others, though incapable of managing his affairs, may, if he shall think it desirable that the ordinary proceedings for a supersedeas should not be insisted on, by order supersede the inquisition so far as the same finds that the lunatic is incapable

of managing himself, and rescind or vary any order for the commitment of the person of the lunatic. A.D. 1888.

(2.) An order under this section may be made on such terms and conditions as the Judge in Lunacy may think fit.

- 5 (3.) Notice of an order under this section shall be forthwith given to the committee of the lunatic and also to the person under whose care the lunatic is.

- 10 44.—(1.) The medical attendant of every lunatic so found by inquisition shall, before the expiration of one, three, and six years respectively from the commencement of this Act, and before the expiration of every subsequent period of five years after the expiration of six years from the commencement of this Act, send to the Masters in Lunacy a report as to the mental and bodily condition of the patient, with a certificate under his hand certifying, 15 if it is the fact, that the patient is still of unsound mind and a proper person to be detained under care and treatment.

- 20 (2.) If, before the expiration of any of the periods herein-before mentioned, such report and certificate are not sent to the Masters, they shall inquire as to the omission, and unless they are satisfied that the lunatic is still of unsound mind, the order for the commitment of the person of the lunatic as to whom such report and certificate are not sent shall determine at the expiration of such period; but nothing herein contained shall affect the commitment of the estate.

- 25 (3.) A Master in Lunacy may, by order under his hand, extend the time within which any report and certificate under this section is to be sent to the Masters, and if the time is so extended, the order for commitment of the person of the lunatic as to whom the time is so extended shall continue in force until the expiration of 30 the extended time, but such extended time shall not exceed six calendar months.

- (4.) Where any order for commitment of the person of a lunatic has determined under this section, the Masters in Lunacy shall forthwith give notice of such determination to the committee of the 35 person of the lunatic and to the person under whose care the lunatic is.

- 40 45. In any case where, pending the appointment of committees, it shall appear to the Masters desirable that temporary provision should be made for the expenses of the maintenance or other necessary purposes or requirements of the lunatic, or any member of his family, out of any cash or available securities belonging to him in the hands of his bankers, or of any other person, the Masters

Order for custody of person of lunatic so found to determine unless continued.

Temporary provision for maintenance of lunatic.

A.D. 1888. shall be at liberty by certificate to authorise such banker or other person to pay to the person to be named in such certificate such sum as they shall certify to be proper; and may by such certificate give any directions as to the proper application thereof for the lunatic's benefit by such person who shall be accountable for the same as the Masters shall direct.

Orders as to the property of a lunatic.

16 & 17 Vict.
c. 70.

46.—(1.) When a lunatic is detained under order and certificates, or where any person not so detained and not found a lunatic by inquisition shall be proved to the satisfaction of the Judge in Lunacy to be through mental infirmity, arising from disease or age, incapable of managing his estate and affairs, the Judge in Lunacy, upon the application of such lunatic or other person by his next friend, may make an order that the next friend, or any other person approved by the Judge, may, on behalf of the lunatic or of the person so incapable, exercise any powers or do any act in relation to his property which the committee of the estate of a lunatic so found by inquisition, could by virtue of the Lunacy Regulation Act, 1853, and the Acts amending the same, under an order of the Judge, or without an order, exercise or do on behalf of the lunatic.

(2.) An order under this section may confer upon the person named in the order authority to do any act or exercise any power specified in the order, or may confer a general authority to exercise on behalf of the lunatic until further order all or any of the powers of a committee of the estate of a lunatic so found by inquisition, without further application to the Judge.

(3.) Applications under this section shall be made in such manner, upon notice to such persons, and subject to such restrictions as may be appointed by the General Orders in Lunacy, and subject thereto as the Judge in Lunacy in each case may determine.

(4.) Every person appointed to do any act or exercise any powers under this section shall be subject to the jurisdiction and authority of the Judge in Lunacy in the same manner in all respects as if such person were the committee of the estate of a lunatic so found by inquisition.

Power to deal with property of small amount.

47.—(1.) Where an order is made for the reception of a lunatic the value of whose real and personal property is under two hundred pounds, and no relative or friend of the lunatic is willing to undertake the management of such property, any judge of county courts having jurisdiction in the place from which the lunatic is sent, may, upon the application of the clerk of the guardians, or a

A.D. 1888.

relieving officer of the union from which the lunatic is sent, authorise the clerk or relieving officer, or such other person as the judge shall by his order appoint, to take possession of and sell and realise the real and personal property of the lunatic, and to exercise

5 all the powers which could be exercised by the legal personal representative of the lunatic if he were dead; and the receipt of the person so authorised shall be a valid discharge to any person who pays any money or delivers any property of the lunatic to such person.

10 (2.) The judge by whom such order is made may by the same or any subsequent orders give such directions as he shall think fit as to the application of the property of the lunatic for his benefit or in reimbursement of such sums as may have been or may be expended by the guardians of the union for his care or
15 relief, or of the costs or expenses incurred in relation to the lunatic by such guardians, or by the person acting under any such order as aforesaid, or the judge may, if he think fit, order that the whole or any part of the proceeds of the lunatic's property be paid into the county court to the credit of an account intituled in the matter
20 of such lunatic, and any sum so paid into court may either be invested in the manner provided by the county court rules in force for the time being, or be paid out of court from time to time to such person as the judge may direct, to be held and applied for the benefit of such lunatic, or in or towards such reimbursement
25 as aforesaid, in such manner as the judge shall from time to time direct.

(3.) The person acting under any such order shall render an account of his dealings with the lunatic's property to the judge by whom such order was made in such manner as the judge shall from
30 time to time appoint.

48.—(1.) If the Commissioners, or in the case of a house licensed by justices the justices, are of opinion that a house licensed for the reception of lunatics has been in all respects well conducted by the licensees, the Commissioners or justices may upon the expiration
35 of the licence from time to time renew the licence for that house to the former licensees, or any one or more of them, or to their successors in business from time to time.

(2.) If at the passing of this Act the licensees of any house shall have made arrangements to establish a new house for the
40 reception of lunatics in the place of the existing house, and the Commissioners, or if the existing house is within the jurisdiction of justices the justices, are of opinion that such new house will

Restrictions
on new
licences.

A.D. 1888. be as well suited for the purpose as the existing house, and are also of opinion that the existing house has been in all respects well conducted, the Commissioners or justices may grant to the licensees of the existing house, or any one or more of them, a license for the new house, and may from time to time renew the same to the original licensees, or any one or more of them, or to his or their successors in business from time to time. 5

(3.) If at any time after the passing of this Act it shall be shown to the satisfaction of the Commissioners or the justices, as the case may be, that it would be for the comfort and advantage of the patients in any licensed house that another house should be substituted in place thereof, the Commissioners or justices may grant to the licensees of such first-mentioned house a licence in respect of such other house upon and subject to the same conditions and restrictions as may have existed in respect of the first-mentioned house. 15

(4.) In the case of joint licensees who desire to carry on business apart from one another, if, in the opinion of the Commissioners or of the justices, as the case may be, the establishment conducted by them jointly, and also any new house which any of them desires to conduct, answers the conditions herein-before required for granting renewed licences, the Commissioners or justices, as the case may be, may grant to each of such licensees renewed licences for such number of patients (not exceeding in the aggregate the number allowed by the joint licence) as such joint licensees shall agree upon, or, failing their agreement, as the Commissioners or justices shall determine. 25

(5.) Where the licensee of a house is a medical man in the employment of the proprietor of such house as his superintendent, the licence shall be deemed to be transferable or renewable to such licensee so long as he continues superintendent of the house, or to the proprietor, or to any other medical superintendent while employed by the proprietor in the place of the former superintendent. 30

(6.) Save as in this section provided, after the passing of this Act no new licence shall be granted to any person for a house for the reception of lunatics, and no house in respect of which there is at the passing of this Act an existing licence shall be licensed for a greater number of lunatics than the number authorised by the existing licence. 40

(7.) This section does not apply to licensed houses used solely for the reception of idiots and imbeciles.

- 49.—(1.) Visitors of licensed houses shall be appointed by the justices of every county or borough under section seventeen of the Lunacy Act, 1845, whether there is a licensed house within the county or borough or not.
- 5 (2.) In every county or borough in which no visitors of licensed houses have been appointed before the commencement of this Act, the justices of such county or borough shall appoint such visitors at the quarter and special sessions respectively next after the commencement of this Act.
- 10 (3.) A medical visitor shall be entitled to such remuneration for services rendered under this Act as the justices of the county or borough for which he is a visitor may approve, and such remuneration shall be provided in the manner in which under sections thirty-six [and thirty-eight] of the Lunacy Act, 1845, the remuneration of
15 a visitor for services under that Act is to be provided.
- (4.) Where there is no licensed house within a county or borough the remuneration of any medical visitor, and the salary of the clerk to the visitors, and the expenses of the visitors in the execution of their office, shall be provided in the manner in which under section
20 thirty-eight of the Lunacy Act, 1845, the remuneration and other expenses, which the money received for licences is inadequate to pay, are to be provided.
- (5.) The clerk to the visitors of licensed houses shall, upon the direction of any two visitors, call a meeting of the visitors at such
25 time and place as the two visitors may appoint.
- (6.) In the case of a licence for a house for the reception of lunatics granted to two or more persons, if before the expiration of the licence any of such persons die leaving the others surviving, and one of the survivors has undertaken, or within ten days after the
30 death gives to the Commissioners or the justices who granted the licence a written undertaking, to reside on the licensed premises, the licence shall remain in force and have the same effect as if granted to the survivors.
- (7.) Where a licence has been transferred by the justices of a
35 county or borough under section thirty-nine of the Lunacy Act, 1845, the clerk of the peace of the county or borough shall within three days after the date of the instrument of transfer send a copy thereof to the Commissioners.
- (8.) A clerk of the peace who makes default in performing the
40 duty imposed upon him by this section shall for each day during which the default continues be liable to a penalty not exceeding forty shillings.

A.D. 1888.

Amend-
ments as to
licensed
houses.8 & 9 Vict.
c. 100. s. 17.8 & 9 Vict.
c. 100. ss. 36,
38.8 & 9 Vict.
c. 100. s. 38.8 & 9 Vict.
c. 100. s. 39.

A.D. 1888.

Provisions
for registra-
tion of hos-
pitals in
which luna-
tics are
received.

50.—(1.) When application is made after the passing of this Act for the registration of a hospital for the reception of lunatics, the Commissioners may depute any one or more members of their body, or may employ such person or persons as they shall think fit, to inspect the hospital and report to them thereon. 5

(2.) If the Commissioners are of opinion that the hospital ought not to be registered for the reception of lunatics, they shall make a written report to a Secretary of State, stating the reasons for such opinion, and the Secretary of State shall thereupon finally determine whether the hospital ought to be registered or not. 10

(3.) If the Commissioners are of opinion or a Secretary of State determines that the hospital ought to be registered, the Commissioners shall issue a provisional certificate of registration.

(4.) A provisional certificate shall be valid for six months from the date of its issue, and for such extended time as the Commissioners may allow, unless before its expiration it is superseded by a complete certificate of registration. 15

(5.) Within three months from the date of the provisional certificate, the managing committee of the hospital shall frame regulations for the hospital, and shall submit the same to a Secretary of State for approval. 20

(6.) Upon approval of the regulations by a Secretary of State the Commissioners shall issue a complete certificate of registration, and shall specify therein the total number of patients of each sex, who may be received in the hospital. 25

(7.) As from the date of a provisional certificate lunatics may be received in the hospital, but if no complete certificate of registration is granted, then no lunatic shall be received or detained in the hospital after the expiration of the provisional certificate.

(8.) No lunatic shall be received in any hospital unless the same has been registered before the passing of this Act, or is registered under a provisional or complete certificate by virtue of this Act. 30

(9.) The superintendent of any hospital who receives or detains any lunatic in the hospital contrary to the provisions of this Act, or to the terms of the complete certificate of registration shall be guilty of a misdemeanor. 35

Buildings
not shown
on plans not
to be used
for accom-

51.—(1.) No building in the occupation of the governing body of a registered hospital, except the Royal Hospital of Bethlehem, not shown on the plans sent to the Commissioners pursuant to any rules made by them shall be deemed part of the hospital for any 40

purpose connected with the reception or the care and treatment of lunatics. A.D. 1888.

(2.) If the superintendent of a registered hospital knowingly permits any lunatic to be detained or lodged in any building not shown on the plans of the hospital sent to the Commissioners he shall be deemed guilty of a misdemeanor. moderation of lunatics.

52.—(1.) The accounts of every registered hospital which does not submit its accounts to the Charity Commissioners shall be audited once a year by an accountant or other auditor to be approved by the Commissioners, and shall be printed. Accounts to be audited and printed.

(2.) The Commissioners may, if they shall think fit, prescribe the form in which the accounts of any registered hospital are to be kept, and the day of the year to which they are to be made up.

53. The committee of management of any hospital may grant to any officer or servant who is incapacitated by confirmed illness, age, or infirmity, or who has been an officer or servant in the hospital for not less than fifteen years and is not less than fifty years old, such *[superannuation allowance, not exceeding two-thirds of the salary of the superannuated person, with the value of the]* lodgings, rations or other allowances enjoyed by him, as the committee may think fit. Superannuation allowance of officer of hospital.

54. The following persons shall be disqualified from being members of the governing body of a registered hospital:

- a. Any medical or other officer of the hospital:
 - 25 b. Any person who is interested in or participates in the profits of any contract with or work done for the governing body or committee of management of the hospital, but so that this disqualification shall not extend to a person who is a member of an incorporated company which has entered into a contract with or done any work for the governing body or committee.
- Persons disqualified to be members of governing body of hospital.

55.—(1.) The Commissioners may from time to time require the superintendent or any other officer of a registered hospital to give them such information as the Commissioners shall think fit as to the mode in which the regulations of the hospital are carried out. Powers for enforcing regulations of hospitals.

(2.) If the Commissioners are of opinion that the regulations are not properly carried out, they may give to the superintendent of the hospital notice stating the particulars in which the regulations are not properly carried out, and requiring him to do such things as the Commissioners may think proper for carrying out the same.

A.D. 1888.

(3.) If at the expiration of six months from the date of the notice the superintendent has not, in the opinion of the Commissioners, complied with the requirements of the notice, the Commissioners, with the consent in writing of a Secretary of State, may make an order directing the hospital to be closed as from the date named 5 in the order, so far as the reception and detention of lunatics is concerned.

(4.) If any lunatics are detained or kept in the hospital after the date appointed by the order for closing the hospital, the superintendent of the hospital shall be guilty of a misdemeanor. 10

No agree-
ments
between
justices and
subscribers.

56. As from the passing of this Act no agreement shall be made between the justices of any county or borough and the subscribers to a hospital for uniting to provide and maintain an asylum or for the reception of pauper patients into the hospital. Provided always, that in any case where an agreement for either of the purposes 15 aforesaid is already subsisting, such agreement shall continue in force, and may be renewed as heretofore with the consent of a Secretary of State.

Provisions as
to private
patients in
asylums.
16 & 17 Viet.
c. 97.

57.—(1.) Lunatics not paupers may be received into any asylum provided under the Lunatic Asylums Act, 1853, and the Acts 20 amending the same, or under this Act, upon such terms as to payment and accommodation as the committee of visitors may think fit. All enactments as to the conditions on which such lunatics may be received into hospitals or licensed houses shall be applicable to lunatics not paupers received into such asylums. 25

(2.) An account of the amount, by which the sums charged for private patients received in the asylum exceed the weekly charges for pauper lunatics sent from or settled in any place, parish, or borough which has contributed to provide the asylum, shall be made up to the last day of each year, and the surplus, if any, after 30 carrying to the building and repair fund such sums, and providing for such outgoings and expenses, as the committee of visitors may consider proper, shall be paid to the treasurer of the county or borough to which the asylum belongs, or in the case of an asylum provided by several counties or boroughs, to the several treasurers 35 of such counties or boroughs in the proportions in which they have contributed to the asylum [and shall be applied in aid of the rates in such manner as the justices of the county or the council of the borough may determine].

Power to
enlarge
asylums in

58.—(1.) The committee of visitors of any asylum with the 40 consent of the justices of each county and borough for which the

asylum is provided, at any quarter or special sessions, and with the approval in writing of a Secretary of State, may make such alterations in or additions to the asylum, either by way of detached buildings or blocks of buildings or otherwise as they shall think fit, for the purpose of providing accommodation for lunatics not paupers.

A.D. 1888.
order to
provide ac-
commoda-
tion for pri-
vate patients.

(2.) The plans and estimates for all alterations in or additions to be made to an asylum under this section shall be submitted to the Commissioners, who shall report thereon in writing to a Secretary of State.

- 10 59.—(1.) The powers conferred by the Lunatic Asylums Act, 1853, upon the justices of counties and quarter sessions boroughs for providing asylum accommodation shall extend to authorise the justices of any such county or borough, either alone or in union with the justices of any other such county or borough or counties or
15 boroughs; to make provision for the reception of pauper and private patients together or in separate asylums, and to provide separate asylums for idiots or patients suffering from any particular class of mental disorder.

Power to
provide
asylums for
pauper and
private
patients.

- (2.) For the purposes of this section the justices may erect new
20 asylums, or enlarge any existing asylums, or purchase any licensed or other houses and land suitable for the purpose.

- (3.) [All the powers and provisions of the Lunatic Asylums Act, 1853, and the Acts amending the same, shall extend to
25 asylums provided under this Act as if such asylums were asylums authorised to be provided under the Lunatic Asylums Act, 1853.]

16 & 17 Vict.
c. 97.

60. When any officer is transferred from one asylum to another asylum wholly or in part belonging to the same county or borough, his service in all such asylums shall be counted [for the purpose of computing his pension, superannuation allowance, or gratuity] for
30 length of service, as if all such asylums had constituted only one asylum.

Case of
officer trans-
ferred to
another
asylum.

61. Where, before the passing of this Act, the justices of a borough have contracted, or shall, after the passing of this Act, contract, with the committee of visitors of an asylum for the re-
35 ception of the pauper lunatics of the borough into the asylum, and the parties to the contract, or either of them, have power to determine the contract, the contract shall not after the passing of this Act be determined without the consent of a Secretary of State.

Contracts for
reception of
lunatics of
borough not
to be deter-
mined with-
out consent
of a Secre-
tary of State.

- 62.—(1.) Where the powers and authorities by the Lunatic
40 Asylums Act, 1853, and the Acts amending the same, conferred upon justices of boroughs have become vested in the council of any

Power of
council of
borough.

A.D. 1888. borough, such council, or any committee appointed by them, may exercise all the powers and authorities by this Act conferred upon the justices of boroughs, and all the provisions of this Act relating to the justices of boroughs shall extend to such council, and all powers and authorities vested in two visitors of an asylum, being 5 justices, may be exercised in the case of a borough asylum governed by a borough council by any two visitors thereof.

(2.) The powers by this Act conferred upon the justices of a borough for providing accommodation for lunatics not paupers shall not be exercised without the consent of the council of the 10 borough.

Resignation
and illness
of medical
and legal
Commissioners.

63.—(1.) A medical or legal Commissioner may, upon resigning his office, be appointed to fill any vacancy among the Commissioners, and if so appointed, he may, upon the request of any four of the Commissioners, perform any duty which he might have 15 performed before his resignation.

(2.) In case of the temporary illness or disability of a medical or legal Commissioner, the Lord Chancellor may, on the recommendation of the Commissioners, appoint a person qualified to be a medical or legal Commissioner to be his substitute so long as the illness or 20 disability continues, and the substitute may exercise all the powers of the person for whom he acts.

Reports by
Commissioners.

64.—(1.) The Commissioners shall at the expiration of every six months report to the Lord Chancellor the number of visits they have made and the number of patients they have seen. 25

(2.) They shall also in or before the month of June in every year make to the Lord Chancellor a report made up the end of the preceding year of the condition of the asylums, hospitals, houses, and other places visited by them, and of the care of the patients therein, with such other particulars as they think deserving 30 notice.

(3.) They shall lay copies of the reports to be made under this section before Parliament within one month after the same shall have been made if Parliament shall be then sitting, or within twenty-one days after the commencement of the next session. 35

Salary of
secretary.

65. The salary of the secretary to the Commissioners shall be of such amount as the Treasury, with the concurrence of the Lord Chancellor, shall from time to time determine, and every person appointed after the passing of this Act to the office of secretary to the Commissioners shall be a barrister-at-law of at least seven 40 years standing, and shall for all purposes be deemed to be a permanent civil servant of the State.

66.—(1.) Where a union is in more than one county, and the workhouse of the union is in one county, and the place from which a lunatic was sent to the workhouse is in another county, an order may be made by a justice for the county in which the workhouse is for the removal of the lunatic to the asylum of the county from which the lunatic was sent to the workhouse, though there may be an asylum of the county in which the workhouse is, and there may not be a deficiency of room or any other special circumstances by reason whereof the lunatic cannot conveniently be taken to that asylum.

A.D. 1888.

Removal of lunatic from workhouse. Payment of expenses.

16 & 17 Vict.

c. 97. s. 10.

16 & 17 Vict.

c. 97. s. 72.

(2.) Section ninety-four of the Lunatic Asylums Act, 1853, shall extend to authorise any justice to exercise the jurisdiction thereby conferred in relation to orders for payment of the charges of the examination, removal, lodging, maintenance, clothing, medicine, and care of a lunatic, and for making the estate of a lunatic applicable in payment of such charges.

(3.) An order may be made by a county court judge upon an application by the guardians of any union for payment of the expenses incurred by them under the Lunatic Asylums Act, 1853, and the Acts amending the same, and this Act, in relation to a lunatic, and any such order may be enforced against any property of the lunatic in the same way as a judgment of the county court.

67. The committee of every asylum may appoint a minister of any religious persuasion to attend patients of the religious persuasion to which the minister belongs *[and may allow him such remuneration for his services as they think fit]*.

Ministers of any religion in asylum.

68.—(1.) If any person detained as a lunatic under lawful authority in England escapes into Scotland or Ireland, notice of the escape shall as soon as practicable be given to the Commissioners, who may, by writing under their seal, authorise an application to be made by such person as they shall think fit to any justice of the peace having jurisdiction in the place where the lunatic was so detained for a warrant authorising such person to retake the lunatic and bring him back to such place.

Escape from England into Scotland or Ireland.

(2.) Such warrant, when granted, shall in Scotland or Ireland as well as in England be sufficient *prima facie* evidence that the person stated therein to have escaped was so detained as a lunatic under lawful authority as aforesaid, and of the fact of his escape, and shall be sufficient authority for any sheriff or sheriff substitute in Scotland, or for any justice of the peace in Ireland, to

A.D. 1888. countersign the same; and any such warrant so countersigned may be executed in Scotland or Ireland, as the case may be, by retaking such lunatic and bringing him from thence, to the intent that he may be restored to the custody from which he escaped.

Escape from
Scotland into
England or
Ireland.

69.—(1.) If any person detained as a lunatic under lawful authority in Scotland escapes into England or Ireland, notice of the escape shall as soon as practicable be given to the General Board of Commissioners in Lunacy for Scotland, who may, by writing under the hand of one of such Commissioners, authorise an application to be made by such person as they shall think fit to any sheriff or sheriff substitute having jurisdiction in the place where the lunatic was so detained for a warrant authorising such person to retake the lunatic and bring him back to such place. 5 10

(2.) Such warrant, when granted, shall in England and Ireland as well as in Scotland be sufficient *prima facie* evidence that the person stated therein to have escaped was so detained as a lunatic under lawful authority as aforesaid, and of the fact of his escape, and shall be sufficient authority for any justice of the peace in England or Ireland, to countersign the same; and any such warrant so countersigned may be executed in England or Ireland, as the case may be, by retaking such lunatic and bringing him from thence, to the intent that he may be restored to the custody from which he escaped. 15 20

(3.) For the purposes of this section a writing purporting to be signed by one of the Commissioners in Lunacy for Scotland shall be deemed to have been signed by him until the contrary is proved. 25

Escape from
Ireland into
England or
Scotland.

70.—(1.) If any person detained as a lunatic under lawful authority in Ireland escapes into England or Scotland, notice of the escape shall as soon as practicable be given to the Inspectors of Lunatics in Ireland, who may, by writing under the hand of one of them, authorise an application to be made by such person as they shall think fit to any justice of the peace having jurisdiction in the place where the lunatic was so detained for a warrant authorising such person to retake the lunatic and bring him back to such place. 30 35

(2.) Such warrant, when granted, shall in England and Scotland as well as in Ireland be sufficient *prima facie* evidence that the person stated therein to have escaped was so detained as a lunatic under lawful authority as aforesaid, and of the fact of such escape, and shall be sufficient authority for any justice of the peace in England, and for any sheriff or sheriff substitute in Scotland, to 40

countersign the same; and any such warrant so countersigned may be executed in England or Scotland, as the case may be, by retaking the lunatic and bringing him from thence, to the intent that he may be restored to the custody from which he escaped.

A.D. 1888.

- 5 (3.) For the purposes of this section a writing purporting to be signed by one of the Inspectors of Lunatics in Ireland shall be deemed to have been signed by him unless the contrary is proved.

71. A warrant, granted under the three preceding sections respectively, shall not authorise the retaking of a lunatic after the
10 expiration of the time during which he could have been retaken according to the law in force in the place where he was detained as a lunatic if he had remained there after his escape.

Limit of time of retaking lunatic.

72. If any superintendent, officer, nurse, attendant, or other person employed in any asylum (including an asylum for criminal
15 lunatics) hospital, licensed house, or workhouse, or any person having the care or charge of any single patient, or any attendant of any single patient, shall carnally know or attempt to have carnal knowledge of any female under care or treatment as a lunatic in the asylum, hospital, licensed house, or workhouse, or
20 as a single patient, he shall be guilty of a misdemeanor, and being thereof convicted shall be liable to be imprisoned with or without hard labour for any term not exceeding twelve months; and no consent or alleged consent of such female thereto shall be any defence to an indictment or prosecution for such offence.

Abuse of female lunatic.

- 25 73. The power given by section fifty-six of the Lunacy Act, 1845, to a Secretary of State, to direct the Attorney-General to prosecute on the part of the Crown in certain cases, shall, from and after the commencement of this Act, be extended to all misdemeanors committed by any persons under this or any other Act
30 relating to lunacy.

Prosecution by Crown. 8 & 9 Vict. c. 100. s. 56.

- 74.—(1.) Any person who makes default in sending to the Commissioners or any other person any return, report, extract, copy, statement, notice, or document, or any information within
35 his knowledge or obtainable by him, when required so to do under this Act or any other Act relating to lunacy, or any rules made under this Act or in complying with the said Acts or rules, shall for each day or part of a day during which the default continues be liable to a penalty not exceeding ten pounds, unless a penalty is expressly imposed by this or any other Act for such default: Pro-
40 vided that all or any part of the cumulative penalties may be remitted by the Court in any case in which it shall be made to

Defaults and misdemeanors.

A.D. 1888. appear to the satisfaction of the Court that the original default, or its continuance during any period of time, arose from mere accident or oversight, and not from wilful or culpable neglect on the part of the person sued for such penalty.

(2.) Any person who obstructs any Commissioner in the exercise of the powers conferred by this or any other Act relating to lunacy shall for each offence be liable to a penalty not exceeding fifty pounds, and shall also be guilty of a misdemeanor.

(3.) Any person guilty of any act or omission which under section ninety of the Lunacy Act, 1845, is punishable as a misdemeanor shall also for every such act or omission be liable to a penalty not exceeding fifty pounds.

(4.) The provisions of the Lunacy Act, 1845, and the Lunatic Asylums Act, 1853, as to proceedings for offences and recovery of penalties, and the persons by whom such proceedings may be taken, shall apply to proceedings for offences and recovery of penalties under this Act.

Evidence upon prosecution.
8 & 9 Vict. c. 100.
16 & 17 Vict. c. 97.

75.—(1.) Where any person is proceeded against under the Lunacy Act, 1845, or the Acts amending the same, or the Lunatic Asylums Act, 1853, or the Acts amending the same, or under this Act, on a charge of omitting to send any copy, list, notice, statement, report or other document required to be transmitted or sent by such person, the burden of proof that the same was transmitted or sent within the time required shall lie upon such person, but if he proves by the testimony of one witness upon oath that the copy, list, notice, statement, report or document in respect of which the proceeding is taken was properly addressed and put into the post in due time, or (in case of documents required to be sent to the Commissioners or a clerk of the peace or a clerk to guardians) left at the office of the Commissioners or of the clerk of the peace or clerk to guardians, such proof shall be a bar to all further proceeding in respect of such charge.

(2.) In proceedings under the Lunacy Act, 1845, or the Acts amending the same, or the Lunatic Asylums Act, 1853, or the Acts amending the same, or under this Act, where a question arises whether a house is or is not a licensed house or registered as a hospital, it shall be presumed not to be so licensed or registered unless the licence or certificate of registration is produced, or sufficient evidence is given that a licence or certificate is in force.

Power to amalgamate the lunacy departments.

76.—(1.) The Lord Chancellor may at any time after the commencement of this Act, if it shall seem expedient to him so to do,

by any order or orders under his hand, amalgamate the office of the Masters in Lunacy and their staff, and the office of the Lord Chancellor's Visitors of Lunatics and their staff, and may amalgamate such offices, or either of them, with the office of the Commissioners in Lunacy, and may give such directions as he may think fit for the reconstitution of the Commissioners in Lunacy, and for the exercise and performance of the powers and duties of the Commissioners, and of the officers and staff amalgamated respectively under any order under this section.

A.D. 1888.

- 10 (2.) In the event of any such amalgamation, the Lord Chancellor may, with the concurrence of the Treasury, fix the qualifications and salaries of the members of the amalgamated office and of the staff attached thereto, and may, with such concurrence, from time to time increase and diminish the number of such members and
- 15 staff.

(3.) An order under this section shall not be made so as to prejudice the rights of the Masters, Visitors, and Commissioners respectively holding office at the passing of this Act.

- 20 (4.) The Lord Chancellor may from time to time by order direct that such proportion as he may consider reasonable of the expenses incurred in carrying any such amalgamation into effect, including the cost of providing office accommodation, shall be paid out of the per-centage charged on the incomes of lunatics under the Lunacy Regulation Act, 1853.

16 & 17 Vict.
c. 70.

- 25 77.—(1.) It shall be lawful for the Commissioners, with the approval of the Lord Chancellor, from time to time, by rules, to prescribe the books to be kept in asylums, hospitals, licensed houses, and houses for single patients, and the entries to be made therein, and the returns, reports, extracts, copies, statements, notices, documents, and information to be sent to the Commissioners or any
- 30 authority or person, and the persons, by whom, the times within which, and the manner in which, such entries, returns, reports, extracts, copies, statements, notices, documents, and information are to be made and sent; and also by rules to prescribe forms for
- 35 the purposes aforesaid in addition to or in substitution for any forms now in use.

Power to
make rules

- (2.) Subject to the preceding sub-section, the Lord Chancellor may from time to time make rules for carrying this or any other Act relating to lunacy into effect, and also for regulating costs and
- 40 fees in relation thereto, subject, nevertheless, as to fees, to the concurrence of the Treasury.

(22.)

F

A.D. 1888.

(3.) Subject to any rules made under this section, the existing rules shall, so far as applicable, continue in force.

(4.) Any rules made under this section may from time to time be varied or rescinded by the like authority.

(5.) Every rule made under this section shall be laid before each House of Parliament within forty days next after it is made if Parliament is then sitting, or, if not, within forty days after the commencement of the next session; and if an address is presented to Her Majesty by either House of Parliament within the next subsequent forty days on which the House shall have sat praying that any such rule may be annulled, Her Majesty may thereupon by Order in Council annul the same, and the rule so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

(6.) This section shall come into operation immediately on the passing of this Act.

Forms.

78. Subject to rules made under this Act, the forms in the First Schedule to this Act shall be used, wherever applicable, with such modifications as circumstances may require.

Saving as to criminal lunatics.
47 & 48 Vict.
c. 64.

79. Except as by this Act otherwise expressly provided, nothing in this Act contained shall affect the provisions of the Criminal Lunatics Act, 1884, or of any other Act relating to criminal lunatics.

Definitions.

80. In this Act, unless the context otherwise requires:

"Union" includes a parish under a separate board of guardians elected either under a local Act or under the Poor Law Amendment Act, 1834.

"Medical practitioner" means a medical practitioner duly registered under the Medical Act, 1858, and the Acts amending the same, and the Medical Act, 1886.

"Commissioners" means Commissioners in Lunacy.

"Treasury" means the Lords Commissioners of Her Majesty's Treasury, or any two of them.

"The Judge in Lunacy" means the Lord Chancellor or any Judge of the Supreme Court of Judicature entrusted for the time being with the care and commitment of the custody of the persons and estates of idiots, lunatics, and persons of unsound mind.

"Relative" means a lineal ancestor or lineal descendant, or a lineal descendant of an ancestor not more remote than great grandfather or great grandmother.

4 & 5 Will. 4.
c. 76.

21 & 22 Vict.
c. 90.

49 & 50 Vict.
c. 48.

"Magistrate" includes a stipendiary magistrate and any magistrate appointed to act at any of the police courts of the Metropolis. A.D. 1888.

81. This Act shall be construed as one with the Lunacy Act, 1845, Construction
of Act.
8 & 9 Viet.
c. 100.
16 & 17 Viet.
c. 97.
5 and the Lunatic Asylums Act, 1853, and the Acts amending those
Acts respectively, and expressions used in this Act shall according
to the subject-matter in each case have the same meaning as in
those Acts respectively, save as in this Act otherwise provided.

82. The Acts mentioned in the first column of the Second Short titles
of Acts.
10 Schedule may be cited by the short titles in the second column of
that schedule.

83. The Acts mentioned in the Third Schedule to this Act are Repeal.
hereby repealed to the extent in the third column of that schedule
specified without prejudice to anything done or suffered thereunder.

A.D. 1868.

THE FIRST SCHEDULE.

Form 1.

Petition for an Order for reception of a Private Patient.

In the matter of *A.B.*, a person alleged to be of unsound mind.

To His Honour the judge of the county court of [or To 5

stipendiary magistrate for _____, or To

a justice of the peace for .]

The petition of C.D. of [] in the county of

1. I am [2] years of age.

2. I desire to obtain an order for the reception of *A.B.* as^a a lunatic [3] in the 10
asylum [or hospital or house as the case may be] of

asylum [or hospital or house as the case may be] of

situate at [4]

3. I last saw the said *A.B.* at _____ on the [3] _____ day of _____

4. I am the [v] of the said A.B. [or if the petitioner is not connected with or related to the patient state as follows:] 15

I am not related to or connected with the said A.B. The reasons why this petition is not presented by a relation or connection are as follows: [*State them.*]

The circumstances under which this petition is presented by me are as follows :
[State them.]

5. I am not related to or connected with either of the persons signing the certificates which accompany this petition as (where the petitioner is a man) husband, father, father-in-law, son, son-in-law, brother, brother-in-law, partner or assistant, (or where the petitioner is a woman) wife, mother, mother-in-law, daughter, daughter-in-law, sister, sister-in-law, partner or assistant.

6. I undertake to visit the said A.B. personally or by some one specially appointed by me at least once in every six months while under care and treatment under the order to be made on this petition.

7. A statement of particulars relating to the said *A.B.* accompanies this petition.

If it is the fact add:

8. The said A.B. has been received in the _____ asylum [or hospital
or house as the case may be] under an urgency order dated the _____

The petitioner therefore prays that an order may be made in accordance with the foregoing statement.

[Signed]

full Christian and surname.

Dated _____

[1] Full postal address and rank, profession, or occupation.

[²] At least twenty-one.

[³] or an idiot
or person of
unsound mind.

[*] Insert a full description of the name

and locality of
the asylum,
hospital, or

licensed house,
or the full
name, address,
and telephone

FORM 2.

A.D. 1888.

Statement of Particulars.

STATEMENT of particulars referred to in the annexed petition [or in the above or annexed order].

- 5 The following is a statement of particulars relating to the said A.B. [1]:—
- Name of patient, with Christian name at length.
- Sex and age.¹
- †Married, single, or widowed.
- †Rank, profession, or previous occupation (if any).
- 10 †Religious persuasion.
- Residence at or immediately previous to the date hereof.
- †Whether first attack.
- Age on first attack.
- When and where previously under care and treatment as a lunatic, idiot, or
- 15 person of unsound mind.
- †Duration of existing attack.
- Supposed cause.
- Whether subject to epilepsy.
- Whether suicidal.
- 20 Whether dangerous to others, and in what way.
- Whether any near relative has been afflicted with insanity.
- Names Christian names and full postal addresses of one or more relatives of the patient.
- Name of the person to whom notice of death to be sent, and full postal
- 25 address if not already given.
- Name and full postal address of the usual medical attendant of the patient.
- (Signed)
- When the petitioner or person signing an urgency order is not the person who signs the statement, add the following particulars concerning the person who signs the statement.
- 30 { Name with Christian name at length.
Rank, profession, or occupation (if any).
How related to or otherwise connected with the patient.

[1] If any particulars are not known, the fact is to be so stated.
[Where the patient is in the petition or order described as an idiot omit the particulars marked †].

FORM 3.

- 35 Order for reception of a private patient to be made by a Judge of County Courts, Stipendiary Magistrate, or Justice appointed under the Lunacy Acts Amendment Act, 1888.

I, the undersigned E.F., being the Judge of the County Court of _____,
[or] the Stipendiary Magistrate for _____, or a Justice for _____ specially
appointed under the Lunacy Acts Amendment Act, 1888] upon the petition of _____

A.D. 1888.

[¹] Address and description.[²] Or an idiot or person of unsound mind.[³] Or hospital or house or as a single patient.C.D., of [⁴]

in the matter of A.B., a lunatic, [⁵] accompanied by the medical certificates of G.H. and I.J. hereto annexed, and upon the undertaking of the said C.D. to visit the said A.B. personally or by some one specially appointed by the said C.D. once at least in every six months while under care and treatment under this order, hereby authorise you to receive the said A.B. as a patient into your asylum [⁶]. And I declare that I have [^{or} have not] personally seen the said A.B. before making this order.

Dated

(Signed) E.F.

The Judge of the County Court 10 of

[or a Stipendiary Magistrate, or a Justice for appointed under the above-mentioned Act.]

To [⁷]

[⁴] To be addressed to the medical superintendent of the asylum or hospital, or to the proprietor or superintendent of the house in which the patient is to be placed.

[⁵] Or hospital or asylum or as a single patient.[⁶] Or an idiot or a person of unsound mind.[⁷] Some day within two days before the date of the order.

[⁸] Husband, wife, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, partner, or assistant.

[⁹] See Form 2.

FORM 4.

15

Form of urgency Order for the reception of a private patient.

I, the undersigned, being a person twenty-one years of age, hereby authorise you to receive as a patient into your house [¹] A.B., as a lunatic [²], whom I last saw at on the [³] day of 18 . I am not related to or connected with the person signing the certificate which 20 accompanies this order in any of the ways mentioned in the margin [⁴]. Subjoined [or annexed] hereto [⁵] is a statement of particulars relating to the said A.B.

(Signed)

Name and Christian name at length

Rank, profession, or occupation (if any) 25

Full postal address

How related to or connected with the patient

[If not the husband or wife or a relative of the patient, the person signing to state as briefly as possible: 1. Why the 30 order is not signed by the husband or wife or a relative of the patient. 2. His or her connexion with the patient, and the circumstances under which he or she signs.] 35

Dated this

day of 18 .

To

proprietor or superintendent of

[¹] Describing house or hospital or asylum by situation and name.

house [²] [or hospital or asylum].

FORM 5.

A.D. 1888.

Certificate as to Personal Interview after Reception.

I certify that it would be prejudicial to A.B. to be taken before or visited by a judge of county courts, magistrate, or justice.

5

(Signed) C.D.,
Medical Superintendent of the
Asylum or Hospital,
or Medical Proprietor or Attendant
of the , or
Medical Attendant of the said A.B.

10

FORM 6.

Notice of Right to Personal Interview.

Take notice that you have the right, if you desire it, to be taken before or visited by a judge of county courts, magistrate, or justice. If you desire to exercise such right, you must give me notice thereof by signing the enclosed form on or before the day of

15

Dated

Signed C.D.,
Superintendent of the
Asylum or Hospital,
or Proprietor of [or
as the case may be].

20

FORM 7.

Notice of Desire to have a Personal Interview.

25

Dated

[Address]

I desire to be taken before or visited by a judge, magistrate, or justice having jurisdiction in the district within which I am detained.

Signed

[A.D. 1888.]

FORM 8.

Certificate of Medical Practitioner.

[¹] Insert residence of patient.[²] City or borough, as the case may be.[³] Insert profession or occupation, if any.[⁴] Insert the place of examination, giving the name of the street, with number or name of house, or should there be no number, the christian and surname of occupier.[⁵] City or borough, as the case may be.[⁶] Omit this where only one certificate is required.[⁷] If the same or other facts were observed previous to the time of the examination, the certifier is at liberty to subjoin them in a separate paragraph.[⁸] The names and christian names (if known) of informants to be given, with their addresses and descriptions.

In the matter of *A.B.* of [¹] in the county [²] of [³],
an alleged lunatic,

I, the undersigned *C.D.*, do hereby certify as follows:

5

1. I am a person registered under the Medical Act, 1858, and I am in the actual practice of the medical profession.

2. On the _____ day of _____ 18____, at [⁴] in the county [⁵] of _____
[separately from any other practitioner] [⁶], I personally examined
the said *A.B.* and came to the conclusion that he is a [lunatic, an idiot, or a
person of unsound mind] and a proper person to be taken charge of and
detained under care and treatment.

10

3. I formed this conclusion on the following grounds, viz.:-

(a.) Facts indicating insanity observed by myself at the time of examination
[⁷], viz.:-

15

(b.) Facts communicated by others, viz.:- [⁸]

[If an urgency certificate is required it must be added here. See Form 9.]

If the lunatic is to be received as a single patient in a house belonging to or
kept by a medical practitioner under the order of a county court judge, magistrate,
or justice, add the following paragraph:-

20

4. I certify that the said *A.B.* is suffering from unsoundness of mind of a
temporary character [or from decay of mind in old age, or is desirous of
voluntarily submitting to care and treatment, as the case may be].

5. The said *A.B.* appeared to me to be [or not to be] in a fit condition of
bodily health to be removed to an asylum, hospital, or licensed house. [⁹]

25

[⁹] Strike out
this clause in
a case of a

6. I give this certificate having first read the section of the Act of Parliament printed below.

Dated

(Signed) C.D., of [10]

A.D. 1888.

private patient
whose removal
is not pro-
posed.
[10] Insert full
postal address.

Extract from section 22 of the Lunacy Acts Amendment Act, 1888.

- 5 Any person who makes a wilful misstatement of any material fact in any medical or other certificate or in any statement or report of bodily or mental condition under the Lunacy Act, 1845, or the Lunatic Asylums Act, 1853, or the Acts amending those Acts, or under this Act, shall be guilty of a misdemeanor.

10

FORM 9.

Statement accompanying Urgency Order.

I certify that it is expedient for the welfare of the said A.B., [or for the public safety, as the case may be] that the said A.B. should be forthwith placed under care and treatment.

- 15 My reasons for this conclusion are as follows: [state them].

FORM 10.

Certificate as to pauper Lunatic in a Workhouse.

I, the undersigned Medical Officer of Workhouse of the

- 20 Union hereby certify that I have carefully examined into the state of health and mental condition of A.B., a pauper in the said workhouse, and that he is in my opinion a lunatic, and a proper person to be detained under care and treatment in the workhouse, and that the accommodation in the workhouse is sufficient for his proper care and treatment separate from the inmates of the workhouse not lunatics [or, that his condition is such that it is not necessary for the convenience of the lunatic or of the other inmates that he should be kept separate].

The grounds for my opinion that the said A.B. is a lunatic are as follows:

Dated

(Signed)

30

Medical Officer of the Workhouse.

A.D. 1888.

FORM 11.

Order for detention of Lunatic in Workhouse.

I, the undersigned *C.D.*, a justice of the peace for _____ being
 satisfied that *A.B.*, a pauper in the _____ workhouse of the
 is a lunatic [or idiot or person of unsound mind] and a proper person to 5
 be taken charge of under care and treatment in the workhouse, and being
 satisfied that the accommodation in the workhouse is sufficient for his proper
 care and treatment separate from the inmates of the workhouse not lunatics
 [or, that his condition is such that it is not necessary for the convenience of
 the lunatic or of the other inmates that he should be kept separate] hereby 10
 authorise you to take charge of, and, if the workhouse medical officer shall certify
 it to be necessary, to detain the said *A.B.* as a patient in your workhouse.
 Subjoined is a statement of particulars respecting the said *A.B.*

(Signed) *C.D.*,
 A justice of the peace 15
 for

Dated _____
 To the Master of the
 Workhouse
 of the _____ 20

Statement of Particulars.

Name of patient and christian name at length.
 Sex and age.
 Married, single, or widowed.
 Condition of life and previous occupation (if any). 25
 Religious persuasion as far as known.
 Previous place of abode.
 Whether first attack.
 Age (if known) on first attack.
 When and where previously under care and treatment. 30
 Duration of existing attack.
 Supposed cause.
 Whether subject to epilepsy.
 Whether suicidal.
 Whether dangerous to others. 35
 Whether any near relative has been afflicted with insanity.
 Name and christian name and address of nearest known relative of the
 patient and degree of relationship if known
 I certify that to the best of my knowledge the above particulars are correct.
 [To be signed by the relieving officer.] 40

FORM 12.

A.D. 1888.

Order for reception of a Pauper Lunatic.

I, C.D., having called to my assistance E.F. of _____, a duly qualified medical practitioner, and being satisfied that A.B. [describing him] is a pauper [in receipt of relief, or in such circumstances as to require relief for his proper care and maintenance], and that the said A.B. is a lunatic [or an idiot, or a person of unsound mind] and a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said A.B. as a patient unto your asylum [or hospital, or house]. Subjoined is a statement of particulars respecting the said A.B.

(Signed) C.D.,

A justice of the peace for
Dated the _____ day of _____ one thousand eight hundred and _____
To the superintendent of the asylum for the county [or borough] of _____
15 [or the lunatic hospital of _____; or E.F. _____ proprietor of the
licensed house of _____; describing the asylum, hospital, or house].

Note.—Where the order directs the lunatic to be received into any asylum, other than an asylum of the county or borough in which the parish or place from which the lunatic is sent is situate, or into a registered hospital or licensed house, it shall state, that the justice making the order is satisfied that there is no asylum of such county or borough, or that the asylum thereof is full; or (as the case may be) the special circumstances, by reason whereof the lunatic cannot conveniently be taken to an asylum for such first-mentioned county or borough.

Statement of Particulars.

- 25 STATEMENT of particulars referred to in the above or annexed order.
The following is a statement of particulars relating to the said A.B. [†] :—
Name of patient, with Christian name at length.
Sex and age.
† Married, single, or widowed.
30 † Rank, profession, or previous occupation (if any).
† Religious persuasion.
Residence at or immediately previous to the date hereof.
† Whether first attack.
Age on first attack.
35 When and where previously under care and treatment as a lunatic, idiot, or person of unsound mind.
† Duration of existing attack.
Supposed cause.
Whether subject to epilepsy.
40 Whether suicidal.
Whether dangerous to others, and in what way.
Whether any near relative has been afflicted with insanity.
Union to which lunatic is chargeable.
Names Christian names and full postal addresses of one or more relatives of
45 the patient.

(22.)

G 2

[†] If any particulars are not known, the fact is to be so stated.
[Where the patient is in the order described as an idiot omit the particulars marked †].

A.D. 1888.

Name of the person to whom notice of death to be sent, and full postal address if not already given.

(Signed) G.H.

To be signed by the Relieving Officer or Overseer.

FORM 13.

5

Certificate that patient continues of unsound mind.

I, _____, certify that A.B., the patient [or A.B., C.D., &c., the patients] to whom the annexed report relates, is [or are] still of unsound mind, and a proper person [or proper persons] to be detained under care and treatment.

10

(Signed)

Medical officer of the asylum,
or medical attendant of the
hospital or house
situate at _____, or medical
practitioner visiting the said
A.B.

15

Dated

FORM 14.

Consent of the Commissioners in Lunacy to the admission of a boarder. 20

We hereby sanction the admission of A.B. as a boarder into _____
for the term of _____ from the
day of _____ in accordance with the provisions of the
statute and in terms of A.B.'s application.

(Signed)

25

Commissioners in Lunacy.

Given at the office of the Commissioners in Lunacy, London, this
day of _____ 18 .

FORM 15.

*Order for Reception of a Lunatic not under proper care and control, or cruelly
treated or neglected, to be made by a Justice appointed under the Lunacy
Acts Amendment Act, 1888.* 30

I, the undersigned C.D., being a Justice for _____ specially appointed
under the Lunacy Acts Amendment Act, 1888, having caused A.B., to

be examined by two duly qualified medical practitioners, and being satisfied that the said *A.B.* is a lunatic not under proper care and control [or is cruelly treated or neglected by the person having the care or charge of him,] and that he is a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said *A.B.* as a patient into your asylum [or hospital or house]. Subjoined is a statement of particulars respecting the said *A.B.* A.D. 1893.

(Signed)

10 A justice of the peace for
appointed under the above-mentioned
Act.

Dated

To the Superintendent of the Asylum for _____, or of the
lunatic hospital of _____, or the proprietor of the licensed
15 house at _____

Statement of Particulars.

STATEMENT of particulars referred to in the above or annexed order.

The following is a statement of particulars relating to the said *A.B.* []:—

Name of patient, with Christian name at length.

20 Sex and age.

†Married, single, or widowed.

†Rank, profession, or previous occupation (if any).

†Religious persuasion.

Residence at or immediately previous to the date hereof.

25 †Whether first attack.

Age on first attack.

When and where previously under care and treatment as a lunatic, idiot, or person of unsound mind.

†Duration of existing attack.

30 Supposed cause.

Whether subject to epilepsy.

Whether suicidal.

Whether dangerous to others, and in what way.

Whether any near relative has been afflicted with insanity.

35 Union to which lunatic is chargeable.

Names Christian names and full postal addresses of one or more relatives of the patient.

Name of the person to whom notice of death to be sent, and full postal address if not already given.

40

(Signed)

To be signed by the relieving officer,
overseer, or other person on whose
information the order is made.

[4] If any particulars are not known, the fact is to be so stated.
[Where the patient is in the order described as an idiot omit the particulars marked†].

A.D. 1888.

THE SECOND SCHEDULE.

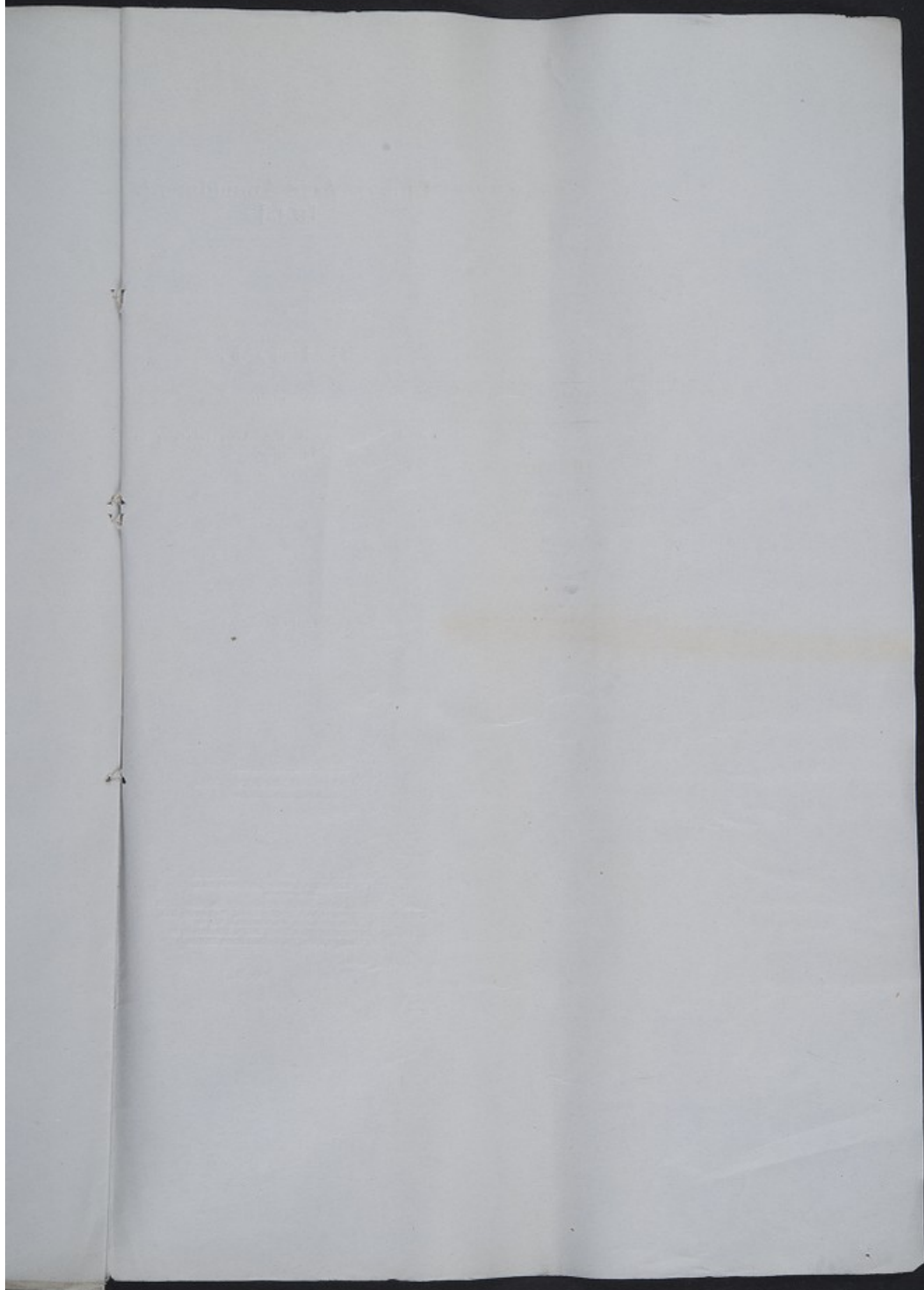
Section 84.

Session and Chapter.	Short Title.	
8 & 9 Vict. c. 100 -	The Lunacy Act, 1845.	
16 & 17 Vict. c. 96 -	The Lunacy Act, 1853.	
25 & 26 Vict. c. 111	The Lunacy Act, 1862.	5

THE THIRD SCHEDULE.

Section 85.

Session and Chapter.	Short Title.	Extent of Repeal.
8 & 9 Vict. c. 100 -	The Lunacy Act, 1845.	Section eighty-eight.
16 & 17 Vict. c. 96 -	The Lunacy Act, 1853.	Sections five, six, eleven, twelve, and thirty-two. Schedules A. and B. 10
16 & 17 Vict. c. 97 -	The Lunatic Asylums Act, 1853.	Section forty-three, the words "and such lunatic" to the end of the section. 15
		Section sixty-eight, so far as relates to any person, not a pauper and not wandering at large, who is deemed to be a lunatic and not under proper care and control or is cruelly treated or neglected by any relative or other person having the care or charge of him. 20
		Sections [sixty-nine and] seventy-six. 25
25 & 26 Vict. c. 111	The Lunacy Act, 1862.	Schedule F., Nos. 1, 2, and 3. Sections eighteen, twenty, twenty-four, and twenty-seven.



Lunacy Acts Amendment.
[H.L.]

A
B I L L

INTITULED

An Act to amend the Acts relating to
Lunatics.

(The Lord Chancellor.)

Ordered to be printed 23rd February 1888.

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Lunacy Acts Amendment Act, 1889.

[52 & 53 VICT. CH. 41.]

ARRANGEMENT OF SECTIONS.

A.D. 1889.

Section.

1. Short title, commencement, and extent.
2. Private patients to be received only under order of county court judge, magistrate, or justice.
3. Petition for order for reception.
4. Procedure upon petition for an order for reception.
5. Dismissal of petition.
6. Orders for reception.
7. Certain provisions of Lunacy Acts applied and excepted.
8. Urgency orders.
9. Right of lunatic to be examined by judge, magistrate, or justice.
10. Appointment of justices to make orders for reception of lunatics.
11. Ordinary jurisdiction of judge, &c. not to be interfered with.
12. Protection to persons signing and carrying out orders, reports, and certificates.
13. Lunatics not under proper care and control or cruelly treated or neglected.
14. Fresh order and certificates not to be required in certain cases.
15. Persons disqualified from signing certificates.
16. Patients not to be received under certificates by interested persons.
17. Medical certificate.
18. Order for reception of lunatic so found by inquisition.
19. Persons disqualified from signing orders as to paupers.
20. When lunatic may be treated as a pauper.
21. Lunatics in workhouses.
22. Power to send discharged pauper not recovered to a workhouse.

[Price 8d.]

A

i

A.D. 1889. Section.

23. Mis-statement to be a misdemeanor.
24. Amendment of orders and certificates.
25. Power to order payment of remuneration to medical practitioner,
and of expenses.
26. Power to recover expenses against lunatic's estate.
27. Application of Lunacy Acts to reception order, &c.
28. Change of classification of patient.
29. Reports upon and visits to private patients.
30. Duration of orders for reception.
31. Powers of discharge and removal.
32. Removal for health or on trial, and transfer.
33. Chargeability of lunatic becoming pauper.
34. Single patients.
35. Person deriving profit from charge of lunatic.
36. Discharge upon recovery.
37. Power to appoint substitute for the person who signed or
applied for order of reception.
38. Provision for any person to apply to have patient examined.
39. Power to take boarders in licensed houses.
40. Maintenance for pauper lunatic taken charge of by relatives.
41. Powers of transfer and discharge given to members of
committee.
42. Information as to lunatics in private families and charitable
establishments.
43. Notice of order of discharge.
44. Power to remove alien lunatic to his native country.
45. Mechanical means of restraint.
46. Letters of patients.
47. Notices as to letters and interviews.
48. Provision on inquisition for commitment of estate only and
not of person.
49. Judge in Lunacy may supersede inquisition and rescind or
vary order for commitment of person.
50. Order for custody of person of lunatic so found to determine
unless continued.
51. Temporary provision for maintenance of lunatic.
52. Orders as to the property of a lunatic.

Section.

A.D. 1889.

53. Limited power to deal with property in Ireland or England of lunatic so found in England or Ireland.
54. Power to deal with property of small amount.
55. Pension of lunatic payable by public department.
56. Restrictions on new licenses.
57. Amendments as to licensed houses.
58. Provisions for registration of hospitals in which lunatics are received.
59. Buildings not shown on plans not to be used for accommodation of lunatics.
60. Accounts to be audited and printed.
61. Superannuation allowance of officer of hospital.
62. Persons disqualified to be members of managing committee of hospital.
63. Powers for enforcing regulations of hospitals.
64. No agreements between local authority and subscribers.
65. Provisions as to private patients in asylums.
66. Power to enlarge asylums in order to provide accommodation for private patients.
67. Power to provide asylums for pauper and private patients.
68. Power to retain land unsuitable or not required for asylum purposes.
69. Rating of lunatic asylums.
70. Case of officer transferred to another asylum.
71. Contracts for reception of lunatics of borough not to be determined without consent of a Secretary of State.
72. Conveyance of land to municipal corporations.
73. Resignation and illness of medical and legal Commissioners.
74. Reports by Commissioners.
75. Salary and qualification of secretary.
76. Removal of lunatic from workhouse. Payment of expenses.
77. Ministers of any religion in asylum.
78. Escape from England into Scotland or Ireland.
79. Escape from Scotland into England or Ireland.
80. Escape from Ireland into England or Scotland.
81. Limit of time of retaking lunatic.
82. Abuse of female lunatic.

[CH. 41.] *Lunacy Acts Amendment Act*, 1889. [52 & 53 VICT.]

A.D. 1889. Section.

- 83. Male person not to be employed in personal custody of female patient.
- 84. Prosecution by Crown.
- 85. Defaults and misdemeanors.
- 86. Evidence upon prosecution.
- 87. Power to amalgamate the lunacy departments.
- 88. Power to make rules.
- 89. Forms.
- 90. Saving as to criminal lunatics.
- 91. Definitions.
- 92. Construction of Act.
- 93. Short titles of Acts.
- 94. Repeal.

SCHEDULES.



CHAPTER 41.

An Act to amend the Acts relating to Lunatics.

A.D. 1889.

[26th August 1889.]

WHEREAS it is expedient to amend the law relating to lunatics :

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 :

1.—(1.) This Act may be cited as the Lunacy Acts Amendment Act, 1889, and shall come into operation, save as in this Act otherwise expressly provided, on the first day of May one thousand eight hundred and ninety, herein-after referred to as the commencement of this Act.

Short title,
commence-
ment, and
extent.

(2.) Save as in this Act otherwise expressly provided, this Act shall not extend to Scotland or Ireland.

2.—(1.) Subject to the exceptions in this Act mentioned, no person, not being a pauper or a criminal lunatic and not being a lunatic so found by inquisition, shall be received and detained as a lunatic in any asylum, hospital, or licensed house, or as a single patient, unless under a reception order made by a judge of county courts or magistrate, or by a justice of the peace, specially appointed as herein-after provided, having respectively jurisdiction in the place where the lunatic is. No relative of the person applying for an order under this section or of the lunatic, or of the husband or wife of the lunatic, shall be capable of making such order.

Private
patients to
be received
only under
order of
county court
judge, magis-
trate, or
justice.

(2.) The order shall be obtained upon a private application by petition accompanied by a statement of particulars and by two medical certificates on separate sheets of paper under the hands of two medical practitioners.

Forms 1, 2,
8.

A.D. 1889.

Petition for
order for
reception.
Form 1.

3.—(1.) The petition shall be presented, if possible, by the husband or wife or by a relative of the alleged lunatic. If not so presented it shall contain a statement of the reasons why the petition is not so presented and of the connexion of the petitioner with the alleged lunatic, and the circumstances under which he presents the petition.

(2.) No person shall present a petition unless he is at least twenty-one years of age and has within fourteen days before the presentation of the petition personally seen the alleged lunatic.

(3.) The petitioner shall in the petition undertake that he will personally, or by some one specially appointed by him, visit the patient once at least in every six months; and the undertaking shall be recited in the order.

Form 2.

(4.) The petition shall be signed by the petitioner and the statement of particulars by the person making the statement.

(5.) One of the medical certificates accompanying the petition shall, whenever practicable, be under the hand of the usual medical attendant if any (being a medical practitioner) of the alleged lunatic. If for any reason it is not practicable to obtain a certificate from such usual medical attendant, the reason shall be stated in writing by the petitioner to the judge, magistrate, or justice to whom the petition is presented, and such statement shall be deemed to be part of the petition.

(6.) No order shall be made upon a petition under this section, unless each of the persons who sign the medical certificates accompanying the petition shall, separately from the other, have personally examined the person to whom the petition relates not more than seven clear days previously to the date of the presentation of the petition.

Procedure
upon petition
for an order
for reception.
Form 3.

4.—(1.) Upon the presentation of the petition the judge, magistrate, or justice shall consider the allegations in the petition and statement of particulars and the evidence of lunacy appearing by the medical certificates, and whether it is necessary for him personally to see and examine the alleged lunatic; and, if he is satisfied that an order may properly be made forthwith, he may make the same accordingly; or, if not so satisfied, he shall appoint as early a time as practicable, not being more than seven days after the presentation of the petition, for the consideration thereof; and he may make such further or other inquiries of or concerning the alleged lunatic as he may think fit; notice of the time and place appointed for the consideration of the petition (unless personally given to the petitioner) shall be sent to the petitioner by post in a

registered letter addressed to him at his address as given in the petition. A.D. 1889.

(2.) The judge, magistrate, or justice, if not satisfied with the evidence of lunacy appearing by the medical certificates, may, if he shall think it necessary so to do, visit the alleged lunatic at the place where he may happen to be.

(3.) The judge, magistrate, or justice shall have the same jurisdiction and powers as regards the summoning and examination of witnesses, the administration of oaths, and otherwise, as if he were acting in exercise of his ordinary jurisdiction, and shall be assisted, if he so requires, by the same officers, as if he were so acting, and their assistance under this Act shall be considered in fixing their remuneration.

(4.) The petition shall be considered in private, and no one except the petitioner, the alleged lunatic (unless the judge, magistrate, or justice in his discretion otherwise order), any one person appointed by the alleged lunatic for that purpose, and the persons signing the medical certificates accompanying the petition, shall, without the leave of the judge, magistrate, or justice, be present at the consideration thereof.

(5.) At the time appointed for consideration of the petition the judge, magistrate, or justice may make an order thereon or dismiss the same, or, if he shall think fit, may adjourn the same for any period not exceeding fourteen days for further evidence or information, and he may give notice to such persons as he may think fit of the adjourned consideration, and summon any persons to attend before him.

(6.) Every judge, magistrate, and justice, and all persons admitted to be present at the consideration of any petition for a reception order, or otherwise having official cognisance of the fact that a petition has been presented, except the alleged lunatic and the person appointed by the alleged lunatic as aforesaid, shall be bound to keep secret all matters and documents which may come to his or their knowledge by reason thereof, except when required to divulge the same by lawful authority.

5.—(1.) If the petition is dismissed, the judge, magistrate, or justice shall deliver to the petitioner a statement in writing under his hand of his reasons for dismissing the same, and shall send a copy of such statement to the Commissioners, and shall also, where the alleged lunatic is detained under an urgency order, send notice by post or otherwise to the person in whose charge the alleged lunatic is, that the petition has been dismissed. Dismissal of petition.

A.D. 1889.

(2.) Any judge, magistrate, or justice making or refusing a reception order, shall, if so required by the Commissioners, give to them all such information as they may require as to the circumstances under which the order was made or refused.

(3.) The Commissioners may communicate such information as they think proper, on the dismissal of the petition or the release of the alleged lunatic, to him or to any person who may satisfy them that he is a proper person to receive the information.

(4.) If after a petition has been dismissed another petition is presented as to the same alleged lunatic, the person presenting such other petition, so far as he has any knowledge or information with regard to the previous petition and its dismissal, shall state the facts relating thereto in his petition, and shall obtain from the Commissioners at his own expense, and present with his petition, a copy of the statement sent to them of the reasons for dismissing the previous petition, and, if he wilfully omits to comply with this sub-section, he shall be guilty of a misdemeanor.

Orders for
reception.
Form 3.

6.—(1.) A reception order, if the same appears to be in conformity with this Act, shall be sufficient authority for the petitioner or any person authorised by him to take the lunatic and convey him to the place mentioned in such order and for his reception and detention therein, and the order may be acted on without further evidence of the signature or of the jurisdiction of the person making the order.

(2.) The order, together with the petition, statement of particulars, and medical certificates upon which the order was made, shall be delivered or sent by post to the person on whose petition the order was made, and shall by him or his agent be delivered to the superintendent or proprietor of the asylum, hospital, or licensed house in which, or to the person by whom, the lunatic is to be received.

(3.) A reception order shall not continue in force unless the lunatic has been taken or received thereunder before the expiration of seven clear days from its date.

Certain provisions of
Lunacy Acts
applied and
excepted.

7.—(1.) The person upon whose petition a reception order has been made shall, with reference to the lunatic to whom the order relates, have and be subject to all such authorities, powers, obligations, and liabilities as are by the Lunacy Acts conferred or imposed upon the person signing an order for the reception of a lunatic not being a pauper.

16 & 17 Vict.
c. 96. ss. 4, 8.
16 & 17 Vict.
c. 97. s. 74.

(2.) The provisions of sections four and eight of the Lunacy Act, 1853, and section seventy-four of the Lunatic Asylums Act,

1853, prohibiting the reception of a private patient unless the medical practitioners who sign the certificates accompanying the order for his reception have personally examined him not more than seven clear days previously to his reception, shall not apply to an order made upon a petition under this Act. A.D. 1889.

(3.) The provisions of this Act as to reception orders shall not affect the provisions of section sixty-eight of the Lunatic Asylums Act, 1853, as to lunatics or alleged lunatics, not paupers, who are wandering at large. 16 & 17 Vict.
c. 97. s. 68.

3.—(1.) In cases of urgency where it is expedient, either for the welfare of a person (not a pauper) alleged to be a lunatic or for the public safety, that the alleged lunatic should be forthwith placed under care and treatment, he may be received and detained in an asylum, hospital, or licensed house, or as a single patient upon an urgency order, made (if possible) by the husband or wife or by a relative of the alleged lunatic, accompanied by one medical certificate under the hand of a medical practitioner. Urgency
orders.

Form 4.

(2.) No person shall be received under an urgency order under this section unless the medical practitioner who signs the certificate accompanying the order has personally examined the person to whom the certificate relates not more than two clear days previously to the reception of such person, and states the date of such examination in the certificate.

(3.) An urgency order may be signed before or after the medical certificate.

(4.) If an urgency order is not signed by the husband or wife or by a relative of the alleged lunatic, the order shall contain a statement of the reasons why the same is not so signed and of the connexion with the alleged lunatic of the person signing the order, and the circumstances under which he signs the same.

(5.) No person shall sign an urgency order unless he is at least twenty-one years of age and has within two days before the date of the order personally seen the alleged lunatic.

(6.) An urgency order may be made as well after as before a petition for a reception order has been presented or an application made to the Judge in Lunacy, in cases where the reception order is to be made by the Judge in Lunacy under this Act. An urgency order, if made before a petition has been presented, shall be referred to in the petition, and if made after the petition has been presented, a copy thereof shall forthwith be sent by the petitioner to the judge, magistrate, or justice to whom the petition has been presented.

A.D. 1889. (7.) An urgency order shall remain in force for seven days from its date; or if a petition for a reception order or application to the Judge in Lunacy is pending, then until the petition or application is finally disposed of.

(8.) An urgency order accompanied by such medical certificate as aforesaid, if the same respectively appear to be in conformity with this Act, shall be sufficient authority for taking the lunatic and conveying him to the place mentioned in the order, and for his reception and detention therein.

Form 2. (9.) An urgency order shall have subjoined or annexed thereto a statement of particulars.

Right of lunatic to be examined by judge, magistrate, or justice. 9.—(1.) When a lunatic has been received as a private patient under an order of a judge of county courts, magistrate, or justice, without a statement in the order that the patient has been personally seen by such judge, magistrate, or justice, the patient shall have the right to be taken before or visited by a judge, magistrate, or justice, other than the judge, magistrate, or justice who made the order, unless the medical superintendent of the asylum or hospital, or the medical proprietor or attendant of the house, or, in the case of a single patient, his medical attendant, within twenty-four hours after reception, in a certificate signed and sent to the Commissioners, shall state that the exercise of such right would be prejudicial to the patient.

Form 5. (2.) Where no such certificate has been signed and sent, the superintendent or proprietor of the asylum, hospital, or house in which the patient is, or the person having charge of him as a single patient, shall, within twenty-four hours after reception, give to the patient a notice in writing of his right under this section, and shall ascertain whether he desires to exercise the right; and if he, within seven days after his reception, expresses his desire to exercise the right, such superintendent, proprietor, or person shall procure him to sign a notice of such desire, and shall forthwith transmit it by post in a registered letter to the judge, magistrate, or justice, who is to exercise the jurisdiction under this section, or to the justices clerk of the petty sessional division or borough, where the lunatic is, to be by him transmitted to such judge, magistrate, or justice, and the judge, magistrate, or justice shall thereupon arrange, as soon as conveniently may be, either to visit the patient or to have him brought before him by the superintendent, proprietor, or person as the judge, magistrate, or justice may think fit.

Form 6. (3.) The judge, magistrate, or justice shall be entitled, if he desires so to do, to see the medical certificates and any other

documents, upon the consideration of which the reception order was made, and shall after personally seeing the patient send to the Commissioners a report, and the Commissioners shall take such steps as may be necessary to give effect to the report. A.D. 1889.

(4.) For the purposes of this section the jurisdiction shall be exercised by any judge, magistrate, or justice having authority to act in the place where the person received is, and not being the judge, magistrate, or justice who made the reception order; and arrangements shall for that purpose from time to time be made amongst themselves by the persons having such authority as aforesaid.

(5.) If any superintendent of an asylum or hospital, or any superintendent or proprietor of a licensed house, or any person having charge of a single patient, omits to perform any duty imposed upon him by this section, he shall be guilty of a misdemeanor.

10.—(1.) The justices of every county and quarter sessions borough, at their Michaelmas quarter and special sessions respectively, to be held in the year one thousand eight hundred and eighty-nine and in every succeeding year, shall appoint out of their own body as many fit and proper persons as they may deem necessary to exercise during the ensuing year within the county and borough respectively, the powers conferred by this Act upon justices of the peace in relation to orders for the reception of lunatics not being paupers. In making such appointments the justices of every county shall have regard to the convenience of the inhabitants of each petty sessional division thereof. Appointment of justices to make orders for reception of lunatics.

(2.) If in any year such appointments are not made, it shall be lawful for the Lord Chancellor, by writing under his hand, to make the same; and if, on any representation made to him that the number of justices so appointed for any county or borough is at any time insufficient, the Lord Chancellor shall be satisfied that such representation is well founded, he shall have power to appoint, by writing under his hand, any other justices of such county or borough to act, until the next Michaelmas quarter or special sessions, with the justices so appointed.

(3.) If in the case of a borough, not having a separate quarter sessions, representation is made to the Lord Chancellor that public inconvenience is likely to result, unless power is given to the justices of such borough to exercise within the same the powers conferred by this Act upon justices of the peace in relation to orders for the reception of lunatics not being paupers, it shall be

A.D. 1889. — lawful for the Lord Chancellor from time to time, with or without a fresh representation, to nominate and appoint, by writing under his hand, one or more of the justices of such borough to exercise within the same during such time as the Lord Chancellor shall think fit the powers aforesaid, together with any other specially appointed justices acting therein.

(4.) In the case of the death, absence, inability, or refusal to act of any justice appointed under this section, the justices of the county or borough, or the Lord Chancellor, as the case may be, may appoint a justice to act in his place.

(5.) All appointments of justices under this section shall be recorded by the clerk of the peace of the county or borough, or in the case of a borough, not having a separate quarter sessions, by the clerk to the justices, and it shall be the duty of every such clerk to publish the names of the justices so appointed in each petty sessional division of the county and otherwise for the information of all persons interested.

(6.) For the purposes of this section "county" does not include a county of a city or a county of a town (except the city of London), but includes any county, riding, division, part or liberty of a county having a separate court of quarter sessions, and "borough" means a borough subject to the Municipal Corporations Act, 1882.

45 & 46 Vict.
c. 50.

Ordinary
jurisdiction
of judge, &c.
not to be
interfered
with.

Protection to
persons
signing and
carrying out
orders, re-
ports, and
certificates.

11. A judge of county courts and magistrate shall not be required to exercise any powers under this Act so as to interfere with or delay the exercise of his ordinary jurisdiction.

12.—(1.) A person who before the passing of this Act has signed or carried out or done any act with a view to sign or carry out an order purporting to be a reception order, or a medical certificate that a person is of unsound mind, and a person who after the passing of this Act presents a petition for any such order, or signs or carries out or does any act with a view to sign or carry out an order purporting to be a reception order, or any report or certificate purporting to be a report or certificate under this Act, or does anything in pursuance of this Act, shall not be liable to any civil or criminal proceedings, whether on the ground of want of jurisdiction, or on any other ground, if such person has acted in good faith and with reasonable care.

(2.) If any proceedings are taken against any person for signing or carrying out or doing any act with a view to sign or carry out any such order, report, or certificate, or presenting any such petition as in the last preceding sub-section mentioned, or doing anything in pursuance of this Act, such proceedings may, upon

summary application to the High Court of Justice or a Judge thereof, be stayed upon such terms as to costs and otherwise as the Court or Judge may think fit, if the Court or Judge is satisfied that there is no reasonable ground for alleging want of good faith or reasonable care. A.D. 1889.

(3.) This section shall come into force immediately after the passing of this Act.

13.—(1.) Every constable, relieving officer, and overseer of a parish, who has knowledge that any person within the district or parish of the constable, relieving officer, or overseer, who is not a pauper and not wandering at large, is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him, shall within three days after obtaining such knowledge give information thereof upon oath to a justice specially appointed under this Act. Lunatics not under proper care and control or cruelly treated or neglected.

(2.) Any specially appointed justice upon the information on oath of any person whomsoever, that a person within the limits of his jurisdiction, not a pauper and not wandering at large, is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected as aforesaid, may himself visit the alleged lunatic, and shall, whether making such visit or not, direct and authorise any two medical practitioners whom he shall think fit to visit and examine the alleged lunatic and to certify their opinion as to his mental state, and the justice shall proceed in the same manner so far as possible, and have as to the alleged lunatic the same powers, as if a petition for a reception order had been presented by the person by whom the information with regard to the alleged lunatic has been sworn.

(3.) If upon the certificates of the medical practitioners who examine the alleged lunatic, or after such other and further inquiry as the justice may think necessary, he is satisfied that the alleged lunatic is a lunatic, and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him, and that he is a proper person to be taken charge of and detained under care and treatment, the justice may, by order direct the lunatic to be received and detained in any asylum to which, if a pauper, he might be sent under the Lunatic Asylums Act, 1853, or (where by that Act authorised) in a hospital or licensed house, and the constable, relieving officer, or overseer upon whose information the order has been made, or any constable whom the justice may require so to do, shall forthwith convey Form 15. 16 & 17 Vict. c. 97.

A.D. 1889. the lunatic to the asylum, hospital, or licensed house named in the order.

(4.) A justice making an order under this section may suspend the execution of the order for such period not exceeding fourteen days as he may think fit, and in the meantime may give such directions or make such arrangements for the proper care and control of the lunatic as he may consider proper.

(5.) If either of the medical practitioners who examines an alleged lunatic under this section certifies in writing that the lunatic is not in a fit state to be removed, the removal shall be suspended until the same or some other medical practitioner certifies in writing that the lunatic is fit to be removed; and every medical practitioner who has certified that the lunatic is not in a fit state to be removed shall, as soon as in his judgment the lunatic is in a fit state to be removed, be bound to certify accordingly.

(6.) This section shall not restrain or prevent any relative or friend from retaining or taking care of a lunatic as to whom an order might be or has been made under this section, if the relative or friend satisfies the justice before whom the information as to the lunatic has been sworn, that he will be properly taken care of.

48 & 49 Vict.
c. 52.

(7.) A constable, relieving officer, or overseer whose duty it is to lay an information under this section may exercise the powers conferred by section two of the Lunacy Act, 1885, as if it were his duty to lay such information under the Lunatic Asylums Act, 1853, and the powers conferred by section three of the Lunacy Act, 1885, may be exercised by any justice in any case where an order might be made by him under this section.

Fresh order
and cer-
tificates not
to be re-
quired in
certain cases.

14.—(1.) Where a reception order has been made, and the execution of the order has been suspended, or the lunatic named in the order has been taken to a workhouse under section three of the Lunacy Act, 1885, he may be received in the asylum, hospital, or house at any time within fourteen days after the date of the reception order without a fresh order or certificates.

(2.) If the removal of the lunatic has been suspended by reason of a medical certificate that the lunatic is not in a fit state for removal, the lunatic may be received in the asylum, hospital, or house within three days after the date of a medical certificate that the lunatic is in a fit state to be removed.

Persons dis-
qualified
from signing
certificates.

15. A medical certificate accompanying a petition for a reception order or accompanying an urgency order, shall not be signed by the petitioner or person signing the urgency order, or by the

husband or wife, father or father-in-law, mother or mother-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-in-law, sister or sister-in-law, partner or assistant of such petitioner or person. A.D. 1889.

16.—(1.) No person shall be received or detained as a lunatic in any asylum, hospital, or licensed house, or as a single patient, where any certificate accompanying the reception order has been signed by any of the following persons: Patients not to be received under certificates by interested persons.

- (a.) The superintendent or proprietor of the asylum, hospital, or house, or the person who is to have charge of the single patient:
- (b.) Any person interested in the payments on account of the patient:
- (c.) Any regular medical attendant in the asylum, hospital, or house:
- (d.) The husband or wife, father or father-in-law, mother or mother-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-in-law, sister or sister-in-law, or the partner or assistant of any of the foregoing persons.

(2.) Neither of the persons signing the medical certificates in support of a petition for a reception order, shall be the father or father-in-law, mother or mother-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-in-law, sister or sister-in-law, or the partner or assistant, of the other of them.

(3.) No person shall be received as a lunatic in a hospital under an order made on the application of, or under a certificate signed by, a member of the managing committee of the hospital.

(4.) The superintendent and proprietor of any asylum, hospital, or house, and any person having charge of a single patient, who knowingly receives a person as a lunatic contrary to the provisions of this Act shall be guilty of a misdemeanor.

17.—(1.) Every medical certificate shall be signed by the person making the same. Medical certificate. Form 8.

(2.) Every medical certificate accompanying an urgency order shall contain a statement, that it is expedient for the welfare of the alleged lunatic or for the public safety that he should be forthwith placed under care and treatment, with the reasons for the statement. Form 9.

(3.) Every medical certificate made under and for the purposes of this Act shall be evidence of the facts therein appearing and of the judgment therein stated to have been formed by the certifying medical practitioners on such facts, as if the matters therein appearing had been verified on oath.

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Order for
reception of
lunatic so
found by
inquisition.

Persons
disqualified
from signing
orders as to
paupers.

When
lunatic may
be treated as
a pauper.

Form 12.

16 & 17 Vict.
c. 97.

Lunatics in
workhouses.
48 & 49 Vict.
c. 52.
Form 10.

Form 11.

18. Where a person has been found lunatic by inquisition, but no committee of the person has been appointed, an order under the hand of one of the Masters in Lunacy shall be sufficient authority for the reception of the lunatic into an asylum, hospital, or licensed house, or as a single patient.

19. After the commencement of this Act no pauper shall be received as a lunatic into any asylum, hospital, or licensed house under an order under the hands of an officiating clergyman and overseer or relieving officer.

20. After the commencement of this Act a justice of the peace shall not sign an order for the reception of any person as a pauper lunatic into an asylum, hospital, licensed house, or workhouse unless the justice is satisfied that the alleged pauper is either in receipt of relief or in such circumstances as to require relief for his proper care. If it shall appear by the order that the justice is so satisfied, such lunatic shall be deemed to be a pauper chargeable to the union, county, or borough properly liable for his relief, under the Lunatic Asylums Act, 1853. A person who is visited by a medical officer of the union at the expense of the union is for the purposes of this section to be deemed to be in receipt of relief.

21.—(1.) Except in the cases mentioned in the Lunacy Act, 1885, and this Act, no person shall be allowed to remain in a workhouse as a lunatic unless the medical officer of the workhouse certifies in writing—

- (a.) that such person is a lunatic, with the grounds for the opinion;
- (b.) that he is a proper person to be allowed to remain in a workhouse as a lunatic;
- (c.) that the accommodation in the workhouse is sufficient for his proper care and treatment, separate from the inmates of the workhouse not lunatics, unless the medical officer certifies that the lunatic's condition is such that it is not necessary for the convenience of the lunatic or of the other inmates that he should be kept separate.

(2.) A certificate under this section shall be sufficient authority for detaining the lunatic therein named against his will in the workhouse for fourteen days from its date.

(3.) No lunatic shall be detained against his will or allowed to remain in a workhouse for more than fourteen days from the date of a certificate under this section without an order under the hand of a justice of the peace having jurisdiction in the place where the workhouse is situate.

(4.) The order in the last preceding sub-section mentioned may be made upon the application of a relieving officer of the union to which the workhouse belongs, supported by a medical certificate under the hand of a medical practitioner, not being an officer of the workhouse, and by the certificate under the hand of the medical officer of the workhouse herein-before mentioned.

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Form 8.

(5.) The guardians of the union to which the workhouse belongs shall pay such reasonable remuneration as they think fit to the medical practitioner who, not being an officer of the workhouse, examines a person for the purpose of a certificate under this section.

(6.) If, in the case of a lunatic being in a workhouse, the medical officer thereof shall not sign such certificate as in this section mentioned, or if at or before the expiration of fourteen days from the date of the certificate an order is not made under the hand of a justice for the detention of the lunatic in the workhouse, or, if after such an order has been made, the lunatic shall cease to be a proper person to be detained in a workhouse, the medical officer of the workhouse shall forthwith give notice in writing to a relieving officer of the union to which the workhouse belongs that a pauper in the workhouse is a lunatic and a proper person to be sent to an asylum, and thereupon the like proceedings shall be taken by the relieving officer and all other persons for the purpose of removing the lunatic to an asylum, and within the same time, as by the Lunatic Asylums Act, 1853, provided in the case of a pauper deemed to be a lunatic and a proper person to be sent to an asylum, and, pending such proceedings, the lunatic may be detained in the workhouse.

16 & 17 Vict.
c. 97.

(7.) If the medical officer of a workhouse omits to give such notice to a relieving officer as by the last preceding sub-section provided he shall for each day or part of a day after the first day and before the notice is given during which the alleged lunatic remains in the workhouse be liable to a penalty not exceeding ten pounds.

(8.) Every relieving officer who fails to perform the duty by this section imposed upon him shall for each offence be liable to a penalty not exceeding ten pounds.

(9.) The guardians of the union, to which a workhouse belongs, may direct that any lunatic detained therein be discharged or removed therefrom.

(10.) For the purposes of this section an asylum provided for reception and relief of the insane under the Metropolitan Poor Act, 1867, shall be deemed to be a workhouse, and the managers of such asylum shall exercise the powers and perform the duties by this

30 & 31 Vict.
c. 6.

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section conferred and imposed upon the guardians of the union to which a workhouse belongs, and notices to be given to and proceedings to be taken by a relieving officer shall in the case of a lunatic in any such asylum be given to and taken by one of the officers of the asylum to be nominated for the purpose by the managers of the asylum.

48 & 49 Vict.
c. 52.

(11.) An order under section three of the Lunacy Act, 1885, shall not authorise the detention of a lunatic after the expiration of fourteen days from its date, except under the conditions mentioned in this section.

(12.) As regards every pauper in a workhouse at the date of the commencement of this Act, as to whom a certificate has been signed under section twenty of the Lunacy Acts Amendment Act, 1862, no certificate or order of a justice under this section shall be required.

Power to
send dis-
charged
pauper not
recovered
to a work-
house.

22. Where a pauper lunatic is discharged from an asylum, hospital, or licensed house, and the medical officer of the asylum or the medical attendant of the hospital or house is of opinion that the lunatic has not recovered and is a proper person to be kept in a workhouse as a lunatic, the medical officer or medical attendant shall certify such opinion, and his certificate shall accompany the notice of discharge, and the lunatic may thereupon be received and detained against his will in a workhouse without further order if the medical officer of the workhouse certifies in writing that the accommodation in the workhouse is sufficient for the lunatic's proper care and treatment, separate from the inmates of the workhouse not lunatics, or that the lunatic's condition is such that it is not necessary for the convenience of the lunatic, or of the other inmates, that he should be kept separate.

Mis-state-
ment to be
a misde-
meanor.

23.—(1.) Any person who makes a wilful misstatement of any material fact in any petition, statement of particulars, or reception order under the Lunacy Acts, or under this Act, shall be guilty of a misdemeanor.

(2.) Any person who makes a wilful misstatement of any material fact in any medical or other certificate or in any statement or report of bodily or mental condition under the Lunacy Acts, or under this Act, shall be guilty of a misdemeanor.

(3.) No prosecution for a misdemeanor under this section shall take place except by order of the Commissioners or by the direction of the Attorney General or the Director of Public Prosecutions.

Amendment
of orders and
certificates.

24.—(1.) If any order or medical certificate for the reception of a lunatic shall after such reception be found to be in any respect

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incorrect or defective, such order or certificate may, within fourteen days next after such reception, be amended by the person who signed the same. No amendment shall be allowed unless the same shall receive the sanction of the Commissioners, or of some one of them, and (in the case of a private patient) the consent of the judge, magistrate, or justice by whom the order for the reception of the lunatic may have been signed.

(2.) If the Commissioners deem any such certificate to be incorrect or defective, they may, by a direction in writing, addressed to the superintendent or proprietor of the asylum, hospital, or licensed house, or to the person having the charge of a single patient, require the same to be amended by the person who signed the same, and, if the same be not duly amended to their satisfaction within fourteen days next after the reception of the patient, the Commissioners, or any two of them, may, if they think fit, make an order for the patient's discharge.

(3.) Every order and certificate amended under this section shall take effect as if the amendment had been contained therein when it was signed.

25.—(1.) Whenever a justice directs an alleged lunatic, whether a pauper or not, to be examined by any medical practitioner, the justice directing the examination, or any other justice having jurisdiction in the place where the examination took place, may make an order upon the guardians of the union named in the order for payment of such reasonable remuneration to the medical practitioner, and of all such other reasonable expenses in and about the examination, and the inquiry whether an order for the reception of the alleged lunatic ought to be made, and also if an order for reception is made for payment of such reasonable expenses of carrying the order into effect, as the justice may think proper.

Power to order payment of remuneration to medical practitioner, and of expenses.

(2.) The guardians upon whom an order is made under this section may recover any sums paid thereunder against the lunatic or alleged lunatic and his estate, and the person or authority legally liable for his maintenance, as in the case of orders for maintenance under the Lunatic Asylums Act, 1853.

26.—(1.) If it appears to any two justices that a lunatic, chargeable to any union, county, or borough, has any real or personal property more than sufficient to maintain his family, if any, such two justices may by order direct a relieving officer of the union, or the treasurer or some other officer of the county or borough, to seize so much of any money, and to seize and sell so much of any other personal property of the lunatic, and to receive so much of the rents

Power to recover expenses against lunatic's estate.

A.D. 1889. of any land of the lunatic as the justices may think sufficient to pay any charges incurred or to be incurred in providing for the examination, removal, maintenance, clothing, medicine, and care of the lunatic.

(2.) If any trustee, or the Bank of England, or any other company, society, or person, having possession of any property of a lunatic, shall pay or deliver to a relieving officer of a union, or to the treasurer or other officer of the county or borough to which respectively a lunatic is chargeable, any money or other property of the lunatic, to repay the charges in this section mentioned, whether pursuant to an order under this section, or without an order, the receipt of such relieving officer, treasurer, or officer, shall be a good discharge.

Application
of Lunacy
Acts to
reception
orders, &c.
Change of
classification
of patient.

27. Subject to the modifications made by this Act, the provisions of the Lunacy Acts shall apply to reception orders and to medical certificates under this Act.

28. In the case of a pauper patient afterwards classified as a private patient, the power of ordering his discharge may be exercised by the person who would have been entitled by law to order such discharge, if such patient had been originally admitted as a private patient, and the person who signed the order or presented the petition for the reception order were dead, or if there is no person who would have been so entitled or no such person able or willing to act, then by the Commissioners.

Reports
upon and
visits to
private
patients.

29.—(1.) The medical superintendent of every asylum or hospital, and the medical proprietor or attendant of every licensed house, and the medical attendant of every single patient, shall at the expiration of one month after the reception of a private patient prepare and send to the Commissioners a report as to the mental and bodily condition of the patient, in such form as the Commissioners may from time to time direct.

(2.) The medical proprietor or attendant of every house licensed by justices shall also at the same time send a copy of such report to the clerk of the visitors of licensed houses in the county or borough where the house is situate to be by him laid before the visitors.

(3.) The Commissioners, after receiving the report upon any patient in a licensed house within their immediate jurisdiction, shall make arrangements for a visit being paid as soon as conveniently may be to the patient by one or more of the Commissioners; and the Commissioner or Commissioners so visiting shall report to the Commissioners whether the detention of the patient is or is not proper.

(4.) The visitors, after receiving the report, shall, in every case of a private patient in a licensed house in the county or borough for which the visitors are appointed, make arrangements for a visit being paid by the medical visitor (either alone or with one or more of the other visitors) to the patient therein named for such purpose as aforesaid, as soon as conveniently may be; and if on such visit there shall appear to be any doubt as to the propriety of the detention of the patient, such visitor or visitors shall forthwith report the same in writing to the Commissioners, who shall thereupon make all such further inquiries as may be necessary to satisfy themselves whether the patient is properly detained as a lunatic, or whether he ought to be discharged, or whether the case ought to be reported to the Lord Chancellor with a view to an inquisition.

(5.) In the case of a single patient the Commissioners, after receiving the report, shall either make arrangements for a visit being paid as soon as conveniently may be to the patient therein named by one or more of the Commissioners, or, if no Commissioner is available, shall cause a copy of the report to be sent to a medical visitor for the county or borough in which the single patient resides, or to some other competent person, and shall direct him to visit the patient therein named as soon as conveniently may be. The Commissioner or Commissioners, or other person visiting the patient, shall report to the Commissioners whether his detention is or is not proper.

(6.) The person directed to visit a single patient under the last preceding sub-section shall for that purpose have all the powers of a Commissioner, and the Commissioners may, with the consent of the Treasury, pay to him such reasonable remuneration for his services as they think fit out of any funds which may be provided by Parliament to defray the general expenses of the Commissioners.

(7.) In the case of a private patient in an asylum or hospital the Commissioners, after receiving the report, shall either make arrangements for a visit being paid, as soon as conveniently may be, to the patient therein named by one or more of the Commissioners, who shall report to the Commissioners whether the detention of the patient is or is not proper; or the Commissioners shall send a copy of the report to the clerk to the committee of visitors of the asylum or to the managing committee of the hospital, and one or more members of the committee shall thereupon, as soon as conveniently may be, visit the patient named in the report and report to the committee whether his detention is or is not proper, and the committee, or any three of them, may, upon consideration of such

A.D. 1889. last-mentioned report, by writing under their hands discharge the patient or give such directions with regard to him as they think fit.

(8.) If within a month after the reception of any private patient, the asylum, hospital, licensed or other house into which he was received is visited by one or more Commissioners or by any visitors, and such patient is there seen and examined by him or them, and the propriety of his detention reported on in like manner as by this section provided, no special visit shall necessarily be paid to such patient after receipt of any such report.

(9.) If the Commissioners in any case under this section determine that a patient ought to be discharged they may make an order for his discharge.

(10.) The reports to be furnished under this section shall be in addition to the reports or statements which by the Lunacy Acts are required to be furnished.

Duration of
orders for
reception.

30.—(1.) Any reception order, whether it relates to a pauper or not, dated after or within three months before the commencement of this Act, shall expire at the end of one year from its date, and any such order dated three months or more before the commencement of this Act shall expire at the end of one year after the commencement of this Act unless such orders respectively are continued as herein-after provided.

(2.) In the case of any asylum, hospital, or licensed house the Commissioners may by order under their seal from time to time direct that the reception orders of patients detained therein shall, unless continued as herein-after provided, expire on any quarterly day next after the days on which the orders would expire under the last preceding subsection.

(3.) An order for the removal of a patient from one custody to another shall not be deemed to be a reception order within this section, but the patient who is removed shall after removal be deemed to be detained under the original reception order as a lunatic, and such order shall expire in accordance with the provisions of this section unless continued as herein-after provided.

(4.) An order for the reception of a patient, whether a pauper or not, into an asylum, hospital, or licensed house, or as a single patient, shall remain in force for a year after the date by this Act or by an order of the Commissioners appointed for it to expire, and thereafter for two years and thereafter for three years, and after the end of such periods of one, two, and three years for successive periods of five years, if at the end of each period of one, two, three, and five years respectively a special report of the medical superintendent of the asylum or hospital or the medical proprietor or attendant of the

licensed house or of the medical attendant of the single patient as to the mental and bodily condition of the patient with a certificate under his hand certifying that the patient is still of unsound mind and a proper person to be detained under care and treatment is sent to the Commissioners in manner herein-after directed. Such report shall be sent to the Commissioners not more than one month and not less than seven days before the end of each period.

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(5.) The person sending the special report shall give to the Commissioners such further information concerning the patient to whom the special report relates as they may require.

(6.) If in the opinion of the Commissioners the special report does not justify the accompanying certificate, then—

(a.) In the case of a patient in a hospital or licensed house or under care as a single patient, the Commissioners shall make further inquiry, and if dissatisfied with the result they or any two of them may by order direct his discharge :

(b.) In the case of a patient in an asylum, the Commissioners shall send a copy of the report, with any other information in their possession relating to the case, to the clerk to the committee of visitors of the asylum, and the committee, or any three of them, shall thereupon investigate the case and may discharge the patient or give such directions respecting him as they may think proper.

(7.) The superintendent of any asylum, and the superintendent or proprietor of any hospital or house, and any person having charge of a single patient, who detains a patient after he has knowledge that the order for his reception has expired, shall be guilty of a misdemeanor.

(8.) The special reports and certificates under this section may include and refer to more than one patient, and such reports shall be in such form as the Commissioners may, with the approval of the Lord Chancellor, from time to time direct.

(9.) A certificate under the hand of the secretary to the Commissioners that an order for reception has been continued to the date therein mentioned shall be sufficient evidence of the fact.

31.—(1.) Two of the Commissioners, one of whom shall be a medical, and the other a legal Commissioner, may visit a patient detained in any hospital or licensed house, or as a single patient, and may, within seven days after their visit, if the patient appears to them to be detained without sufficient cause, make an order for his discharge, with the like consequences as follow an order by the Lord Chancellor for the discharge of a single patient under section eighteen of the Lunacy Act, 1853.

Powers of
discharge
and removal.

16 & 17 Vict.
c. 96. s. 18.

A.D. 1889.

(2.) Upon the death of a person having charge of a single patient the Commissioners may, upon the application of the person having authority to discharge the patient, or, if he does not apply within seven days after the death, upon their own motion, by order direct the patient to be placed in the charge of the person named in the order, and such order shall have the same effect as an order of transfer made under the powers of section twenty of the Lunacy Act, 1853.

16 & 17 Vict.
c. 96. s. 20.

(3.) The Commissioners or any two of them may at any time by order direct the removal of a lunatic from the charge of any person under whose care he is as a single patient to the charge of any other person or to any asylum, hospital, or licensed house.

Removal for
health or on-
trial, and
transfer.
8 & 9 Vict.
c. 100.
16 & 17 Vict.
c. 96.
25 & 26 Vict.
c. 111.

32.—(1.) The consent in writing of one Commissioner shall be sufficient for the exercise of the powers conferred by section eighty-six of the Lunacy Act, 1845, sections twenty and twenty-two of the Lunacy Act, 1853, and section thirty-eight of the Lunacy Act, 1862.

(2.) The medical superintendent of a hospital, or the medical superintendent or proprietor of a licensed house, may, of his own authority, permit a patient to be absent from such hospital or house for a period not exceeding forty-eight hours without giving notice of such absence to the Commissioners, and during such absence the order for reception shall remain in force.

Chargea-
bility of
lunatic
becoming
pauper.
16 & 17 Vict.
c. 97.

33.—(1.) Where a lunatic in an asylum, hospital, or licensed house becomes destitute he shall be deemed to be chargeable to the union from which he was brought until it has been established in the manner provided by the Lunatic Asylums Act, 1853, that the lunatic is settled in some other union or that it cannot be ascertained in what union the lunatic was settled; and the superintendent or proprietor of the asylum, hospital, or house shall forthwith give to the authority liable for his maintenance notice that the lunatic has become destitute.

(2.) The words "if any pauper lunatic be not settled in the parish from which" are hereby substituted for the words "if any pauper lunatic be not settled in the parish by which" in section ninety-eight of the Lunatic Asylums Act, 1853.

Single
patients.

34.—(1.) Any two Commissioners may direct that the medical attendant of a single patient shall cease to act in that capacity, and that some other person be employed in his place.

(2.) If the person having charge of the patient fails to give effect to the direction by causing the patient to be visited by some other medical practitioner he shall be guilty of a misdemeanor.

(3.) One or more of the Commissioners shall once at least in every year visit every unlicensed house in which a single patient is detained as a lunatic, and inquire and report to the Commissioners on the treatment and state of bodily and mental health of the patient. A.D. 1889.

(4.) Any Commissioner visiting an unlicensed house may inspect every part of the house and the grounds belonging thereto.

(5.) If the person having charge of a single patient refuses to show to any Commissioner at his request any part of the house wherein the single patient resides, or any part of the grounds belonging thereto, he shall be guilty of a misdemeanor.

(6.) In the case of any person having charge of a single patient, if the Commissioners are satisfied that it is desirable, under special circumstances, and for the interest of the patient, that another patient, or more than one other, should reside in the same house, that person may, with the approval of the Commissioners, receive such other patient or patients on the same terms and conditions in all respects as if each of them were a single patient.

35. A person who for payment takes charge of or receives to board or lodge or otherwise any other person as a lunatic or alleged lunatic, shall be deemed to be a person deriving profit from the charge of a lunatic within the meaning of the Lunacy Act, 1845. Person deriving profit from charge of lunatic.
8 & 9 Vict.
c. 100. s. 92.

36. The notice by section nineteen of the Lunacy Act, 1853, required to be sent upon the recovery of a patient, shall state that unless the patient is removed within seven days from the date of the notice he will be discharged. If the patient is not removed within seven days from the date of the notice he shall be forthwith discharged without further order. Discharge upon recovery.
16 & 17 Vict.
c. 96.

37.—(1.) The Commissioners may by order under this section substitute for the person who signed the reception order of a private patient, or for the person upon whose petition or application any such order was obtained, and either during the life of such person or after his death, any other person who is willing to undertake the duties and responsibilities of the person who signed or obtained the order. Power to appoint substitute for the person who signed or applied for order of reception.

(2.) As from the date of an order by the Commissioners under this section the substituted person shall be subject to all the obligations and may exercise all the powers and authorities in relation to the patient of the person for whom he is substituted.

(3.) The substitution shall not release the person who signed or obtained the reception order or his estate from any liabilities already incurred by him.

A.D. 1889.

(4.) An order under this section may be made with or without the consent of the person who signed or obtained the reception order, but in the last-mentioned case the order shall not be made during his life until fourteen days after the Commissioners have given to him notice in writing of their intention to take into consideration the advisability of making an order under this section and of the name of the person proposed to be substituted.

(5.) Within fourteen days after receipt of the notice the person to whom the notice is given may lay before the Commissioners a statement in writing of his reasons why an order under this section should not be made, or he may appear in person before the Commissioners at such time and place and subject to such restrictions as the Commissioners may appoint for the purpose of stating such reasons. The Commissioners shall, upon consideration of such statement, or, if no statement is made, at their own discretion, finally determine the matter, and make or decline to make the order, as they may think fit.

(6.) A notice under this section may be sent by post in a prepaid letter addressed to the person who signed or obtained the reception order at his last known address, and the same shall be deemed to have been received at the time when the same would arrive in due course of post.

Provision for any person to apply to have patient examined.

38. An order for the examination by two medical practitioners, authorised by the Commissioners, of any person detained as a lunatic in any asylum, hospital, licensed house, or as a single patient, may be obtained from the Commissioners upon the application of any person, whether a relative or friend or not, who shall satisfy the Commissioners that it is proper for them to grant such order; and on production to the Commissioners of the certificates of the medical practitioners so authorised, certifying that after two separate examinations with at least seven days intervening between the first and the second examination, they are of opinion that the patient may, without risk or injury to himself or the public, be discharged, the Commissioners may order the patient to be discharged at the expiration of ten days from the date of the order.

Power to take boarders in licensed houses.
Form 14.

39.—(1.) The superintendent or proprietor of a licensed house may, with the previous consent in writing of two of the Commissioners, or, where the house is licensed by the justices, of two of the justices, receive and lodge as a boarder for the time specified in the consent any person who is desirous of voluntarily submitting to treatment; after the expiration of which time (unless any further consent shall be in like manner given for the extension thereof) he

shall be discharged. The superintendent or proprietor of a licensed house may also, with such previous consent as aforesaid, receive and lodge as a boarder, for the time specified in the consent, any relative or friend of a patient.

(2.) The consent of the Commissioners or justices, as the case may be, shall be given only upon application to them by the intending boarder.

(3.) The total number of patients and boarders in a hospital or licensed house shall at no one time exceed the number of patients for which the hospital is certified or the house licensed.

(4.) Every boarder shall, if required, be produced to the Commissioners and visitors respectively on their respective visits.

(5.) A boarder may leave the licensed house in which he is a boarder upon giving to the superintendent or proprietor thereof twenty-four hours notice in writing of his intention so to do.

(6.) If any person is not allowed to leave the licensed house in which he is a boarder after the expiration of twenty-four hours notice to the superintendent or proprietor thereof of his intention so to do, he shall be entitled to recover from the superintendent or proprietor ten pounds as liquidated damages for each day or part of a day during which he is detained.

40.—(1.) Where application is made to the committee of visitors of an asylum by any relative or friend of a pauper lunatic confined therein that he may be delivered over to the custody of such relative or friend, the committee may, upon being satisfied that the application has been approved by the guardians of the union to which the lunatic is chargeable, and, in case the proposed residence is outside the limits of the said union, then also by a justice having jurisdiction in the place where the relative or friend resides, and that the lunatic will be properly taken care of, order the lunatic to be delivered over accordingly.

Maintenance for pauper lunatic taken charge of by relatives.

(2.) Where any such order is made, the authority liable for the maintenance of the lunatic shall pay to the person to whom the lunatic is delivered such allowance for the maintenance of the lunatic, not exceeding the expenses which would be incurred on his account if he were in the asylum, as such authority may on the recommendation of the committee of visitors of the asylum from which the lunatic was delivered over think proper.

(3.) The medical officer of the district of the union in which the lunatic is resident in the custody of such relative or friend shall, within three days after each quarterly visit to the lunatic, made in pursuance of the Lunatic Asylums Act, 1853, section sixty-six,

A.D. 1889. send to the visiting committee of the asylum from which the lunatic was delivered over, a report stating whether, in his opinion, the lunatic is properly taken care of, and may properly remain out of an asylum. The medical officer shall for every such report in addition to the remuneration paid under the above-mentioned section of the Lunatic Asylums Act, 1853, be paid the sum of two shillings and sixpence, which sum shall be paid by the same persons and be charged to the same account as the relief of such pauper.

(4.) Any two of the visitors may at any time, if they think fit, make an order for the removal of the lunatic to the asylum from the custody of the relative or friend to whom he has been delivered.

51 & 52 Vict.
c. 41.

(5.) For the purposes of section twenty-four, subsection (2) (f), of the Local Government Act, 1888, a lunatic boarded-out by the authorities of any asylum shall be deemed to be a lunatic maintained in an asylum.

Power of
transfer and
discharge
given to
members of
committee.

41. The members, whether justices or not, of any committee of visitors appointed for any asylum by a county council, shall have the same powers and jurisdiction in relation to the transfer and discharge of lunatics as by the Lunatic Asylums Act, 1853, were vested in any members of a committee of visitors appointed under that Act.

Information
as to lunatics
in private
families and
charitable
establish-
ments.

42.—(1.) If it comes to the knowledge of the Commissioners that any person appears to be without an order and certificates detained or treated as a lunatic or alleged lunatic by any person receiving no payment for the charge, or in any charitable, religious, or other establishment (not being an asylum, hospital, or licensed house), they may require the person by whom the patient is detained, or the superintendent or principal officer of the establishment, to send to them, within or at such time or times as the Commissioners may appoint, a report or periodical reports by a medical practitioner of the mental and bodily condition of the patient, with all such other particulars as to him and his property as they may think fit.

(2.) Any one or more of the Commissioners may at any time visit any such patient and report the result of the visit to the Commissioners, and may exercise, with respect to such patient, all the powers (except that of discharge) given to them as to persons confined in any asylum, hospital, or licensed house, or as single patients.

(3.) The Commissioners may, if they think fit, transmit any reports received by them, or may report the results of any inquiries made by them under this section, to the Lord Chancellor, who

may thereupon make an order for the discharge of the patient from the custody in which he is detained or for his removal to an asylum, hospital, or licensed house, or to such other custody as he may think fit, and the expenses properly incurred of carrying any such order into effect and of maintaining the patient if so removed shall, if the order so directs, be paid by the guardians of the union in which the patient was found, until the authority legally liable for his maintenance has been ascertained; and such guardians shall have the same right to recover any such expenses paid by them against the lunatic and his estate, and the person or authority legally liable for his maintenance as in the case of orders for maintenance under the Lunatic Asylums Act, 1853.

A.D. 1889.

16 & 17 Vict.
c. 97.

(4.) Where an order is made by the Lord Chancellor under this section for removal of a lunatic to an asylum, any two justices of the county or borough in which the asylum is may exercise all the authorities conferred upon justices by the Lunatic Asylums Act, 1853, for the purpose of making the lunatic's property applicable to his maintenance and for maintaining him as a pauper.

(5.) All reports and particulars sent to the Commissioners under this section shall be kept by them, and shall be open to inspection only by the Commissioners and the Lord Chancellor, and by such persons as the Lord Chancellor may direct.

43.—(1.) The Commissioners when they shall have made any order of discharge shall forthwith serve the same upon the superintendent or proprietor of the asylum, hospital, or licensed house where the patient is detained, or upon the person having charge of the patient as a single patient, and shall give notice of such order,—

Notice of
order of
discharge.

- a. In the case of a private patient, to the person who signed or obtained the reception order or who made the last payment on account of the patient:
- b. In the case of a pauper, to the guardians of the union by whom the expense of the maintenance of the lunatic was defrayed, or, if the lunatic was chargeable to a county or borough, to the clerk of the peace of the county or the town clerk of the borough.

(2.) Any person who has been duly served with an order of discharge and detains a patient after the date of discharge appointed thereby shall be guilty of a misdemeanor.

44.—(1.) When an alien (not being a criminal lunatic) is detained as a lunatic, and his family or friends desire that he should be removed to the country of which he is a subject, the Commis-

Power to
remove alien
lunatic to
his native
country.

A.D. 1889. sioners, upon application by any member of the family, or by a friend of the alien, may inquire into the circumstances of the case, and report thereon to a Secretary of State.

(2.) A Secretary of State, if satisfied by such report or otherwise, that the person, to whom the report relates, is an alien and a lunatic, and that his removal is likely to be for his benefit, and that proper arrangements have been made for such removal and for his subsequent care and treatment, may, by warrant, direct the alien to be delivered to the person named in the warrant for the purpose of removal to the country of which he is a subject, and every such warrant shall be obeyed by the person or authority under whose charge the lunatic is.

(3.) A warrant under this section shall be sufficient authority for the master of any vessel to receive and detain the lunatic on board the vessel, and to convey him to his destination.

Mechanical
means of
restraint.

45.—(1.) Mechanical means of bodily restraint shall not be applied to any lunatic unless the restraint is necessary for purposes of surgical or medical treatment or to prevent the lunatic from injuring himself or others.

(2.) In every case where such restraint is applied a medical certificate shall, as soon as it can be obtained, be signed, describing the mechanical means used, and stating the grounds upon which the certificate is founded.

Form 16.

(3.) The certificate shall be signed, in the case of a lunatic in an asylum or hospital, by the medical superintendent or a medical officer thereof, in the case of a lunatic in a licensed house, by the medical proprietor or medical attendant of the house, in the case of a lunatic in a workhouse, by the medical officer of the workhouse, and in the case of a single patient, by his medical attendant.

(4.) A full record of every case of restraint by mechanical means shall be kept from day to day; and a copy of the records and certificates under this section shall be sent to the Commissioners at the end of every quarter.

(5.) In the case of a workhouse, the record to be kept under this section shall be kept by the medical officer of the workhouse, and the copies of records and certificates to be sent shall be sent by the clerk to the guardians.

(6.) In the application of this section "mechanical means" shall be such instruments and appliances as the Commissioners may, by regulations to be made from time to time, determine.

(7.) Any person who wilfully acts in contravention of this section shall be guilty of a misdemeanour.

46.—(1.) The superintendent or proprietor of every asylum, hospital, and licensed house, and the person having charge of a single patient, shall forward unopened all letters written by any patient and addressed to the Lord Chancellor or any Judge in Lunacy, or to a Secretary of State, or to the Commissioners, or any Commissioner, or to the person who signed the order for the reception of the patient, or on whose petition or application such order was made, or to the visitors or any visitor or visiting committee, or any member of the visiting committee of the asylum, or licensed or other house, in which any patient writing such letters may be, and may also at his discretion forward to its address any other letter if written by a private patient.

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Letters of patients.

(2.) Every superintendent or proprietor of an asylum, hospital, or licensed house, and every person having charge of a single patient who makes default in complying with the obligation imposed on him by this section shall for each offence be liable to a penalty not exceeding twenty pounds.

47.—(1.) Whenever the Commissioners in Lunacy shall so direct there shall, unless there is no private patient therein, be posted up in every asylum, hospital, and licensed house, printed notices setting forth—

Notices as to letters and interviews.

(a.) The right of every private patient to have any letter written by him forwarded in pursuance of the last preceding section ;

(b.) The right of every private patient to request a personal and private interview with a visiting Commissioner or visitor at any visit which may be made to the asylum, hospital, or house.

(2.) The notices shall be posted in the asylum, hospital, or house, so that every private patient may be able to see the same.

(3.) The visiting Commissioners or visitors may give directions as to the places in which such notices are to be posted.

(4.) If the superintendent or proprietor of an asylum, hospital, or licensed house makes default in posting such notices, or does not within ten days carry out any directions as to such notices given by the visiting Commissioners or visitors, he shall for each offence be liable to a penalty not exceeding twenty pounds.

48. If in any case of an inquisition it shall appear that the alleged lunatic is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself, and is not dangerous to himself or to others, it may be specially so found and certified ; and every such special finding and certificate shall be brought before the Judge in Lunacy, who shall thereupon make all such orders, and direct all such acts to be done, as may

Provision on inquisition for commitment of estate only and not of person.

A.D. 1889. — be necessary or proper relative to the commitment, management, and application of the estate and effects of the person so found to be of unsound mind (including all proper provisions for his maintenance), but it shall not be necessary, unless in the discretion of the Judge it shall appear proper so to do, to make any order as to the custody or commitment of the person.

Judge in Lunacy may supersede inquisition and rescind or vary order for commitment of person.

49.—(1.) In any case of a person who has been found lunatic by inquisition the Judge in Lunacy, being satisfied on the report of the Commissioners or of one of the Lord Chancellor's Visitors in Lunacy, or on any other evidence that the lunatic is cured, or that he is capable of managing himself, and not dangerous to himself or others, though incapable of managing his affairs, may, if he shall think it desirable that the ordinary proceedings for a supersedeas should not be insisted on, by order supersede the inquisition so far as the same finds that the lunatic is incapable of managing himself, and rescind or vary any order for the commitment of the person of the lunatic.

(2.) An order under this section may be made on such terms and conditions as the Judge in Lunacy may think fit.

(3.) Notice of an order under this section shall be forthwith given to the committee of the lunatic and also to the person under whose care the lunatic is.

Order for custody of person of lunatic so found to determine unless continued.

50.—(1.) The medical attendant of every lunatic so found by inquisition shall, before the expiration of one, three, and six years respectively from the commencement of this Act, and before the expiration of every subsequent period of five years after the expiration of six years from the commencement of this Act, send to the Masters in Lunacy a report as to the mental and bodily condition of the patient, with a certificate under his hand certifying, if it is the fact, that the patient is still of unsound mind and a proper person to be detained under care and treatment.

(2.) If, before the expiration of any of the periods herein-before mentioned, such report and certificate are not sent to the Masters, they shall inquire as to the omission, and unless they are satisfied that the lunatic is still of unsound mind, the order for the commitment of the person of the lunatic as to whom such report and certificate are not sent shall determine at the expiration of such period; but nothing herein contained shall affect the commitment of the estate.

(3.) A Master in Lunacy may, by order under his hand, extend the time within which any report and certificate under this section is to be sent to the Masters, and if the time is so extended, the

order for commitment of the person of the lunatic as to whom the time is so extended shall continue in force until the expiration of the extended time, but such extended time shall not exceed six calendar months.

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(4.) Where any order for commitment of the person of a lunatic has determined under this section, the Masters in Lunacy shall forthwith give notice of such determination to the committee of the person of the lunatic and to the person under whose care the lunatic is.

51. In any case where, pending the appointment of committees, it shall appear to the Masters desirable that temporary provision should be made for the expenses of the maintenance or other necessary purposes or requirements of the lunatic, or any member of his family, out of any cash or available securities belonging to him in the hands of his bankers, or of any other person, the Masters shall be at liberty by certificate to authorise such banker or other person to pay to the person to be named in such certificate such sum as they shall certify to be proper; and may by such certificate give any directions as to the proper application thereof for the lunatic's benefit by such person who shall be accountable for the same as the Masters shall direct.

Temporary provision for maintenance of lunatic.

52.—(1.) Where any person is lawfully detained as a lunatic, or where any person not so detained and not found a lunatic by inquisition shall be proved to the satisfaction of the Judge in Lunacy to be through mental infirmity, arising from disease or age, incapable of managing his estate and affairs, the Judge in Lunacy, upon the application of such lunatic or other person by his next friend, may make an order that the next friend, or any other person approved by the Judge, may, on behalf of the lunatic or of the person so incapable, exercise any powers or do any act in relation to his property which the committee of the estate of a lunatic so found by inquisition, could by virtue of the Lunacy Regulation Act, 1853, and the Acts amending the same, under an order of the Judge, or without an order, exercise or do on behalf of the lunatic.

Orders as to the property of a lunatic.

16 & 17 Vict. c. 70.

(2.) An order under this section may confer upon the person named in the order authority to do any act or exercise any power specified in the order, or may confer a general authority to exercise on behalf of the lunatic until further order all or any of the powers of a committee of the estate of a lunatic so found by inquisition, without further application to the Judge.

(3.) Applications under this section shall be made in such manner, upon notice to such persons, and subject to such restric-

A.D. 1889. — tions as may be appointed by the General Orders in Lunacy, and subject thereto as the Judge in Lunacy in each case may determine.

(4.) Every person appointed to do any act or exercise any powers under this section shall be subject to the jurisdiction and authority of the Judge in Lunacy in the same manner in all respects as if such person were the committee of the estate of a lunatic so found by inquisition.

Limited power to deal with property in Ireland or England of lunatic so found in England or Ireland.

53.—(1.) The powers of management and administration of the estates of lunatics conferred by the Lunacy Regulation Act, 1853, shall, without an inquisition or other proceedings in Ireland, extend to the personal property in Ireland of a lunatic so found by inquisition in England where such personal property does not exceed two thousand pounds in value or the income thereof does not exceed one hundred pounds a year; and the like powers conferred by the Lunacy Regulation (Ireland) Act, 1871, shall, without an inquisition or other proceedings in England, extend to the personal property in England of a lunatic so found by inquisition in Ireland where such personal property or the income thereof does not exceed such amount as aforesaid.

(2.) Where a person has been found lunatic by inquisition in England or Ireland, and has personal property in Scotland, the committee of the estate of the lunatic shall, without cognition or other proceedings in Scotland, have all the same powers as to such property, or the income thereof, as might be exercised by a tutor at law after cognition or a duly appointed curator bonis to a person of unsound mind in Scotland.

Where a tutor at law after cognition or a curator bonis has been appointed to a lunatic in Scotland, who has personal property in England or Ireland, the tutor at law or curator bonis shall, without an inquisition or other proceedings in England or Ireland, have all the same powers as to such property, or the income thereof, as might be exercised by the committee of the estate of a lunatic so found by inquisition in England or Ireland.

25 & 26 Vict.
c. 86. s. 12.
34 & 35 Vict.
c. 22. s. 68.

(3.) The powers conferred by section twelve of the Lunacy Regulation Act, 1862, and by section sixty-eight of the Lunacy Regulation (Ireland) Act, 1871, shall extend to the property in Ireland or England, as the case may be, of the lunatic where the total value of the property in England and Ireland does not exceed two thousand pounds in value, or the income thereof does not exceed one hundred pounds a year.

54.—(1.) Where an order is made for the reception of a lunatic the value of whose real and personal property is under two hundred pounds, and no relative or friend of the lunatic is willing to undertake the management of such property, any judge of county courts having jurisdiction in the place from which the lunatic is sent, may, upon the application of the clerk of the guardians, or a relieving officer of the union from which the lunatic is sent, authorise the clerk or relieving officer, or such other person as the judge shall by his order appoint, to take possession of and sell and realise the real and personal property of the lunatic, and to exercise all the powers which could be exercised by the legal personal representative of the lunatic if he were dead; and the receipt of the person so authorised shall be a valid discharge to any person who pays any money or delivers any property of the lunatic to such person.

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Power to deal with property of small amount.

(2.) The judge by whom such order is made may by the same or any subsequent orders give such directions as he shall think fit as to the application of the property of the lunatic for his benefit or in reimbursement of such sums as may have been or may be expended by the guardians of the union for his care or relief, or of the costs or expenses incurred in relation to the lunatic by such guardians, or by the person acting under any such order as aforesaid, or the judge may, if he think fit, order that the whole or any part of the proceeds of the lunatic's property be paid into the county court to the credit of an account intituled in the matter of such lunatic, and any sum so paid into court may either be invested in the manner provided by the county court rules in force for the time being, or be paid out of court from time to time to such person as the judge may direct, to be held and applied for the benefit of such lunatic, or in or towards such reimbursement as aforesaid, in such manner as the judge shall from time to time direct.

(3.) The person acting under any such order shall render an account of his dealings with the lunatic's property to the judge by whom such order was made in such manner as the judge shall from time to time appoint.

55. When any sum in respect of pay, pension, superannuation, or other allowance, or annuity under the control or management of any public department, is payable to any person, in respect either of service as a civil servant or of military or naval service or of provision for a widow or child of a person employed in civil, military, or naval service as such widow or child, and the person to

Pension of lunatic payable by public department.

A.D. 1889. whom the sum is payable is certified by a justice or minister of religion, and by a medical practitioner, to be unable by reason of mental disability to manage his or her affairs, the public department may pay so much of the said sum as the department may think fit to the institution or person having the care of the disabled person, and may pay the surplus, if any, or such part thereof, as the department may think fit, for or towards the maintenance and benefit of the wife or husband and relatives of the disabled person, and the department shall be discharged from all liability in respect of any sums so paid.

Restrictions
on new
licences.

56.—(1.) If the Commissioners, or in the case of a house licensed by justices the justices, are of opinion that a house licensed for the reception of lunatics has been in all respects well conducted by the licensees, the Commissioners or justices may upon the expiration of the licence from time to time renew the licence for that house to the former licensees, or any one or more of them, or to their successors in business from time to time.

(2.) If at the passing of this Act the licensees of any house shall have made arrangements to establish a new house for the reception of lunatics in the place of the existing house, and the Commissioners, or if the existing house is within the jurisdiction of justices the justices, are of opinion that such new house will be as well suited for the purpose as the existing house, and are also of opinion that the existing house has been in all respects well conducted, the Commissioners or justices may grant to the licensees of the existing house, or any one or more of them, a licence for the new house, and may from time to time renew the same to the original licensees, or any one or more of them, or to his or their successors in business from time to time.

(3.) If at any time after the passing of this Act it shall be shown to the satisfaction of the Commissioners or the justices, as the case may be, that it would be for the comfort and advantage of the patients in any licensed house that another house should be substituted in place thereof, the Commissioners or justices may grant to the licensees of such first-mentioned house a licence in respect of such other house upon and subject to the same conditions and restrictions as may have existed in respect of the first-mentioned house.

(4.) In the case of joint licensees or proprietors who desire to carry on business apart from one another, if, in the opinion of the Commissioners or of the justices, as the case may be, the establishment conducted by them jointly, and also any new house which any

of them desires to conduct, answers the conditions herein-before required for granting renewed licences, the Commissioners or justices, as the case may be, may grant to each of such licensees or proprietors renewed licences for such number of patients (not exceeding in the aggregate the number allowed by the joint licence) as such joint licensees or proprietors shall agree upon, or, failing their agreement, as the Commissioners or justices shall determine. A.D. 1889.

(5.) Where the licensee of a house is a medical man in the employment of the proprietor of such house as his superintendent, the licence shall be deemed to be transferable or renewable to such licensee so long as he continues superintendent of the house, or to the proprietor, or to any other medical superintendent while employed by the proprietor in the place of the former superintendent.

(6.) Save as in this section provided, after the passing of this Act no new licence shall be granted to any person for a house for the reception of lunatics, and no house in respect of which there is at the passing of this Act an existing licence shall be licensed for a greater number of lunatics than the number authorised by the existing licence.

(7.) This section does not apply to licensed houses used solely for the reception of idiots and imbeciles.

57.—(1.) Visitors of licensed houses shall be appointed by the justices of every county or borough under section seventeen of the Lunacy Act, 1845, whether there is a licensed house within the county or borough or not. Amend-
ments as to
licensed
houses.
8 & 9 Vict.
c. 100. s. 17.

(2.) In every county or borough in which no visitors of licensed houses have been appointed before the commencement of this Act, the justices of such county or borough shall appoint such visitors at the quarter and special sessions respectively next after the commencement of this Act.

(3.) A medical visitor shall be entitled to such remuneration for services rendered under this Act as the justices of the county or borough for which he is a visitor may approve, and such remuneration shall be provided in the manner in which the remuneration of a visitor for services under the Lunacy Act, 1845, is provided.

(4.) Where there is no licensed house within a county or borough the remuneration of any medical visitor, and the salary of the clerk to the visitors, and the expenses of the visitors in the execution of their office, shall be provided in the manner in which the remuneration and other expenses, which the money received for licences

A.D. 1889. under the Lunacy Act, 1845, is inadequate to pay, are to be provided.

8 & 9 Vict.
c. 100. s. 38.

(5.) The clerk to the visitors of licensed houses shall, upon the direction of any two visitors, call a meeting of the visitors at such time and place as the two visitors may appoint.

(6.) In the case of a licence for a house for the reception of lunatics granted to two or more persons, if before the expiration of the licence any of such persons die leaving the others surviving, and one of the survivors has undertaken, or within ten days after the death gives to the Commissioners or the justices who granted the licence a written undertaking, to reside on the licensed premises, the licence shall remain in force and have the same effect as if granted to the survivors.

8 & 9 Vict.
c. 100. s. 39.

(7.) Where a licence has been transferred by the justices of a county or borough under section thirty-nine of the Lunacy Act, 1845, the clerk of the peace of the county or borough shall within three days after the date of the instrument of transfer send a copy thereof to the Commissioners.

(8.) A clerk of the peace who makes default in performing the duty imposed upon him by this section shall for each day during which the default continues be liable to a penalty not exceeding forty shillings.

Provisions
for registra-
tion of hos-
pitals in
which luna-
tics are
received.

58.—(1.) When application is made after the passing of this Act for the registration of a hospital for the reception of lunatics, the Commissioners may depute any one or more members of their body, or may employ such person or persons as they shall think fit, to inspect the hospital and report to them thereon.

(2.) If the Commissioners are of opinion that the hospital ought not to be registered for the reception of lunatics, they shall make a written report to a Secretary of State, stating the reasons for such opinion, and the Secretary of State shall thereupon finally determine whether the hospital ought to be registered or not.

(3.) If the Commissioners are of opinion or a Secretary of State determines that the hospital ought to be registered, the Commissioners shall issue a provisional certificate of registration.

(4.) A provisional certificate shall be valid for six months from the date of its issue, and for such extended time as the Commissioners may allow, unless before its expiration it is superseded by a complete certificate of registration.

(5.) Within three months from the date of the provisional certificate, the managing committee of the hospital shall frame

regulations for the hospital, and shall submit the same to a Secretary of State for approval. A.D. 1889.

(6.) Upon approval of the regulations by a Secretary of State the Commissioners shall issue a complete certificate of registration, and shall specify therein the total number of patients of each sex, who may be received in the hospital.

(7.) As from the date of a provisional certificate lunatics may be received in the hospital, but if no complete certificate of registration is granted, then no lunatic shall be received or detained in the hospital after the expiration of the provisional certificate.

(8.) No lunatic shall be received in any hospital unless the same has been registered before the passing of this Act, or is registered under a provisional or complete certificate by virtue of this Act.

(9.) The superintendent of any hospital who receives or detains any lunatic in the hospital contrary to the provisions of this Act, or to the terms of the complete certificate of registration shall be guilty of a misdemeanor.

59.—(1.) No building in the occupation of the managing committee of a registered hospital not shown on the plans sent to the Commissioners pursuant to any rules made by them shall be deemed part of the hospital for any purpose connected with the reception or the care and treatment of lunatics. Buildings not shown on plans not to be used for accommodation of lunatics.

(2.) If the superintendent of a registered hospital knowingly permits any lunatic to be detained or lodged in any building not shown on the plans of the hospital sent to the Commissioners he shall be deemed guilty of a misdemeanor.

60.—(1.) The accounts of every registered hospital which does not submit its accounts to the Charity Commissioners shall be audited once a year by an accountant or other auditor to be approved by the Lunacy Commissioners, and shall be printed. Accounts to be audited and printed.

(2.) The Lunacy Commissioners may, if they shall think fit, prescribe the form in which the accounts of any registered hospital are to be kept, and the day of the year to which they are to be made up.

61. The managing committee of any hospital may grant to any officer or servant who is incapacitated by confirmed illness, age, or infirmity, or who has been an officer or servant in the hospital for not less than fifteen years and is not less than fifty years old, such superannuation allowance, not exceeding two-thirds of the salary of the superannuated person, with the value of the lodgings, rations or other allowances enjoyed by him, as the committee may think fit. Superannuation allowance of officer of hospital.

A.D. 1889.

Persons disqualified to be members of managing committee of hospital.

62. The following persons shall be disqualified from being members of the managing committee of a registered hospital :

- a. Any medical or other officer of the hospital :
- b. Any person who is interested in or participates in the profits of any contract with or work done for the managing committee of the hospital, but so that this disqualification shall not extend to a person who is a member of an incorporated company which has entered into a contract with or done any work for the managing committee.

Powers for enforcing regulations of hospitals.

63.—(1.) The Commissioners may from time to time require the superintendent or any other officer of a registered hospital to give them such information as the Commissioners shall think fit as to the mode in which the regulations of the hospital are carried out.

(2.) If the Commissioners are of opinion that the regulations are not properly carried out, they may give to the superintendent and any two members of the managing committee of the hospital notice stating the particulars in which the regulations are not properly carried out, and requiring such things to be done as the Commissioners may think proper for carrying out the same.

(3.) If at the expiration of six months from the date of the notice the requirements of the notice have not, in the opinion of the Commissioners, been complied with, the Commissioners, with the consent in writing of a Secretary of State, may make an order directing the hospital to be closed as from the date named in the order, so far as the reception and detention of lunatics is concerned.

(4.) If any lunatics are detained or kept in the hospital after the date appointed by the order for closing the hospital, the superintendent of the hospital shall be guilty of a misdemeanor.

(5.) Before an order is made under this section the Commissioners shall send to the superintendent and any two members of the managing committee of the hospital notice in writing requiring them to state in writing within fourteen days the reasons why the requirements of the first notice have not been complied with ; and such statement, if any, shall be laid before the Secretary of State.

No agreements between local authority and subscribers.

64. As from the passing of this Act no agreement shall be made between a local authority and the subscribers to a hospital for uniting to provide and maintain an asylum or for the reception of pauper patients into the hospital. Provided always, that in any case where an agreement for either of the purposes aforesaid is already

subsisting, such agreement shall continue in force, and may be renewed as heretofore with the consent of a Secretary of State. A.D. 1889.

65.—(1.) Lunatics not paupers may be received into any asylum provided under the Lunatic Asylums Act, 1853, and the Acts amending the same, or under this Act, upon such terms as to payment and accommodation as the committee of visitors may think fit. All enactments as to the conditions on which such lunatics may be received into hospitals or licensed houses shall be applicable to lunatics not paupers received into such asylums. Provisions as to private patients in asylums. 16 & 17 Vict. c. 97.

(2.) An account of the amount, by which the sums charged for private patients received in the asylum exceed the weekly charges for pauper lunatics sent from or settled in any place, parish, or borough which has contributed to provide the asylum, shall be made up to the last day of each year, and the surplus, if any, after carrying to the building and repair fund such sums, and providing for such outgoings and expenses, as the committee of visitors may consider proper, shall be paid to the treasurer of the local authority to which the asylum belongs, or in the case of an asylum belonging to several local authorities, to their respective treasurers in the proportions in which such local authorities or the justices of the counties and boroughs whose powers have been transferred to them have contributed to the asylum, and shall be applied in aid of the rates in such manner as the local authority may determine.

66.—(1.) The committee of visitors of any asylum, with the consent of the local authority of each administrative area for which the asylum is provided, and with the approval in writing of a Secretary of State, may make such alterations in or additions to the asylum, either by way of detached buildings or blocks of buildings or otherwise as they shall think fit, for the purpose of providing accommodation for lunatics not paupers. Power to enlarge asylums in order to provide accommodation for private patients.

(2.) The plans and estimates for all alterations in or additions to be made to an asylum under this section shall be submitted to the Commissioners, who shall report thereon in writing to a Secretary of State.

67.—(1.) The powers conferred by the Lunatic Asylums Act, 1853, for providing asylum accommodation shall extend to authorise a local authority either alone or in union with any other local authority or local authorities, to make provision for the reception of pauper and private patients together or in separate asylums, and to provide separate asylums for idiots or patients suffering from any particular class of mental disorder. Power to provide asylums for pauper and private patients.

A.D. 1889.

(2.) For the purposes of this section the local authority may erect new asylums, or enlarge any existing asylums, or purchase any licensed or other houses and land suitable for the purpose.

16 & 17 Vict.
c. 97.

(3.) Subject to the modifications made by this Act, all the powers and provisions of the Lunatic Asylums Act, 1853, and the Acts amending the same, shall extend to asylums provided under this Act as if such asylums were asylums authorised to be provided under the Lunatic Asylums Act, 1853.

Power to
retain land
unsuitable
or not re-
quired for
asylum pur-
poses.

68. Any lands or buildings which have been used for the purposes of a county or borough asylum, and have been found unsuitable, or are otherwise not required for such purposes, may, with the consent of a Secretary of State, and subject to such conditions as he may think fit to impose, be retained by the local authority, and appropriated for any purposes for which they are empowered to acquire land.

Rating of
lunatic
asylums.

69. All lands and buildings already or to be hereafter purchased or acquired under the provisions of any Act for the purposes of any lunatic asylum for any county or borough in England or Wales (and any additional building erected or to be erected thereon) shall, while used for such purposes, be assessed to county parochial district and other rates, made after the commencement of this Act, on the same basis and to the same extent as other lands and buildings in the same parish, township, or district.

Case of
officer trans-
ferred to
another
asylum.

70. When any officer is transferred from one asylum to another asylum wholly or in part belonging to the same local authority, his service in all such asylums shall be counted for the purpose of computing his pension, superannuation allowance, or gratuity for length of service, as if all such asylums had constituted only one asylum.

Contracts for
reception of
lunatics of
borough not
to be deter-
mined with-
out consent
of a Secre-
tary of State.

71. Where a contract has, before the passing of this Act, been entered into, or shall thereafter be entered into, on behalf of a borough, with the committee of visitors of an asylum for the reception of the pauper lunatics of the borough into the asylum, and the parties to the contract, or either of them, have power to determine the contract, the contract shall not after the passing of this Act be determined without the consent of a Secretary of State.

Conveyance
of land to
municipal
corporations.

72. Where the local authority is the council of a borough, any lands or hereditaments used or acquired on behalf of the local authority for the purposes of the Lunacy Acts may be conveyed to the municipal corporation of the borough, to be held by them in trust for the purposes aforesaid.

73.—(1.) A medical or legal Commissioner may, upon resigning his office, be appointed to fill any vacancy among the Commissioners, and if so appointed, he may, upon the request of any four of the Commissioners, perform any duty which he might have performed before his resignation.

A.D. 1889.
Resignation
and illness
of medical
and legal
Commissioners.

(2.) In case of the temporary illness or disability of a medical or legal Commissioner, the Lord Chancellor may, on the recommendation of the Commissioners, appoint a person qualified to be a medical or legal Commissioner to be his substitute so long as the illness or disability continues, and the substitute may exercise all the powers of the person for whom he acts.

74.—(1.) The Commissioners shall at the expiration of every six months report to the Lord Chancellor the number of visits they have made and the number of patients they have seen.

Reports by
Commissioners.

(2.) They shall also in or before the month of June in every year make to the Lord Chancellor a report made up to the end of the preceding year of the condition of the asylums, hospitals, houses, and other places visited by them, and of the care of the patients therein, with such other particulars as they think deserving notice.

(3.) They shall lay copies of the reports to be made under this section before Parliament within one month after the same shall have been made if Parliament shall be then sitting, or within twenty-one days after the commencement of the next session.

75. The salary of the secretary to the Commissioners shall be of such amount as the Treasury, with the concurrence of the Lord Chancellor, shall from time to time determine, and every person appointed after the passing of this Act to the office of secretary to the Commissioners shall be a barrister-at-law of at least seven years standing, and shall for all purposes be deemed to be a permanent civil servant of the State.

Salary and
qualification
of secretary.

76.—(1.) Where a union is in more than one county, and the workhouse of the union is in one county, and the place from which a lunatic was sent to the workhouse is in another county, an order may be made by a justice for the county in which the workhouse is or a justice for the county from which the lunatic was sent for the removal of the lunatic either to the asylum of the county in which the workhouse is or to the asylum of the county from which the lunatic was sent and such latter order may be made notwithstanding that there may be an asylum of the county in which the workhouse is, and there may not be a deficiency of room or any

Removal of
lunatic from
workhouse.
Payment of
expenses.
16 & 17 Vict.
c. 97. s. 10.
16 & 17 Vict.
c. 97. s. 72.

A.D. 1889. — other special circumstances by reason whereof the lunatic cannot conveniently be taken to that asylum.

(2.) Section ninety-four of the Lunatic Asylums Act, 1853, shall extend to authorise any justice to exercise the jurisdiction thereby conferred in relation to orders for payment of the charges of the examination, removal, lodging, maintenance, clothing, medicine, and care of a lunatic, and for making the estate of a lunatic applicable in payment of such charges.

(3.) An order may be made by a county court judge upon an application by the guardians of any union for payment of the expenses incurred by them under the Lunatic Asylums Act, 1853, and the Acts amending the same, and this Act, in relation to a lunatic, and any such order may be enforced against any property of the lunatic in the same way as a judgment of the county court.

Ministers of
any religion
in asylum.

77. The committee of every asylum may appoint a minister of any religious persuasion to attend patients of the religious persuasion to which the minister belongs and may allow him such remuneration for his services as they think fit.

Escape from
England into
Scotland or
Ireland.

78.—(1.) If any person detained as a lunatic under lawful authority in England escapes into Scotland or Ireland, notice of the escape shall as soon as practicable be given to the Commissioners, who may, by writing under their seal, authorise an application to be made by such person as they shall think fit to any justice of the peace having jurisdiction in the place where the lunatic was so detained for a warrant authorising such person to retake the lunatic and bring him back to such place.

(2.) Such warrant, when granted, shall in Scotland or Ireland as well as in England be sufficient *prima facie* evidence that the person stated therein to have escaped was so detained as a lunatic under lawful authority as aforesaid, and of the fact of his escape, and shall be sufficient authority for any sheriff or sheriff substitute in Scotland, or for any justice of the peace in Ireland, to countersign the same; and any such warrant so countersigned may be executed in Scotland or Ireland, as the case may be, by retaking such lunatic and bringing him from thence, to the intent that he may be restored to the custody from which he escaped.

Escape from
Scotland into
England or
Ireland.

79.—(1.) If any person detained as a lunatic under lawful authority in Scotland escapes into England or Ireland, notice of the escape shall as soon as practicable be given to the General Board of Commissioners in Lunacy for Scotland, who may, by writing under the hand of one of such Commissioners, authorise an application

to be made by such person as they shall think fit to any sheriff or sheriff substitute having jurisdiction in the place where the lunatic was so detained for a warrant authorising such person to retake the lunatic and bring him back to such place. A.D. 1889.

(2.) Such warrant, when granted, shall in England and Ireland as well as in Scotland be sufficient *prima facie* evidence that the person stated therein to have escaped was so detained as a lunatic under lawful authority as aforesaid, and of the fact of his escape, and shall be sufficient authority for any justice of the peace in England or Ireland to countersign the same; and any such warrant so countersigned may be executed in England or Ireland, as the case may be, by retaking such lunatic and bringing him from thence, to the intent that he may be restored to the custody from which he escaped.

(3.) For the purposes of this section a writing purporting to be signed by one of the Commissioners in Lunacy for Scotland shall be deemed to have been signed by him until the contrary is proved.

80.—(1.) If any person detained as a lunatic under lawful authority in Ireland escapes into England or Scotland, notice of the escape shall as soon as practicable be given to the Inspectors of Lunatics in Ireland, who may, by writing under the hand of one of them, authorise an application to be made by such person as they shall think fit to any justice of the peace having jurisdiction in the place where the lunatic was so detained for a warrant authorising such person to retake the lunatic and bring him back to such place. Escape from
Ireland into
England or
Scotland.

(2.) Such warrant, when granted, shall in England and Scotland as well as in Ireland be sufficient *prima facie* evidence that the person stated therein to have escaped was so detained as a lunatic under lawful authority as aforesaid, and of the fact of such escape, and shall be sufficient authority for any justice of the peace in England, and for any sheriff or sheriff substitute in Scotland, to countersign the same; and any such warrant so countersigned may be executed in England or Scotland, as the case may be, by retaking the lunatic and bringing him from thence, to the intent that he may be restored to the custody from which he escaped.

(3.) For the purposes of this section a writing purporting to be signed by one of the Inspectors of Lunatics in Ireland shall be deemed to have been signed by him unless the contrary is proved.

81. A warrant, granted under the three preceding sections respectively, shall not authorise the retaking of a lunatic after the expiration of the time during which he could have been retaken Limit of
time of
retaking
lunatic.

A.D. 1889. according to the law in force in the place where he was detained as a lunatic if he had remained there after his escape.

Abuse of
female
lunatic.

82. If any superintendent, officer, nurse, attendant, or other person employed in any asylum (including an asylum for criminal lunatics) hospital, licensed house, or workhouse, or any person having the care or charge of any single patient, or any attendant of any single patient, shall carnally know or attempt to have carnal knowledge of any female under care or treatment as a lunatic in the asylum, hospital, licensed house, or workhouse, or as a single patient, he shall be guilty of a misdemeanor, and being thereof convicted shall be liable to be imprisoned with or without hard labour for any term not exceeding two years; and no consent or alleged consent of such female thereto shall be any defence to an indictment or prosecution for such offence.

Male person
not to be
employed
in personal
custody
of female
patient.

83. It shall not be lawful to employ any male person in any asylum, registered hospital, or licensed house in the personal custody or restraint of any female patient; and any person employing a male person contrary to this section shall be liable to a penalty not exceeding twenty pounds: Provided that this section shall not extend to prohibit or impose any penalty on the employment of male persons on such occasions of urgency as may, in the judgment of the superintendent or proprietor, render such employment necessary; and the superintendent or proprietor shall in each case report such employment of a male person to the visiting commissioners or visitors at their next visit.

Prosecution
by Crown.
8 & 9 Vict.
c. 100. s. 56.

84. The power given by section fifty-six of the Lunacy Act, 1845, to a Secretary of State, to direct the Attorney-General to prosecute on the part of the Crown in certain cases, shall, from and after the commencement of this Act, be extended to all misdemeanors committed by any persons under this or any other Act relating to lunacy.

Defaults
and misde-
meanors.

85.—(1.) Any person who makes default in sending to the Commissioners or any other person any return, report, extract, copy, statement, notice, plan, or document, or any information within his knowledge or obtainable by him, when required so to do under this Act or any other Act relating to lunacy, or any rules made under this Act or in complying with the said Acts or rules, shall for each day or part of a day during which the default continues be liable to a penalty not exceeding ten pounds, unless a penalty is expressly imposed by this or any other Act for such default: Provided that all or any part of the cumulative

penalties may be remitted by the Court in any case in which it shall be made to appear to the satisfaction of the Court that the original default, or its continuance during any period of time, arose from mere accident or oversight, and not from wilful or culpable neglect on the part of the person sued for such penalty.

A.D. 1889.

(2.) Any person who obstructs any Commissioner or visitor in the exercise of the powers conferred by this or any other Act relating to lunacy shall for each offence be liable to a penalty not exceeding fifty pounds, and shall also be guilty of a misdemeanor.

(3.) Any person guilty of any act or omission which under section ninety of the Lunacy Act, 1845, is punishable as a misdemeanor shall also for every such act or omission be liable to a penalty not exceeding fifty pounds.

8 & 9 Vict.
c. 100. s. 90

(4.) The provisions of the Lunacy Act, 1845, and the Lunatic Asylums Act, 1853, as to proceedings for offences and recovery of penalties, and the persons by whom such proceedings may be taken, shall apply to proceedings for offences and recovery of penalties under this Act.

8 & 9 Vict.
c. 100.
16 & 17 Vict.
c. 97.

86.—(1.) Where any person is proceeded against under the Lunacy Acts, or under this Act, on a charge of omitting to send any copy, list, notice, statement, report or other document required to be transmitted or sent by such person, the burden of proof that the same was transmitted or sent within the time required shall lie upon such person; but if he proves by the testimony of one witness upon oath that the copy, list, notice, statement, report or document in respect of which the proceeding is taken was properly addressed and put into the post in due time, or (in case of documents required to be sent to the Commissioners or a clerk of the peace or a clerk to guardians) left at the office of the Commissioners or of the clerk of the peace or clerk to guardians, such proof shall be a bar to all further proceeding in respect of such charge.

Evidence
upon prosecution.

(2.) In proceedings under the Lunacy Acts or under this Act, where a question arises whether a house is or is not a licensed house or registered as a hospital, it shall be presumed not to be so licensed or registered unless the licence or certificate of registration is produced, or sufficient evidence is given that a licence or certificate is in force.

87.—(1.) The Lord Chancellor may at any time after the commencement of this Act, if it shall seem expedient to him so to do, by any order or orders under his hand, amalgamate the office of the Masters in Lunacy and their staff, and the office of the Lord Chancellor's Visitors of Lunatics and their staff, and may amalga-

Power to
amalgamate
the lunacy
departments.

A.D. 1889. — mate such offices, or either of them, with the office of the Commissioners in Lunacy, and may give such directions as he may think fit for the reconstitution of the Commissioners in Lunacy, and for the exercise and performance of the powers and duties of the Commissioners, and of the officers and staff amalgamated respectively under any order under this section.

(2.) In the event of any such amalgamation, the Lord Chancellor may, with the concurrence of the Treasury, fix the qualifications and salaries of the members of the amalgamated office and of the staff attached thereto, and may, with such concurrence, from time to time increase and diminish the number of such members and staff.

(3.) An order under this section shall not be made so as to prejudice the rights of the Masters, Visitors, and Commissioners respectively holding office at the passing of this Act.

(4.) The Lord Chancellor may from time to time by order direct that such proportion as he may consider reasonable of the expenses incurred in carrying any such amalgamation into effect, including the cost of providing office accommodation, shall be paid out of the per-centage charged on the incomes of lunatics under the Lunacy Regulation Act, 1853.

16 & 17 Vict.
c. 70.

Power to
make rules.

88.—(1.) It shall be lawful for the Commissioners, with the approval of the Lord Chancellor, from time to time, by rules, to prescribe the books to be kept in asylums, hospitals, licensed houses, and houses for single patients, and the entries to be made therein, and the returns, reports, extracts, copies, statements, notices, plans, documents, and information to be sent to the Commissioners or any authority or person and the persons, by whom, the times within which, and the manner in which, such entries, returns, reports, extracts, copies, statements, notices, plans, documents, and information are to be made and sent; and also by rules to prescribe forms for the purposes aforesaid in addition to or in substitution for any forms now in use.

(2.) Subject to the preceding sub-section, the Lord Chancellor may from time to time make rules for carrying this or any other Act relating to lunacy into effect, and also for regulating costs and fees in relation thereto, and the percentage on lunatic's estates, subject, nevertheless, as to fees and percentage, to the concurrence of the Treasury.

(3.) Where by any Act already passed or hereafter to be passed any application in lunacy is directed or authorised to be made by

petition, or in any other specified manner, the Lord Chancellor may by rule direct in what manner the application is to be made. A.D. 1889.

(4.) The Lord Chancellor and the Secretary of State respectively may, by rules under this section, provide for preventing interference or delay in the exercise of the ordinary jurisdiction of the judges of county courts and magistrates respectively, by the transfer of petitions and notices or otherwise, as such rules may direct.

(5.) Subject to any rules made under this section, the existing rules shall, so far as applicable, continue in force.

(6.) Any rules and orders under any Act relating to lunacy made under this section may from time to time be varied or rescinded by the like authority.

(7.) All rules made under the foregoing provisions of this section shall be laid before Parliament within three weeks after they are made if Parliament is then sitting, and, if Parliament is not then sitting, within three weeks after the beginning of the then next session of Parliament, and shall be judicially noticed, and shall have effect as if enacted by this Act.

(8.) A rule under the provisions of this section shall not come into operation until the expiration of one month after the same has been made and issued.

(9.) This section shall come into operation immediately on the passing of this Act.

89. Subject to rules made under this Act, the forms in the First Schedule to this Act shall be used, wherever applicable, with such modifications as circumstances may require, and if used, shall be deemed to be sufficient. Forms.

90. Except as by this Act otherwise expressly provided, nothing in this Act contained shall affect the provisions of the Criminal Lunatics Act, 1884, or of any other Act relating to criminal lunatics. Saving as to criminal lunatics.
47 & 48 Vict.
c. 64.

91. In this Act, unless the context otherwise requires :

“Union” includes a parish under a separate board of guardians elected either under a local Act or under the Poor Law Amendment Act, 1834. Definitions.
4 & 5 Will. 4.
c. 76.

“Medical practitioner” means a medical practitioner duly registered under the Medical Act, 1858, and the Acts amending the same, and the Medical Act, 1886. 21 & 22 Vict.
c. 90.

“Commissioners” means Commissioners in Lunacy. 49 & 50 Vict.
c. 48.

“Treasury” means the Lords Commissioners of Her Majesty’s Treasury, or any two of them.

“The Judge in Lunacy” means the Lord Chancellor or any Judge of the Supreme Court of Judicature entrusted for the

A.D. 1889.

time being with the care and commitment of the custody of the persons and estates of idiots, lunatics, and persons of unsound mind.

"Relative" means a lineal ancestor or lineal descendant, or a lineal descendant of an ancestor not more remote than great grandfather or great grandmother.

"Reception order" means an order for the reception of a lunatic in an asylum, hospital, or licensed house, or as a single patient, and includes an urgency order.

51 & 52 Vict
c. 41.

"Local authority" means the council of an administrative county, county borough, and borough, including the City of London, in whom, under the Lunacy Acts, as amended by the Local Government Act, 1888, the powers in relation to the provision, enlargement, maintenance, management, and visitation of, and other dealing with asylums for pauper lunatics are vested; and a local authority, not being a county council, shall have the same powers in relation to those purposes as a county council.

"The Lunacy Acts" means the Acts mentioned in the Second Schedule.

"Magistrate" means a stipendiary magistrate and any magistrate appointed to act at any of the police courts of the Metropolis.

"Public department" means the Treasury, the Commissioners for executing the office of Lord High Admiral, and any of Her Majesty's Principal Secretaries of State, and any other public department of the Government.

Construction
of Act.

92. This Act shall be construed as one with the Lunacy Acts, and expressions used in this Act shall according to the subject-matter in each case have the same meaning as in those Acts respectively, save as in this Act otherwise provided.

Short titles
of Acts.

93. The Acts mentioned in the first column of the Second Schedule may be cited by the short titles in the second column of that schedule.

Repeal.

94. The Acts mentioned in the Third Schedule to this Act are hereby repealed to the extent in the third column of that schedule specified without prejudice to anything done or suffered thereunder.

THE FIRST SCHEDULE.

A.D. 1889.

Section 89.

FORM 1.

Petition for an Order for reception of a Private Patient.

In the matter of *A.B.* a person alleged to be of unsound mind.

To His Honour the judge of the county court of
stipendiary magistrate for

[or To

a justice of the peace for

or To

The petition of *C.D.* of [1]

in the county of

1. I am [2] years of age.

2. I desire to obtain an order for the reception of *A.B.* as a lunatic [3] in the
asylum [or hospital or house as the case may be] of
situate at [4]

3. I last saw the said *A.B.* at on the [5] day of

4. I am the [6] of the said *A.B.* [or if the petitioner is not connected
with or related to the patient state as follows:]

I am not related to or connected with the said *A.B.* The reasons why this
petition is not presented by a relation or connection are as follows: [State
them.]

The circumstances under which this petition is presented by me are as follows:
[State them.]

5. I am not related to or connected with either of the persons signing the
certificates which accompany this petition as (*where the petitioner is a man*)
husband, father, father-in-law, son, son-in-law, brother, brother-in-law, partner
or assistant, (*or where the petitioner is a woman*) wife, mother, mother-in-law,
daughter, daughter-in-law, sister, sister-in-law, partner or assistant.

6. I undertake to visit the said *A.B.* personally or by some one specially
appointed by me at least once in every six months while under care and
treatment under the order to be made on this petition.

7. A statement of particulars relating to the said *A.B.* accompanies this
petition.

If it is the fact add:

8. The said *A.B.* has been received in the asylum [or hospital
or house as the case may be] under an urgency order dated the

The petitioner therefore prays that an order may be made in accordance
with the foregoing statement.

[Signed]

Dated

full Christian and surname.

[1] Full postal
address and
rank, profes-
sion, or
occupation.

[2] At least
twenty-one.

[3] or an idiot
or person of
unsound mind.

[4] Insert a
full description
of the name
and locality of
the asylum,
hospital, or
licensed house,
or the full
name, address,
and description
of the person
who is to take
charge of the
patient as a
single patient.

[5] Some day
within 14 days
before the date
of the presen-
tation of the
petition.

[6] Here state
the connection
or relationship
with the
patient.

A.D. 1889.

FORM 2.

Statement of Particulars.

STATEMENT of particulars referred to in the annexed petition [or in the above or annexed order].

The following is a statement of particulars relating to the said A.B. [“]:—

Name of patient, with Christian name at length.

Sex and age.

†Married, single, or widowed.

†Rank, profession, or previous occupation (if any).

†Religious persuasion.

Residence at or immediately previous to the date hereof.

†Whether first attack.

Age on first attack.

When and where previously under care and treatment as a lunatic, idiot, or person of unsound mind.

†Duration of existing attack.

Supposed cause.

Whether subject to epilepsy.

Whether suicidal.

Whether dangerous to others, and in what way.

Whether any near relative has been afflicted with insanity.

Names, Christian names, and full postal addresses of one or more relatives of the patient.

Name of the person to whom notice of death to be sent, and full postal address if not already given.

Name and full postal address of the usual medical attendant of the patient.

(Signed)

When the petitioner or person signing an urgency order is not the person who signs the statement, add the following particulars concerning the person who signs the statement.

Name with Christian name at length.

Rank, profession, or occupation (if any).

How related to or otherwise connected with the patient.

FORM 3.

Order for reception of a private patient to be made by a Judge of County Courts, Stipendiary Magistrate, or Justice appointed under the Lunacy Acts Amendment Act, 1889.

I, the undersigned E.F., being the Judge of the County Court of [or the Stipendiary Magistrate for _____, or a Justice for _____ specially appointed under the Lunacy Acts Amendment Act, 1889] upon the petition of

[“] If any particulars are not known, the fact is to be so stated.
[Where the patient is in the petition or order described as an idiot omit the particulars marked †].

C.D., of [1] in the matter of *A.B.* a lunatic, [2] accompanied by the medical certificates of *G.H.* and *I.J.* hereto annexed, and upon the undertaking of the said *C.D.* to visit the said *A.B.* personally or by some one specially appointed by the said *C.D.* once at least in every six months while under care and treatment under this order, hereby authorise you to receive the said *A.B.* as a patient into your asylum [3]. And I declare that I have [or have not] personally seen the said *A.B.* before making this order.

Dated

(Signed) *E.F.*

The Judge of the County Court
of

[or a Stipendiary Magistrate, or a Justice for
appointed under the above-mentioned Act.]

To [4]

A.D. 1889.
[1] Address and description.
[2] Or an idiot or person of unsound mind.
[3] Or hospital or house or as a single patient.

[4] To be addressed to the medical superintendent of the asylum or hospital, or to the proprietor or superintendent of the house in which the patient is to be placed.

FORM 4.

Form of urgency Order for the reception of a private patient.

I, the undersigned, being a person twenty-one years of age, hereby authorise you to receive as a patient into your house [1] *A.B.*, as a lunatic [2], whom I last saw at _____ on the [3] day of _____ 18 ____.

I am not related to or connected with the person signing the certificate which accompanies this order in any of the ways mentioned in the margin [4]. Subjoined [or annexed] hereto [5] is a statement of particulars relating to the said *A.B.*

[1] Or hospital or asylum or as a single patient.
[2] Or an idiot or a person of unsound mind.
[3] Some day within two days before the date of the order.

(Signed)

Name and Christian name at length
Rank, profession, or occupation (if any)
Full postal address
How related to or connected with the patient
[If not the husband or wife or a relative of the patient, the person signing to state as briefly as possible: 1. Why the order is not signed by the husband or wife or a relative of the patient. 2. His or her connexion with the patient, and the circumstances under which he or she signs.]

[4] Husband, wife, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, partner, or assistant.
[5] See Form 2.

Dated this _____ day of _____ 18 ____.
To _____ proprietor or superintendent of
house [6] [or hospital or asylum].

[6] Describing house or hospital or asylum by situation and name.

A.D. 1889.

FORM 5.

Certificate as to Personal Interview after Reception.

I certify that it would be prejudicial to A.B. to be taken before or visited by a judge of county courts, magistrate, or justice.

(Signed) C.D.,
Medical Superintendent of the
Asylum or Hospital,
or Medical Proprietor or Attendant
of the or
Medical Attendant of the said A.B.

FORM 6.

Notice of Right to Personal Interview.

Take notice that you have the right, if you desire it, to be taken before or visited by a judge of county courts, magistrate, or justice. If you desire to exercise such right, you must give me notice thereof by signing the enclosed form on or before the day of

Dated

Signed C.D.
Superintendent of the
Asylum or Hospital
or Proprietor of [or
as the case may be].

FORM 7.

Notice of Desire to have a Personal Interview.

Dated

[Address]

I desire to be taken before or visited by a judge, magistrate, or justice having jurisdiction in the district within which I am detained.

Signed

FORM 8.

A.D. 1889.

Certificate of Medical Practitioner.

In the matter of *A.B.* of [1] in the county [2] of [3],
an alleged lunatic.

I, the undersigned *C.D.*, do hereby certify as follows :

1. I am a person registered under the Medical Act, 1858, and I am in the actual practice of the medical profession.

2. On the day of 18, at [4] in the county [5] of [6], I personally examined [separately from any other practitioner] [7], I personally examined the said *A.B.* and came to the conclusion that he is a [lunatic, an idiot, or a person of unsound mind] and a proper person to be taken charge of and detained under care and treatment.

3. I formed this conclusion on the following grounds, viz. :—

(a.) Facts indicating insanity observed by myself at the time of examination [7], viz. :—

(b.) Facts communicated by others, viz. :—[8]

[If an urgency certificate is required it must be added here. See Form 9.]

If the lunatic is to be received as a single patient in a house belonging to or kept by a medical practitioner under the order of a county court judge, magistrate, or justice, add the following paragraph :—

4. I certify that the said *A.B.* is suffering from unsoundness of mind of a temporary character [or from decay of mind in old age, or is desirous of voluntarily submitting to care and treatment, as the case may be].

5. The said *A.B.* appeared to me to be [or not to be] in a fit condition of bodily health to be removed to an asylum, hospital, or licensed house.[9]

[1] Insert residence of patient.
[2] City or borough, as the case may be.
[3] Insert profession or occupation, if any.
[4] Insert the place of examination, giving the name of the street, with number or name of house, or should there be no number, the christian and surname of occupier.
[5] City or borough, as the case may be.
[6] Omit this where only one certificate is required.
[7] If the same or other facts were observed previous to the time of the examination, the certifier is at liberty to subjoin them in a separate paragraph.
[8] The names and christian names (if known) of informants to be given, with their addresses and descriptions.

[9] Strike out this clause in case of a

[CH. 41.] *Lunacy Acts Amendment Act, 1889.* [52 & 53 VICT.]

A.D. 1889. 6. I give this certificate having first read the section of the Act of Parliament printed below.

private patient
whose removal
is not pro-
posed.
[¹⁰] Insert full
postal address.

Dated

(Signed) C.D., of [¹⁰]

Extract from section 23 of the Lunacy Acts Amendment Act, 1889.

Any person who makes a wilful misstatement of any material fact in any medical or other certificate or in any statement or report of bodily or mental condition under the Lunacy Acts, or under this Act, shall be guilty of a misdemeanor.

FORM 9.

Statement accompanying Urgency Order.

I certify that it is expedient for the welfare of the said A.B., [or for the public safety, as the case may be] that the said A.B. should be forthwith placed under care and treatment.

My reasons for this conclusion are as follows: [state them].

FORM 10.

Certificate as to pauper Lunatic in a Workhouse.

I, the undersigned Medical Officer of _____ Workhouse of the _____ Union hereby certify that I have carefully examined into the state of health and mental condition of A.B., a pauper in the said workhouse, and that he is in my opinion a lunatic, and a proper person to be allowed to remain in the workhouse as a lunatic, and that the accommodation in the workhouse is sufficient for his proper care and treatment separate from the inmates of the workhouse not lunatics [or, that his condition is such that it is not necessary for the convenience of the lunatic or of the other inmates that he should be kept separate].

The grounds for my opinion that the said A.B. is a lunatic are as follows:

Dated

(Signed)
Medical Officer of the Workhouse.

FORM 11.

A.D. 1889.

Order for detention of Lunatic in Workhouse.

I, the undersigned *C.D.*, a justice of the peace for _____ being
satisfied that *A.B.*, a pauper in the _____ workhouse of the _____
is a lunatic [or idiot or person of unsound mind] and a proper person to
be taken charge of under care and treatment in the workhouse, and being
satisfied that the accommodation in the workhouse is sufficient for his proper
care and treatment separate from the inmates of the workhouse not lunatics
[or, that his condition is such that it is not necessary for the convenience of
the lunatic or of the other inmates that he should be kept separate] hereby
authorise you to take charge of, and, if the workhouse medical officer shall certify
it to be necessary, to detain the said *A.B.* as a patient in your workhouse.
Subjoined is a statement of particulars respecting the said *A.B.*

(Signed) *C.D.*,
A justice of the peace
for _____

Dated _____
To the Master of the
Workhouse
of the _____

Statement of Particulars.

Name of patient and christian name at length.
Sex and age.
Married, single, or widowed.
Condition of life and previous occupation (if any).
Religious persuasion as far as known.
Previous place of abode.
Whether first attack.
Age (if known) on first attack.
When and where previously under care and treatment.
Duration of existing attack.
Supposed cause.
Whether subject to epilepsy.
Whether suicidal.
Whether dangerous to others.
Whether any near relative has been afflicted with insanity.
Name and christian name and address of nearest known relative of the
patient and degree of relationship if known.
I certify that to the best of my knowledge the above particulars are correct.
[To be signed by the relieving officer.]

A.D. 1889.

FORM 12.

Order for reception of a Pauper Lunatic.

I, C.D., having called to my assistance E.F. of _____, a duly qualified medical practitioner, and being satisfied that A.B. [*describing him*] is a pauper [in receipt of relief, or in such circumstances as to require relief for his proper care and maintenance], and that the said A.B. is a lunatic [or an idiot, or a person of unsound mind] and a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said A.B. as a patient into your asylum [or hospital, or house]. Subjoined is a statement of particulars respecting the said A.B.

(Signed) C.D.,

A justice of the peace for

Dated the _____ day of _____ one thousand eight hundred and _____
To the superintendent of the asylum for the county [or borough] of _____
[or the lunatic hospital of _____; or E.F. _____ proprietor of the
licensed house of _____; describing the asylum, hospital, or house].

Note.—Where the order directs the lunatic to be received into any asylum, other than an asylum of the county or borough in which the parish or place from which the lunatic is sent is situate, or into a registered hospital or licensed house, it shall state, that the justice making the order is satisfied that there is no asylum of such county or borough, or that the asylum thereof is full; or (as the case may be) the special circumstances, by reason whereof the lunatic cannot conveniently be taken to an asylum for such first-mentioned county or borough.

Statement of Particulars.

STATEMENT of particulars referred to in the above or annexed order.

The following is a statement of particulars relating to the said A.B. [1] :—

Name of patient, with Christian name at length.

Sex and age.

† Married, single, or widowed.

† Rank, profession, or previous occupation (if any).

† Religious persuasion.

Residence at or immediately previous to the date hereof.

† Whether first attack.

Age on first attack.

When and where previously under care and treatment as a lunatic, idiot, or person of unsound mind.

† Duration of existing attack.

Supposed cause.

Whether subject to epilepsy.

Whether suicidal.

Whether dangerous to others, and in what way.

Whether any near relative has been afflicted with insanity.

Union to which lunatic is chargeable.

Names, Christian names, and full postal addresses of one or more relatives of the patient.

[1] If any particulars are not known, the fact is to be so stated.
[Where the patient is in the order described as an idiot omit the particulars marked †].

Name of the person to whom notice of death to be sent, and full postal address if not already given. A.D. 1889. _____

(Signed) *G.H.*

To be signed by the Relieving Officer or Overseer.

FORM 13.

Certificate that patient continues of unsound mind.

I, _____, certify that *A.B.*, the patient [or *A.B.*, *C.D.*, &c., the patients] to whom the annexed report relates, is [or are] still of unsound mind, and a proper person [or proper persons] to be detained under care and treatment.

(Signed)

Medical officer of the _____ asylum,
or medical attendant of the _____
hospital or _____ house
situate at _____, or medical
practitioner visiting the said
A.B.

Dated _____

FORM 14.

Consent of the Commissioners in Lunacy to the admission of a boarder.

We hereby sanction the admission of *A.B.* as a boarder into _____
for the term of _____ from the
day of _____ in accordance with the provisions of the
statute and in terms of *A.B.*'s application.

(Signed)

Commissioners in Lunacy.

Given at the office of the Commissioners in Lunacy, London, this
day of _____ 18 .

FORM 15.

Order for Reception of a Lunatic not under proper care and control, or cruelly treated or neglected, to be made by a Justice appointed under the Lunacy Acts Amendment Act, 1889.

I, the undersigned *C.D.*, being a Justice for _____ specially appointed
under the Lunacy Acts Amendment Act, 1889, having caused *A.B.*, to

A.D. 1889. — be examined by two duly qualified medical practitioners, and being satisfied that the said *A.B.* is a lunatic not under proper care and control [or is cruelly treated or neglected by the person having the care or charge of him,] and that he is a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said *A.B.* as a patient into your asylum [or hospital or house]. Subjoined is a statement of particulars respecting the said *A.B.*

(Signed)

A justice of the peace for
appointed under the above-mentioned
Act.

Dated

To the Superintendent of the Asylum for _____, or of the
lunatic hospital of _____, or the proprietor of the licensed
house at _____.

Statement of Particulars.

STATEMENT of particulars referred to in the above or annexed order.

The following is a statement of particulars relating to the said *A.B.* [1]:—

Name of patient, with Christian name at length.

Sex and age.

† Married, single, or widowed.

† Rank, profession, or previous occupation (if any).

† Religious persuasion.

Residence at or immediately previous to the date hereof.

† Whether first attack.

Age on first attack.

When and where previously under care and treatment as a lunatic, idiot, or person of unsound mind.

† Duration of existing attack.

Supposed cause.

Whether subject to epilepsy.

Whether suicidal.

Whether dangerous to others, and in what way.

Whether any near relative has been afflicted with insanity.

Union to which lunatic is chargeable.

Names, Christian names, and full postal addresses of one or more relatives of the patient.

Name of the person to whom notice of death to be sent, and full postal address if not already given.

(Signed)

To be signed by the relieving officer,
overseer, or other person on whose
information the order is made.

[1] If any particulars are not known, the fact is to be so stated. [Where the patient is in the order described as an idiot omit the particulars marked†].

FORM 16.

A.D. 1889.

Certificate as to Mechanical Means of Restraint.

I, the undersigned C.D. [the medical superintendent, or a medical officer of the Asylum, or the Hospital, or the medical proprietor or attendant of the House, or the medical officer of the Workhouse, or the medical attendant of A.B., a lunatic under care or treatment at _____, as the case may be] certify that I have examined A.B., a lunatic in the said [asylum, hospital, house, or workhouse, or the said A.B., as the case may be], and that in my opinion mechanical means of bodily restraint were [or are] necessary in his case for purposes of surgical [or medical] treatment [or to prevent him from injuring himself or others]. The necessary means are [state them].

I found my opinion upon the following grounds [state them].

(Signed)

FORM 17.

Certificate of Disability of Person entitled to Payments from a Public Department.

I, _____, being a justice of the peace for _____ or the rector, or vicar, or minister [state the denomination and residence], hereby certify that I know the said A.B., and that I believe him or her to be unable, by reason of mental disability, to manage his or her affairs; and I further certify that I believe the family of the said A.B. to consist of _____

Dated _____

Signed [Name].

[Place of abode].

FORM 18.

Medical Certificate of Disability of Person entitled to Payments from a Public Department.

I, _____, being a person registered under the Medical Act, 1858, and in the actual practice of my profession, hereby certify that I have this day visited and personally examined A.B., and that the said A.B. is unable by reason of mental disability to manage his or her affairs, and that I have formed this conclusion on the following grounds, viz.: [state them].

Dated _____

Signed [Name].

[Postal Address in full.]

A.D. 1889.

Sections 91,
93.

THE SECOND SCHEDULE.

Session and Chapter.	Short Title.
8 & 9 Vict. c. 100 - - -	The Lunacy Act, 1845.
16 & 17 Vict. c. 96 - - -	The Lunacy Act, 1853.
16 & 17 Vict. c. 97 - - -	The Lunatic Asylums Act, 1853.
18 & 19 Vict. c. 105 - - -	The Lunacy Act, 1855.
19 & 20 Vict. c. 87 - - -	The Lunacy Act, 1856.
25 & 26 Vict. c. 111 - - -	The Lunacy Act, 1862.
26 & 27 Vict. c. 110 - - -	The Lunacy Act, 1863.
28 & 29 Vict. c. 80 - - -	The Lunacy Act, 1865.
48 & 49 Vict. c. 52 - - -	The Lunacy Act, 1885.

Section 94.

THE THIRD SCHEDULE.

Session and Chapter.	Short Title.	Extent of Repeal.
8 & 9 Vict. c. 100 -	The Lunacy Act, 1845.	Sections seventy-six, seventy-seven, and eighty-eight.
16 & 17 Vict. c. 70 -	The Lunacy Regulation Act, 1853.	Section one hundred and fifty-three.
16 & 17 Vict. c. 96 -	The Lunacy Act, 1853.	Sections five, six, eleven, twelve, and thirty-two. Schedules A. and B.
16 & 17 Vict. c. 97 -	The Lunatic Asylums Act, 1853.	Section thirty-five. Section forty-three, the words "and such lunatic" to the end of the section. Sections sixty-seven and sixty-eight so far as they provide that a justice may in any case act upon his own knowledge only for the purpose of making an order. Section sixty-eight, so far as relates to any person, not a pauper and not wandering at large, who is deemed to be a lunatic and not under proper care and control or is cruelly treated or neglected by any relative or other person having the care or charge of him. Sections sixty-nine, seventy-six, and eighty-seven. Schedule F., Nos. 1, 2, and 3.

[52 & 53 VICT.] *Lunacy Acts Amendment Act, 1889.* [CH. 41.]

Session and Chapter.	Short Title.	Extent of Repeal.	A.D. 1889.
25 & 26 Vict. c. 111	The Lunacy Act, 1862.	Sections eighteen, twenty, twenty-four, twenty-seven, and forty.	
39 & 40 Vict. c. 36 -	The Customs Consolidation Act, 1876.	Section three from "Provided" to the end of the section.	
50 & 51 Vict. c. 67 -	The Superannuation Act, 1887.	Section seven, subsection one.	

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