



ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

C A P. CXXIII.

An Act for amending; until the First Day of *August* One thousand eight hundred and forty-five, and until the End of the then next Session of Parliament, the Law relating to private Lunatic Asylums in *Ireland*. [12th *August* 1842.]

WHEREAS by an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relating to Prisons* in *Ireland*, it is provided that each of the Inspectors General thereby directed to be appointed shall once at least in every Year go round One of the Circuits in the said Act mentioned, and visit and inspect (amongst other Places) every Madhouse and Place where Lunatics or Idiots are confined, whether the same be a public Establishment, or kept for Profit by any private Individual in or within such Circuit, and shall report upon the State thereof to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*: And whereas it is expedient to make further Provision for the licensing, Regulation, and Inspection of private Lunatic Asylums in *Ireland*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Inspectors General of Prisons in *Ireland* for the Time being appointed under and by virtue of the said recited Act shall respectively be Inspectors of Lunatic Asylums

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Inspectors
General of
Prisons to
be Inspectors of Lunatic Asylums.

Asylums in *Ireland*, for the Purposes of the said recited Act and of this Act, but without any additional Salary or Emolument in respect of such Office, save for travelling Expences as herein-after provided; and every such Inspector General is hereby required, so far as he lawfully can, to enforce the due Execution of the said recited Act and of this Act, and to carry the Provisions of the said recited Act and of this Act into effect.

Oath of
Inspectors
General.

II. And be it enacted, That each Inspector General shall, before he acts in the Execution of his Duty under this Act, take an Oath to the following Effect; (that is to say,)

‘ I *A. B.* do swear, That I will discreetly, impartially, and faithfully
‘ execute all the Trusts committed unto me by virtue of an Act
‘ passed in the Sixth Year of the Reign of Her Majesty Queen
‘ *Victoria*, intituled [*insert Title of this Act*], and that I will keep
‘ secret all such Matters as come to my Knowledge in the Exe-
‘ cution of my Office (except when required to divulge the same by
‘ legal Authority), or so far as I shall feel myself called upon to do
‘ so for the better Execution of the Duty imposed upon me by this
‘ Act.
‘ So help me GOD.’

Which Oath it shall and may be lawful for the Lord Chancellor to administer to every such Inspector General.

No Person
shall keep a
House for
the Recep-
tion of In-
sane Persons
unless
licensed.

III. And be it enacted, That from and after the Commencement of this Act it shall not be lawful for any Person to keep a House for the Reception of Two or more Insane Persons in *Ireland* unless the same shall have been first duly licensed in the Manner directed by this Act; and every Person keeping a House for the Reception of Two or more Insane Persons, not duly licensed, shall be deemed guilty of a Misdemeanor: Provided always, that no One Licence shall authorize any Person to keep more than One such House.

Justices of
Peace may
grant Li-
cences.

IV. And be it enacted, That the Justices of the Peace assembled in General or Quarter Sessions in *Ireland* shall have Authority to grant Licences (if they shall think fit) in the Manner directed by this Act for Persons to keep Houses for the Reception of Two or more Insane Persons, of One or both Sexes, as such Justices shall think fit, within their respective Counties.

Licences to
be granted in
Court.

V. And be it enacted, That every such Licence shall be granted in manner following, and not otherwise; (that is to say,) every such Licence shall be granted by the Justices in General or Quarter Sessions assembled for the County wherein the House sought to be licensed shall be situate, and shall be under the Hands and Seals of Three or more of the said Justices in General or Quarter Sessions assembled; and every Person who shall apply or intend to apply to have a House licensed for the Reception of Insane Persons shall give Notice to the Clerk of the Peace for the County wherein such House shall be situate Fourteen clear Days at the least prior to the General or Quarter Sessions where he shall apply for such Licence, which Notice shall contain the true Christian and Surname and Place of Abode of the Person so applying and intending to keep such House,

Notice of
Application
for Licence
to be given.

and in case such Person so applying shall not propose to reside himself in the licensed House, the Christian and Surname and previous Occupation of the Superintendent who is to reside therein; and such Notice shall state whether the Licence so applied for is for the Reception of Male or of Female Patients, or of both, and if for the Reception of both, shall state the Number of each Sex proposed to be received, and show the Means by which the one Sex may be kept distinct and apart from the other; and such Notice shall be accompanied by a Plan of such House, to be drawn upon a Scale of not less than One Eighth of an Inch to a Foot, with a Description of the Situation thereof, and the Length, Breadth, and Height of, and a Reference by a Figure or Letter to every Room and Apartment therein, and a Statement of the greatest Number of Patients proposed to be received into such House, which Notice and Plan shall be laid by such Clerk of the Peace before the Justices at such Time as they shall take into consideration the Application for such Licence.

VI. And be it enacted, That if there be any Place or Building detached from any House to be licensed, but belonging to or in anywise appertaining to such House, such Place or Building shall be considered Part of such licensed House for all the Purposes of this Act; and that Notice of any Additions or Alterations which shall from Time to Time be made to or in any House licensed under this Act, shall be given by the Person to whom the Licence shall have been granted to the Clerk of the Peace for the County wherein such House shall be situate, within One Calendar Month next after the Completion thereof, accompanied with a Plan of all the Additions and Alterations, to be drawn upon the Scale aforesaid; and if any Person whose Duty it shall be so to do shall (wilfully, and with Intention to deceive,) not give a full and complete Plan of the whole of any House to be licensed, or Notice of any and all such Additions and Alterations as shall have been made in any such licensed House, or if any Person shall, in any such Notice as aforesaid, wilfully make any false or erroneous Statement, every Person so offending shall be deemed guilty of a Misdemeanor.

Detached Buildings to be considered Part of the House; and Notice of Alterations to be given.

Penalty for not giving Notice, &c.

VII. And be it enacted, That every such Licence shall be made out by the Clerk of the Peace of the County wherein the House to be licensed shall be situate, according to the Form in Schedule (A.) annexed to this Act, for such Time, not exceeding Thirteen Calendar Months, as the Justices shall think fit, and shall be signed by Two or more such Justices, and shall be duly stamped with a Ten Shilling Stamp; and for every Licence granted to any Person for keeping a House for the Reception of Insane Persons there shall be paid to the Clerk of the Peace, exclusive of the Sum to be paid for the Stamp, the Sum of Ten Shillings for every Insane Person proposed to be received into such House, but for no Licence to be so granted shall be paid less than Five Pounds, exclusive of the Sum paid for the Stamp; and such Licence shall not be delivered nor be of any avail until the Sum so payable thereon shall have been paid.

Licence to be made out by Clerk of the Peace according to Schedule (A.), and Fees to be paid thereon.

VIII. And be it enacted, That the Clerk of the Peace for every County shall, within Four clear Days after the granting of every such

When Licence granted, Clerk of the Peace to

furnish Inspectors with Copy of the Licence, Notice, and Plan.

such Licence in such County, transmit to the said Inspectors General, or One of them, a true Copy of such Licence, and of the Notice and Plan given to him previous to the Application for such Licence; and in default of so doing, and for every such Offence, such Clerk of the Peace shall be subject and liable to a Penalty not exceeding the Sum of Five Pounds, nor less than Forty Shillings.

How Money received for Licences to be disposed of.

IX. And be it enacted, That all Monies to be received for such Licences shall be paid over, by the Clerks of the Peace by whom the same shall have been received respectively, to the said Inspectors General, at such Time and in such Manner as the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall direct, and from such Monies shall be paid all the Fees and Expences required to be disbursed in the Execution of this Act; and the said Inspectors General shall keep a true Account of all such Receipts and Disbursements, which Account shall be made up to the First Day of *January* in each Year, and shall specify the several Heads of Expenditure, and shall be signed by such Inspectors General, and laid before Parliament on or before the Twenty-fifth Day of *March* in every Year, if Parliament shall be then sitting, or if Parliament shall not be then sitting, within One Month after the then next Sitting of Parliament, and the like Account shall be transmitted to the Commissioners of Her Majesty's Treasury, who shall thereupon, if they shall deem it necessary, direct the Balance to be paid into the Exchequer to the Account of the Consolidated Fund; and if at any Time there shall be any Balance due to the said Inspectors General on account of Expences or Liabilities incurred in the Execution of or incidental to this Act, it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, and they are hereby empowered, from Time to Time, if they shall think fit, on the Application of the said Inspectors General, to cause to be issued and paid, out of the Consolidated Fund, to such Inspectors General, such a Sum of Money as the said Commissioners of Her Majesty's Treasury shall think necessary to defray the Expences incurred under the Provisions of or incidental to this Act.

Treasury may advance Money for the Purposes of this Act.

X. And be it enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time to advance, by way of Imprest, to the said Inspectors General, such Sum or Sums of Money as to such Commissioners of Her Majesty's Treasury may appear requisite and reasonable for carrying into effect the Provisions of this Act, such Sum or Sums to be accounted for by the said Inspectors in their then next Account.

On Death of licensed Person the Licence may be confirmed to other Persons.

XI. Provided always, and be it enacted, That if any Person to whom a Licence for keeping a House shall have been duly granted under this Act shall die before the Expiration of the said Licence, and the legal Representatives of such deceased Person shall, within Ten Days next after such Death, give Notice thereof to the Clerk of the Peace for the County wherein such House shall be situate, it shall be lawful for the Justices of the Peace at the next General or Quarter Sessions for such County, if they shall think fit, by an Order in Writing

Writing under the Hands of any Three of them, made in open Court, to confirm the said Licence, with all the Conditions and Liabilities annexed thereto, for the Term unexpired, to such Person as shall at the Time of such Death be the Superintendent of such House, or have the Care of the Patients therein, or to such other Person as such Justices shall think fit; and in the meantime such previous Licence shall, notwithstanding the Death of such Person, remain in full Force.

XII. And be it enacted, That if any Person duly licensed under this Act shall by Sickness or other sufficient Reason become incapable of keeping such House, or if any such licensed House shall be pulled down, or occupied under the Provisions of any Act for public Purposes, or shall by Fire, Tempest, or other unavoidable Calamity be rendered unfit for the Accommodation of Insane Persons, it shall and may be lawful for the Justices of the Peace assembled in General or Quarter Sessions for the County in which such House shall be situate, upon the Payment of not less than One Pound for each Licence, exclusive of the Sum to be paid for the Stamp, to grant a new Licence to such other Person as they shall think fit; and also to grant to the Person whose House has been so rendered unfit a Licence to keep such other House for the Accommodation of Insane Persons within the same County as such Justices shall think fit: Provided always, that the Notice of such intended Change of Persons, and all Plans and Statements of and concerning such new House, shall be given as are required when Application is made for a Licence for the first Time: Provided also, that the Cause of such Change of House shall be duly specified in Writing to the Clerk of the Peace within Seven clear Days after the happening thereof.

Where any licensed Person becomes incapable, or the House is rendered unfit, the Justices may grant a new Licence to another Person, and also for another House. Notice of such Changes.

XIII. And be it enacted, That if any of the said Inspectors shall recommend in Writing to the Lord Chancellor of *Ireland* for the Time being, that any Licence granted under this Act should be revoked, it shall be lawful for such Lord Chancellor, after making or causing to be made such Inquiries as he shall think necessary, to revoke the same by an Instrument in Writing under his Hand, such Revocation to take effect at a Period not exceeding Three Calendar Months from the Time Notice thereof shall have been given in the *Dublin Gazette*; and a Copy of every such Instrument of Revocation shall be transmitted to the Person to whom such Licence shall have been granted, his Executors or Administrators, or to the Superintendent of the House, in case the Person to whom such Licence shall have been granted shall not reside in the licensed House, before any such Publication shall take place: Provided always, that in every Case of Recommendation for Revocation of any such Licence, Notice in Writing thereof shall be given to the Person or Persons complained of Seven clear Days previous to the Transmission of such Recommendation to the Lord Chancellor.

Lord Lieutenant or Lord Chancellor may revoke Licences.

Previous Notice to be given.

XIV. And be it enacted, That no Person shall be received into or detained, after the Commencement of this Act, in any House licensed for the Reception of Insane Persons in *Ireland*, without an Order

No Person shall be received into or retained in a licensed

House with-
out an Order
and Medical
Certificate.

Order under the Hand of the Person by whose Direction such Insane Person shall have been sent, which Order shall be according to the Form in Schedule (B.) annexed to this Act; and in it shall be stated the Christian and Surname and Place of Abode of, and the Degree of Relationship or other Circumstance of Connexion between, such Person and such Insane Person, and the true Name, Age, Place of Residence, former Occupation, and the Asylum or other Place (if any) in which such Insane Person shall have been previously confined, and whether such Person shall have been found lunatic or of unsound Mind under a Commission issued for that Purpose by the Lord Chancellor; nor shall any such Person be received into or detained in any such House without a Medical Certificate of Two Physicians, Surgeons, or Apothecaries in the Manner directed by this Act; and if any Person shall knowingly and wilfully receive or detain any Insane Person or Persons represented or alleged to be insane, or to be taken care of or confined in any House licensed under this Act, without such Order and Medical Certificate, and without making, within Three clear Days after the Reception or Detainer of such Patient, a Minute or Entry in Writing, in a Book to be kept for that Purpose according to the Form in Schedule (C.) annexed to this Act, of the true Name of the Patient, and also of the Christian and Surname, Occupation, and Place of Abode of the Person by whom such Patient shall be brought, every Person so offending shall be deemed guilty of a Misdemeanor.

Form, &c. of
Medical Cer-
tificate to
warrant Re-
ception of
Insane Per-
sons into
licensed
Houses.

XV. And be it enacted, That every such Medical Certificate upon which any Order shall be given for the Confinement of any Person in a House licensed under this Act shall be according to the Form in Schedule (D.) annexed to this Act, and shall be signed by Two Medical Practitioners not being in Partnership, and each of them being a Physician, Surgeon, or Apothecary, who shall have separately visited and personally examined the Patient to whom it relates not more than Seven clear Days previous to such Confinement; and such Certificate shall be signed and dated on the Day on which he or she shall have been so examined, and shall state that such Person is insane and proper to be confined; and every such Certificate for the Confinement of any Person in a House licensed under this Act shall, if the same be not signed by Two Medical Practitioners, state the special Circumstance which shall have prevented the Patient being visited by Two Medical Practitioners; and any Patient may under such special Circumstance be confined in any such licensed House upon the Certificate of One Medical Practitioner, provided such Certificate shall be further signed by some other Medical Practitioner within Fourteen Days next after the first signing thereof; and any Person who shall, knowingly and with Intention to deceive, sign any such Medical Certificate untruly setting forth any of the Particulars required by this Act, shall be deemed guilty of a Misdemeanor: Provided always, that no Physician, Surgeon, or Apothecary shall sign any Certificate for the Confinement of a Patient in any such licensed House who is wholly or partly the Proprietor or the regular professional Attendant of such licensed House, nor shall any Physician, Surgeon, or Apothecary sign any Certificate for the Confinement of a Patient in any such House of which his Father, Son, Brother, or Partner is wholly or

Certificate
not to be
signed by
Medical
Men inter-
ested by
themselves
or their Rela-
tives, &c. in
such Houses.

in part Proprietor, or the regular professional Attendant of such House, on pain of being deemed guilty of a Misdemeanor.

XVI. And in order that the Inspectors may know when any Patient becomes an Inmate of any House licensed for the Reception of Insane Persons, be it enacted, That the Proprietor or resident Superintendent of every House licensed under this Act shall, within the Space of Two clear Days next after the Day on which any Person shall have become an Inmate of such House, transmit a Copy of the Order and Medical Certificates in that Behalf, with a Notice, according to the Form in Schedule (E.) annexed to this Act, to the said Inspectors or One of them; and every Proprietor or resident Superintendent of any such House who shall knowingly and wilfully neglect so to do shall be deemed guilty of a Misdemeanor; and the said Inspectors are hereby required to preserve all such Copies of Orders and Certificates, and also within Five clear Days to enter in a Register to be provided for that Purpose the Christian and Surname of each Insane Person so returned to them, and of the Persons by whose Order and upon whose Medical Certificates every such Insane Person is confined, and the House in which every such Insane Person is confined, according to the Form in Schedule (C.) annexed to this Act.

Notice of Reception of Insane Persons, and Copies of Orders and Medical Certificates, to be transmitted to Inspectors of Lunatic Asylums, who shall keep a Register.

XVII. And be it enacted, That whenever any Patient confined in any House licensed for the Reception of Insane Persons shall escape therefrom or be removed therefrom, or shall die, the Proprietor or resident Superintendent of such House shall, within Two clear Days next after such Escape, Removal, or Death, transmit a written Notice thereof to the said Inspectors or One of them, according to the Form in Schedule (F.) annexed to this Act; and in every Case of Escape such Notice shall state the Circumstances connected with such Escape, and the then State of Mind of the Patient; and in every Case of Removal such Notice shall state by whom removed, and the then State of Mind of such Patient so removed, and to what Place removed, if known; and if any such Patient so escaping or removed shall be received or brought back to such House, such Proprietor or resident Superintendent shall, within Two clear Days next after such Patient shall be received or brought back, transmit a like Notice to the said Inspectors or One of them; and all such Notices shall be preserved and entered by the said Inspectors in like Manner as is required in the Case of the Notice of the Admission of any Patient into any such licensed House; and in every such Case of Death, Escape, or Removal, or Return of any Patient who shall have escaped or been removed, every Proprietor or resident Superintendent of any such House who shall knowingly and wilfully neglect to give such Notice as in that Behalf is required, shall be deemed guilty of a Misdemeanor.

Notice of Escape, Removal, or Death of Insane Patients to be given to Inspectors.

XVIII. And be it enacted, That every House licensed under this Act, in case such House shall not be kept by a Physician, Surgeon, or Apothecary, shall be visited Once in every Fortnight by a Physician, Surgeon, or Apothecary; and such resident Attendant or Visiting Physician, Surgeon, or Apothecary is hereby respectively required, Once in every Fortnight at least, to make and

Licensed Houses not kept by a Physician, &c. to be visited by a Medical Man Once a Fortnight.

sign

Statement of
Health to be
kept and
shown to
Visitor.

sign a Statement of the Health of each and every Patient in such licensed House, and the Condition of the House, according to the Form in Schedule (G.) annexed to this Act; and such Statement shall be entered in a Book to be kept at such House, and be regularly laid before the Visiting Inspectors for their Inspection and Signature.

Inspectors
may alter the
periodical
Visits of
Medical
Attendants.

XIX. Provided always, and be it enacted, That when any House not kept by a Physician, Surgeon, or Apothecary shall be licensed to receive less than Eleven Insane Persons, then and in such Case it shall be lawful for the said Inspectors, if they shall so think fit, to direct and permit that such House shall be visited by the Physician, Surgeon, or Apothecary Once at least in Four Weeks, instead of Once every Fortnight: Provided always, that such Permission shall be in Writing under the Hands of the said Inspectors, according to the Form in Schedule (H.) annexed to this Act, and shall be subject to such Alteration or Revocation as the said Inspectors shall think fit; and that such Physician, Surgeon, or Apothecary shall enter in a Book to be kept for that Purpose the Date of his Visit, and the Condition of the House, and State of Health of each of the Patients therein.

Inspectors to
visit licensed
Houses
Once in
every Six
Months.

XX. And be it enacted, That every such licensed House in *Ireland* shall be visited by One of such Inspectors of Lunatic Asylums Once at the least in every Six Months, on such Days, and at such seasonable Hours of the Day, and for such Length of Time as he shall think fit.

Duties of
Inspectors.

XXI. And be it enacted, That the said Inspector, when visiting every such licensed House, shall and is hereby required and authorized to inspect every Part of the Premises included in the Licence for the same, and to see every Patient then confined therein, and to inquire whether any Patient is under Restraint, and why, and also to inspect the Certificate of Admission of every Patient who shall have been admitted into such House since the last Visitation of such House; and to enter in the Book directed by this Act to be kept for recording Inspectors Visits a Minute of the then Condition of the House so visited, and of the Patients therein, and of the Number of Patients under Restraint, with the Reasons thereof as stated, and such Irregularity (if any) as may exist in any of such Certificates as aforesaid; and also to add any Observations which he may deem proper as to any of the Matters aforesaid; and also, if such Visit be the first after the granting of a Licence to the House so visited, to examine such Licence, and if the same be in conformity with the Provisions required by this Act, to sign the same; but if it be informal, to enter in such Visiting Inspector's Book in what respect such Licence is informal; and every such Inspector shall also inquire whether any and at what Times Divine Service is read and performed for the Benefit and Consolation of any of the Patients, or what religious Aid they receive under any Circumstances of intellectual Improvement, and what Description of Employment, Amusement, or Recreation (if any) is provided for them; and shall at the Time of every such Visitation state in the Book directed by this Act to be kept for

for recording Inspectors Visits the Result of such Inquiry, with such Observations as he shall think useful or necessary; and in those Houses where it shall appear that Divine Service is not performed, or that religious Communication with any Minister is not permitted, the Proprietor or resident Superintendent of every such House shall state in such Book the Reasons thereof.

XXII. And be it enacted, That there shall be hung up in some conspicuous Part of every licensed House a Copy of the Plan in that Behalf delivered to the Clerk of the Peace; and there shall also be kept in every such House a Queen's Printer's Copy of this Act, bound up in a Book, in which Book the Visiting Inspector shall record his Visit, and make Minutes in Writing of the Condition of such House as to the Care of the Patients therein, and all such other Particulars as he shall think deserving of his Notice, together with his Observations thereupon; and a Copy of every such Minute so made by any Inspector shall forthwith be transmitted by him to the Clerk of the Peace for the County.

Plan of House to be hung up, and Copy of Act kept, and at each Visitation Inspector to make Minutes.

XXIII. And be it enacted, That every Clerk of the Peace shall, upon Receipt of any such Copy of Minute, enter the same in a Book to be kept by him for that Purpose; and every such Entry of Minute shall be laid before the Justices of the Peace assembled in General or Quarter Sessions for the County wherein the House to which such Minute shall relate shall be situate, previously to the Consideration of any Renewal of the Licence to such House.

Minutes to be transcribed in a Book.

XXIV. And be it enacted, That if the Proprietor or resident Superintendent of any licensed House shall fraudulently conceal or attempt to conceal any Part of such House or Premises, or any Person detained therein as insane, from any such Inspector, or from any Medical or other Person authorized under the Provisions of this Act to visit and inspect any such House and the Patients confined therein, every Person so offending shall be deemed guilty of a Misdemeanor.

Concealment from Inspectors to be considered a Misdemeanor.

XXV. And be it enacted, That in every House licensed for the Reception of Insane Persons the Proprietor or resident Superintendent shall keep, in addition to the Visiting Inspector's Book hereinbefore directed to be kept, a Book to be called the "Patients Book," which Book shall be produced to the Visiting Inspector at each Visit, and he shall make an Entry therein that the same has been so produced, and insert therein such Observations as he may think fit respecting the State of Mind of any Patient in such House, and sign the same.

Patients Book to be kept in every licensed House, and to be produced to Visiting Justices.

XXVI. And be it enacted, That any Proprietor or resident Superintendent of any such House omitting at the Visit of any such Inspector to produce to him such Visitor's Book and Patients Book, shall forfeit and pay a Penalty of Twenty Pounds, to be recovered as herein-after provided.

Penalty on Omission to produce the Books.

Inspectors to consider Cases to which their Attention may be drawn, and make Entry in Patients Book.

XXVII. And be it enacted, That the said Inspectors respectively visiting any such licensed House shall carefully consider and give special Attention to the State of Mind of any Patient therein confined as to the Propriety of whose Detention he shall have Cause to doubt, or as to whose Sanity his Attention shall be specially called by the Patient or any other Person, and shall, if he shall think the Propriety of the Detention of such Patient requires further Consideration, make a Minute thereof in the Patients Book of such House.

Inspectors may make special Visits, and after Two such Visits may, subject to certain Restrictions, liberate a Patient.

XXVIII. And be it enacted, That any such Inspector, in case he shall doubt the Propriety of the Detention of any Patient in any such House, shall make a special Visit to such Patient, accompanied by the Managing Officer and the Medical Officer, or, if more than One, the Principal Medical Officer of the nearest District Lunatic Asylum, on such Day and at such Hour as he shall think fit; and if after Two distinct and separate Visits so made it shall appear to such Inspector and Managing Officer and Medical Officer that such Person is detained in such House without sufficient Cause, they may give such Orders as to them shall seem meet for the Discharge of such Person at such Time as the Circumstances of the Case may seem to justify: Provided always, that the Result of each of such special Visits shall be entered in Writing in the Patients Book of such House; and such Entry, and also the Order for Discharge, shall be signed by such Inspector and Managing Officer and Medical Officer: Provided also, that each of such special Visits must be by the same Inspector and Managing Officer and Medical Officer.

Notice of special Visits.

XXIX. Provided also, and be it enacted, That not less than Fourteen Days shall intervene between the First and Second of such special Visits, and that such Inspector shall, previous to the Second of such special Visits, give Notice thereof to the Proprietor or resident Superintendent of the House in which the Patient intended to be visited is detained, and also (so far as is practicable) to the Person by whose Authority such Patient was received into such House or is then detained therein, such Notice to such several Parties to be by Letter, signed by such Inspector, and with his Name indorsed on the Outside or Cover thereof, and sent by Post, and to be put into the Post Fourteen Days at least before the Day in such Notice specified as the Day for such Second Visit; and the Master of any Post Office into which any such Letter shall be put shall and is hereby required to give to such Inspector a Receipt for the same, in the Form set out in the Schedule hereto annexed, and which Receipt shall be *primâ facie* Evidence of such Letter having been sent to the Person to whom the same shall by such Receipt appear to have been addressed.

Mode of serving Notice.

XXX. Provided also, and be it enacted, That the Notice so required to be given to the Proprietor or resident Superintendent of the House may, instead of being given by Letter as aforesaid, be given by Notice in the Patients Book of such House, and signed by such Inspector.

XXXI. Pro-

XXXI. Provided also, and be it enacted, That such Power of Liberation shall not extend to the Case of any Person who shall have been found idiot, lunatic, or of unsound Mind under any Commission issued for that Purpose by the Lord Chancellor, nor to any Insane Person confined under any Order or Authority of the Lord Lieutenant, or of any Criminal Court of Justice; but it shall be lawful for such Inspectors respectively, if they shall think fit, to examine into the State of Mind or Condition of any such Person, and to report his or their Opinion in Writing on the State of Mind or Condition of such Person to the Lord Chancellor or to the Chief Secretary of the Lord Lieutenant, as the Case may be.

Provision as to certain Insane Persons.

XXXII. And be it enacted, That it shall be lawful for either of the said Inspectors, upon receiving Information upon Oath (which Oath they or either of them are and is hereby empowered to administer) that the Party making such Oath hath Cause to suspect and doth verily believe that any Malpractice has taken place in any House licensed under this Act, which Malpractice cannot be ascertained by Examination and Inspection during the Day, to visit and inspect any such House at such Hour of the Night as he shall think fit.

Inspectors may, upon Information of Mal-practices, visit licensed House at Night.

XXXIII. And be it enacted, That if any Person shall apply to the said Inspectors in order to be informed whether any particular Person is confined as an Insane Person, and such Inspectors shall think it reasonable that such Inquiry should be made, they shall examine the Register herein-before directed to be kept; and if it shall appear thereby that the Person so inquired after is or has within the last Twelve Calendar Months been confined in any of such Houses, such Inspectors shall deliver to the Person so applying, in Writing, the Name of the Proprietor or resident Superintendent in whose House the Person so inquired after is or has been confined, and the Situation of such House, and (if such Inspectors shall so think fit) a Copy of the Order and Medical Certificates upon which such Person was received into such House.

In case of Inquiry Inspectors may give Information relative to any Person confined.

XXXIV. And be it enacted, That, with a view to the Amelioration of the Condition of Insane Persons, each such Inspector shall, when under the Provisions of this Act visiting Houses licensed for the Reception of Insane Persons, and when under the Provisions of the herein-before recited Act visiting any other Madhouses, or Places where Lunatics and Idiots are confined, inquire whether there has been adopted therein, either in whole or in part, any System of Non-coercion, and if so, the Particulars of such System, and by what Means practised, and whether by Medical Treatment or otherwise, and what has been the Result thereof; and shall, in like Manner, inquire into the Classification or Non-classification of Patients in every such House, Asylum, or Place, and the Number of Attendants on each Class, and, so far as is practicable, the proportionate Number of Attendants before and since the Adoption of the System of Non-coercion, if such System shall have been adopted; and shall also, in like Manner, inquire into the Occupations and Amusements of the Patients in every such House, Asylum, or Place, and whether the same be in-

Particulars of Inquiry to be made by Inspectors.

door

door or out-door Occupations or Amusements, and the Effect of such Occupations and Amusements, both in-door and out-door respectively, on the Condition, as well mental as bodily, of the Patients; and shall also in like Manner inquire into the Condition, as well mental as bodily, of the Pauper Patients (if any) when first received into every such House, Asylum, or Place, and whether the Condition has been such as to prevent or impede the ultimate Recovery, either mental or bodily, of such Patients; and also as to the Dietary of the Pauper Patients (if any) in every such House, Asylum, or Place, and shall also make such other Inquiries as to such Inspectors respectively shall seem meet.

Annual Report to be made by Inspectors to the Lord Lieutenant and Lord Chancellor.

XXXV. And be it enacted, That the said Inspectors shall, in the Month of *September* in every Year, make a Report of the State and Condition of the several Houses licensed under this Act, and also as to the Care of the Patients therein, and the several Particulars herein-before mentioned, such other Particulars as they shall think deserving of Notice, to the Lord Lieutenant and the Lord Chancellor for the Time being respectively.

Insane Person not to be received into unlicensed House without an Order and Medical Certificates.

XXXVI. And be it enacted, That no Person (except he be a Guardian or Relative, who does not derive any Profit from the Charge, or a Committee appointed by the Lord Chancellor, or a Person with whom such Insane Person shall be placed by such Committee) shall, under pain of being deemed guilty of Misdemeanor, receive to board or lodge in any House not licensed under this Act, or to take the Care or Charge of any Insane Person, without first having the like Order and Medical Certificates as are required on the Admission of an Insane Person into a licensed House.

Copy of Order and Medical Certificate and annual Certificates to be transmitted from unlicensed Houses to Inspector.

XXXVII. And be it enacted, That every Person (except as aforesaid) who shall receive to board or lodge in any House not licensed under this Act, or take the Care or Charge of any Insane Male or Female Person, shall, within Three Calendar Months next after, if such Insane Person or Persons respectively shall not previously have returned to their own or usual Place of Abode, transmit to the said Inspectors, or One of them, a Copy of such Order and Medical Certificates sealed and indorsed "Private Return," and not to be inspected by any Person except the Lord Chancellor and the Chief Secretary of the Lord Lieutenant, and such other Person or Persons as shall be authorized in that Behalf by them or any of them; and, every such Person (except as aforesaid) shall also (if such Insane Male or Female Person shall not have been previously removed), on the First Day of *January* in every succeeding Year, or within Seven clear Days after, transmit to the said Inspectors, or One of them, a Certificate signed by Two Physicians, Surgeons, or Apothecaries, describing the then actual State of Mind of such Insane Person, and to be indorsed "Private Return;" and all such Orders, Medical Certificates, and Returns shall be preserved by the said Inspectors, and shall be open only to the Inspection of the Lord Chancellor and the Chief Secretary of the Lord Lieutenant, and such other Person or Persons as shall be authorized in that Behalf by them or any of them; and every Person (except as aforesaid) who shall receive to

9

board

board or lodge in any House not licensed under this Act, or take the Care or Charge of any Insane Person in any such House, and who shall omit to transmit such Copies of Orders and Certificates, shall be deemed guilty of a Misdemeanor.

XXXVIII. Provided always, and be it enacted, That it shall be lawful for the Lord Chancellor for the Time being, if he shall think fit, at any Time or Times, by an Order in Writing by him directed to the said Inspectors or either of them, to require them or either of them to visit and examine any Person confined as an Insane Person who shall be confined in the Care of any Guardian or Relative, or of any other Person, or in any House or Building in which any Person or Persons alleged to be insane shall be confined, and to make a Report to the Lord Chancellor of such Matters in relation to the Premises or any of them as he or they shall be directed to inquire into.

Lord Chan-
cellor may
direct special
Visitation of
Patients in
confinement.

XXXIX. And be it enacted, That it shall be lawful for the said Inspectors respectively visiting any House pursuant to the Provisions of this Act, and they are hereby respectively authorized, if they shall so think fit, to select and call in any Physician, Surgeon, or Apothecary, residing within a reasonable Distance of such House to visit the same with them respectively; and every such Physician, Surgeon, or Apothecary shall be entitled to a Fee, not exceeding Two Guineas for every such Attendance, to be paid by the Inspectors or Inspector by whom such Attendance shall have been required; and such Inspectors shall have Credit in their Account of Receipts and Disbursements under this Act for every such Fee so paid: Provided always, that no Physician, Surgeon, or Apothecary shall be so called in to visit any House who shall be, directly or indirectly, interested in such House; and it shall also be lawful for the Inspectors respectively visiting as aforesaid any House to require the Attendance of the Managing Officer and the Medical Officer, or (if more than One) the principal Medical Officer, of the nearest District Lunatic Asylum, to visit the same with them respectively; and the travelling Expences of every such Managing Officer and Medical Officer shall be paid by the Inspector by whom his Attendance shall have been required, and the said Inspectors shall have Credit for the same in their said Account.

Inspectors
may call in
a Physician,
&c., when
visiting any
House.

and also the
Managing
and Medical
Officers of
the nearest
District
Asylum.

XL. And be it enacted, That in case it shall appear to the Lord Chancellor that the Assistance of Counsel is requisite for the conducting of any Visitation or Investigation to be holden under this Act, it shall be lawful for such Lord Chancellor to nominate and appoint any Barrister-at-Law of not less than Six Years standing for the Purpose of assisting at such Visitation or Investigation, with such reasonable Fees or Payment and Allowances for his Trouble and for his travelling and other Expences as the Lord Chancellor by Order under his Hand shall direct; and all such Fees and Allowances for any such Barrister shall be paid by the said Inspectors upon the Order in Writing in that Behalf of the said Lord Chancellor, and such Inspectors shall have Credit for the same in their said Account.

Lord Chan-
cellor may
assign Coun-
sel to assist
at any In-
vestigation.

Expences of
Inspectors
how to be
paid.

XLII. And be it enacted, That every such Inspector shall, over and above his Salary, be paid his travelling and other Expences incurred under the Provisions of this Act; and every such Inspector shall, on or before the First Day of *January* in every Year, lay or cause to be laid before the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being an Account of the travelling and other Expences incurred by him as aforesaid in the previous Year; and the said Commissioners of Her Majesty's Treasury, or any Three or more of them, are hereby empowered from Time to Time to cause to be issued and paid out of the Consolidated Fund to each such Inspector such Sum as they shall think fit for such travelling and other Expences so incurred by him.

After Death
or Discharge
of Patient the
Orders, &c.
in that Behalf
may be de-
livered up to
be cancelled.

XLIII. And be it enacted, That in every Case in which any Patient shall die or have been discharged as cured, the Order, Medical Certificates, and Notices in that Behalf required under this Act may be delivered up to the Lord Chancellor to be cancelled, and thereupon the Name of such Person may be wholly erased from the Register thereof: Provided always, that no such Erasure of the Name of any Person shall be made until after the Expiration of Twelve Calendar Months after the Death or Discharge of such Person.

Inspectors
may summon
Witnesses.

XLIII. And for the better enabling the said Inspectors to inquire into the several Matters and Things by this Act referred to them, be it enacted, That it shall be lawful for the said Inspectors or either of them, from Time to Time, as they respectively shall see Occasion, to require by Summons, according to the Form in Schedule (I.) annexed to this Act, any Person to appear before them or either of them to testify the Truth touching any Matters relating to the Execution of the Powers given by this Act, on Oath or Affirmation, which Oath or Affirmation either of the said Inspectors is hereby empowered to administer.

Penalties for
giving false
Evidence,
&c.

XLIV. And be it enacted, That if any Person, upon any Examination under the Authority of this Act, shall wilfully give false Evidence, he shall, on being convicted thereof, suffer the Pains and Penalties of Perjury; and if any Person shall refuse or wilfully neglect to attend in obedience to any such Summons, or to give Evidence, when duly summoned, every Person so offending shall be deemed guilty of a Misdemeanor.

Service of
Summons.

XLV. And be it enacted, That the Delivery of any Summons authorized to be issued by any Inspector under this Act to any Party to whom such Summons shall be directed, or at his Place of Abode, to his Wife, or to any Child or Servant of such Party, being of the Age of Sixteen Years or upwards, shall in all Cases be deemed good and sufficient Service of such Summons.

Penalties re-
coverable by
Civil Bill.

XLVI. And be it enacted, That every pecuniary Penalty imposed under or by virtue of this Act may be recovered by Civil Bill by any Person who shall sue for the same.

XLVII. And

XLVII. And whereas it is not intended by this Act to give the Proprietors or resident Superintendent of any licensed House, or any other Person concerned in confining any of Her Majesty's Subjects, any new Justification from their being able to prove that the Person so confined was sent there by such Order and upon such Medical Certificates as are required by this Act; be it therefore enacted, That in all Proceedings which shall be had under Her Majesty's Writ of Habeas Corpus, and in all Indictments, Informations, and Actions and other Proceedings that shall be preferred, prosecuted, taken, or brought against any Person for confining or ill-treating any of Her Majesty's Subjects insane, or represented or alleged to be insane, the respective Parties complained of shall be obliged to justify their Conduct according to the Course of the Common Law, in the same Manner as if this Act had not been made.

Proceedings of Proprietors, &c., to be justified in course of Common Law.

XLVIII. And be it enacted, That if any Action or Suit shall be commenced or brought against any Person for any thing done in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Fact being committed, and shall be laid or brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant in every such Action or Suit shall and may, at his Election, plead specially, or the General Issue Not guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought in any other County, or shall not have been commenced within the Time before limited for bringing the same, that then the Jury shall find a Verdict for the Defendant; and upon a Verdict being so found, or if the Plaintiff shall be nonsuited, or discontinue his Action or Suit after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff, then the Defendant shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant may have for his Costs in any other Case by Law.

Limitation of Actions.

XLIX. Provided always, and be it enacted, That nothing in this Act contained shall extend to any public Hospital or charitable Institution supported wholly or in part by voluntary Contributions, and not kept for Profit by any private Individual, or to any Institution supported wholly or in part by Grand Jury Presentment or Parliamentary Grant of public Money, excepting so far as relates to Visitations appointed by the Lord Chancellor, and excepting so far as relates to the Inquiries directed to be made by the said Inspectors when visiting such Institutions under the Provisions of the herein-before first-recited Act: Provided also, that no Person shall be received into or detained in any such Institution, except as a Pauper Patient, to be maintained gratuitously therein, without such Order and Medical Certificate as herein-before required in the Case of Persons admitted into or detained in Houses licensed under this Act; and the Manager, Superintendent, or principal Officer having the Charge of any such Institution, who shall receive or detain therein any Person, not being such Pauper Patient as aforesaid, without such Order

Act not to extend to public Institutions.

Order and Certificate as aforesaid, shall be deemed guilty of a Misdemeanor.

Counties of
Cities, &c.
to be deemed
Part of
Counties at
large.

L. And be it enacted, That every County of a City and County of a Town in *Ireland*, and every Part thereof, shall for the Purposes of this Act, but not for any other Purpose, or otherwise, be deemed to be situate in and Part of the County at large within the Boundaries of which the same or the greater Part thereof shall be comprised.

Commence-
ment and
Continuance
of Act.

LI. And be it enacted, That this Act shall commence and take effect in the County of the City of *Dublin* and in the County of *Dublin* from and after the Commencement of the General Quarter Sessions of the Peace which shall be held next after the Expiration of Two Months, computed from the passing of this Act; and that this Act shall commence and take effect in any other County and County of a City or County of a Town from and after the General Quarter Sessions of the Peace which shall be held at the several Assize Towns respectively next after the Expiration of the like Period, computed as aforesaid; and that this Act shall be and remain in force until the First Day of *August* One thousand eight hundred and forty-five, and until the End of the then next Session of Parliament, and no longer.

Interpreta-
tion of Act.

LII. And be it enacted, That the Words and Expressions hereinafter mentioned, which in their ordinary Use have a more confined or different Meaning, shall in the Construction of this Act, except where the Context excludes such Construction, be interpreted as follows; (that is to say,)

Every Word importing the Singular Number or the Masculine Gender only shall be understood to include and shall be applied to several Persons, Matters, or Things, as well as One Person, Matter, or Thing, and Females as well as Males respectively; the Words "Lord Lieutenant" shall be construed to mean the Lord Lieutenant, Lords Justices, or other Chief Governor or Governors of *Ireland*; the Words "Lord Chancellor" shall be construed to mean the Lord Chancellor, or Lord Keeper or Lords Commissioners for the Custody of the Great Seal, in *Ireland*.

Act may be
amended this
Session.

LIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

FORM OF LICENCE.

Know all Men, that we, the undersigned Justices of the Peace, acting in and for the County of ... in General [or Quarter] Sessions assembled, do hereby certify, That A.B. of the Parish of ... in the County of ... hath delivered a Notice to and deposited with the Clerk of the Peace for the said County of ... a Plan and Description of a House and Premises proposed to be licensed for the Reception of Insane Persons; and we, having considered and approved the same, do hereby authorize and empower the said A.B. [or C. D., as Superintendent, the said A. B. not intending to reside therein himself,] to use and employ the House and Buildings situate at ... in the Parish of ... in the County of ... as a House for the Reception of ... Insane Persons [Male and Female, or Male or Female only]. And this Licence shall continue in force for the Space of ... Calendar Months, and on longer.

Given under our Hands, this ... Day of ... in the Year of our Lord ...

Witness } ... (L. S.)
... (L. S.)
... (L. S.)
Clerk of the Peace.

Note.—Fourteen Days Notice of the Intention to renew this Licence must be given to the Clerk of the Peace.

SCHEDULE (H.)

FORM of PERMISSION for regulating MEDICAL ATTENDANCE.

Whereas by an Act made in the _____ Year of the Reign of _____ intitled "An Act for amending the Law relating to private Lunatic Asylums in Ireland," it is amongst other things provided and enacted, that when any House is licensed for the Reception of Insane Persons, then it shall be lawful for the Inspectors therein mentioned, if they shall so think fit, to direct and permit that such House shall be visited by the Physician, Surgeon, or Apothecary once at least in every Four Weeks, instead of once in every Week, as required by the said Act: And whereas on the _____ Day of _____ the Assistant Barrister for the County of _____ duly granted a Licence for the Space of _____ Calendar Months to _____ for a House situate at _____ in the County of _____ for the Reception of _____ Insane Persons: And whereas the said _____ hath applied to the said Inspectors, that they will be pleased to direct and permit the said House to be visited once in every Four Weeks, instead of once in every Week: Now know ye, That we the undersigned Inspectors of Lunatic Asylums in Ireland, having thought fit to accede to the above Request, do by this Instrument in Writing under our Hands direct and permit that the House so licensed to the said _____ as aforesaid shall be visited by a Physician, Surgeon, or Apothecary once at the least in every Four Weeks, instead of once in every Week, as required by the said Act: Provided always, and it is hereby expressly declared, that this Permission shall be subject to such Revocation or Alteration as the Inspectors of Lunatic Asylums in Ireland shall think fit. Witness our Hands, this _____ Day of _____ One thousand eight hundred and _____

Witness,

SCHEDULE (I.)

FORM OF SUMMONS.

We, whose Names are hereunto set and Seals affixed, being Inspectors, or an Inspector, appointed under an Act passed in the _____ Year of the Reign of _____ intitled "An Act for amending the Law relating to private Lunatic Asylums in Ireland," do hereby require you personally to appear before us, or me, at _____ in the Parish of _____ in the County of _____ on _____ next the _____ Day of _____ at the Hour of _____ in the _____ noon of the same Day, then and there to be examined, and testify the Truth touching certain Matters relating to the Execution of the said Act.

Given under our Hands this _____
in the Year of our Lord _____

To _____