OCCASIONAL NOTES OF THE QUARTER.

Proposed "Lunacy Districts (Scotland) Bill."

As the Bill which certain of the Parochial Boards in Scotland recently attempted to introduce into the House of Lords under the title of "Lunacy Districts (Scotland)" is a measure that deserves more consideration than it has received, and had it passed into law would have seriously affected the Chartered Asylums of Scotland, the following notes in regard to the history of this proposed Bill may not only be of interest, but also of use for reference in the future. We are indebted for them to Dr. Rorie, of the Royal Asylum, Dundee.

The Bill in its original form, namely, as it appeared in 1881, seems to have arisen out of a defect in the Prisons Act (Scotland) of 1877, as follows:—

In terms of the Act 20 and 21 Vic., cap. 71 (the Lunacy Act, Scotland, of 1857) under section 49 it was enacted that, with the view to the erection of asylums for the reception and care of pauper lunatics, and for the purposes of the said Act, Scotland should be divided into districts or divisions, as set forth in a schedule thereto annexed, and that the General Board of Commissioners in Lunacy should have the power, on the application of the Prison Board of any county interested, to alter or vary the said districts, either by combining counties or parts of counties, or dividing counties, or otherwise as they might think fit. In 1877, however, the Prisons Act (Scotland) was passed, one result of which was to put an end to Prison Boards, and although in this Prisons Act provision was made for the election of District Lunacy Boards, which previously had been chosen out of the Prison Boards, it was found that no legal authority existed having the power to make application for dividing, combining, or altering existing districts.

To meet this defect a Bill was brought before Parliament —"Lunacy Districts (Scotland), 1881"—which, as amended in Committee of House of Lords, and ordered to be printed 7th July, 1881, proposed that "the Lord Advocate shall have the power, on the application of the Commissioners of Supply of any county forming a lunacy district, or part of a lunacy district, to alter or vary the said districts, either by com-

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bining counties or parts of counties, or dividing counties, or otherwise, as may be requisite.

Had this Bill passed, the result would have merely been that the power previously possessed by the Prison Boards, elected by Magistrates of Burghs and Commissioners of Supply, would have been conferred on the Commissioners of Supply. This Bill, however, was withdrawn.

In 1882 a new Lunacy Districts Bill (Scotland) was introduced into the House of Lords, and, as it first appeared, and was ordered to be printed 6th June, 1882, was to the following effect:—That "the General Board of Commissioners in Lunacy for Scotland shall have the power, on the application of the Commissioners of Supply of any county interested or the Magistrates of any Burgh interested, or the Parochial Board of any parish or combination interested, to alter or vary the said districts, either by combining counties or parts of counties, or dividing counties, or otherwise, as may be requisite; Provided always, that it shall be lawful to one of Her Majesty's principal Secretaries of State, on a representation by such Commissioners of Supply, magistrates, or Parochial Board, to modify, alter, or confirm any decision pronounced by the Board on such application." Here we have a serious departure from what was desired by the Bill of 1881. Had it been proposed that the General Board of Lunacy should have the power of dividing and altering lunacy districts on the application of the Magistrates of Burghs *and* Commissioners of Supply, little exception could have been taken to the measure, but to give this power of application to any Burgh, interested apart from the Commissioners of Supply, was the introduction of a clause apparently never originally contemplated, while the introduction of the parochial element into the Bill was little short of an infringement of the original Act of 1857, an Act specially framed for the transference of the management and control of the insane poor from Parochial Boards to an independent Board elected by the Commissioners of Supply and Magistrates of Burghs.

This Bill accordingly met with opposition, principally directed towards restricting the parochial powers, and in the Bill as amended and ordered to be printed 26th June, 1882, the power of petitioning, so far as the parishes were concerned, was confined to Parochial Boards having asylums of their own, the clause reading thus: "On the application of the Commissioners of Supply of any county interested, or the

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Magistrates of any Burgh interested, or the Parochial Board of any parish or combination interested having an asylum of its own."

It was at once seen that the term "asylum of its own" was too vague and ambiguous to be satisfactory, and so in the amended Bill ordered by the House of Commons to be printed on 4th July, 1882, this clause was altered to "the Parochial Board of any parish or combination interested having a parochial asylum of its own, which it has erected or acquired with its own parochial funds prior to the passing of this Act," and further providing that "for the purposes of this Act the term 'parochial asylum' shall not include lunatic wards of poorhouses."

This Bill, however, was shortly afterwards withdrawn.

The Bill which, under the heading "Lunacy Districts (Scotland) Bill," it was recently sought to introduce into the House of Lords by the Parochial Boards was necessarily a purely parochial measure, and in its original shape would have amounted to little short of the repeal of the Act of 1857, the principal clause of the first draft of the Bill being as follows:—"Any parish or combination may, with the approval of one of Her Majesty's principal Secretaries of State, or the General Board of Commissioners in Lunacy for Scotland, elect to be a district under the said first-recited Act (1857): and thereupon such parish or combination shall be separated from the county or district of which it is a part, and be and become a separate district, and the Parochial Board of such parish or combination shall thereupon be and become the District Board of such district, and have all the powers of a District Board." It seems to have been felt, however, that such a Bill was too crude and revolutionary to have the slightest chance of becoming law. It was accordingly modified into the following:—

1. The General Board of Commissioners in Lunacy for Scotland (hereinafter called "The Board of Lunacy") shall have the power, on the application of the Commissioners of Supply of any county interested, or the Magistrates of any Burgh interested, or the Parochial Board of any parish or combination interested having a population of fifty thousand or upwards, or having one hundred pauper lunatics or upwards chargeable to such parish or combination, to alter or vary the said districts, either by combining counties or parts of counties, or dividing counties, or by combining parishes or otherwise, as they may think fit. Provided always, that

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it shall be lawful to one of Her Majesty's principal Secretaries of State, on a representation by any Commissioners of Supply, or Magistrates, or Parochial Board interested, to modify, alter, annul, or confirm any decision pronounced by the Board of Lunacy on such application.

2. If one or more parishes shall, on the application of a Parochial Board, be constituted into a lunacy district under the provisions of this Act, the District Board in the case of a parish shall be the Parochial Board of such parish, and in the case of combined parishes the District Board shall consist of such number of representatives from each Parochial Board, not exceeding twenty in all, as may be fixed by the Board of Lunacy, having reference to the population of the parishes constituting such combination, such representatives to be elected annually by the Parochial Boards of those parishes; Provided always, that section fifty-nine of the first-recited Act shall not apply to any such lunacy district.

3. Where any Parochial Board has erected a parochial asylum prior to the passing of this Act fully adequate for the wants of such parish or combination the ratepayers of such parish or combination shall be exempt from any assessment for building or maintaining a district asylum.

Such is the Bill which it was sought to introduce, and the objections to it are obvious. In the first place it is contrary to the spirit of the Act of 1857, and in the second, in seeking to be freed from the operation of the 59th clause of that Act, Chartered Asylums, where pauper patients are received, would be left entirely at the mercy of the Parochial Boards.

By this clause District Lunacy Boards are bound to contract with Chartered Asylums to the extent of their available accommodation before erecting District Asylums, and this safeguard would have been completely destroyed under the proposed Bill. This effect the Lord Advocate, in replying to the parochial deputation, was careful to point out when he stated "that it was necessary to have regard to some matters not stated in the course of the interview. A Government must, of course, look at all sides of a question, and it was necessary to take care that any legislation upon this subject did not cause hardship or injustice to any existing bodies. Now there was one point he was sure they desired to keep in view. Take the case where there was already an asylum for a district. He was afraid, as the draft Bill stood, it might lead to the withdrawal of certain of the parishes which they

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had provided for, and possibly leave the remainder of the district in possession of an asylum much too large for their wants."

Lunacy Legislation (England and Wales).

In the last number we stated that the Lunacy Bill of the late Government had been withdrawn. For a time it seemed possible that the new Government would be able to carry out their intention of pressing it forward, but ultimately the Bill was abandoned. A short Bill, however, was introduced and became law (48 and 49 Vict.), which had for its object the removal of a difficulty that had arisen in regard to the detention of lunatics, under certain circumstances, in workhouses. This Act, which consists of only four sections, has reference to Acts 16 and 17 Vict., c. 97, secs. 67, 68 (1853), and 25 and 26 Vict., c. 111, sec. 20 (1862). We give the sections entire:—

1.—This Act may be cited as the Lunacy Acts Amendment Act, 1885.

2.—Where, under the Lunatic Asylums Act, 1853, it shall be the duty of any relieving officer, overseer, or constable to give notice to or lay information before a justice as to any pauper who is or is deemed to be a lunatic, or as to any person wandering at large who is deemed to be a lunatic, or as to any other person deemed to be a lunatic who is not under proper care or control, or is cruelly treated or neglected by any relative or other person having the care or charge of him, or to apprehend and take any such person wandering at large before a justice, and the relieving officer, overseer, or constable is satisfied that it is necessary for the public safety, or the welfare of the alleged lunatic, that before such notice or information can be given or laid, or the alleged lunatic can be brought before the justice, the alleged lunatic should be placed under care and control, the relieving officer, overseer, or constable may remove the alleged lunatic to the workhouse of the union in which the alleged lunatic is, and the master of the workhouse shall, unless there is no proper accommodation in the workhouse for the alleged lunatic, receive and relieve and detain him therein, but no person shall be so detained for more than *three days;* and before the expiration of that time the relieving officer, overseer, or constable shall give the notice to, or lay the information before the justice as to such alleged lunatic, or bring him before the justice, as the said Act requires.

3.—(*a*). In any case where, under section sixty-seven or section sixty-eight of the Lunatic Asylums Act, 1853, an order might be made for the removal of a lunatic to an asylum, hospital, or licensed

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