

In the evening about thirty members and their guests, among whom were Sir Clifford Allbutt, K.C.B., Dr. Donkin, Professor Sims Woodhead, Mr. Smedley Taylor, and others, attended the dinner at the University Arms Hotel.

At the Council meeting, which had been held at noon, the following were present:—The President, and Drs. Bond, Ewan, Hotchkis, Hayes Newington, Robert Jones, P. W. MacDonald, T. W. McDowall, Outterson Wood, Stoddart, and Wolseley-Lewis.

ASYLUMS OFFICERS' SUPERANNUATION BILL.

MEMORANDUM.

The Lunacy Act, 1890, gives discretionary power to the visiting committee of each county and borough asylum in England and Wales to grant to any officer or servant in their employ "who is incapacitated by confirmed illness, age, or infirmity, or who has been an officer or servant in the asylum for not less than 15 years, and is not less than 50 years old, such superannuation allowance as the committee think fit" (section 280). The superannuation allowance must not exceed two-thirds of salary and value of emoluments. It is further provided that service in several asylums of the same local authority shall be aggregated in computing pension (section 282). This Act extends only to asylums in England and Wales. No contribution towards pension is required from officers or servants.

In Scotland no statutory provision exists for granting superannuation allowances to officers or servants of district asylums.

In Ireland provision is made by 53 & 54 Vict. c. 31, and 61 & 62 Vict. c. 37, sections 84, 109, and 118, and schedule VI., part V for discretionary powers to committees of management, "if they think fit to do so but not otherwise" to grant superannuation allowances to their officers and servants not less than 50 years of age after 15 years' service.

The object of this Bill is to substitute for discretionary power on the part of managers or authorities of asylums to grant pensions, the obligation to grant superannuation allowances to their officers and servants on fixed scales (differing, however, in relation to the nature of the employment involving more or less intimate association with the insane) after definite periods of approved service, and to provide for contributions from the officers and servants in aid thereof, as is the practice in the poor law service, the police and some other branches of the public service.

ARRANGEMENT OF CLAUSES.

SUPERANNUATION.

Clause 1. Division of officers and servants into classes. 2. Title of officers, servants, etc., to superannuation allowances and scale thereof. 3. Forfeiture for fraud, etc. 4. Reckoning service. 5. Case of subsequent appointment. 6. Case of injury or illness. 7. Return of contributions and power to grant gratuities, etc., in certain cases.

CONTRIBUTION.

Clause 8. Obligation of officers and servants to contribute. 9. Scale of contributions.

MISCELLANEOUS.

Clause 10. Provision for retiring officers and servants in certain cases. 11. Power to grant gratuities to dependants in case of death of officer or servant. 12. Appeal to Commissioners in Lunacy in certain cases of dispute. 13. Definitions. 14. Repeals. 15. Extent of Act. 16. Short title and commencement of Act. Schedule.

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BILL
TO

A.D. 1909. — Provide for Superannuation Allowances to Officers and Servants employed in Public Asylums for the Insane in Great Britain and Ireland; and to make other relative provisions.

BE it enacted by the King'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:—

SUPERANNUATION.

- 1.** For the purposes of this Act and subject to the provisions thereof the officers and servants employed by the managers or authorities of every asylum shall be divided into two classes. The first class shall consist of all those officers and servants who have the care or charge of the patients in the usual course of their employment or who in the course of their usual employment may be brought into frequent contact with the patients or hold responsible positions in connection with the administration of the asylum. The second class shall consist of all those officers and servants (other than workmen paid trades union wages) the course of whose usual employment does not bring them into frequent contact with or give them the charge or care of the patients or any of them. Any dispute arising under this section to be decided as provided by section twelve of this Act.
- 2.**—(1) Any officer or servant of the first class who has been in the service of an asylum or asylums for not less than fifteen years, and is not less than fifty years old, or who is permanently incapacitated for asylum duties after ten years' service by injury or illness, mental or otherwise, shall be entitled on resigning or otherwise ceasing to hold office or employment to receive during life out of funds applicable to the maintenance of the asylum or asylums a superannuation allowance, the annual amount of which shall be computed at the rate of *one fiftieth* of his annual salary or wages and emoluments at the time of retirement for each year of service.
- (2) Any officer or servant of the second class who has been in the service of an asylum or asylums for not less than twenty years and is not less than sixty years old, or who is permanently incapacitated from asylum duties after ten years' service by injury or illness shall be entitled on resigning or otherwise ceasing to hold office or employment to receive during life out of funds applicable to the maintenance of the asylum or asylums a superannuation allowance the annual amount of which shall be computed at the rate of *one sixtieth* of his annual salary or wages and emoluments at the time of retirement for each year of service.
- The managers or authorities of any asylum may, in computing the amount of superannuation allowance to any officer or servant, take into account any peculiar professional qualifications or services or special circumstances entitling to consideration and add a number of years not exceeding ten to the number of years which the officer or servant has actually served in the aggregate:
- Provided in all cases to which this section refers that a superannuation allowance shall not in any case exceed *two thirds* of the salary or wages, with value of emoluments, if any, payable to the superannuated person at the date of his superannuation.
- 3.** An officer or servant who is dismissed or otherwise ceases to hold office in consequence of any offence of a fraudulent character or of grave misconduct shall forfeit all claim to any superannuation allowance under this Act in respect of his previous service, provided that in the case of any such officer or servant the asylum managers or authority may, if they see fit, return a sum equal to the amount of all or part of his aggregate contributions under this Act.
- 4.** All services by an officer or servant in an asylum shall be aggregated and reckoned for the purposes of this Act, whether the services have been continuous or not, and whether his whole time has been devoted to the services or not, and whether they have been rendered at one or more asylums to which this Act applies.
- 5.** When a person in receipt of superannuation allowance or pension under this Act is appointed to any office or employment by any authority to which this Act applies, such allowance shall cease to be paid so long as he continues to hold such
- Division of officers and servants into classes.**
- Title of officers, servants, etc., to superannuation allowances and scale thereof.**
- Forfeiture for fraud, etc.**
- Reckoning service.**
- Case of subsequent appointment.**

office or employment if the salary or wages and emoluments thereof are equal to or in excess of such allowance, if they are not, then only so much of such allowance shall be paid so long as he holds such employment as will make up the deficiency. Any such person on ceasing to hold such office or employment shall be entitled to revert to and receive the full amount of his original superannuation allowance from the authority which granted it.

6. In the event of any officer or servant of an asylum being incapacitated for further service by accident, injury, or confirmed illness (bodily or mental) clearly attributable to the duties of his employment, the managers or authority of the asylum may grant such superannuation allowance as under the circumstances may appear fitting independently of length of service.

Case of injury or illness.

7. An officer or servant who has not become entitled to a superannuation allowance, and who loses his office or employment by reason of reduction of staff, or of any alteration due to the action of the asylum authority, and not owing to his own default, shall be entitled to receive on retirement the aggregate amount of his contributions to the fund or funds from which the superannuation allowances are to be paid, together with interest incident thereon at *two and a half per cent.* per annum. In other events the contributions will not be returned, except in the case of female officers or nurses leaving to be married after at least five years' satisfactory service, on the production of the marriage certificate.

Return of contributions and power to grant gratuities, etc., in certain cases.

CONTRIBUTION.

8. Subject to the provisions of this Act, every officer and servant in the service or employment of the managers or authorities of an asylum in the United Kingdom shall contribute annually, for the purpose of this Act, a percentage amount of his salary or wages and emoluments, according to the scale laid down in this Act, such amount to be from time to time deducted from the salary or wages payable to him and to be carried to and to form part of the fund from which the superannuation allowances are to be paid.

Obligation of officers and servants to contribute.

9. The percentage amounts to be deducted annually for the purposes of this Act shall be as follows (that is to say):—

Scale of contributions.

In the case of officers and servants with less than five years' service at the passing of this Act, or appointed after the passing of this Act, *two per cent.* of his salary or wages and emoluments for each year;

In the case of officers and servants with more than five and less than fifteen years' service at the passing of this Act, *two and a half per cent.* of the salary or wages and emoluments for each year;

In the case of officers and servants with more than fifteen years' service at the passing of this Act, *three per cent.* of the salary or wages and emoluments for each year.

MISCELLANEOUS.

10. When an officer or servant in class one has attained the age of fifty-five years, an officer or servant in class two has attained the age of sixty, and the asylum managers or authority are of opinion that his retirement would be expedient in the interests of the service, it shall be competent for them to require him to retire upon payment to him of the superannuation allowance to which he may be entitled under this Act.

Provision for retiring officers and servants in certain cases.

11. It shall be competent for the asylum managers or authority to vote at their discretion a gratuity to the widow or orphans, or any near dependant relative of an officer or servant dying while in the service of the asylum at an age at which he would otherwise have been entitled to a superannuation allowance, such gratuity to be chargeable against the funds out of which the asylum is maintained.

Power to grant gratuities to dependants in case of death of officer or servant.

12. In any case of dismissal of an officer or servant of more than ten years' service, such officer or servant shall have a right of appeal to the Commissioners in Lunacy or other corresponding central authority, and in the case of any dispute arising as to the administration of this Act, such dispute shall be referred to the said Commissioners or authority, and their decision thereupon shall be final.

Appeal to Commissioners in Lunacy in certain cases of dispute.

13. In this Act, if not inconsistent with the context, "asylum" means (1) an asylum for lunatics provided by a county or borough, or by a union of counties or boroughs; (2) a Metropolitan Asylums Board asylum for imbeciles; and (3) a district asylum in Scotland and Ireland. "Officers or servant" includes any

Definitions.

- superintendent, medical officer, chaplain, clerk, steward, matron, and any other officer, servant, or employée of the asylum.
- Repeals.** **14.** The enactments specified in the schedule to this Act are hereby repealed, subject to this qualification, that this repeal shall not affect the payment of any superannuation allowance granted before the commencement of this Act, nor any other right or liability acquired or accrued in respect of schemes or expectations of such allowances definitely entered into (between the parties), nor anything duly done or suffered before the commencement of this Act.
- Extent of Act.** **15.** This Act extends to Great Britain and Ireland.
- Short title and commencement of Act.** **16.** This Act may be cited as the Asylums Officers' Superannuation Act, 1909, and shall come into operation from and immediately after the *thirty-first day of March nineteen hundred and ten.*

SCHEDULE.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
19 & 20 Vict. c. 99.	The Lunatic Asylums Superannuations (Ireland) Act, 1856.	The whole Act so far as unrepealed.
30 & 31 Vict. c. 118.	The Lunacy (Ireland) Act, 1867 -	Section eight.
53 Vict. c. 5.	Lunacy Act - - - -	Sections two hundred and eighty, two hundred and eighty-one, and two hundred and eighty-two.
53 & 54 Vict. c. 31.	The Paupers' Lunatic Asylums (Ireland) Superannuation Act, 1890.	Section three.

The following AMENDMENTS have been suggested by the Parliamentary Committee of the Medico-Psychological Association:

Sect. 2 (1) and (2).—That the words "out of funds" should read "out of the County, Borough, or other funds."

Sect. 2 (2).—*The Managers or Authorities of any Asylum.* This phrase will probably require an interpretation clause to meet the respective phraseology of England and Wales, Scotland, and Ireland.

Sect. 4.—That the practicability be considered of either—(a) the pooling of contributions in a common fund, or (b) the transferring of previous contributions from one authority to another in the case of the latter appointing an employé of the former.

Sect. 4.—The words "not in any case exceeding two thirds of the salary or wages, with value of emoluments, if any," to be added.

Sect. 7.—"In other events the contributions will not be returned except in the case of *female* officers or nurses leaving *to be married* after at least five years' satisfactory service, *on the production of the marriage certificate.*"

That the words in *italics* should be deleted.

Sect. 11.—That the words "at an age at which he would otherwise have been entitled to a superannuation allowance" be deleted.

Sect. 12.—That the words "Commissioners in Lunacy or other corresponding central authority" should be deleted and be replaced by "County Council in England and Wales," with additional words to specify the corresponding authorities in respect to Scotland and Ireland—and further on,

That the words "otherwise than for offences specified in Sect. 3" be inserted after the words "of more than ten years' service."

That the words "to the said Commissioners or authority" should read "to the said County Council or corresponding authority."

Sect. 13.—That this is the correct place to insert a definition of "Managers or Authorities of any Asylum."

That at the end of the section, the words "employé of the asylum" should read "employé of the asylum authority."

Sect. 14.—That immediately following the word "granted," the words "nor the validity of any scale of superannuation more favourable than the schemes laid down in this Act actually in force" be inserted.

That the following clause should appear at the end of this section. "Provided that it should be competent for any officer or servant who has served for more than fifteen years in one asylum previously to the commencement of this Act by giving notice within three months thereof to the Managing Authority to be excluded from the requirements and provisions of this Act as regards superannuation allowance but not to forfeit the benefit of the arrangements in that respect existing under Sects. 280—282 of the Lunacy Act, 1890.

OBITUARY.

DAVID BRODIE, M.D.

On the 21st December last there passed away at his house, Slingsby Villa, Finchley, a former member of our Association, and a man who did faithful and good work in his day. David Brodie, the son of William Brodie, Schoolmaster at Alloa, was born on the 18th April, 1821. He took the degree of M.D. in 1845. While he was studying medicine at Edinburgh, Séguin and Saegert had begun to prosecute the teaching of idiots, and Brodie was of a character likely to be attracted by philanthropic ideals. Some sympathetic friends joined together to take a house at Gayfield Square, in Edinburgh, in 1855, which was conducted by Dr. and Mrs. Brodie. His reputation soon spread, and in 1860 he was called to America to be consulted about a case, although there were already three institutions for the training of idiots in the United States. In the same year a Committee was formed in Edinburgh for the education of Imbecile Youth. This led to the foundation of the Scottish National Institution at Larbert. Dr. Brodie was invited to become Medical Superintendent, and in 1864 the house was opened with twenty-two pupils.

Although the list of directors comprised a number of men known for their position, ability, and philanthropic character, the institution laboured under difficulties from the outset, of which the want of funds was not the least. The system of electing the beneficiaries by the votes of the contributors led to a desire of making economies for them from the paying boarders, and the actual management of the institution fell into the hands of a few directors, who were unwilling to believe that a large subscription does not bring with it the knowledge of intelligently exercising the power of regulating a training school. After much friction and vexation, deepened by the loss of his first wife, Dr. Brodie, in 1866, resigned his position, and taking with him all the best paying boarders, began a private establishment at Columbia Lodge, Liberton, which he successfully conducted for eighteen years, at the end of which period he retired upon what he had saved.

During the latter years of his life he resided in the suburbs of London, where he died in his eighty-eighth year.

Dr. Brodie was the author of a book entitled *The Healing Art the Right Hand of the Church by Therapeutes*, Edinburgh, 1859, besides various articles in the medical journals. He was a man of tender and kindly nature, hopeful and enthusiastic, grudging no labour, and willing to give up his whole time, and descend to the most minute details for the care and comfort of those under his charge. He was deeply religious, and, when in Scotland, he belonged to the Plymouth Brethren. He was a radical in politics, but mild and tolerant in his views.

He leaves behind him a widow, but has survived all his other relations.

WILLIAM W. IRELAND.

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