

WESTERN AUSTRALIA

ANNO TRIGESIMO QUARTO

VICTORIÆ REGINÆ

No. 9

An Act to provide for the Safe Custody of, and Prevention of Crimes by, persons dangerously Insane; for the Care and Maintenance of persons of Unsound Mind; for the Care and Management and Disposal of the Property and Estates of such persons; and for other purposes. [*Assented to 2nd January, 1871.*]

Preamble

**W**HEREAS it is expedient to provide for the safe custody of, and prevention of crimes by, persons dangerously insane; and for the care and maintenance of persons of unsound mind; and to provide for the care and management of the property and estates of such

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persons : Be it therefore enacted by His Excellency the Governor of the Colony of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows :—

1. This Act may be cited for all purposes as ‘The Lunacy Act, 1871.’ Short title

2. In the construction of this Act, unless inconsistent with the context or subject matter, the following terms shall have the respective meanings hereafter assigned to them respectively, that is to say :— Interpretation

- ‘Board’ shall mean the Board of Inquiry hereinafter appointed.
- ‘Lunatic’ shall mean and include every person of unsound mind, and every person being an idiot.
- ‘Asylum’ shall mean any asylum, house or place now used for the reception of lunatics; or which may be hereafter proclaimed for that purpose under the provisions hereinafter contained.
- ‘Justice’ shall mean a Justice of the Peace for the said Colony.
- ‘Pauper’ shall mean any person having no income, property or estate sufficient to provide for his maintenance.
- ‘Medical Practitioner’ shall mean any person who shall have obtained a certificate of his being a legally qualified medical practitioner, according to the laws of the said Colony in force for the time being.
- ‘Visitor’ shall mean any person appointed by the Governor as Visitor under this Act.

3. This Act shall be divided into seven parts—

Division of Act

- Part I. Proclamation of lunatic asylums; appointment of officers; their powers and duties.
- Part II. Admission into and discharge from asylums of lunatics not being dangerous or criminal.
- Part III. Dangerous and criminal lunatics.
- Part IV. Care and management of property and estates of lunatics.
- Part V. Offences and penalties.
- Part VI. Legal procedure and evidence.
- Part VII. Protection of officers and general matters.

PART I

PROCLAMATION OF LUNATIC ASYLUMS; APPOINTMENT OF OFFICERS; THEIR POWERS AND DUTIES

4. The Governor, with the advice of the Executive Council, may from time to time, by proclamation in the ‘Government Gazette,’ declare any place or places provided or deemed suitable for that purpose to be an Asylum for Lunatics, and may in like manner declare that any such place or places so proclaimed shall cease to be used as a Lunatic Asylum. The Governor with the advice of the Executive Council may proclaim lunatic asylums

5. For every such Lunatic Asylum as aforesaid there shall be appointed some duly qualified medical practitioner as Resident or Superintending Medical Officer, and such other officers as may be deemed necessary and proper for carrying out the duties imposed by Resident or Superintending Medical Officer and Visitors to be appointed

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this Act; and also fit and proper persons to be visitors of every such asylum; and such Resident or Superintending Medical Officer and Visitors shall have and exercise the powers and authorities herein conferred upon them respectively.

Officers to be appointed by Governor with advice of Executive Council

6. Such Resident or Superintending Medical Officer and all other officers appointed under this Act shall be appointed by the Governor with the advice of the Executive Council, and may from time to time be removed by the Governor with the advice aforesaid.

Visitors to be appointed by Governor to remain in office till first Monday in January after the date of their appointment

7. The Visitors of each asylum shall be appointed by the Governor with the advice aforesaid, and shall continue in office till the first Monday in January in the year next following the date of their appointment, and so often as any vacancy shall occur by the death, absence or incompetence of any Visitor, such vacancy shall be forthwith filled by the Governor with the advice aforesaid: Provided that after the expiration of the term for which any Visitor is appointed he shall be eligible for appointment for the next ensuing year, and so on from year to year unless he shall have failed to make six visits during his year of office to such asylum in his official capacity.

Duties of Resident or Superintending Medical Officer

8. The Resident or Superintending Medical Officer shall have the control and management of such asylum in all matters connected with the internal routine and discipline thereof, and shall be responsible for carrying out the duties by this Act imposed upon him and for the due observance of the provisions hereof in reference to all matters occurring within such asylum.

Colonial Surgeon to inspect, &c.

9. The Colonial Surgeon for the time being shall from time to time visit and inspect every such asylum, and may give such directions and instructions to the Resident or Superintending Medical Officer as to the mode of conducting such asylum as to him may seem proper and expedient, all which directions and instructions shall be entered in 'The Visitors' Book' hereinafter mentioned; and such directions and instructions shall be carried out and obeyed by the Resident or Superintending Medical Officer, unless and until the same shall have been disallowed by the Colonial Secretary.

Board of Inquiry

10. The Colonial Surgeon, the Resident or Superintending Medical Officer and any two or more of the Visitors shall be and are hereby constituted a Board hereinafter called 'The Board of Inquiry,' and shall have and exercise all the powers and authorities hereinafter conferred upon them, and the Colonial Surgeon shall be the chairman of such Board.

PART II

ADMISSIONS INTO AND DISCHARGE FROM ASYLUMS OF LUNATICS NOT BEING DANGEROUS OR CRIMINAL

Provision for sending pauper lunatics to asylum

11. If an information be laid before any Justice that any pauper is or is deemed to be a lunatic, he shall by an order under his hand and seal require such pauper to be brought before him or some other Justice; and the said Justice before whom such pauper shall be brought shall call to his assistance a medical practitioner and examine such person, and if such medical practitioner shall sign a certificate with respect to such pauper according to the form in Schedule C to this

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Act, and if such Justice be satisfied upon view or personal examination of such pauper or other proof that such pauper is a lunatic and a proper person to be taken charge of and detained under care and treatment, he shall by an order under his hand (according to the form in the Schedule A No. 1 to this Act) direct such pauper to be received into some asylum duly proclaimed under this Act, and such lunatic shall be received and detained therein accordingly: Provided always that any Justice may upon his own knowledge, without any information being laid as aforesaid, examine any pauper deemed to be a lunatic at his own abode or elsewhere and proceed in all respects as if such pauper were brought before him in pursuance of an order for that purpose.

12. Every Constable or other police officer who shall have knowledge that any person wandering at large is deemed to be a lunatic shall immediately apprehend and take or cause such person to be apprehended and taken before a Justice.

Provision as to lunatics wandering at large, not being properly taken care of, or being cruelly treated

And any Justice may upon its being made to appear to him by the information upon oath of any persons whomsoever that any person wandering at large is deemed to be a lunatic by an order under the hand and seal of such Justice require any Constable or other peace officer to apprehend and bring him before such Justice or some other Justice.

And every Constable or other police officer who shall have knowledge that any person not a pauper, and not wandering at large as aforesaid, 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.

And in case it be made to appear to any Justice upon such information, or upon the information upon oath of any person whomsoever, that any person 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,

Such Justice shall either himself visit and examine such person and make inquiry into the matters so appearing upon such information, or by an order under his hand and seal direct and authorise some medical practitioner to visit and examine such person and make such inquiry, and to report in writing to such Justice his opinion thereupon; and in case upon such personal visit, examination and inquiry by such Justice, or upon the report of such medical practitioner, it shall appear to such Justice that such person 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,

Such Justice may, by an order under his hand and seal, require any Constable or other peace officer to bring such person before any two Justices; and such Justices shall comprise the Resident or Police Magistrate and one other Magistrate or any two other Justices.

And the Justice or Justices, as the case may be, before whom any

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such person as aforesaid in the respective cases aforesaid is brought under this section shall call to his and their assistance a medical practitioner, and shall examine such person, and make such inquiry relative to such person as he or they shall deem necessary.

And if upon examination of such person or other proof such Justice be satisfied that such person so brought before him is a lunatic, and was wandering at large, and is a proper person to be taken charge of or detained under care and treatment;

Or any such two Justices be satisfied that such person so brought before them is a lunatic, and is not under care and control, or is cruelly treated and neglected by any 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; and if such medical practitioner sign a certificate with respect to every such person so brought either before one Justice or two Justices, according to the form in the Schedule C,

The said Justice or Justices may, by an order under his or their hand and seal or hands and seals, according to the form in Schedule A No. 1 to this Act, direct such person to be received into any asylum duly proclaimed as aforesaid; and such person shall forthwith be conveyed to and detained in such asylum accordingly: Provided always that any Justice may, upon such information on oath as aforesaid or upon his own knowledge, and alone, in the case of any such person as aforesaid wandering at large and deemed to be a lunatic, or with some other Justice in any of the cases aforesaid, examine the person deemed to be a lunatic at his own abode or elsewhere, and proceed in all respects as if such person were brought before him or them as hereinbefore mentioned: Provided also that the said Justice or Justices may suspend the execution of any such order for removing any such person as aforesaid to any asylum for such period, not exceeding fourteen days, as he or they may deem meet; and in the meantime may give such directions or make such arrangements for the proper care and control of such persons, as he or they shall consider necessary: Provided also that nothing herein contained shall be construed to extend to restrain or prevent any relation or friend from retaining or taking such lunatic under his own care, if such relation or friend shall satisfy the Justice or Justices before whom such lunatic shall be brought, or the Visitor of the asylum in which such lunatic is or is intended to be placed, that such lunatic will be properly taken care of.

No pauper to be received into asylum without certain order and certificate

13. No pauper shall be received into any asylum (save under the provisions herein contained) without an order according to the form required in the said Schedule A No. 1, under the hand of one Justice, together with such statement of particulars as is contained in the same schedule; nor without a medical certificate, according to the form in the said Schedule C, signed by one medical practitioner, who shall have examined him previously to his reception.

No person not a pauper shall be received into

14. No person, not a pauper, shall be received into any asylum (save under the provisions herein contained) without an order under

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the hand of some person according to the form in Schedule B to this Act, together with such statement of particulars as is contained in the same schedule; nor without the medical certificate, according to the form and containing the particulars required in Schedule C to this Act, of two medical practitioners, neither of whom shall be in partnership with, or an assistant to the other; and each of whom shall, separately from the other, have personally examined the person to whom it relates not more than seven clear days previous to the reception of such person into such asylum; and such order as aforesaid may be signed before or after medical certificate, or either of them: Provided always that any person may, under special circumstances preventing the examination of such person by two medical practitioners as aforesaid, be received into any asylum upon the certificate of one medical practitioner alone, if the statement accompanying such order set forth the special circumstances which prevented the examination of such person by two medical practitioners; but in every such case two other such certificates shall, within three clear days after the reception of such patient into such asylum, be signed by two other medical practitioners not in partnership with or an assistant to the other, or the medical practitioner who signed the certificate upon which the patient was received, and who shall within such time, separately from the other of them, have personally examined the person so received as a lunatic.

asylum without certain order and certificate

15. Every medical practitioner signing any certificate under or for the purposes of this Act, shall specify therein the facts upon which he has formed his opinion that the person to whom such certificate relates is a lunatic, an idiot, or a person of unsound mind; distinguishing, in such certificate, facts observed by himself from facts communicated to him by others; and no person shall be received into any asylum under any certificate which purports to be founded only on facts communicated by others.

Medical certificate to specify facts upon which opinion of insanity has been formed

16. Where any person has been found lunatic by inquisition or other proceeding in the Supreme Court, an order signed by the committee appointed by the said Court, and having thereto annexed an office copy of the order appointing such committee, shall be sufficient authority for the reception of such person into any asylum, without any further order or any medical certificates as hereinbefore mentioned.

Order for reception of patient found lunatic by inquisition

17. The Resident or Superintending Medical Officer shall, within two days after the admission of any person into the asylum, make an entry with respect to such patient in a book to be kept for that purpose, to be called the 'Book of Admissions,' according to the form and containing the particulars required in Schedule D No. 1 to this Act, as far as he can ascertain the same, except as to the discharge or death of some patient, and the dates of examination by such Resident or Superintending Medical Officer, or by the Board of Inquiry, which shall be made when the same shall happen, or within two days thereafter; and in case of removal, such Resident or Superintending Medical Officer shall further make entry in such book by whom such patient was removed, and in what state of mind such patient shall have been removed.

Resident or Superintending Medical Officer to make certain entries on admission or discharge of patients

18. The Resident or Superintending Medical Officer shall once in every week enter in a book to be kept for that purpose, to be called 'The Medical Journal,' a statement according to the form in Schedule

Resident or Superintending Medical Officer to keep books to

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be called the  
'Medical  
Journal' and  
'The Case Book'

D No. 2, showing the number of patients of each sex then in such asylum, the Christian and surname of every patient (not being confined in such asylum as criminal or dangerous) who is or has been under restraint or in seclusion since the last entry, and when and for what period and reasons, and (in case of restraint) by what means, and the Christian and surname of every patient under medical treatment; and for what, if any, bodily disorder, and every death, injury, or violence which shall have happened to or affected any patient since the then last preceding entry; and distinguishing in such 'Medical Journal' one class of patients from another, by affixing to the name of each pauper patient entered therein the letter P; to the name of each dangerous or criminal lunatic entered therein the letters D, or C, as the case may require; and such Resident or Superintending Medical Officer shall also enter in a book, to be called 'The Case Book,' as soon as may be after the admission of any patient, the mental and bodily condition of such patient at the time of his admission, and also the history from time to time of his case, while he shall continue in the asylum.

Statement of  
patients dying to  
be transmitted  
to the Colonial  
Secretary

19. In case of the death of a pauper patient in any asylum a statement of the cause of the death of such patient shall be drawn up and signed by the Resident or Superintending Medical Officer of such asylum, and a copy thereof duly certified by him shall be by him transmitted to the Colonial Secretary within two clear days of the death of such patient.

Visitors to visit  
at least once a  
week and to  
institute certain  
inquiries

20. Every such asylum shall be visited once every week at least by some one or more of the Visitors, who shall inquire what occupation or amusements are provided for the patients, and the result thereof; whether there has been adopted any system of non-coercion, and if so the result thereof; and also as to the classification of patients and the condition of the pauper patients (if any); and shall also make such other inquiries as to such Visitor shall seem expedient.

Books, certifi-  
cates, &c., to be  
laid before  
visitors at each  
visit

21. Upon every visit of the Visitors there shall be laid before them by the Resident or Superintending Medical Officer the several books by this Act required to be kept, and also all orders and certificates relating to patients admitted since the last visitation of the Visitors, and also all such other orders, certificates, documents and papers relating to any of the patients at any time received into such asylum as the Visitors shall from time to time require to be produced to them, and the Visitors shall sign the said books as having been produced to them.

Book to be kept  
called 'Visitors'  
Book,' in which  
to be entered re-  
sult of inquiries

22. There shall be hung up in some conspicuous part of every asylum a plan thereof, and there shall be kept in every asylum a copy of this Act, bound up in a book to be called 'The Visitors' Book,' and the Visitors shall at the time of their respective visitations enter therein the result of their inspections and inquiries hereinbefore directed or authorised to be made by them, with such observations (if any) as they shall think proper, and also such observation as they may think fit respecting the state of mind or body of any patient in such asylum, and the said Visitor shall transmit a copy of the minutes so to be made and of the 'Book of Admission' at least once in every three calendar months to the Colonial Secretary.

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23. Within forty-eight hours after any person is admitted into any asylum under the foregoing provisions the Resident or Superintending Medical Officer and the officer next in authority to him shall examine such person, and unless they shall be fully satisfied that such person is a lunatic or of unsound mind the Resident or Superintending Medical Officer shall convene a meeting of the Board of Inquiry, and such Board shall hold an inquiry into the state of mind of such person.

Within forty-eight hours of admission of patients, examination to be made by Resident or Superintending Medical Officer, and officer next in authority, who if not fully satisfied of insanity to call meeting of Board of Inquiry

24. Such meeting shall be held not later than three days after the examination so to be held by the Resident or Superintending Medical Officer and officer next in authority as aforesaid, and the Board may take such evidence upon oath or affirmation (which oath or affirmation the chairman for the time being of such Board is hereby authorised to administer) as to them may seem advisable, and if upon due inquiry such Board shall be of opinion that there is no sufficient proof of the insanity of the person on whom such inquiry shall be held, they shall forthwith order the immediate release of such person, and he shall be forthwith released accordingly.

Board to take evidence and to make such order as to discharge of patient or otherwise as to them may seem fit

25. At the meetings of such Board of Inquiry the Colonial Surgeon or the Resident or Superintending Medical Officer and two of the Visitors shall form a quorum, and may do and perform all matters and things by this Act authorised to be done and performed by such Board.

Quorum of Board

26. If at the time appointed for any meeting of the Board of Inquiry a quorum be not present, the members present may adjourn the meeting to some subsequent day not later than two days from the day originally appointed; and in case the inquiry cannot be conveniently concluded in one day the meeting may be adjourned from time to time as to such Board may seem expedient.

Meetings may be adjourned

27. If at any meeting of such Board the Colonial Surgeon be not present the Resident or Superintending Medical Officer shall preside thereat.

If Colonial Surgeon not present, Resident or Superintending Medical Officer to be chairman

28. The chairman of such Board of Inquiry may by summons under his hand (which summons may be in the form in the Schedule E to this Act) require any person to appear before such Board at the time and place named in such summons, to testify the truth touching any matters under inquiry by such Board or relating to the execution of the powers given by this Act, and every person who shall not appear before the said Board pursuant to such summons without assigning some reasonable cause for not appearing, or, appearing, shall refuse to be sworn or examined, shall on conviction of every such neglect or refusal forfeit and pay a penalty not exceeding fifty pounds nor less than ten pounds.

Chairman of Board may issue summons for the attendance of witnesses

29. Any visitor or any Justice may at any hour of the day or night enter and inspect any asylum, and the patients confined therein; Provided that if in the opinion of the Resident or Superintending Medical Officer the inspection of any such patient by any Justice may be likely to prove injurious to such patient, the Resident or Superintending Medical Officer may refuse to allow such inspection by such Justice; and in case of such refusal, an entry giving the reasons for such refusal, shall be forthwith made in the Visitors' Book and signed by the Medical Officer so refusing.

Visitors and Justices to enter and inspect

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Visitors may order discharge of patients or allow them to be absent on trial

30. Any three of the Visitors of any asylum may by writing under their hand order the discharge of any person detained in such asylum under any of the foregoing provisions, whether such person be recovered or not; and any two of the Visitors with the advice in writing of the Resident or Superintending Medical Officer of such asylum, may discharge any person detained therein, as aforesaid; or permit any such person to be absent from the asylum upon trial for such period as such Visitors think fit; and in case any person so allowed to be absent on trial for any period do not return at the expiration of such period, and a medical certificate as to his state of mind, certifying that his detention in any asylum is no longer necessary, be not sent to the Visitors, he may at any time within fourteen days after the expiration of such period be retaken as herein provided in the case of an escape.

Visitors may discharge pauper patient on undertaking of relative or friend that he shall be properly cared for

31. On application being made to the Visitors of any asylum by any relative or friend of a pauper lunatic confined therein, requiring that he may be delivered over to the custody or care of such relative or friend, any two of the Visitors aforesaid may (if they think fit, and upon the undertaking in writing of such relative or friend to the satisfaction of such Visitors, that such lunatic shall be properly taken care of, and shall be prevented from doing injury to himself or others) discharge such lunatic.

Person who signed order for the reception of a private patient may order his discharge or removal

32. If any person who signed the order on which any patient (not being a pauper) was received into any asylum, shall by writing under his hand direct that such patient be discharged or removed, then and in such case such patient shall forthwith be discharged or removed as the person who signed the order for his reception shall direct.

Provision where the person who signed the order for reception is dead or incapable of acting

33. If any person who signed the order upon which any patient (not being a pauper) was received into any asylum be dead or be incapable by reason of insanity, absence from the said Colony or otherwise of giving an order for the discharge or removal of such patient, then the husband or wife or (if there be no husband or wife or they be incapable as aforesaid), the father or (if there be no father or he be incapable as aforesaid) the mother of such patient or (if there be no mother or she be incapable as aforesaid) any one of the nearest of kin for the time being of such patient, by writing under his or her hand, may give such directions as aforesaid for the discharge or removal of such patient; and thereupon such patient shall be removed or discharged accordingly.

Patient not to be discharged when certified to be dangerous without consent of Visitors

34. No patient shall be discharged under either of the two last foregoing provisions, if the Resident or Superintending Medical Officer of the asylum in which such patient is, shall certify in writing under his hand that in his opinion such patient is dangerous and unfit to be at large, together with the grounds upon which such opinion is founded: Provided always that if two of the Visitors of such asylum shall, after such certificate shall have been produced to them, give their consent in writing to such patient being discharged, he may be discharged accordingly.

Orders and medical certificates may be amended

35. If after the reception of any lunatic into any asylum it shall appear that the order or medical certificate, or (if more than one) both or either of the medical certificates upon which he was received, is or are in any respect incorrect or defective, such order and medical

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certificate or certificates may be amended by the person or persons signing the same within fourteen days next after the reception of such lunatic: Provided, nevertheless, that no such amendment shall have any force or effect unless the same shall receive the sanction of one or more of the Visitors.

36. When any medical certificate upon which a patient has been received into any asylum or any of such certificates is deemed by the Visitors incorrect or defective, and the same is or are not duly amended to their satisfaction within fourteen days next after the reception of such patient, the Visitors or any two of them may forthwith order the discharge of such patient.

Provision as to defective certificates

37. If any two householders shall make application to any Justice, supported by affidavit, that they believe any person confined in any asylum to be sane, and that no inquiry has been held by the Board of Inquiry into the sanity of such person for a period of three months preceding the date of such application, such Justice shall make an order directing the Resident or Superintending Medical Officer to call a meeting of the Board of Inquiry for the purpose of holding an examination of such person, and such Resident or Superintending Medical Officer shall forthwith convene a meeting of such Board, who shall inquire into the state of mind of such person so alleged to be sane, and shall take the evidence of such persons as may be tendered for that purpose, and shall thereupon make such order for the discharge of such person or otherwise as to them shall seem fit.

On application of two householders, Justice may order Resident or Superintending Medical Officer to summon Board of Inquiry

## PART III

## DANGEROUS AND CRIMINAL LUNATICS

38. If any person shall be discovered and apprehended under circumstances denoting a derangement of mind and a purpose of committing suicide or some crime for which if committed such person would be liable to be indicted, any two Justices before whom such person may be brought may call to their assistance any medical practitioner; and if upon view and examination of the said person so apprehended and upon proof on oath by the said medical practitioner to the effect that in his opinion such person is a dangerous lunatic or a dangerous idiot, or (in case such medical assistance cannot be obtained) on any other proof the said Justices shall be satisfied that such person is a dangerous lunatic or a dangerous idiot, then they may by an order under their hands according to the form in the Schedule A No. 2 to this Act commit such person to some asylum, there to be kept in strict custody until such person shall be discharged as hereafter provided: Provided always that every such person, while so detained in such asylum, shall have the liberty and privilege of seeing his friends and legal advisers at all reasonable times.

Justices to commit dangerous lunatics

39. The particulars annexed to the order of committal shall be forthwith after the reception of the person therein named into any asylum entered in a book to be called 'The Book of Admissions of Dangerous and Criminal Lunatics,' which shall be kept by the Resident or Superintending Medical Officer of every asylum, and in which shall be entered from time to time the dates of the admission, death,

Particulars to be entered in 'Book of Admissions' of dangerous and criminal lunatics

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discharge or otherwise of every such person, and which book shall be produced to the Visitors at every visitation.

Two Visitors on medical certificate may order discharge of any person committed as dangerous lunatic

40. The Resident or Superintending Medical Officer or any two of the Visitors of any asylum (of whom the Colonial Surgeon shall be one), on the receipt of a certificate signed by two medical practitioners that any person contained therein as a dangerous lunatic is no longer a dangerous lunatic, and may be suffered to go at large with safety (such certificate setting forth that such person has been personally examined by the medical practitioner signing the same), may order such person to be forthwith discharged.

Power to discharge dangerous lunatic or undertaking of friends and powers of Board of Inquiry

41. The provisions hereinbefore contained in Part II. of this Act in reference to the discharge of lunatics or the undertaking of friends or relatives for their safe custody, and the proceedings to obtain an order of Justices for an examination by the Board of Inquiry and the powers of such Board to order the discharge of any person confined in such asylum, shall extend and apply to persons confined in any such asylum as dangerous lunatics.

Colonial Secretary may order criminal lunatics to be conveyed to asylum

42. If any person sentenced and ordered to be kept in any gaol or prison in the said Colony shall be shown to the satisfaction of the Governor in Executive Council to be insane or to be unfit from imbecility of mind for penal discipline, the Colonial Secretary may, by warrant under his hand, direct such person to be conveyed to and kept in such Asylum, and thereupon such person shall be removed accordingly, and with him shall be transmitted a certificate in the form in the Schedule A No. 3 hereto, duly filled up and authenticated; and the contents of every such certificate shall be transcribed into 'The Book of Admissions of Dangerous and Criminal Lunatics' before mentioned.

Colonial Secretary may direct insane persons committed for trial to be removed to an asylum

43. If it shall be certified to the satisfaction of the Governor and Executive Council by two medical practitioners that any person committed to prison for trial for any offence is insane or is an idiot, the Colonial Secretary may, by a warrant under his hand, order that such person shall be removed to such asylum as he shall appoint (unless in the meantime admitted to bail by some legal authority) until the sessions or commission at which such person should be brought to trial or indicted according to the due course of law; and that such person shall then be remitted to the custody of the keeper or governor of the gaol or other person in whose custody such person may have been, under the terms of the original committal in order to his being indicted and tried for such offence or otherwise disposed of according to law: Provided always that every such person, while so detained in such asylum, shall have the same liberty and privilege of seeing his friends and legal advisers at all reasonable times, which he would have had in the gaol or other prison from which he may have been removed.

Colonial Secretary may order removal of a lunatic from one asylum to another

44. The Colonial Secretary may by warrant under his hand direct that any person confined in any asylum shall be removed to any other asylum; and such person shall thereupon be received into such asylum, and there detained subject to the provisions of this Act.

Insane prisoners under sentence of death may be

45. If at any time it shall be made to appear to the Governor of the said Colony that there is good reason to believe that any prisoner

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in confinement under sentence of death is then insane, either by means of a certificate in writing to that effect in the form given in Schedule F, transmitted to him by two or more of the Visiting Justices of the prison in which such prisoner under sentence of death is confined, or by any other means whatsoever, the Governor shall appoint two or more medical practitioners to inquire as to the insanity of such prisoner; and if on such inquiry the prisoner shall be found to be then insane, the fact shall be certified in writing by such persons to the Governor; and on receipt of such certificate the Governor shall direct, by warrant under his hand, that such prisoner shall be removed to such lunatic asylum or other proper receptacle for insane prisoners as aforesaid; and every person so removed under this Act, or already removed and in custody under any other enactment relating to insane prisoners not under civil process, shall remain in confinement in such asylum or other proper receptacle as aforesaid, or in any other lunatic asylum or other proper receptacle to which such person may be removed by any like warrant, which the Governor is hereby empowered to issue if he shall think fit, until it shall be duly certified to the Governor by two medical practitioners that such person is sane; and upon the receipt of such last mentioned certificate the Governor is hereby authorised to issue a warrant, under his hand, directing (if the period of imprisonment or custody of such person shall have expired) that he or she shall be discharged; or, if such person shall still remain subject to be continued in custody, that he or she shall be removed to any prison or other place of confinement, in which he or she may be lawfully confined to undergo his or her sentence of death or other sentence; or, if under sentence, to be dealt with according to law, as if no such warrant for his or her removal to a lunatic asylum had been issued.

removed by  
warrant of  
Colonial Secre-  
tary to Lunatic  
Asylum.

Prisoners being  
insane how to be  
dealt with

46. In all cases where it shall be given in evidence upon the trial of any person charged with any treason, murder, felony or misdemeanour that such person was insane at the time of the commission of such offence, and such person shall be acquitted, the jury shall be required to find specially whether such person was insane at the time of commission of such offence; and to declare whether such person was acquitted by them on account of such insanity; and if they shall so find the Court before whom such trial shall be had shall order such person to be kept in strict custody in some asylum, and in such manner as to the Court shall seem fit, until the Governor's pleasure shall be known; and thereupon the Governor may give such order for the safe custody of such person during his pleasure, in such place and in such manner as to the Governor shall seem fit.

Jury acquitting  
persons of  
offences on the  
ground of in-  
sanity to declare  
whether such  
person was ac-  
quitted on  
account thereof

47. When by reason of the expiration of his term of imprisonment or otherwise, any criminal lunatic would (if duly certified to be of sound mind) be entitled to his discharge, the Governor, with the advice of the Executive Council, upon a certificate by two medical practitioners that such person continues to be of unsound mind, may by warrant under his hand order that such person be removed to the portion of such asylum set apart for persons not criminals, there to be subjected to the same care and treatment and to be dealt with in all respects as lunatics not being criminals.

When sentence  
expires if patient  
still insane he  
may be trans-  
ferred to portion  
of asylum set  
apart for lunatics  
not being  
criminals

48. The Governor, with the advice of the Executive Council, may

Governor may

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grant leave of absence on condition

by warrant under his hand permit any person so confined in any such asylum as a dangerous or criminal lunatic to be absent therefrom upon trial for such period and upon such conditions as he may think fit; and if such person do not return within such period or if any of such conditions be broken, such person, if thereafter remaining absent, may be retaken and dealt with as hereinafter prescribed in the case of an escape.

Escaped lunatics may be re-captured

49. In case of the escape of any person confined in any asylum, whether dangerous, criminal or otherwise, he may be retaken any time by the Resident or Superintending Medical Officer or any officer or servant belonging to such asylum, or any person assisting such Resident or Superintending Medical Officer, officer or servant in this behalf, or any other person authorised in this behalf by the Colonial Secretary or Resident Magistrate or Superintending Medical Officer, and shall be conveyed to and received and retained in such asylum.

## PART IV

## CARE AND MANAGEMENT OF PROPERTY AND ESTATES OF LUNATICS

Lunatics' property may be sold, mortgaged, &c., for debts, maintenance, &c.

50. Whenever any person shall be lunatic or of unsound mind so as to be incapable of managing his affairs, and shall be so found by the Supreme Court or any Judge thereof, either by any inspection, or upon inquiry before a jury or otherwise; and it shall appear to the said Court, or any Judge thereof, to be just and reasonable, or for the lunatic's benefit, such Court or Judge may order that any of the estate or interest of the lunatic in real or personal estates, either in possession, reversion, remainder, contingency or expectancy, be sold or charged by way of mortgage, or otherwise disposed of as may to such Court or Judge seem most expedient for the purpose of raising money to be applied, and such Court or Judge may accordingly order that the money when raised be applied for or towards all or any of the purposes following:—

- (i.) The payment of the lunatic's debts and engagements.
- (ii.) The discharge of any incumbrances to his estates.
- (iii.) The payment of any debt or expenditure incurred or made after inquisition, or authorised by such Court or Judge to be incurred or made for the lunatic's maintenance, or otherwise for his benefit.
- (iv.) The payment of or provision for the expenses of his future maintenance.
- (v.) The payment of the costs of applying for, obtaining, and executing the inquiry, and of opposing the same.
- (vi.) The payment of the costs of any proceeding under, or consequent on the inquisition, or incurred under order of such Court or Judge.
- (vii.) The payment of the costs of any such sale, mortgage, charge, or disposition as is hereby authorised to be made: and the committee of the estate may and shall, in the name or on behalf of the lunatic, execute, make, and do

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all such conveyances, deeds, transfers and things relative to any such sale, mortgage, charge, or other disposition as aforesaid and for effectuating this present provision, as such Court or Judge shall order.

51. In case of a charge or mortgage being made under this Act upon an interest in contingency, or in reversion, remainder or expectancy, for the expenses of the future maintenance of such lunatic, the Court or Judge may direct the same to be payable and paid, either contingently (if the interest charged be a contingent one) or upon the happening of the event (if the interest be depending upon an event which must happen) and either in a gross sum or in annual or other periodical sums, and at such times, in such manner, and either with or without interest, as shall be deemed expedient: and any charge already made which would have been valid if made after this Act shall be and is hereby declared to be valid.

Modes in which future maintenance may charge when interest not in possession

52. When it appears to the Court or Judge to be for the lunatic's benefit, such Court or Judge may order that the whole or any part of any moneys expended or to be expended under any order for the permanent improvement, security or advantage of the land of the lunatic, or of any particular part thereof, shall with interest be a charge upon or be raisable out of the lunatic's estate and interest on the land, or such particular part thereof as aforesaid: but so that no right of sale or foreclosure during the lifetime of the lunatic be given or acquired, under or by virtue of the charge: and the interest shall be kept down during the lunatic's lifetime out of the income of his general estate, as far as the same shall be sufficient to bear it: and the committee may and shall, in the name and on behalf of the lunatic, execute and do all such conveyances and things for effectuating this present provision as the Court or a Judge shall order: and such charge may be made either to some person advancing the money, or (if the money is paid out of the lunatic's property) to some person as a trustee for him as part of his personal estate.

Expenses of improvements may be charged on estates

53. On any moneys being raised by sale, charge, or other disposition of land made in pursuance of any of the foregoing provisions, the person whose estate is sold, mortgaged, charged, or otherwise disposed of, and his heirs, next of kin, devisees, legatees, executors, administrators, and assigns, shall have such and the like interest in the surplus moneys remaining after the purposes for which the moneys have been answered, as he or they would have had in the estate if no sale, mortgage, or other disposition thereof had been made; and the surplus moneys shall be of the same character and nature as the estate sold, mortgaged, charged, or otherwise disposed of, and the Court or a Judge may make orders and direct such conveyances, deeds and things to be executed and done (which may and shall accordingly be executed and done) as may be necessary for the effecting this present provision and for the due application of the surplus moneys.

Surplus of the moneys to be of the same nature as the estate

54. Where it is made to appear to the Court or a Judge that the net amount, or net estimated value, of the property of the lunatic does not exceed the sum of five hundred pounds sterling, and it appears, having regard to the situation and condition in life of the lunatic and his family, and the other circumstances of the case, to be

Where property very small Court or Judge may apply same directly for lunatic's maintenance without grant

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expedient that the amount or value of his property should be made available for his maintenance in a direct and inexpensive manner, and that the same can be safely and properly done, such Court or Judge may, instead of proceeding to order a grant of the custody of the estate, order or allow that the amount of the property (if in money or stock), or if of any other description the produce thereof when realised, be paid or transferred to such relative of the lunatic or such other person as such Court or Judge may think proper to entrust with the application thereof, to be by him applied in or towards the maintenance of the lunatic, either at his direction or in such manner and subject to such control as such Court or Judge may direct, and for the purposes of giving effect to any such order such Court or Judge may order any real estate or other property of the lunatic to be sold and a valid conveyance or transfer thereof to be executed or made by such person as such Court or Judge shall direct.

Where lunacy temporary Court or Judge may apply cash arising from income for temporary maintenance without grant, &c.

55. Where it appears to the Court or Judge upon a report of the Master of the said Court that there is reason to believe that the unsoundness of mind of any lunatic so found by inquisition is in its nature temporary and will probably be soon removed, and that it is expedient that temporary provision should be made for the maintenance of the lunatic or of the lunatic and the members of his immediate family who are dependent upon him for maintenance, and that any sum of money arising from or being in the nature of income, or of ready money belonging to the lunatic and standing to his account with a banker or agent, or being in the hands of any person for his use, is readily available and may be safely and properly applied in that behalf, the Court or Judge may allow thereof such amount as may be thought proper for the temporary maintenance of the lunatic or of the lunatic and the members of his immediate family who are dependent upon him for maintenance, and may, instead of proceeding to order a grant of the custody of the estates, order or give liberty for the payment of any such sums of money as aforesaid or any part thereof to such person as such Court or Judge may under the circumstances of the case think proper to entrust with the application thereof, and may direct the same to be paid to such person accordingly, and when received to be applied in or towards such temporary maintenance as aforesaid, and the receipts in writing of the person named in the order to whom payment is to be made for any moneys payable to him by virtue thereof shall effectually discharge the banker, agent or other person paying the same from the moneys therein respectively expressed to be received, and they respectively are hereby directed to act upon and obey every such order, and the person so receiving any moneys by virtue of this present provision shall pass an account before the Master of the said Court when required.

Committee may convey land in performance of contracts

56. When a person having contracted to sell, mortgage, let, divide, exchange or otherwise dispose of any land, afterwards becomes lunatic, and the contract is not performed, and is such as the Court or a Judge thinks ought to have been performed, or a specific performance of the contract, either wholly or so far as the same remain to be performed, has been decreed or ordered by the Court in its Equitable Jurisdiction either before or after the lunacy, the committee of the estate may in the name and on behalf of the lunatic, under an order of the Court

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or a Judge, on the application of the party claiming the benefit of the contract with the lunatic or any plaintiff in the suit, receive and give an effectual discharge for the money payable to the lunatic or so much thereof as remains unpaid, and make such conveyance of the land to such person and in such manner as the Court or a Judge may order.

57. Where a person being a member of a co-partnership firm becomes lunatic the Court or a Judge may by order, on the application of the partner or partners of the lunatic, or of such other person or persons as such Court or Judge shall think entitled to require the same, dissolve the partnership, and thereupon or upon a dissolution of the partnership by decree of the Court in Equity or otherwise by due course of law, the committee of the estate, in the name and on behalf of the lunatic, may join and concur with such person or persons in disposing of the partnership property, as well real as personal, to such person upon such terms and in such manner, and may and shall execute and do such conveyance and things for effectuating this present provision, and apply the moneys payable to the lunatic in respect of the share and interest in the co-partnership in such manner as the Court or a Judge may order.

Court or Judge may dissolve partnership and committee may convey partnership property

58. Where a lunatic is seized of or entitled to an undivided share of land, and it appears to the Court or a Judge to be for his benefit and to be expedient that a sale of the land or a part thereof, or a partition of the land should be made, and where a lunatic is seized or entitled to land and it appears to the Court or a Judge to be for his benefit and to be expedient that an exchange thereof or of part thereof for other land should be made, the committee of the estate, in the name and on behalf of the lunatic, under an order from the Court or a Judge, may concur with such other person in making such sale or partition, or may make such exchange and receive such moneys payable on the sale and give or receive such moneys for equality of partition exchange or otherwise in relation thereto as the order may direct; and all moneys received by the committee of the estate upon such sale, partition or exchange as aforesaid shall be applied and disposed of in manner directed in Section 72 of this Act respecting the fines, premiums and sums of money therein mentioned; and the land taken in exchange shall be held and assured (as nearly as may be) to the same uses and upon the same trusts and subject to the same powers and provisoes (if any), to, upon and subject to which the Land given in exchange is held; and the committee of the estate may and shall in the name and on behalf of the lunatic execute and do all such conveyances and things for effectuating this present provision as the Court or a Judge shall order.

Committee may make sale, partition, or exchange

59. Where a lunatic is seized or entitled to land in fee simple, and it appears to the Court or a Judge to be for his benefit that the same or any part thereof be made available for building purposes, and that to that end the same should, in lieu of being demised for long terms of years, be absolutely sold, the Court or a Judge may order the same to be sold accordingly to such persons, in such quantities, upon such terms and in such manner as to the Court or Judge may seem expedient; and the moneys arising thereby shall be applied and disposed of in manner directed in Section 72 of this Act respecting the surplus

Committee may sell land for building purposes

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moneys therein mentioned; and the committee of the estate may and shall, in the name and on behalf of the lunatic, execute and do all such conveyances and things for effectuating this present provision as the Court or Judge shall order.

Committee may  
surrender lease  
and accept  
renewal

60. Where a lunatic is entitled to a lease for a life or lives or for a term of years, either absolute or terminable on a death or otherwise, the committee of the estate may in his name and on his behalf under an order of the Court or of a Judge by deed surrender the lease, and in the name and on behalf and for the benefit of the lunatic accept a new lease of the premises comprised in the lease surrendered for such number of lives or for such term of years, either absolute or determinable as aforesaid, as was mentioned or contained in the lease surrendered at the making thereof or otherwise as the Court or a Judge shall order.

Charges of  
renewal to be  
charged on  
estates

61. Every sum of money and consideration paid by a committee or other person in the nature of or as fine, premium or income or renewal, and all reasonable charges incident thereto, may be paid out of the lunatic's estates or may be a charge upon the leasehold premises as the Court or a Judge shall order.

New leases to be  
to the same uses

62. Every lease renewed shall operate and be to the same uses and be liable to the same trusts, charges, incumbrances, dispositions, devises and conditions as the lease surrendered was subject to or would have been subject to if the surrender had not been made.

Committee may  
assign business  
premises

63. Where a lunatic has been engaged in a trade or business, and it appear to the Court or a Judge to be for the benefit of the lunatic or his estate that the business premises should be disposed of, the committee of the estate may in the name and on behalf of the lunatic, under order of the Court or a Judge, make such conveyance of the messuages, buildings or hereditaments of or belonging to the trade or business or used in connection therewith, according to the lunatic's estate or interest in the same, to such person, and shall apply the moneys arising thereby in such manner as the Court or a Judge shall order.

Committee may  
dispose of unde-  
sirable lease

64. Where a lunatic is entitled to a lease for a life or lives or for a term of years, either absolute or determinable on a death or otherwise or to an under-lease of whatsoever nature, and it appears to the Court or a Judge to be desirable and for the benefit of the lunatic or his estate that the lease or under-lease should be disposed of, the committee of the estate may in the name and on behalf of the lunatic, under order of the Court or a Judge, surrender, assign or otherwise dispose of the lease or under-lease to such person for such valuable or nominal or other consideration, upon such terms, by such conveyances and in such manner, and shall apply the moneys (if any) arising thereby in such manner, as the Court or a Judge shall order.

Committee may  
make agreement,  
1 Geo. I., c. 10

65. The committee of the estate of a lunatic may, with the approbation of the Court or a Judge signified by order, on the application of the committee enter into any agreement for or on behalf of the lunatic which the guardian of an infant might have entered into for or on behalf of the infant by virtue of the Act passed in the Session of Parliament holden in the first year of the reign of King George the First, c. 10, if so much of that Act as related to agreements of guardians

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for or on behalf of infants or idiots under their guardianship had not been repealed by the Act passed in the Session of Parliament holden in the first year of the reign of King William IV., c. 65, s. 25.

66. Where a lunatic is seized or entitled to land in fee or in tail, or to leasehold land for an absolute interest, and it appears to the Court or Judge to be for his benefit that a lease or under-lease should be made thereof for terms of years, for encouraging the erection of buildings thereon, or for repairing buildings actually being thereon, or otherwise improving the same, or for farming or other purposes, the committee of the estate may, in the name and on behalf of the lunatic, under order of the Court or a Judge, make such lease of the land or any part thereof, according to the lunatic's estate and interest therein, and the nature and tenure thereof, for such term or terms of years, and subject to such rents and covenants, as the Court or a Judge shall order.

Committee may make building or other leases subject to such covenants Court or a Judge may order

67. Where a lunatic is seized or possessed of, or entitled to land in fee or in tail, and it appear to the Court or a Judge to be for his benefit that any mine or quarry already opened in, upon or under the land should be worked, the committee of the estate may, in the name and on behalf of the lunatic, make such lease of the mines, quarries, minerals, stones and substances, in or upon or under the land, either with or without any land convenient to be held therewith, and with or without the surface, to such person, for such term or terms of years, and subject to such rates, royalties, reservations, covenants and agreements, and in such manner and form as the Court or a Judge shall order.

Committee may make leases of mines already opened

68. Where a lunatic is seized or possessed or entitled to land in fee or tail, and it appears to the Court or a Judge either to be necessary for the maintenance of the lunatic and the members of the immediate family for whom provision is directed to be made, or to be expedient in a due course of management, that any mine or quarry being in, upon or under the land, should be opened and worked, the committee of the estate may, in the name and on behalf of the lunatic, under order of the Court or a Judge, make such lease of the mines, quarries, minerals, stones and substances, in, upon or under the land, although not already opened or worked, and either with or without any land convenient to be held therewith, and with or without the surface, to such person, for such term or terms of years, and subject to such rents, royalties, reservations, covenants, and agreements, and in such manner and form, as the Court or a Judge shall order.

Committee may when necessary for maintenance of lunatic or expedient, make leases of mines unopened

69. Where the Court or a Judge makes any such order, as in and by the last preceding section is authorised to be made, by reason of its appearing to him to be necessary for the maintenance of the lunatic and the members of his immediate family as aforesaid, that the mine or quarry should be opened or worked, then the moneys arising thereby shall be applied in or towards such maintenance as aforesaid, in such manner as the Court or a Judge shall direct; and in such case the surplus thereof, and in every other case all the moneys so arising, shall be carried to a separate account, and may be applied for or towards all or any of the purposes for which moneys are hereinbefore authorised to be raised by sale of the lunatic's estate, or in such other manner for the

Produce of newly opened mines where necessary for lunatic's maintenance to be so applied, otherwise to be carried to a separate account and be considered real estate

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lunatic's benefit as the Court or a Judge shall direct; and upon the lunatic's death the moneys remaining on the credit of such separate account shall, as between the representatives of his real and of his personal estate, be considered as real estate.

Committee may execute leasing powers of lunatics having limited estate

70. Where a lunatic has a limited estate only in land, and any power whatsoever of leasing the same as vested in him, the committee of his estate may and shall, from time to time, in the name and on behalf of the lunatic, under order of the Court or a Judge, execute the power to such extent and in such manner as the order shall direct; and all fines, premiums and sums of money (if any), received for or upon the granting of any lease under this present provision, shall be applied and disposed of in manner directed in Section 72 of this Act, respecting the fines, premiums and sums of money thus mentioned.

Committee may accept surrender and make new lease

71. Where a lunatic is entitled or has a right to renew, or either it would be for his benefit to renew or he might in pursuance of any covenant and agreement if not under disability be compelled to renew, a lease made for a life or lives, or for a term of years, either absolute or determinable on a death or otherwise, the committee of his estate may, in his name, under an order of the Court or a Judge, upon the application of the committee or of any person entitled to the renewal, accept a surrender of the premises comprised in the lease surrendered, for such number of lives or for such term or terms of years determinable upon such number of lives or for such term or terms of years absolute, as was or were mentioned and contained in the lease surrendered at the making thereof, or otherwise as the Court or a Judge shall order; but so that no renewed lease be executed by virtue of this Act, in pursuance of any covenant or agreement, unless the fine (if any), or such other sum of money (if any) as ought to be paid on renewal, and such other things (if any) as ought to be performed in pursuance of the covenant or agreement by the lessee or tenant, be first paid and performed and a counterpart be duly executed by the lessee.

Fines how to be paid

72. All fines, premiums and sums of money received upon renewal shall, after deduction of all necessary incidental charges and expenses, be paid to the committee of the estate, and be applied for the lunatic's benefit as the Court or a Judge shall order, but upon a lunatic's death all such moneys as have arisen by such fines, premiums and sums of money, or so much thereof as then remains unapplied for his benefit, shall as between his real and his personal estate be considered as real estate, unless the lunatic be tenant for life only, and then the same shall be considered as personal estate.

On lunatic's death quality of money arising from fines

Committee may exercise power vested in lunatic for his own benefit or give consent

73. Where a power is vested in a lunatic for his own benefit or the consent of a lunatic is necessary to the exercise of a power, and such power or consent is in the nature of a beneficial interest to the lunatic, and it appears to the Court or a Judge to be for the lunatic's benefit that the power should be executed or the consent given, as the case may be, the committee of the estate may, in the name and on behalf of the lunatic, under the order of the Court or a Judge, made upon the application of the committee of the estate, exercise the power or give the consent, as the case may be, in such manner as the order shall direct.

Committee may

74. Where the power is vested in a lunatic in the character of

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trustee or guardian, or the consent of a lunatic to the exercise of a power is necessary in the like character or as a check upon the undue exercise of the power, and it appears to the Court or a Judge to be fit and expedient that the powers should be exercised or the consent given, as the case may be, the committee of the estate, in the name and on behalf of the lunatic, may exercise the power or give the consent, as the case may be, in such manner as the order shall direct.

exercise power  
vested in lunatic  
in character of  
trustee or  
guardian

75. Where under this Act the committee of the estate, under order of the Court or Judge, exercises, in the name and on behalf of the lunatic, a power of appointing new trustees vested in the lunatic, the person or persons who shall after and in consequence of the exercise of the power be the trustee or trustees shall have all the same rights and powers as he or they would have had if the order had also been made by the Court in its equitable jurisdiction under 'The Trustee Ordinance, 1854,' or if he had been appointed by a decree of that Court in a suit duly instituted, and the Court or a Judge may in any such case where it seems to be for the lunatic's benefit and also expedient, make any and every such order respecting the land or stock or choses in action, subject to the trust as might have been made in the same case under the provisions of 'The Trustee Ordinance, 1854' on the appointment thereunder of a new trustee or trustees.

Trustees appointed by committee to have same powers as if appointed by Court under 'Trustee Ordinance, 1854'

76. Where by the report of the master of the said Court or by affidavit or otherwise it is established to the satisfaction of the Court or a Judge that any person is of unsound mind and incapable of managing his affairs and that his property does not exceed one thousand pounds in value, or that the income thereof does not exceed fifty pounds per annum, such Court or a Judge may, without directing any inquiry under a commission of lunacy, make such order as to such Court or Judge may seem expedient for the purpose of rendering the property of such person or the income thereof available for his maintenance or benefit or for carrying on his trade or business: Provided that the alleged insane person shall have such personal notice of the application for such order as aforesaid as the Court shall by any general order to be made as hereinafter mentioned direct.

Power to Court or Judge where property does not exceed 1,000*l.* in value, or 50*l.* per annum, to apply it for his benefit in a similar manner without inquisition

77. For the purpose of giving effect to any such order as is mentioned in the last preceding section the Court or a Judge may order any land, stock or other property of such person aforesaid to be sold, charged by way of mortgage or otherwise disposed of, and a conveyance, transfer, charge or other disposition thereof to be executed or made by any person on his behalf; and may order the proceeds of any such sale, charge, or other disposition, or the dividends or income of such land, stock or property to be paid to any relative of such insane person or to such other person as it may be considered proper to trust with the application thereof, to be by him applied in the maintenance or for the benefit of the insane person or of him and his family, either at the discretion of such relative or person or in such manner and subject to such control as the Court or a Judge may direct; and for the purposes above mentioned the Court or a Judge shall have all the same powers with respect to the transfer, sale and disposition of and otherwise respecting the real and personal property of such person as aforesaid as if he had been found lunatic by inquisition.

Power to sell land or other property of lunatic

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Power to apply property of persons acquitted on the ground of insanity for their benefit

78. Where any person has on the trial of any indictment or information been acquitted on the ground of insanity, the Court or a Judge on being satisfied by affidavit or otherwise of the continued insanity of such person and of his being still in confinement, may make any such order with respect to the property of such person and the application thereof for his maintenance or benefit or that of his family or for carrying on his trade or business as is mentioned in the two last preceding sections.

Court or Judge may direct Master to report as to lunacy of any person detained in asylum, and may appoint guardian of his estate, and direct application of his income

79. When any person shall have been received or taken charge of as a lunatic upon an order and certificates, or an order and certificate, in pursuance of the provisions of this Act, and shall have been detained as a lunatic for the twelve months then last past, the Court or a Judge may direct that the Master of the Court shall, and thereupon the said Master shall, personally examine such person, and shall take such evidence and call for such information as to such Master shall seem necessary to satisfy him that such person is a lunatic; and shall report thereon to such Court or Judge; and such Court or Judge may thereupon from time to time make orders for the appointment of a guardian, or otherwise for the protection, care and management of the person, or of any person who shall by any such report as last aforesaid be found to be a lunatic; and such guardian shall have the same powers and authorities as the committee of the person of a lunatic found such by inquisition; and such Court or Judge may also make order for the appointment of a receiver, or otherwise for the protection, care and management of the estate of such lunatic; and such receiver shall have the same powers and authorities as a receiver of the estate of a lunatic found such by inquisition; and such Court or a Judge may also make orders for the application of the income of such lunatic, or a sufficient part thereof, for his maintenance and support, and in payment of the costs, charges and expenses attending the protection, care and management of the person and estate of such lunatic, and also to the investment or other application for the purpose of accumulation of the overplus (if any) of such income for the use of such lunatic as to the Court or a Judge shall from time to time in each case seem fit: Provided always that such protection, care and management shall continue only during such time as such lunatic shall continue to be detained as a lunatic, upon an order and certificates or certificate as aforesaid, and for such further time, not exceeding six months, as the Court or a Judge may fix; provided also that the Court or a Judge may in any such case, either before or after directing such inquiry by such Master aforesaid and whether such Master shall have made such a report as aforesaid or not, direct a commission in the nature of a writ *de lunatico inquirendo* to issue to inquire of the lunacy of such person.

Master to have all necessary powers of inquiry and to make inquiries referred to him

80. The Master of the said Court shall have power, in the prosecution of all inquiries and matters which may be referred to him as aforesaid or otherwise under this Act, to summon persons before him and to administer oaths and take evidence either *viva voce* or on affidavit, and to require the production of books, papers, accounts and documents, and the Court or a Judge may by any order, either general or particular, refer to the said Master any inquiries under the provisions of this Act relating to the person and estate of any lunatic as to whom a report shall be made by the Master in like manner as inquiries

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relating to the persons and estates of lunatics found such by inquisition now are.

81. Every surrender, lease, agreement, deed, conveyance, mortgage or other disposition granted, accorded, made or executed by virtue of this Act shall be as valid and legal to all intents and purposes as if the person in whose name and place or on whose behalf the same was granted, accorded, made or executed had been of sound mind and had granted, accorded, made or executed the same.

Deeds, &c., executed under this Ordinance to be as valid as if lunatic had been of sound mind

82. All transfers and payments made in pursuance of this Act shall be valid and binding to all intents and upon all persons whomsoever.

Transfers and payments to be binding

83. The Court or a Judge may order the costs and expenses of and relating to the petitions, applications, orders, directions, conveyances and transfers to be made in pursuance of this Act or any of them to be paid and raised out of or from the real or personal estate, or the rents, dividends, produce or income in respect of which the same respectively shall be made in such manner as to such Court or Judge may seem proper.

Costs may be paid out of estate

84. If on information before any Resident Magistrate or Police Magistrate or two Justices it shall be made to appear that any lunatic confined in any asylum has an estate, real or personal, applicable to his maintenance and more than sufficient to maintain his family (if any), such Resident Magistrate or Police Magistrate or Justices may make an order, under his or their hand and seal or hands and seals, directing the seizure of so much money or the seizure and sale of so much of the goods and chattels, or directing any person to be therein named to receive and take so much of the rents and profits of the lands and tenements of such lunatic or other income of such lunatic as may be necessary to pay for the lodging, maintenance, clothing, medicine and care of such lunatic, and the receipt of the person named in such order to receive any moneys to be realised under such order, shall be sufficient discharge to any person paying over any moneys of the lunatic in his possession: Provided that no such order shall be made in any case where a common receiver or guardian has been appointed for the estate of such lunatic by the Supreme Court.

Justices may make an order for maintenance of lunatic out of his estate in certain cases

85. Nothing in this Act contained shall extend to subject any part of a lunatic's property to the debts or demands of his creditors, further or otherwise than as the same is now subject thereto by due course of law.

Ordinance not to subject lunatic's property to debts to which it is not otherwise liable

86. The said Court may from time to time make such orders for regulating the forms and mode of proceeding before the Court or a Judge, and before the said Master, and of any other proceedings pursuant to the provisions of this Act, for the due protection, care and management of the person and estates of lunatics, and for regulating the procedure to be adopted and duties to be performed by the said Master for obtaining such reports as aforesaid, and for vesting in such Master or other officers such powers as to the said Court may appear expedient for the purposes aforesaid; and also for forcing, altering and discontinuing the fees to be received and taken in respect of such proceedings, and generally for carrying into effect the aforesaid provisions, as to the said Court shall seem meet; and such orders as aforesaid, or

Supreme Court may make orders for regulating practice, &c.

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any of them, may be from time to time rescinded and varied by the like authority; and all such orders shall be laid before the Governor in Executive Council, within fourteen days from the making thereof; and if the Governor in Executive Council shall, within thirty-six days next after any such orders as aforesaid shall be laid before him, resolve by minute under his hand that the whole or any part thereof ought not to continue in force, in that case the whole order, or part of the order specified in the resolutions, as the case may be, shall from and after the minuting of such resolution cease to be binding.

Committee may be appointed for management of affairs of lunatic in a foreign country

87. Whenever it shall appear to the Supreme Court, or a Judge thereof, that a person residing in any place other than the said Colony has been declared lunatic and incapable of managing his affairs, by any Court of competent jurisdiction in the place wherein such person shall reside, the said Supreme Court, or a Judge thereof, may appoint a committee for the management of such person's affairs, which committee shall have all such powers for the management of the lunatic's property and affairs as though such lunatic had been found lunatic by the said Supreme Court, and the committee had been appointed by such Court.

## PART V

## OFFENCES AND PENALTIES

The following offences to be misdemeanours

88. Any Resident or Superintending Medical Officer or other officer or servant of any asylum who shall knowingly or wilfully neglect to make due entry in the 'Book of Admissions,' 'The Book of Admissions of Dangerous and Criminal Lunatics,' 'The Medical Journal,' or 'The Case Book,' of all or any of the particulars by this Act required to be made by them or any of them respectively;

Or shall fraudulently conceal, or attempt to conceal, any part of any such asylum, or any person detained therein as a lunatic, from the Visitors or any other person hereby authorised to visit or inspect such asylum, and the patients confined therein;

Or shall not give full and true answers, to the best of his or their knowledge, to all questions which the Visitors or other person as aforesaid shall ask, in reference to all or any of the matters which by this Act they are authorised to inquire into;

Or shall receive any patient, whether pauper, dangerous or otherwise, into any asylum, without the order or orders and certificate or certificates required by the foregoing provisions;

Or who, having received any patient under special circumstances as mentioned in Clause 14 upon the certificate of one medical practitioner alone (two being required), shall permit such patient to remain in such asylum beyond the period of three clear days without such further certificates as are mentioned in the said clause;

Or shall through wilful neglect, or connivance, permit any person confined in any such asylum to escape therefrom, or shall secrete such person, or abet or connive at any such escape;

Or shall strike, wound, illtreat or wilfully neglect any patient confined in any such asylum;

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Shall be guilty of a misdemeanour, and shall be subject to indictment for every such offence, and to forfeit any sum not exceeding twenty pounds.

89. Any Resident or Superintending Medical Officer, or officer whose duty it shall be, who shall knowingly or wilfully neglect to draw up, sign or transmit to the Colonial Secretary, a statement of the cause of death of any pauper patient, as hereinbefore required, shall forfeit any sum not exceeding ten pounds.

Neglect to transmit statement of death of pauper lunatic penalty not less than 2l. nor exceeding 10l.

90. Any person (not being a guardian, or relative deriving no profit from the charge, or a committee or guardian appointed by the Supreme Court) who shall receive to board or lodge in any house not being an asylum duly proclaimed under this Act, or shall take the care or charge of any lunatic under restraint without first having the like order and medical certificates as are required on the admission of a lunatic (not being a pauper) into any such asylum, or shall receive or keep in any house, not being such asylum, more than one such lunatic under restraint, shall be guilty of a misdemeanour.

Any person keeping lunatic in confinement in any place not a lunatic asylum without order and certificate or keeping in confinement more than one such lunatic guilty of misdemeanour

91. Any medical practitioner who shall sign any certificate contrary to any of the provisions herein contained, shall for every such offence forfeit any sum not exceeding twenty pounds; and any medical practitioner who shall falsely state or certify anything in any certificate under this Act, and any person who shall sign any certificate under this Act, in which he shall be described as a medical practitioner, not being a medical practitioner within the meaning of this Act, shall be guilty of a misdemeanour.

Signing certificate contrary to provisions of this Act penalty not exceeding 20l. Medical practitioner giving false certificate or person describing himself as medical practitioner not being such guilty of misdemeanour  
Penalty for obstructing officers

92. Any person who wilfully obstructs the visitors or the Resident or Superintending Medical Officer, or any other officer or person, in the execution of any duties imposed on them or any of them by this Act, shall (without prejudice to any proceedings, and in addition to any punishment to which such person so obstructing would otherwise be liable) forfeit for every such offence any sum not exceeding twenty pounds.

93. If any person shall, by the production of any false certificate or otherwise, knowingly or wilfully procure any person not being insane to be confined in any asylum, upon insufficient or unreasonable grounds, such person shall be guilty of a misdemeanour.

Procuring confinement of sane person on false certificate misdemeanour

## PART VI

## LEGAL PROCEDURE AND EVIDENCE

94. All fines, forfeitures and penalties imposed by this Act may be recovered in a summary way before any two or more Justices of the Peace.

Summary procedure

95. The Resident or Superintending Medical Officer may prosecute or proceed against any persons for procuring any persons to be wrongfully or improperly confined in any asylum or for any offence against this Act, or may commence any action, lay any information, or institute any proceedings for enforcing payment of amounts due or payable for the maintenance of any persons confined in any such

Resident or Superintending Medical Officer may prosecute

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asylum from the person liable to pay the same; and no such prosecution, action or other proceeding shall abate or be discontinued by reason of the death or removal of such Resident or Superintending Medical Officer; but his successor may continue the same in the name of the Resident or Superintending Medical Officer for the time being.

'Gazette' to be conclusive evidence of proclamation of asylums

96. Production of the 'Government Gazette' containing any proclamation of any place as an asylum under this Act, or noting the appointment of any person as a Visitor, Resident, or Superintending Medical Officer or other officer, shall be conclusive evidence of the matters therein contained in any action, suit or proceeding in any Court or Courts in the said Colony.

Appeal to Supreme Court

97. There shall be an appeal from any conviction by any Resident Magistrate, Police Magistrate or Justices, for any offence against this Act, or from any order dismissing any information or complaint, or from any order for payment of money, whether for the maintenance of any lunatic out of his own estate or otherwise, or for costs or otherwise; which appeal shall be to the Supreme Court, as well with reference to the law as to the facts of the case; but the Supreme Court may make such order as to the payment of the costs of the appeal as it shall think fit.

Sections C, F, G, and H of Shortening Ordinance incorporated

98. Sections C, F, G and H of 'The Shortening Ordinance, 1853' shall be incorporated with this Act in as full and ample a manner as if the said sections had been introduced and fully set forth in this Act.

## PART VII

## PROTECTION TO OFFICERS AND GENERAL MATTERS

Poor persons to be first accommodated in asylum and other insane persons according to the accommodation

99. Every asylum shall in the first place be appropriated to the reception of pauper lunatics and poor insane people whose estate and friends are unable to bear the expense of their maintenance, and of dangerous and criminal lunatics, and of lunatics wandering at large and not being properly taken care of or being cruelly treated or ordered therein under this Act; and in the next place, so far as the means of accommodation therein will extend, to the reception of other insane persons, in respect of whom some relative, guardian, friend or committee may agree with the Resident or Superintending Medical Officer for his maintenance while detained therein as hereinafter mentioned, the amount of which maintenance shall and may be recovered by such Resident or Superintending Medical Officer suing in his own name from the person so agreeing with him.

Resident or Superintending Medical Officer may recover in respect of the maintenance of such persons

Resident or Superintending Medical Officer may agree with relative or friend for maintenance of lunatic

100. The Resident or Superintending Medical Officer of any asylum in all cases where any lunatic shall be possessed of sufficient means to defray the expense of his maintenance in such asylum, may agree with any relative, guardian or friend of any such lunatic for his maintenance whilst detained therein; and such relative, guardian or friend shall be and is hereby empowered to reimburse himself all necessary sums expended in such maintenance out of any funds or property belonging to such lunatic, which funds and property are hereby made chargeable therewith.

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101. All the provisions, powers and authorities made and given by the Ordinance No. 2 of the 9th Victoria, intituled 'An Ordinance to provide for the maintenance and relief of deserted wives and children and other destitute persons, and to make the property of husbands and other near relatives to whose assistance they have a natural claim in certain circumstances available for support,' shall be deemed and construed to extend to the care of poor persons confined in any asylum, whether such poor persons are confined as dangerous lunatics or otherwise: Provided that where by the said Ordinance it is directed that complaints may be made by any respectable householder, such complaint may be made by the Resident or Superintending Medical Officer of the asylum wherein such person may be confined.

Relatives of poor persons liable for their maintenance

102. If any person shall apply to the Resident or Superintending Medical Officer in order to be informed whether any particular person is confined in any asylum, such Resident or Superintending Medical Officer is hereby required to inform the person so applying whether the person so inquired after is or has been confined in such asylum; and (if required, and on payment of three pence for every folio containing seventy-two words, copying fee) to furnish a copy of the order and medical certificates upon which such person was received into such asylum.

In case of inquiry whether any particular patient is in confinement, the Resident or Superintending Medical Officer shall furnish the information

103. The Governor, the Supreme Court, or any Judge thereof (if he or they shall think fit) may at any time by any order directed to any Visitor, or other officer or person, require the said Visitor, officer, or person to visit and examine any asylum or any person confined as a lunatic, or who shall be under restraint in the care of any keeper, guardian, or relative, or of any other person, and to make a report to the said Governor, or the Supreme Court or any Judge thereof, of such matters as they shall be directed to inquire into. Provided that the Governor shall have no authority under this Act to order a visitation or examination of any patient under the care of a committee appointed by the Supreme Court.

Governor or the Supreme Court or any Judge thereof may order visitation of patients

104. If any Judge of the Supreme Court shall receive any information upon oath or otherwise or shall have any reason or cause to suspect that any person of sound mind is confined in any asylum, such Judge shall have full power and authority to cause the Resident or Superintending Medical Officer of such asylum, by any warrant or order to be issued by him directed to such Resident or Superintending Medical Officer, to bring such confined person before him for examination at a time to be specified in such warrant or order; and if upon examination of such confined person or of any medical or other witness who may be called to testify before such Judge as to the supposed sanity or insanity of such confined person, it shall be made to appear to the satisfaction of such Judge that such confined person is of sound mind, it shall be thereupon lawful for such Judge, upon the oath or affirmation of such witness (which oath or affirmation such Judge is hereby authorised and empowered to administer), and he is hereby required to direct such person confined to be immediately discharged from the custody of the Resident or Superintending Medical Officer of such asylum, unless he shall be detained therein for some other cause by due process of law.

Judge may order persons confined as lunatics to be brought before him for examination

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Governor may make rules for government and management of asylums

105. The Governor, with the advice of the Executive Council, may from time to time make rules for the government and management of any asylum to be proclaimed under this Act; and for the regulating the duties and conduct of the officers thereof, and the care and treatment of the different classes of patients confined therein, and the forms of the various books and returns required by this Act, or deemed necessary to be kept or made, but so as not to alter any form hereby prescribed; and such rules, when published in the 'Government Gazette,' shall be binding on the Visitors and all officers, assistants and servants of such asylum, and all other persons whomsoever.

Provision for absence of Resident or Superintending Medical Officer

106. Where by this Act any duty is prescribed to be performed by the Resident or Superintending Medical Officer, such duty shall (in the case of his unavoidable absence from illness or any other sufficient cause) be performed by the officer of such asylum next in authority, or any medical person the Governor for that purpose may appoint; and the Governor may, in any rules to be made under the last preceding section, relieve such Resident or Superintending Medical Officer from any of the duties herein prescribed to be performed by him; but so that such rules provide for the efficient performance of such duties by some other officer of such asylum, or some other person; and where any penalty is by this Act inflicted on such Resident or Superintending Medical Officer for any omission, neglect or otherwise, he shall not be liable to such penalty in case of absence as aforesaid, or in case he is relieved of such duties by any rules to be made as aforesaid; but in such case the officer next in authority or other medical person, or the officer prescribed by such rules respectively, shall be liable in the same manner as if he had been specially mentioned in the clauses inflicting the penalties.

Order and certificate to justify detention, although describing person as a pauper he not being such and *vice versa*

107. The order and certificate required for the detention of any person as a pauper shall extend to authorise his detention, although it may afterwards appear that he is not a pauper; and the order and certificate required for the detention of a person not being a pauper shall authorise his detention, although it may afterwards appear that he was or is a pauper.

Resident or Superintending Medical Officer may plead order and certificate in bar of all proceedings

108. Every Resident or Superintending Medical Officer by this Act, and every officer authorised to receive or take charge of any lunatic upon an order or orders, or certificate or certificates, shall have power and authority to take charge of, receive and detain such person until he shall die or be removed or discharged by due authority; and, in case of the escape at any time of such patient, to retake him at any time within fourteen days after such escape, and again to detain him as aforesaid; and in every writing, indictment, information, action or other proceeding which shall be preferred or brought forward against any such Resident or Superintending Medical Officer or other officer as aforesaid for taking, confining, detaining or retaking any person as a lunatic, such Resident or Superintending Medical Officer or other officer may plead such order and certificate or certificates in defence; and such order and certificate or certificates shall, as respects such Resident or Superintending Medical Officer or other officer, be a justification for taking, confining, detaining, or retaking such lunatic or alleged lunatic.

FREDK. A. WELD,  
GOVERNOR AND COMMANDER-IN-CHIEF.

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SCHEDULES REFERRED TO

A No. 1

ORDER FOR THE RECEPTION OF A PAUPER PATIENT

I, C. D. (in the case of a single Justice of the Peace, or in the case of two Justices, We, C. D. and E. F. the undersigned, a Resident Magistrate or Police Magistrate for the district or town of \_\_\_\_\_), a Justice (or Justices) of the Peace for the Colony of Western Australia, having called to my (or our) assistance a medical practitioner, and having personally examined A. B., a pauper (omit the words 'a pauper' when the lunatic is not a pauper) and being satisfied that the said A. B. is a lunatic (or if an idiot or a person of unsound mind, add [where the person is sent as being wandering at large] the words 'wandering at large,' and [in the case of a lunatic sent by virtue of the authority given by two Justices] add 'not under proper care and control,'—and is cruelly treated (or neglected) by the person having the care or charge of him, 'as may appear to the Justices to be the case), 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 the Asylum under your charge.

Subjoined is a statement respecting the said A. B.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18 .  
(Signed) \_\_\_\_\_ C. D.

To \_\_\_\_\_, Resident or Superintending Medical Officer of the Asylum at \_\_\_\_\_

STATEMENT

(If any Particulars in this Statement be not known the fact to be stated.)

- Name of patient, with Christian name at length
- Sex and age
- Married, single, or widowed
- Condition of life and previous occupation (if any)
- The religious persuasion, so 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
- Name and Christian name and place of abode
- The 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 correctly stated.

(Signed)

(To be signed by two Justices when required by the foregoing Act.)

A No. 2

COMMITTAL OF DANGEROUS LUNATICS

We, C. D. and E. F., the undersigned Justices of the Peace for Western Australia, having called to our assistance G. H., a medical practitioner, and having seen and examined A. B.; and the said G. H. having deposed upon oath that in his opinion the said A. B. is a dangerous lunatic (or idiot), and being satisfied that the said A. B. is a dangerous lunatic (or idiot), hereby commit the

*Lunatics*

said A. B. to the asylum at \_\_\_\_\_ under your charge ; there to be kept in strict custody, as a dangerous lunatic, until he may be discharged therefrom by the order of any two of the Visitors of such asylum, or any other person duly authorised in that behalf.

Subjoined is a statement respecting the said A. B.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18 .  
 (Signed) \_\_\_\_\_ C. D.  
 E. F.

To \_\_\_\_\_, Resident or Superintending Medical Officer of the Asylum at \_\_\_\_\_

STATEMENT

*(If any of the Particulars in this Statement be not known the fact to be so stated.)*

- Christian and surname at length
- Sex and age
- Married, single, or widowed
- Condition of life and previous occupation (if any)
- Religious persuasion, so far as known
- Previous place of abode
- Whether first attack
- When and where previously under care and treatment
- Duration of existing attack
- Supposed cause
- Whether subject to epilepsy
- Whether suicidal
- Christian and surname, and place of abode of nearest known relative and degree of relationship (if any)

We certify that, to the best of our knowledge, the above particulars are correctly stated.

(Signed) \_\_\_\_\_ C. D.  
 E. F.

A No. 3

Statement respecting Criminal Lunatics, to be filed and transmitted to the Resident or Superintending Medical Officer with every Criminal Lunatic.

- Name
- Age
- Date of admission
- Former occupation
- From whence brought
- Married, single, or widowed
- How many children
- Age of youngest
- Whether first attack
- How many previous attacks occurred
- Duration of existing attack
- State of bodily health
- Whether suicidal or dangerous to others
- Supposed cause
- Chief delusion or indication of insanity
- Whether subject to epilepsy
- Whether of temperate habits
- Degree of education
- Religious persuasion
- Crime or offence
- When and where tried
- Verdict of jury
- Sentence

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## B

## ORDER FOR THE RECEPTION OF A PRIVATE PATIENT

I, the undersigned, hereby request you to receive A. B., a Lunatic (or an idiot or a person of unsound mind), as a patient into the Asylum under your charge.

Subjoined is a statement respecting the said A. B.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

(Signed)

Name, occupation (if any), place of abode, degree of relationship (if any), or other circumstances of connection with the patient.

To \_\_\_\_\_, Resident or Superintending Medical Officer of the Asylum at \_\_\_\_\_

## STATEMENT

(If any of the Particulars in this Statement be not known, the fact to be so stated.)

Name of patient with Christian name at length  
 Sex and age  
 Married, single, or widowed  
 Condition of life and previous occupation (if any)  
 The religious persuasion so 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 found lunatic by inquisition and date of commission or order of inquisition  
 Special circumstances (if any) preventing the patient being examined before admission separately by two medical practitioners  
 (Signed)

[Where the person signing the Statement is not the person who signs the order, the following Particulars concerning the person signing the Statement are to be added, viz.:—Occupation (if any), place of abode, degree of relationship (if any), and other circumstances of connection with patient.]

## C

## FORM OF MEDICAL CERTIFICATE

I, the undersigned, A. B., of \_\_\_\_\_ in the Colony of Western Australia, a medical practitioner of the said Colony, and now in actual practice, hereby certify that I on the \_\_\_\_\_ day of \_\_\_\_\_ (here insert the street and the number of the house (if any) or other like particulars) in the said Colony (in any case where more than one medical certificate is required by this Act here insert—separately from any other medical practitioner) personally examined A. B. of \_\_\_\_\_ (here insert residence and profession or occupation (if any)), 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, and that I have formed this opinion on the following grounds, viz.:—1. Facts indicating insanity observed by myself (here state the facts). 2. Other facts (if any) indicating insanity communicated to me by others (here state the information and from where obtained).

Dated this \_\_\_\_\_ day of \_\_\_\_\_

(Signed)

	Date of last previous Admission (if any)	
	No. in order of Admission	
	Date of Admission	
	Christian and Surname at length	
	M.	Private
	F.	
	M.	Pauper
	F.	
	Married	
	Single	
	Widowed	
	Condition as to Marriage	
	Previous Place of Abode	
	By whose Authority sent	
	Dates of Medical Certificate and by whom signed	
	Bodily Condition	
	Name of Disease (if any)	
	Form of Mental Disorder <sup>1</sup>	
	Supposed Cause of Insanity	
	Epileptic	
	Congenital Idiots	
	Years	Duration of Existing Attack
	Months	
	Weeks	
	Number of Previous Attacks	
	Age on First Attack	
	Date of Examination by Resident or Superintending Medical Officer or Officer next in Authority	
	If any inquiry held by Board of Inquiry, Date thereof and Result	
	Date of Discharge or Death	
	Recovered	Discharged
	Relieved	
	Not Improved	
	Died	
	Observations	

BOOK OF ADMISSION

D No. 1

Lunatics

D No. 2  
FORM OF MEDICAL JOURNAL

Date	NUMBER OF PATIENTS						Patients who are or since last entry have been under restraint and in seclusion, when, and for what period, and reasons, and in case of restraint by what means		Patients under Medical Treatment, and for what (if any) Bodily Disorder		Deaths, Injuries, and Violence to Patients since last entry
	Private		Pauper		Criminal and Dangerous						

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84 VICTORIAE. No. 9

*Lunatics*

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E

FORM OF SUMMONS OF BOARD OF INQUIRY

I, the undersigned, chairman of the Board of Inquiry appointed under the 'Lunacy Act, 1871,' do hereby summon and require you personally to appear before the said Board at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon; then and there to be examined and testify the truth touching certain matters under inquiry by the said Board, by virtue of the said Act; and if you fail to attend at the time and place aforesaid you will be liable to a penalty of not less than ten nor more than fifty pounds.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_ .  
\_\_\_\_\_  
Chairman.

F

We, \_\_\_\_\_, being Visiting Justices of \_\_\_\_\_, hereby certify, under our hands, that we believe \_\_\_\_\_ a prisoner in the prison of \_\_\_\_\_, under sentence of death, to be now insane.  
\_\_\_\_\_