

LUNACY.

No. 15 of 1903.

As amended by No. 28 of 1915* and No. 42 of 1920.†

AN ACT to amend the Law relating to the Insane.

[Assented to 31st December, 1903.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Lunacy Act*, 1903-1920, and shall come into operation on the first day of January, One thousand nine hundred and four.

Short title and commencement.
No. 42 of 1920, s. 23.

2. This Act is divided into Parts as follows:—

Division.

PART I.—PRELIMINARY, ss. 1-4.

PART II.—PROCEEDINGS BY WHICH PERSONS OF UNSOUND MIND MAY BE PLACED UNDER RESTRAINT, ss. 5-20.

PART III.—PROCEEDINGS BY WHICH PERSONS OF UNSOUND MIND MAY BE REMOVED TO AND FROM ANOTHER STATE, ss. 21-25.

PART IV.—HABITUAL DRUNKARDS, ss. 26-32.

PART V.—HOSPITALS FOR THE INSANE, ss. 33-39.

PART VI.—LICENSED HOUSES, ss. 40-61.

1. *For the Reception of the Insane*, ss. 40-58.

2. *For the Reception of a single Patient*, ss. 59-61.

PART VII.—RECEPTION-HOUSES, ETC., FOR THE TEMPORARY TREATMENT OF THE INSANE, ss. 62-68.

PART VIII.—HOSPITALS FOR THE CRIMINAL INSANE, ss. 69-84.

Lunacy Act, 1903-1920.

PART IX.—INSPECTIONS, TRANSFERS, AND DISCHARGE OF PATIENTS, ss. 85-108.

1. *Inspection of Patients*, ss. 85-95.
2. *Transfer of Patients*, ss. 96-100.
3. *Discharge of Patients*, ss. 101-108.

PART X.—PROCEEDINGS FOR DECLARING PERSONS INSANE OR INCAPABLE AND FOR THE APPOINTMENT OF COMMITTEES OF THEIR ESTATES, ETC., ss. 109-122.

PART XI.—ADMINISTRATION AND MANAGEMENT OF THE ESTATES OF INSANE PERSONS AND PATIENTS, ss. 123-165.

1. *General Powers and Duties of Master*, ss. 123-130.
2. *Powers and Duties of Master in respect to Estates of Insane Patients*, ss. 131-146.
3. *Management of the Estates of Insane Persons*, ss. 147-165.

PART XII.—COURT VISITOR, s. 166.

PART XIII.—MISCELLANEOUS PROVISIONS, ss. 167-190.

3. The Lunacy Act of 1871 is hereby repealed.

Repeal.

All persons appointed by virtue of the provisions thereof and holding office at the passing of this Act shall be deemed to have been appointed under this Act.

All rules of Court and regulations made under the authority thereof, and being in force at the passing of this Act, shall be deemed to have been made under the authority of this Act.

Interpretation terms.

4. In this Act and in the Schedules thereto, the following terms shall, if not inconsistent with the subject-matter or context, have the respective meanings hereby assigned to them (that is to say)—

Inserted by No. 42 of 1920, s. 2.

“Board of Visitors” or “Board” means a board of visitors constituted under this Act.

“Court.”—The Supreme Court of Western Australia.

“Incapable person.”—Any person who is proved to the satisfaction of the Court, under this Act, to be incapable through mental infirmity, arising from disease or age, of managing his affairs.

“Insane patient” and “patient.”—Any person detained at the commencement of this Act in any establishment in Western Australia for the reception of the insane, and any person hereafter received into and detained in any hospital, reception house, licensed house, or other place respectively appointed or licensed under the provisions of this Act for the reception of the insane; and any such person, while absent from a hospital, or licensed house in a specified place for the benefit of his health, or upon trial, under the provisions of section ninety-eight, or boarded out under the provisions of section ninety-nine, and also any person subject to the provisions of section twenty-three to the extent therein mentioned.

“Insane Person.”—Any person who has been found or declared, whether by inquisition or under this Act, or under any Act hereby repealed, to be insane or of unsound mind and incapable of managing himself or his affairs.

“Inspector General.”—The Inspector General of the Insane, and shall include the Deputy Inspector General.

“Institution” means any hospital for the insane, hospital for the criminal insane, licensed house, reception house, or other place where insane patients are detained.

Inserted by No. 42 of 1920, s. 2.

“Judge.”—Any Judge of the Supreme Court.

“Justice.”—Justice of the Peace.

“Master.”—The Master of the Supreme Court, and shall include the Deputy Master.

“Medical officer” includes the medical practitioner resident in or visiting any licensed house pursuant to the requisitions of this Act.

Inserted by No. 42 of 1920, s. 2.

“Medical practitioner.”—A legally qualified medical practitioner within the meaning of any law relating to the registration of medical practitioners.

“Minister.”—The responsible Minister of the Crown charged for the time being with the administration of this Act.

“Police officer.”—Any constable or officer of police.

“Prison”—Includes police gaol.

“Public hospital.”—Such portion of any hospital or infirmary for the care and treatment of the sick, or of any benevolent asylum, and is set apart and declared to be for the temporary reception of the insane.

“Ship.”—Any vessel used in navigation not propelled by oars.

“Stock” shall comprehend any share or other interest in any company, society, or association established or to be established, and any fund, annuity, or security transferable in books, kept by any company, society, or association established or to be established, or transferable by deed alone, or by deed accompanied by other formalities, and any money payable for the discharge or redemption thereof and any share or interest therein respectively.

“Superintendent” shall include the deputy superintendent of any hospital for the insane, licensed house, or reception house.

† PART II.—PROCEEDINGS BY WHICH PERSONS OF UNSOUND MIND MAY BE PLACED UNDER RESTRAINT.

5. (1.) Upon complaint on oath before a Justice that a person is insane and—

- (a) is without sufficient means of support; or
- (b) is wandering at large; or

Arrest of insane persons.

Original section repealed and new section substituted by No. 28 of 1915, s. 2*.

* An asterisk placed beside the reference to an amendment means that such amendment takes effect as from the commencement of the principal Act (*see* No. 28 of 1915, s. 9).

† By Section 5 of the Lunacy Act Amendment Act, 1914 (No. 28 of 1915), it is enacted as follows:—

All orders heretofore made or signed by any justice or justices authorising or purporting to authorise the reception, detention, or treatment of any person in any hospital for the insane or licensed house, on the ground of his insanity, shall be deemed to be and to have been as from the making thereof valid and effectual in law notwithstanding that there is not mentioned therein any ground for such reception, detention, or treatment, other than the insanity of such person, or that there is or was any formal error, defect, or omission therein, or in any medical certificate or other document mentioned therein or connected therewith, or in the proceedings in which the order was made.

(c) has been discovered under circumstances that denote a purpose of committing some offence against the law; or

(d) is not under proper care and control,

such Justice may by warrant require a police officer to arrest such person and bring him before two justices.

(2.) If any police officer shall discover any person whom he shall, on reasonable grounds, believe to be insane—

(a) wandering at large; or

(b) without apparent sufficient means of support; or

(c) under circumstances that denote a purpose of committing some offence against the law; or

(d) appearing to be not under proper care and control, he may arrest such person without warrant and take him before two Justices.

6. Any police officer who has knowledge that any person deemed or whom he on reasonable grounds believes to be insane—

Person deemed to be insane not taken care of or cruelly treated.

(a) is not under proper care and control; or

(b) is cruelly treated or cruelly neglected by any relative or other person having or assuming the care or charge of him,

Amended by No. 28 of 1915, s. 3.*

shall forthwith make complaint thereof upon oath to a Justice.

The Justice upon such complaint or upon the complaint upon oath of any person whomsoever to the like effect shall either himself visit and examine such person and make inquiry into the case, or by an order under his hand direct and authorise a medical practitioner to visit and examine such person and make inquiry and report in writing to such Justice his opinion thereon.

If upon such personal visit, examination, and inquiry by the Justice, or upon the report of the medical practitioner, it appears to the Justice that such person is insane and not under proper care and control, or is cruelly treated or cruelly neglected by any relative or other person having or assuming the care or charge of him, the Justice may by order under his hand require any police officer to bring such person before two or more Justices.

* An asterisk placed beside the reference to an amendment means that such amendment takes effect as from the commencement of the principal Act (see No. 28 of 1915, s. 9).

Course to be pursued when the person deemed to be insane without means of support is brought before the Justices.

First Schedule.

7. (1.) The Justices before whom any such person is brought shall call to their assistance any two medical practitioners who have previously examined such person apart from each other and separately signed certificates in the form of Schedule One.

If upon examination of such person any such medical practitioners and upon other proof (if any) such Justices are satisfied that the person is insane and—

- (a) is without sufficient means of support; or
- (b) was wandering at large; or
- (c) was discovered under circumstances that denote a purpose of committing some offence against the law; or
- (d) is not under proper care and control; or
- (e) is cruelly treated or neglected by any person having or assuming the charge of him;

and is a proper person to be taken charge of and detained under care and treatment, the said Justices may by an order under their hands in the form of Schedule Two, with the particulars contained in Schedule Four, direct such person to be removed into a hospital for the insane or licensed house to be named in such order, and such person shall be forthwith conveyed to, and upon production of such order, statement, and medical certificates shall be received into and detained in the hospital or licensed house accordingly.

Second Schedule.

Fourth Schedule.

The Justices may examine the person deemed to be insane and any witness in the matter at any convenient place, and proceed in all respects as if such person were brought before them at a court of petty sessions.

New paragraph inserted by No. 28 of 1915, s. 4.*

It shall not be necessary that the medical practitioners shall attend personally before the Justices unless they are specially ordered by the Justices so to do, or unless so required by or on behalf of the alleged insane person, and the Justices shall be deemed to have called such medical practitioners to their assistance, within the meaning of this section, if they have the certificates of such practitioners before them.

In cases of emergency Justices may act on one medical certificate.

(2.) Where it appears to the Justices that they cannot call to their assistance two medical practitioners without causing delay prejudicial to such person, they may by order under their hands, but upon the certificate and examination

* An asterisk placed beside the reference to an amendment means that such amendment takes effect as from the commencement of the principal Act (see No. 28 of 1915, s. 9).

of one medical practitioner alone, direct such person to be removed to the hospital for the insane or licensed house mentioned in the order.

But in every such case a certificate, in the form of Schedule Six, shall be made by such Justices, and appended to such order directing the reception of such person into a reception house, public hospital, or prison, for immediate treatment, pending his removal to the hospital for the insane or licensed house.

Sixth Schedule.

Such person shall be forthwith conveyed to the reception house, public hospital, or prison, and treated therein accordingly, and before such person shall be received into the hospital for the insane or licensed house, one other medical certificate shall be lodged with or obtained by the superintendent or officer in charge of the reception house, public hospital, or prison, and be by him transmitted, together with the order and statement of the Justices and the original medical certificate, to the superintendent or officer in charge of the hospital for the insane or licensed house, with the patient.

(3.) The Justices may suspend the execution of any such order for any period not exceeding fourteen days, and in the meantime give directions or make arrangements for the proper care and control of such person as they consider necessary.

Suspension of order.

(4.) If the medical practitioners, or one of them, by whom such person is examined, certifies in writing that he is not in a fit state to be removed, the removal of such person shall be suspended until the same or some other medical practitioner certify in writing that such person is fit to be removed.

(5.) Any relative or friend may retain or take such person under his own care, if he satisfies the Justices before whom such person is brought that such person will be properly taken care of, anything in this Act to the contrary notwithstanding.

Relatives' right to custody.

(6.) Whenever any examination is had at any other place than a public police office, the Justices shall, within ten days, report to the Minister the name, residence, and other particulars pertaining to such person.

Report to be made by Justices in certain cases.

8. The Justices before whom any person is brought to be dealt with under the preceding section may, in lieu of a remand to the places provided by the Justices Act, 1902, but in

Option to Justices in respect of remands.

the same manner as provided thereby, remand such person to any reception house or public hospital, unless it appears that such person has been previously detained in any prison on conviction for any offence.

Power to Justices to order payment of fees to medical practitioners and expenses of conveyance to hospital.

9. The Justices causing any person to be examined by any medical practitioners may grant a certificate for the payment of remuneration to such medical practitioners, and of all other expenses in or about the examination of such person, and the bringing him before Justices and of conveying him to a hospital for the insane, licensed house, reception house, or other place, or for his proper care and control, as in the seventh section mentioned, as to such Justices may seem proper, and such expenses, where they cannot be obtained from the estate of the person examined, shall be defrayed out of any moneys appropriated by Parliament for the purposes:

Provided that the remuneration and expenses so awarded or sanctioned shall in every case be subject to the approval of the Minister.

Any person to be received into hospital upon a request in writing together with statement and two medical certificates.

Third Schedule.
Fourth Schedule.
First Schedule.

10. Any person may be received and detained as a patient in a hospital for the insane, or a licensed house, on the authority of a request under the hand of some person, in the form of Schedule Three, authenticated by a Justice, together with—

- (1) the particulars contained in Schedule Four;
- (2) two medical certificates, each of which shall be in the form and containing the particulars required in Schedule One, and be signed by a medical practitioner, who has, separately from the medical practitioner who has signed or shall thereafter sign the other of such certificates, personally examined the person to whom such certificate relates, not more than ten clear days previously to the reception of such person into the hospital or licensed house.

Such request may be signed before or after the date of such medical certificates, or either of them.

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

11. Every medical practitioner who signs any certificate under or for the purpose of this Act shall specify therein the facts upon which he has formed his opinion that the person to whom such certificate relates is insane, and shall distinguish in such certificate facts observed by himself from facts communicated to him by others.

No person shall be received into any hospital for the insane, licensed house, reception house, public hospital, or prison, under any certificate which purports to be founded only upon facts communicated by others.

12. A medical practitioner shall not sign a certificate for the reception of a patient into a hospital for the insane, reception house, or licensed house in any of the following circumstances:—

Medical practitioner shall not sign certificates in certain circumstances.

- (a) Where he has signed the order or request for the reception of that patient into that hospital, reception house, or licensed house.
- (b) Where his wife, father or father-in-law, mother or mother-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-in-law, sister or sister-in-law, partner, or assistant has signed the order, request, certificate, or one of the certificates for the reception of that patient into that hospital, reception house, or licensed house.
- (c) Where the said medical practitioner, or his father, brother, son, partner, or assistant is the superintendent or medical officer of that hospital for the insane, reception house, or licensed house, or a regular professional attendant in that licensed house, or wholly or in part the proprietor, mortgagee, or lessee of that licensed house, or receives a percentage on or is otherwise interested in the payments to be made by or on account of any patient received into that hospital, reception house, or licensed house.

13. If a medical practitioner, or his father, brother, son, partner, or assistant has signed one of the certificates for the reception of a person into a licensed house, such medical practitioner shall not—

Medical practitioner signing certificate shall not board or attend insane patient.

- (a) by himself or by his servants or agents, receive, or board or lodge, or take the charge of that person in the said licensed house;
- (b) be the regular professional attendant on that person while under care or charge under such certificate.

14. If a medical practitioner grants any such certificate without having seen and carefully examined the person to whom it relates, at the time and in the manner specified in

No certificate to be granted without examination.

such certificate, for the purpose of ascertaining the condition of such person to the best of his knowledge and power, he shall, for every such offence, be liable to a penalty not exceeding Fifty pounds.

If any such practitioner wilfully and falsely certifies in writing that any person is insane, knowing him not to be insane, the practitioner so certifying is guilty of a misdemeanour.

Duration of order for reception into hospital.

15. No order for the reception of a patient into a hospital for the insane or licensed house shall remain in force after twenty-eight days from the date of the medical certificates which have been given under the provisions of this Act in respect of such patient or the date of the last of them.

Orders and medical certificates may be amended.

16. (1.) Any order, request, medical certificate, or other document, by virtue of which any person has been received into a hospital for the insane, or licensed house, and which is incorrect or defective in any particular, may, with the approval of the Minister, be amended by the person who has signed the same; and the order, request, medical certificate, or other document so amended shall thereupon be deemed to have operated and to operate from its original date.

(2.) If the order, request, certificate, or document is not so amended, the Minister may order the discharge of the person so received, and that person thereupon shall be discharged accordingly; or he may direct the superintendent of the hospital or licensed house to obtain a new order, request, certificate, or document, which shall be as effectual for all purposes as if it had been obtained, made, and executed previously to the reception of such person.

Power of Court to amend orders, requests and other documents.
New section inserted by No. 28 of 1915, s. 5.*

16a. (1.) Whenever on any application to the Supreme Court having for its direct or indirect object the release of any person confined in a hospital for the insane or licensed house, the validity or effect of any warrant, order, request, certificate or document under which such person is held or which is relied on as justifying or purports to authorise his detention is questioned, the Court may make any such amendments therein as shall be in accordance with the facts existing when such order, request, certificate, or document was

* An asterisk placed beside the reference to an amendment means that such amendment takes effect as from the commencement of the principal Act (*see* No. 28 of 1915, s. 9).

made or signed and as may be necessary to give due validity thereto for the purposes of this Act, and the document so amended shall have effect and be deemed to have had effect as if granted, made, or signed in the amended form.

(2.) Whenever any action is brought in any Court against any person for the detention of any person in a hospital for the insane, licensed house, or reception house, all such amendments shall be deemed to have been made in any warrant, order, request, certificate, or other document relied upon as justifying or purporting to justify the detention which might have been made therein if the validity or effect of such document had been questioned in such a proceeding as is mentioned in the last preceding subsection, and such document may be pleaded and relied on as a defence in the action accordingly.

Effect to be given to orders and other documents as if proper amendments made therein.

(3.) Whenever any application is made to the Supreme Court having for its direct or indirect object the release of any person confined in a hospital for the insane or licensed house; and the Court considers that apart from this section the application should be granted, but is satisfied that such person is in fact insane, and that it is desirable that he be kept under restraint either for his own protection or benefit or the protection of any other person or the public, then the Court may, instead of granting his application, make such order for his restraint and proper care and control as the Court shall deem proper, and may (if it appears to the Court to be right to validate any detention prior to the date of the order) declare as from what date such order shall have effect, and the order shall have effect accordingly.

Court may make order for restraint of person actually insane who applies for release.

(4.) "Supreme Court" in this section includes any judge thereof.

16b. Whenever it appears to any Court, Judge, or Magistrate that any order, warrant, request, certificate, or other document issued, signed, or given under this Act has been lost or mislaid, the Court, Judge, or Magistrate may order that any document purporting to be a copy of such document or to be a certificate of the contents thereof, and verified by such evidence as shall appear sufficient to such Court, Judge, or Magistrate, shall be received and be available in lieu of the original, in any proceeding before such Judge, Court, or Magistrate.

Lost documents. New section inserted by No. 28 of 1915 s. 5.*

* An asterisk placed beside the reference to an amendment means that such amendment takes effect as from the commencement of the principal Act (*see* No. 28 of 1915, s. 9).

Reception of persons found insane by proceedings before the Court.

17. Where any person has been found insane by any proceeding in the Court, an order signed by a Judge or by the committee appointed by the 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 hospital for the insane, or licensed house, without any further order, or any such medical certificate as herein-before mentioned.

Penalty for receiving person into hospital, etc., without the requisite documents, etc.

18. Every person who receives any person into any hospital for the insane, reception house, licensed house, or other place appointed under this Act, without such order, statement, and medical certificates, or other proper authority, as in such case is required under the provisions of this Act, is guilty of a misdemeanour.

Persons received into hospitals, etc., may be retained, and on escape recaptured

19. Every person lawfully received into any hospital for the insane, reception house, licensed house, or other place appointed under this Act shall be detained therein until he be removed or discharged in the manner authorised by this Act, and in case of escape therefrom may be retaken at any time by the superintendent of such hospital, reception house, licensed house, or other place, or by any other officer, or any servant belonging thereto, or by any police officer, or by any other person authorised in that behalf by such superintendent, and may be conveyed to, and received, and detained in such hospital, reception house, licensed house, or other place.

Voluntary patients.

20. The superintendent of a hospital for the insane, or the proprietor of a licensed house, with the written consent of two Justices, may receive and lodge as a boarder, for the time specified in the consent, any person who is desirous of voluntarily submitting to treatment, but after such time (unless extended by further consent) such boarder must be discharged. The intending boarder must himself apply to the Justices for their consent. A boarder may leave a hospital for the insane or a licensed house by giving twenty-four hours' notice to the superintendent or proprietor of his intention to do so.

PART III.—PROCEEDINGS BY WHICH PERSONS OF UNSOUND MIND MAY BE REMOVED TO AND FROM ANOTHER STATE.

Convention with Governments of other States.

21. The Minister may, on behalf of the Government, from time to time, by convention or otherwise, agree with the Government of any other State for the apprehension, care, treat-

ment, maintenance, and burial, and for the payment of the expenses, under the Lunacy statutes of that other State, of persons set at large in that State under the provisions of this Act; and for the care, treatment, and maintenance under those statutes of persons admitted from Western Australia, at the request of relations or friends, into lunatic asylums of the other States.

22. (1.) In any matter or proceeding under section seven of this Act, the Justices, on proof to their satisfaction of the matters in that section mentioned, and that it is for the benefit of the person found by them to be insane that he should be sent for care, treatment, or maintenance to another State, with the Government of which an agreement has been made as aforesaid, may, by order in the form of Schedule Five, direct some person named in the order to take such person to such place as may be agreed upon by the said convention or otherwise, and as may be named in the order, and there to set him at large, and thereupon to identify him to some police officer nominated by the Government of such other State and named in the order, so that the police may apprehend such person in due course, under the provisions of the Lunacy statutes of such other State, to be dealt with thereunder.

Justices may send persons found by them to be insane for treatment to another State.

Fifth Schedule.

The order shall be subject to the provisions of section seven of this Act, and shall be a sufficient authority to all persons for anything done in pursuance of the same.

(2.) The Justices shall forward the order, together with all certificates and evidence upon which the same has been made, to the police officer named in the order, and shall also forthwith forward to the Minister a true copy of the order and of the certificates and evidence.

23. Any person for whose care, treatment, or maintenance the Government has made provision under any agreement made with the Government of another State shall, so long as he remains an inmate of any lunatic asylum in that State, and so long as the first-mentioned Government is responsible for the payment of his maintenance therein, be deemed, with regard to the management and disposition of his property in Western Australia, and the liability of his relations residing therein to pay for or contribute to his maintenance, clothing, medicine, and care, to be an insane patient within the meaning of this Act.

Such person to be deemed insane patients for certain purposes.

Right of action
vested in the
Minister.

24. Any right of action that may accrue to the Government against relations or friends of any person, for the payment of whose maintenance the Government has become responsible, shall be vested in the Minister.

Removal of patient
to hospital in this
State.

25. If at any time it is deemed expedient to remove any person, for the payment of whose care, treatment, and maintenance the Government is responsible, from any lunatic asylum in another State to any hospital for the insane in Western Australia, the Minister may order the removal of that person accordingly. The order of the Minister under his hand shall be a sufficient authority to any person named therein to apply to the proper authorities in such other State for the discharge of the first-mentioned person to his care, and to convey him to any hospital for the insane in Western Australia, and shall be a sufficient authority to the medical superintendent of the hospital for the insane to which that person is sent to receive him.

PART IV.—HABITUAL DRUNKARDS.

Application for
detention may be
made.

26. Application may be made to a Judge for an order of detention by the following persons and in the following cases:—

- (1) By the habitual drunkard himself declaring that he is willing to submit to curative treatment under the order of the Court; or
- (2) By the parent, husband, wife, child, or friend of such habitual drunkard, in cases—
 - (a) where such person is suffering or has been recently suffering from *delirium tremens* or other dangerous physical effects of habitual drunkenness; or
 - (b) where such person, through habitual drunkenness, has recently been wasting his means and been neglecting his business or insufficiently providing for his family, or a wife has been wasting the means of her husband; or
 - (c) where such person has recently, under the influence of drink, used or threatened violence towards himself or any member of his family.

27. On any such application in writing, stating the grounds upon which it is founded, to a Judge, such Judge may, after the expiration of twenty-four hours from the service of a notice thereof on such habitual drunkard, when he himself is not the applicant, on hearing the evidence of not less than two medical practitioners, and of such other persons as he may think fit, make an order in writing under his hand for the detention of any such habitual drunkard in any hospital for the insane, but in a ward, division, or compartment thereof in which lunatics are not detained for curative treatment, or in a licensed house in which habitual drunkards only are received, for a period not exceeding twelve months, which order, until rescinded by a Judge, shall be a sufficient authority to all persons acting under it.

Order for detention.

28. The Judge may, in such order, direct the payment by the habitual drunkard, or by the applicant, to the superintendent of the hospital for the insane, or keeper of such licensed house as aforesaid, of such sum, and in such manner as the Judge may think fit, for the maintenance of such habitual drunkard, or that security be given to the superintendent or keeper for such payment.

Maintenance during detention.

29. Regulations may be made under this Act for enabling the superintendent of a hospital for the insane or keeper of a licensed house to direct any such habitual drunkard to do such work as such superintendent or keeper may consider likely to be beneficial to the health and assist in the care of such drunkard, and to record such direction and any breach of it in a book to be kept for that purpose.

Regulations for work.

30. The superintendent of such hospital or keeper of such licensed house, and all persons under his authority, may use such force as may be necessary to prevent such drunkard from escaping from the hospital or licensed house; and in case of the escape of any such drunkard he may be retaken at any time by the superintendent of the hospital or keeper of the licensed house, or any officer or servant belonging thereto respectively, or any police officer, and shall be conveyed to and received and detained in such hospital or licensed house.

Preventing escape.

31. Any habitual drunkard detained under an order of a Judge as aforesaid in such hospital or licensed house who shall refuse to observe any such direction to work as above-

Penalty for escape, etc.

mentioned, or who shall attempt to escape or shall escape from such hospital or licensed house before he is legally discharged therefrom, shall be subject to a penalty not exceeding Fifty pounds, to be recovered in a summary way.

Leave of absence for probationary purposes.

32. The superintendent or keeper of such hospital or licensed house may, for probationary purposes, grant to any person detained under an order made by virtue of section twenty-seven, leave of absence in writing under his hand for a certain period to be specified therein; and if such person shall fail to return to the hospital or licensed house where he was detained within such period, he may be apprehended by virtue of an order made by any two Justices, and redelivered to the superintendent or keeper of such hospital or licensed house, to be detained for the remainder of the period mentioned in the order of detention, unless such order shall have been previously rescinded by a Judge on an application made to him for that purpose.

PART V.—HOSPITALS FOR THE INSANE.

Governor may appoint hospitals for the insane.

33. The Governor may, by notification published in the *Government Gazette*, appoint any place to be a hospital for the insane, and in and by such notification may assign a name to such hospital.

Any such appointment may be revoked in like manner.

All places appointed, or deemed to have been appointed to be lunatic asylums or hospitals for the insane under any former Act, where such appointment has not been revoked and is in force at the passing of this Act, shall be deemed to have been appointed and to be hospitals for the insane under this Act.

Superintendent and officers may be appointed for each hospital.

34. The Governor may appoint for every hospital a superintendent, who shall be a medical practitioner, and a deputy superintendent, and such other officers as he may deem necessary.

At register of patients may be kept.

35. Immediately on the admission of any person as a patient into a hospital, an entry with respect to such patient shall be made in a book to be kept for that purpose, to be called the register of patients, in the form and containing the

particulars specified in Schedule Eight, except as to the form of disorder, the entry as to which shall be supplied by the superintendent of the hospital within one month after the admission of the patient, and except as to the discharge, removal, or death of the patient, the entry as to which shall be made when the same happens.

Eighth Schedule.

The Minister may direct the register to be kept in such other form, or to contain such other particulars as he may think fit.

36. After the second and before the end of the seventh clear day from the day of admission of any person as insane into a hospital, a notice of such admission shall be transmitted to the Minister in the form of Schedule Nine, with a copy of the order, statement, and certificates, or other proper authority, on which such patient has been received, together with a statement to be made and signed by the superintendent of such hospital not sooner than two clear days after such admission, in the form of Schedule Ten.

Notice of admission.

Ninth Schedule.

37. In every hospital the superintendent shall—

Medical journal.

- (1) once at least in every week enter, or cause to be entered, in a book to be called the medical journal, a statement in the form of Schedule Ten; and
- (2) enter, or cause to be entered, in a book to be called the case book, as soon as may be after the admission of any patient, the mental state and bodily condition of every patient at the time of his admission, and the history of his case whilst he continues in such hospital; and
- (3) in case of death enter, or cause to be entered, in a book to be kept for the purpose, an exact account of the autopsy (if any) of the patient.

Tenth Schedule.

Case book.

38. Within forty-eight hours after the discharge, removal, escape, or recapture of any patient, a written notice thereof, in the form of Schedule Eleven, shall be transmitted to the Minister, and within forty-eight hours after the death, discharge, or removal of any patient an entry thereof shall be made in the said register of patients, and also in a book to be kept for the purpose, in the form and containing the particulars in Schedule Twelve.

Entries to be made of deaths, discharges, removals, escapes, and recaptures, and notice given to the Minister.
Eleventh Schedule.

Twelfth Schedule.

Notice of death of patient to be transmitted to the Minister and to relations of patients.

Thirteenth Schedule.

39. In case of the death of any patient in any hospital, a notice and statement, in the form of Schedule Thirteen, respecting the death and cause of the death of such patient, shall be drawn up and signed by the superintendent and transmitted (in addition to any notice of such death required by any law for the time being in force relating to the registration of deaths) within forty-eight hours after such death to the Minister, and also to a relation named in the statement subjoined to the order or request for admission of such patient, or to the person who signed such request, or to the committee, if any, who signed an order under section seventeen.

PART VI.—LICENSED HOUSES.

1. For the reception of the Insane.

Governor in Council may grant licenses for houses for the reception of the insane.

Fourteenth Schedule.

40. The Governor may, subject to the provisions herein-after contained, by writing under his hand in the form or to the effect of Schedule Fourteen, grant to any person or to two or more persons jointly, a license, for any period not exceeding three years, to keep a house for the reception of a certain number of insane patients to be mentioned in such license, and may renew or revoke such license, and such grant, renewal, or revocation shall be, without delay, notified in the *Government Gazette*: Provided that there shall also be published in the *Government Gazette*, once in every year, as may be provided by regulation, a list of all licensed houses then subsisting.

Notice of intended application for and plan of licensed house to be given to the Minister.

41. (1.) The person who desires to obtain a license for a house for the reception of insane patients shall give a notice to the Minister containing—

- (a) the name in full, place of abode, and occupation of such person; and
- (b) a true and full description of his estate or interest in such house.

(2.) Such notice, when given for any house which has not been previously licensed, shall be accompanied by—

- (a) a plan of the house, to be drawn upon a scale of not less than one-eighth of an inch to a foot, with a description of the situation thereof, and the length, breadth, and height of, and a reference by a figure or letter to, every room or apartment therein;

- (b) a statement of the quantity of land not covered by any building annexed to such house, and to be appropriated to the exclusive use, exercise, and recreation of the patients proposed to be received therein; and
- (c) a statement of the number of patients proposed to be received into such house, and whether the license so applied for is for the reception of male or female patients, or both, and if for the reception of both, of the number of each sex proposed to be received into such house, and of the means by which one sex may be kept distinct and apart from the other.
- (d) a statement of the provision made for protection against fire.

42. Any one license to be granted for the reception of insane patients may include two or more houses belonging to one proprietor or two or more joint proprietors:

What may be included in one license.

Provided that no one of such houses be separated from the other or others of them otherwise than by land in the occupation of such proprietor or proprietors, and by a road, or by either of such modes; and all houses, buildings, and lands intended to be included in any license shall be specified, delineated, and described in the plan hereinbefore required.

43. No addition or alteration shall be made to, in, or about any licensed house or the appurtenances thereof, unless previous notice in writing of such proposed addition or alteration, accompanied by a plan of such addition or alteration to be drawn upon the scale aforesaid, and to be accompanied by such description as aforesaid, has been given by the licensee to the Minister, and the consent in writing of such Minister has been previously given.

Notice of all additions and alterations to be given to the Minister.

44. Any person applying for the renewal of a license shall, with such application, transmit to the Minister a statement signed by the person so applying, containing the names and number of the patients of either sex then detained in such house.

Every person applying for the renewal of a license to furnish a statement as to the patients then detained.

45. If any licensee by sickness, or for other sufficient reason, becomes incapable of keeping the licensed house, or dies before the expiration of the license, the Minister may,

Provision in case of the incapacity of the person licensed.

by writing indorsed on such license, transfer the said license, with all the privileges and obligations annexed thereto, for the term then unexpired, to such person as he may approve.

In the meantime such license shall remain in force and have the same effect as if granted to such person.

In case a license has been or is granted to two or more persons, and before the expiration thereof any of such persons dies leaving the other or others surviving, such license shall remain in force and have the same effect as if granted to such survivors or survivor.

In case of a licensed house being taken for public purposes or accidentally rendered unfit, or of the keeper wishing to transfer his patient to a new house.

46. If any licensed house is pulled down or occupied under the provisions of any Act, or is rendered by fire, tempest, or other accident unfit for the accommodation of insane patients, or if the person keeping such house desires to transfer the patients to another house, the Minister may grant to the licensee of such house a license to keep another house for the reception of insane patients, for any time not exceeding the period for which the current license is then held:

Provided that a like notice, accompanied by a like plan, statement, and description shall be given as to such intended new house as is hereby required when application is first made for a license for any house, and shall be accompanied by a statement in writing of the cause of such change of house.

Notice of revocation of licenses.

47. Before the revocation of any license, notice in writing shall, seven clear days previously, be given to the licensee or shall be left at the licensed house.

Penalty for detention of patients after expiration or revocation of license.

48. If, after a lapse of two months from the expiration of any license for the use of any house for the reception of the insane which has not been renewed, or if after the revocation of any such license there is in any such house any insane patient, every person-keeping such house or having the care and charge of such patient shall be guilty of an offence and liable, on summary conviction, to a penalty not exceeding One hundred pounds, or to imprisonment, with or without hard labour, not exceeding six months.

No unauthorised person to take charge of any patient for profit.

49. No person (unless he is a person who derives no profit from the charge, or a committee, or person appointed by the Court, or otherwise authorised under this Act) shall receive to board or lodge in any house, or take the care or charge of, any patient.

Any person offending against this provision shall be liable, on summary conviction, to a penalty not exceeding One hundred pounds or to imprisonment, with or without hard labour, not exceeding six months.

50. (1.) Every licensed house containing more than twenty-five patients shall have at all times a medical practitioner resident therein, whose name in full shall be given in the notice of application for the license, and such medical practitioner, whether he is the licensee or proprietor or not, shall be the superintendent thereof.

Resident medical practitioner.

The licensee of such house may remove such medical practitioner and appoint some other medical practitioner, giving a notice containing the name in full of such medical practitioner to the Minister.

(2.) Every licensed house containing over ten patients shall be visited daily by a medical practitioner.

Visiting medical practitioner.

(3.) Every licensed house containing ten or less than ten patients shall be visited twice a week by a medical practitioner.

(4.) In all cases where a medical practitioner is not appointed as superintendent, the licensee shall be the superintendent of the house named in the license.

(5.) When any house is licensed to contain less than ten patients, the Minister may permit such house to be visited by a medical practitioner less frequently than twice in every week.

51. No license shall be of any validity unless the superintendent of the house licensed resides therein and the house is visited by a medical practitioner as and at such times as hereinbefore mentioned, and each medical practitioner shall, on the occasion of each visit, examine and sign the medical journal and the medical case book.

Superintendent to reside.

52. Every superintendent of a licensed house shall, within two days after the reception of a patient, make an entry with respect to such patient in a book to be kept for that purpose to be called the register of patients, in the form and containing the particulars required in Schedule Eight of this Act, or such other form and containing such other particulars as the Minister may direct (except as to the form of the mental disorder, and except also as to the discharge, removal, or death of the patient, the entry as to which latter shall be made and signed by such superintendent when the same happens).

Superintendent receiving any patient into a licensed house to make an entry thereof in a certain form.

Eighth Schedule.

Penalty. Every superintendent who does not make such entries within or at the times aforesaid shall be liable to a penalty not exceeding Ten pounds.

Form of patient's disorder to be entered in the register of the patients by medical officer.

53. The form of the mental disorder of every patient received into any licensed house shall, within seven days after his reception, be entered in the said register of patients by the medical officer of such house. Every medical officer who omits to make and sign any such entry within the time aforesaid shall, for every such offence, be liable to a penalty not exceeding Ten pounds.

Penalty.

Notice of admission with statement concerning mental disorder, to be sent to Minister.
Amended by No. 28 of 1915, s. 6.*

54. The superintendent of every licensed house shall, within twenty-four hours after the admission of any patient, transmit to the Minister a notice of such admission in the form of Schedule Nine of this Act, with a copy of the order, statement, and medical certificates, or other proper authority, on which such person has been received; and after two clear days and before seven clear days after such admission shall transmit to the Minister a statement to be made and signed by the medical officer of such licensed house, not sooner than two clear days after such admission, in the form of Schedule Nine.

Every superintendent who neglects to transmit such copy, notice, or statement to the Minister shall be guilty of an offence and liable, on summary conviction, to a penalty not exceeding One hundred pounds, or to imprisonment, with or without hard labour, not exceeding six months.

Medical Journal.

55. Every superintendent of a licensed house shall, once in every week, enter and sign in a book to be kept at such house for that purpose, to be called the medical journal, a statement in the form of Schedule Ten.

Tenth Schedule.

Penalty. Every such superintendent who omits to enter such report as aforesaid shall, for every such omission, be liable to a penalty not exceeding Twenty pounds.

A medical case-book to be kept.

56. There shall be kept in every licensed house a book to be called the medical case-book, in the form and manner directed by the Minister, in which the superintendent shall make, or cause to be made, entries of the mental state and bodily

* An asterisk placed beside the reference to an amendment means that such amendment takes effect as from the commencement of the principal Act (*sec* No. 21 of 1915, s. 9).

condition of each patient, together with a correct description of the medicine and other remedies prescribed for the treatment of his disorder.

The Minister may require the superintendent to transmit to him a correct copy of the entries in such medical case-book relative to the case of any patient who is or has been confined in any such licensed house.

Every such superintendent who neglects to keep the said medical case-book, or to keep the same according to the form directed, or to transmit a copy of the entries pursuant to such direction or requisition, shall, for every such offence, be liable to a penalty not exceeding Ten pounds.

57. Whenever any patient escapes from any licensed house, the superintendent shall, within two clear days next after such escape, transmit a written notice thereof to the Minister.

Penalty.
Notices to be given in case of the escape of any patient and of his being brought back.

Such notice shall state the name in full of the patient who has so escaped, and his then state of mind, and also the circumstances connected with such escape.

If the patient is brought back to the house, the superintendent shall, within two clear days next thereafter, transmit a written notice thereof to the Minister; and such notice shall state when such person was so brought back and the circumstances connected with his bringing back, and whether with or without a fresh order and certificates or certificate.

Every superintendent omitting to transmit such notice, whether of escape or return, shall, for every such omission, be liable to a penalty not exceeding Ten pounds.

Penalty.

58. Whenever any patient is removed or discharged from any licensed house, or dies therein, the superintendent shall, within two clear days next after such removal, discharge, or death,—

Entry to be made and notice given in case of the death, discharge, or removal of any patient.

(1.) make and sign an entry thereof in a book to be kept for that purpose, in the form and stating the particulars in Schedule Thirteen; and

Thirteenth Schedule.

(2.) in the case of a death, within two days after such death, transmit to the Minister (in addition to any notice of such death required by any law now or hereafter to be in force relating to the registration of deaths) a written notice of the death of such patient, and of the cause thereof, in the form of Schedule Thirteen of this Act; and

- (3.) In the case of the removal or discharge of such patient, transmit to the Minister a written notice of such removal or discharge, in the form of Schedule Eleven.

Eleventh Schedule.

The superintendent shall also, in the case of death, transmit a copy of such notice to one of the relations named in the statement subjoined to the order or request for admission, or to the person who signed such request, or to the committee, if any, who signed an order for admission under section seventeen hereof.

Every superintendent who neglects to make and sign such entry, or transmit such notice or notices, shall be guilty of an offence and liable, on summary conviction, to a penalty not exceeding One hundred pounds, or to imprisonment with or without hard labour, not exceeding six months.

2. For the reception of a single patient.

Minister may grant licenses for houses for the reception of a single insane patient.

59. (1.) The Minister may grant to any person, or to two or more persons jointly, a license to keep a house for the reception of a single insane patient, and from time to time may renew or revoke such license.

But no person so licensed to take patients without such order, etc., as are required on reception into an hospital for the insane.

(2.) No person licensed under this section shall receive to board or lodge in any such licensed house for reward, or shall take the care or charge of any patient without the like order, statement, and medical certificates, or other proper authority, in respect of such patient as is hereinbefore required on the reception of a patient into a hospital for the insane.

Ninth Schedule.

(3.) Every person licensed under this section shall, within twenty-four hours after receiving a patient, transmit to the Minister a notice of such admission in the form of Schedule Nine, together with copies of the order, statement, and medical certificates, or other proper authority on which such patient has been so received; and shall also, after the second and before the end of the seventh clear day from such admission, cause each patient to be visited by a medical practitioner, and forthwith transmit to the Minister a statement in the form of Schedule Nine, to be made and signed by such medical practitioner so visiting such patient after such admission.

Patient to be visited by medical practitioner.

60. (1.) Every such patient shall, after the second and before the end of the seventh clear day after his admission, and thereafter at least once in every two weeks, be visited by

a medical practitioner not himself deriving, and not having a partner, father, son, brother, or other relative who derives any profit from the care and charge of such patient; and such medical practitioner shall enter and sign in a book to be kept for that purpose, to be called the medical journal (regulations as to the form of which and the particulars to be entered therein shall be made by the Minister),—

- (a) the date of each of his visits;
- (b) a statement of the condition of the patient's health, both mental and bodily, and of the condition of the house in which the patient is.

(2.) Such book shall be produced to the Inspector General on every visit, and shall be signed by him as having been so produced; and the person by whom the care or charge of such patient has been taken, or into whose house he has been received as aforesaid, shall transmit to the like persons the like notices and statements of the death, removal, escape, and recapture of such patient, and within the like periods as are hereinbefore required in the case of the death, removal, escape, or recapture of a patient received into a licensed house.

Every person who fails to comply with the regulations made as aforesaid shall be guilty of an offence and liable, on summary conviction, to a penalty not exceeding One hundred pounds or to imprisonment, with or without hard labour, not exceeding six months.

61. (1.) If any occupier or inmate of any private house keeps or detains therein any person who is insane, although he is a relative of such occupier or inmate, beyond the period of a year after the malady has become apparent and confirmed, and where the case has been such as to require, during any part of such period, coercion or restraint, such occupier or inmate, or the medical practitioner attending such person so detained, shall intimate such detention to the Minister and shall transmit to the Minister a written certificate signed by a medical practitioner of the condition of the person so detained, and shall state the reasons which rendered it desirable that such person should remain under private care.

Minister may order examination of patient in private houses.

The Minister may thereupon, or without such intimation, authorise the Inspector General or a Justice (such Justice to be accompanied by a medical practitioner) to visit and inspect such person, and to make such inquiry respecting his treatment as to such Inspector General or Justice and medical practitioner may seem fit.

(2.) If upon such inquiry it appears that such person is insane, and has been so for a space exceeding a year, and that restraint or coercion of any kind has been resorted to, and that the circumstances are such as to render the removal of such person to a hospital for the insane or licensed house necessary or expedient, the Minister may order the removal of such person accordingly; and the order of the Minister under his hand shall be sufficient authority to the superintendent of such hospital or licensed house to which such person is sent to receive him accordingly.

Penalty.

(3.) Any person who keeps, harbours, conceals, or aids in keeping, harbouring, or concealing, beyond such period as aforesaid, any such person as insane without such intimation thereof to the Minister, and any medical practitioner attending on such person kept or detained as insane beyond such period who wilfully neglects to disclose the condition of such person so kept or detained to the Minister, shall severally, for every such offence, be liable to a penalty not exceeding Two hundred pounds or to imprisonment for any period not exceeding three months.

PART VII.—RECEPTION-HOUSES, ETC., FOR THE TEMPORARY TREATMENT OF THE INSANE.

62. The Governor may, by notification in the *Government Gazette*, appoint such houses and premises as he may think expedient for the reception and temporary treatment of the insane, and every such house and premises shall be a reception-house for the insane; and any such appointment may be revoked in like manner.

Every reception-house appointed or deemed to have been appointed under any former Act, where such appointment has not been revoked, and is in force at the passing of this Act, shall be deemed to have been appointed under this Act.

63. The Governor may appoint a superintendent and a medical officer for every such reception-house.

One person may be appointed both medical officer and superintendent of any such reception-house.

64. The Minister shall make regulations for the government of reception houses.

Governor may appoint reception-houses for the insane.

Governor to appoint superintendent and medical officer.

New paragraph added by No. 42 of 1920, s. 3.

Minister to make regulations.

65. The Governor may, by notification in the *Government Gazette*, declare wards of any hospital or infirmary for the care and treatment of the sick or of any benevolent asylum, which may be set apart for such purpose by the committee, or the persons in whose hands is vested the management of such hospital, infirmary, or benevolent asylum, to be wards for the temporary reception of the insane; and thereupon the Minister shall make regulations for the dietary treatment and inspection of patients in such wards.

Wards in public hospitals for temporary reception of insane.

66. Any Justice may, by order under his hand in the form of Schedule Seven hereto, direct the reception and detention of any person (for whose reception into an hospital for the insane or licensed house the necessary order, medical certificates, and statement; or other proper authority has been signed and remains in force) in any such reception house, or in any prison, or in any hospital for immediate treatment.

Justice may order the detention of an insane person in reception-house, etc.

Seventh Schedule.

67. No insane patient shall be detained in any reception house, prison, or public hospital beyond a period of fourteen days unless the medical officer thereof certifies, in writing, that such person is not in a fit state to be removed therefrom, or would be benefited by remaining therein, and in such case the removal of such patient shall be suspended until the visiting medical officer certifies that such person is fit to be removed.

No person to be detained in any reception house, etc., longer than fourteen days.

[Section 68 repealed by No. 42 of 1920, s. 4.]

PART VIII.—HOSPITALS FOR THE CRIMINAL INSANE.

69. The Governor may, by notification published in the *Government Gazette*, declare that any hospital for the insane, prison, or place, or part of any such hospital, prison, or place, provided for or appropriated for that purpose shall be a hospital for the criminal insane, and any such appointment may be revoked in like manner.

Governor may appoint hospital for the criminal insane.

70. The Governor may appoint for every hospital for the criminal insane a superintendent, a medical officer, and such other officers as he may deem necessary.

Governor may appoint superintendent and officers.

The offices of superintendent and medical officer may be held by one person.

New paragraph added by No. 42 of 1920, s. 5.

Minister to make regulations.

71. The Minister shall make regulations for the government and management of hospitals for the criminal insane.

Register of patients to be kept.

72. Immediately on the admission of any person as a patient in a hospital for the criminal insane, an entry with respect to such patient shall be made in a book to be kept for that purpose, to be called the register of patients, in the form and containing the particulars specified in Schedule Eight of this Act, except as to the form of disorder, the entry as to which is to be supplied by the medical officer of the hospital within one month after the admission of the patient, and except as to the discharge, removal, or death of the patient, the entry as to which is to be made when the same happens.

Eighth Schedule.

The Minister may direct the register to be kept in such other form or to contain such other particulars as he may think fit.

Medical journal.

73. In every hospital for the criminal insane the superintendent thereof shall—

(1) once at least in every week enter, or cause to be entered, in a book to be called the medical journal, a statement in the form in Schedule Ten of this Act; and

Tenth Schedule.

(2) enter, or cause to be entered, in a book to be called the case book, as soon as may be after the admission of any patient, the mental state and bodily condition of every patient at the time of his admission, and the history of his case whilst he continues in such hospital; and

Case book.

(3) in case of death enter, or cause to be entered, in a book to be kept for the purpose an exact account of the autopsy (if any) of the patient.

Entries to be made of deaths, discharges, removals, escapes, and recaptures, and notice given to the Minister.

Eleventh Schedule.
Thirteenth Schedule.

Twelfth Schedule.

74. Within forty-eight hours after the death, discharge, removal, escape, or recapture of any patient, a written notice thereof in the form of Schedules Eleven and Thirteen respectively shall be transmitted to the Minister, and within forty-eight hours after the death, discharge, or removal of any patient an entry thereof shall be made in the said register of patients; and also in a book to be kept for the purpose in the form and containing the particulars in Schedule Twelve.

75. (1.) When any person committed to take his trial for any offence is certified by two medical practitioners in the form of Schedule One of this Act to be insane, or is upon arraignment found by verdict to be insane, the Minister may direct, by order under his hand in the form of Schedule Sixteen of this Act, that such person be removed to a hospital for the criminal insane, and detained in such hospital until he is certified by the medical officer or the Inspector General or a majority (which shall include a medical practitioner) of the board of visitors to be of sound mind, whereupon the Minister shall order his removal to the prison from whence he came, in order to be tried for such offence.

Persons found to be insane before trial to be sent to hospital for the criminal insane.

Sixteenth Schedule.

Amended by No. 42 of 1920, s. 6.

(2.) Such detention for any period shall not operate as a bar to his subsequent indictment and trial for such offence.

76. If any person while detained in any prison for debt, or in any prison, reformatory, or industrial school, or other place of confinement, in consequence of any summary conviction or order by any Justice or in default of bail, appears to be insane, the Minister may, upon the receipt of certificates by two medical practitioners in the form of Schedule One of this Act, accompanied by a statement of particulars in the form of Schedule Four of this Act, direct, by order under his hand, that such person be removed to and kept in such hospital for the insane or for the criminal insane as he may judge proper and appoint, until it is duly certified by the superintendent of such hospital and by the Inspector General, or by the superintendent and two official visitors, that such person has become of sound mind, whereupon the Minister shall, if such person remains subject to be continued in custody, issue his order to the superintendent of such hospital, directing that such person be removed to the prison, reformatory, industrial school, or other place from whence he has been taken, or to some other prison or place of confinement, or, if the period of detention or custody has expired, that he be discharged.

Procedure in reference to certain persons under detention appearing insane.

First Schedule.

Fourth Schedule.

77. If any person while imprisoned in any prison, or penal establishment, under any sentence of hard labour or imprisonment imposed otherwise than on the conviction or order of Justices appears to be insane, the Inspector General of Prisons shall direct that such prisoner be placed under observation as in section eighty-four of this Act mentioned, and the Minister may, upon the receipt of certificates by two medical prac-

Procedure on certain prisoners appearing to be insane.

First Schedule.

Fifteenth Schedule.

Sixteenth Schedule.

tioners in the form of Schedule One of this Act, accompanied by a statement of particulars in the form of Schedule Fifteen of this Act, direct, by order under his hand in the form of Schedule Sixteen of this Act, that such person be removed to and kept in a hospital for the criminal insane, until it is duly certified by the medical officer of such hospital, and by the Inspector General, or by the said medical officer and two official visitors that such person has become of sound mind, whereupon the Minister shall, if such person remains subject to be continued in custody, issue his order to the superintendent of such hospital, directing that such person be removed to the prison or penal establishment from whence he has been taken, or to some other prison or penal establishment, or, if the period of his imprisonment has expired, that he be discharged.

Procedure on
prisoner under
sentence of death
appearing insane.

78. If it is made to appear to the Minister by any means whatsoever that there is good reason to believe that any prisoner in confinement under sentence of death is then insane, the Minister may appoint two or more medical practitioners to inquire into the insanity of such prisoner.

If on such inquiry such prisoner is found to be then insane, the fact shall be certified in writing by such practitioners to the Minister.

On receipt of such certificate the said Minister may, by order under his hand, direct that such prisoner be removed to and kept in a hospital for the criminal insane or other proper place for the reception of insane prisoners, until it is duly certified by the medical officer of such hospital or place and by the Inspector General, or by the said medical officer and two official visitors, that such person has become of sound mind, whereupon the Minister shall issue his order that such person be removed to any prison or other place of confinement to undergo his sentence of death or to be dealt with according to law, as if no such order for his removal to a hospital for the criminal insane had been issued.

Minister to order removal to hospital for insane on expiration of sentence, insanity still existing.

79. When by reason of the expiration of his term of imprisonment, or otherwise, any person confined in any hospital for the criminal insane would, if duly certified to be of sound mind, be entitled to his discharge, the Minister may (upon the certificate of the medical officer of such hospital that the person is still insane), by writing under his hand, order his dis-

charge and removal to some other hospital for the insane, not being a hospital for the criminal insane, or that he be otherwise subjected to the same care and treatment, and be dealt with in all respects as an insane patient, not being a criminal:

Provided that when such insane patient is certified by such medical officer to suffer from homicidal propensities, or from insanity of such a kind as renders it advisable that he should be detained in a hospital for the criminal insane, the Minister may order such detention after the expiration of his sentence.

Patient when dangerous may be detained in hospital for the criminal insane.

80. When any person detained in a hospital for the criminal insane whose sentence is unexpired, is certified by the medical officer and the Inspector General, or by the medical officer and two official visitors, to be demented and not dangerous, the Minister may direct his removal therefrom to any other hospital for the insane not being a hospital for the criminal insane.

Insane patient becoming demented may be removed.

81. When any person is ordered to be kept in custody during the Governor's pleasure, any order made by the Governor in relation to the custody of such person may be renewed and varied from time to time.

Governor may liberate on conditions.

The Governor may permit any person confined in any hospital for the criminal insane, not being a person under conviction and sentence, to be liberated from custody or confinement, upon such terms and conditions as he may think fit. On the breach of any such conditions, such person may be retaken and dealt with as hereinafter enacted in case of an escape.

82. In case of the escape of any person confined in any hospital for the criminal insane, he may be retaken at any time by the superintendent of such hospital, or any officer or servant belonging thereto, or any police officer, or any person assisting such superintendent, officer, servant, or police officer, or any other person authorised by the Minister or such superintendent, and shall be conveyed to and received and detained in such hospital.

Escaped insane patient may be recaptured.

83. Any person committed to take his trial for having attempted to commit suicide who is certified by two medical practitioners, in the form of Schedule One hereto, to be insane

Persons attempting to commit suicide and found insane not to be subsequently tried for the offence.

First Schedule.

shall forthwith be sent to a hospital for the insane other than a hospital for the criminal insane, and such person, when certified by the medical officer and the Inspector General, or by the medical officer and an official visitor, to be of sound mind, shall be discharged from such hospital, and shall not be put upon his trial or be liable to any charge or indictment for having attempted such act of suicide.

Governor to appoint wards or cells for observing supposed insane persons in prisons.

84. The Governor may, by notification published in the *Government Gazette*, set apart a ward or cells in any prison or penal establishment for the detention of any prisoner who may be supposed to be insane or who from mental imbecility may be supposed to be unfit for penal discipline, in order that he may be there placed under observation until it is certified by two medical practitioners, one of whom shall be either the Inspector General or the superintendent or medical officer of a hospital for the insane, that he is of sound mind or is insane and a fit subject for detention in a hospital for the criminal insane.

PART IX.—INSPECTION, TRANSFER, AND DISCHARGE OF PATIENTS.

1. *Inspection of Patients.*

Power to appoint Inspector General and deputy.

85. (1.) The Governor may appoint an Inspector General, and during the absence from the State of the Inspector General, or his inability to act from illness or other cause, a Deputy Inspector General, who shall, until such appointment is revoked, have all the powers and duties of the Inspector General.

(2.) The office of Inspector General may, for such time as the Governor thinks fit, be held together with the office of superintendent of any hospital for the insane.

Inspector General to visit hospitals, licensed houses, etc.

86. (1.) Every hospital for the insane, and every licensed house, shall at least once in every three months, and every reception house, and public hospital, and any ward or cells set apart in any prison or penal establishment under section eighty-four of this Act shall, as often as he thinks fit, be visited by the Inspector General, and with or without any previous notice, and every such visit shall be made at such hour of the day or night, and for such length of time as he thinks fit.

(2.) The Inspector General, when visiting such hospital, reception house, ward, cells, or licensed house shall, so far as practicable, inspect every part of the same, and in the case

of a hospital for the insane or criminal insane, or a licensed house, every out-house and building communicating therewith or detached therefrom, and every part of the ground or appurtenances held or occupied therewith, and see every patient then confined therein, and make such inquiries, examinations, and inspections as are set forth in section eighty-seven of this Act, and enter in the Inspector General's book hereinafter mentioned a minute of the then condition of such hospital, reception house, ward, cells, or licensed house, and of the patients therein, and such other remarks as he may deem proper; and also, if such visit be the first after the granting or renewal of a license to any licensed house, shall examine such license.

Inspector General's book.

(3.) The Minister may, by order under his hand, direct the Inspector General or other person at any time to visit any hospital for the insane, or for the criminal insane, reception house, licensed house, prison, house, or place wherein any insane patient, or person represented to be insane or to be under restraint as insane, is confined, or alleged to be confined, and to inspect and inquire into the state of that hospital, reception house, licensed house, prison, house, or place, and report to him the result of that inspection and inquiry.

87. (1.) The Inspector General, on his several visitations to every such hospital, reception house, and licensed house, and to every such ward or cells as aforesaid, shall inquire as to the care, treatment, and mental and bodily health of the patients therein, and the arrangements for their maintenance and comfort—

Inquiries to be made by Inspector General.

- (a) as to whether any patient is under restraint or in seclusion, and why;
- (b) as to whether and at what times and to what number of patients Divine Service is performed;
- (c) as to what occupations or amusements are provided for the patients;
- (d) as to the classification and dietary of the patients and the number of attendants and nurses;
- (e) as to the moneys paid for the maintenance of any insane patient;

with all such other inquiries as to such Inspector General may seem fit.

(2.) The Inspector General shall examine the several books by this Act required to be kept, and sign the said books as having been produced to him, and shall inspect the order

and certificates for the reception of every patient who has been received into such hospital, licensed house, reception house, or other place since the last visit of the Inspector General thereto.

Inspector General to visit houses licensed for a single patient and to report.

88. The Inspector General shall, once at least in every six months, and may, at all reasonable times, visit every house licensed under this Act for the reception of one insane patient only, and shall inquire as to the treatment and state of health, both mental and bodily, of such patient, and as to the moneys paid to the superintendent or licensee on account of such patient, and report thereon to the Minister.

Inspector General to make an annual report to Minister.

89. The Inspector General shall, early in every year, make a report in writing to the Minister of the state and condition of the several hospitals, licensed houses, reception houses, and other places visited by him during the preceding year, and of the care of the patients therein, and of such other particulars as he shall think deserving of notice, and a true copy of such report shall forthwith be laid before both Houses of Parliament if then in session, or if not then in session, within twenty-one days after the commencement of the next session of Parliament.

Inspector General to have no interest in licensed house nor sign certificates except in the case of the criminal insane.

90. The Inspector General shall have no interest, directly or indirectly, in any licensed house for the insane, and shall not sign any certificate for the admission of any patient into any hospital or licensed house, except for the admission of persons of unsound mind undergoing sentence in some prison or penal establishment into any hospital for the criminal insane.

Plans, etc., for hospital to be submitted to Inspector General.

91. All plans for building, or enlarging, or improving any hospital for the insane or the criminal insane, reception house, public hospital, or ward, or cells for the insane in any prison, shall be submitted to the Inspector General, who shall report thereon in writing to the Minister, and no plan shall be carried into effect without such report as aforesaid.

Plans of houses proposed to be licensed and of additions and alterations to be submitted to Inspector General.

92. All plans of houses for which a license for the reception of insane patients is sought to be obtained under this Act, and for additions to or alterations to, in, or about those already licensed, shall be submitted to the Inspector General, who shall report thereon in writing to the Minister and no license shall be granted for the reception of insane patients,

and no addition or alteration to, in, or about such house already licensed shall be undertaken without such report as aforesaid.

93. There shall be hung up in some conspicuous part of every hospital, whether for the insane or for the criminal insane, reception house, or licensed house, a copy of the plan of such hospital, reception house, or licensed house, and there shall be kept in every such hospital, reception house, and licensed house a copy of this Act bound up in a book to be called the Inspector General's book, and the Inspector General shall, at the time of his visitations, enter therein the result of his inspection and inquiries hereinbefore directed or authorised to be made by him, with such observations (if any) as he thinks proper.

Plan of hospital or house, and Inspector General's book to be kept.

94. (1.) There shall be a board of visitors for every institution.

Board of visitors. Original section repealed and new section substituted by No. 24 of 1920, s. 7.

(2.) Such board shall consist of five members appointed by the Governor. One of such members shall be a legal practitioner in actual practice, two shall be medical practitioners, the remaining two members shall belong neither to the legal nor to the medical profession, and one of them shall be a woman.

(3.) A member shall hold office for three years and no longer, but he may within that period resign or be removed from office by the Governor. He shall be deemed to have vacated his position if he becomes incapable of discharging the duties of his office. A person who has been a member shall, if capable of acting, be eligible for re-appointment.

(4.) The members for the time being of any board may act notwithstanding any vacancy in their body.

(5.) There shall be a chairman, who shall be a member appointed by the board, of every board, and if any chairman dies or declines or becomes incapable to act as chairman or ceases to be a member of the board, then the board may appoint some other member to be chairman. If the chairman is absent from any meeting, the majority of the members present at the meeting may elect a chairman for the meeting.

(6.) Meetings of a board may be summoned by the chairman or any three members. Three shall form a quorum at any meeting, and subject to this Act questions shall be decided by a majority of votes. The chairman of a meeting shall have a vote, and in the event of equality of votes he shall have a casting vote.

(7.) One board may be appointed for two or more institutions, and any person may be a member of two or more boards.

(8.) Members of a board shall receive, out of moneys appropriated by Parliament, such fees as may be prescribed by regulation.

(9.) No person who is directly or indirectly interested in any institution shall be or act as a member of the board thereof, or sign any certificate for the admission of any person thereinto, and no medical practitioner shall professionally attend on any patient in any licensed house if he is a member of the board thereof.

(10.) A board may make regulations for prescribing the procedure and method to be followed and observed in the transaction and performance of the board's business and duties.

(11.) No person in the service of the Crown or of any department or agency of the Crown shall be eligible for appointment as a member of a board.

Powers and duties
of Boards.
Original section re-
pealed and new sec-
tion substituted by
No. 42 of 1920, s. 7.

95. (1.) The board of any institution or a majority of such board shall, once at least in every month, and also at such other times as the Minister may direct—

- (a) visit such institution with or without any previous notice and at such hours of the day or night and for such length of time as they may think fit;
- (b) inspect every part of such institution and every out-house thereof whether communicating therewith or detached therefrom;
- (c) see every patient confined therein so as to give everyone, so far as possible, full opportunity of complaint;
- (d) inspect and consider, so far as may be deemed necessary, the orders, requests, and certificates relating to the patients;
- (e) make such inquiries, examinations, and inspections as are set forth in section eighty-seven of this Act;
- (f) enter in the Inspector General's book a minute of the then condition of the institution and such other remarks as they may deem proper;

(g) give instructions to the Inspector General as to the management of the institution, otherwise than in regard to medical treatment of patients, but subject to regulations.

(2.) After every visit the board shall transmit to the Minister a statement of the number of patients admitted or discharged since the date of the last visitation, together with a copy of the entry made by them in the Inspector General's book, and any other information they may consider necessary.

(3.) A board may at any time make a special investigation of any case, and visit and report to the Minister upon the mental and bodily condition and treatment of any lunatic or alleged lunatic in any such institution as aforesaid.

(4.) The board shall from time to time make reports to the Minister upon the management of the institution, and the observance of the regulation concerning the welfare and conduct of patients, and may make recommendations with regard to the management, and the amendments of regulations generally.

Copies of all such reports and recommendations to be laid before both Houses of Parliament.

2.—*Transfer of Patients.*

96. (1.) The Minister may direct, by an order in writing, the removal of any patient from any hospital for the insane or licensed house to any other such hospital or licensed house.

Minister may order transfer of patients.

Every such order shall be in duplicate, and one copy shall be delivered to the superintendent of the hospital or licensed house from which the patient is ordered to be removed, and the other shall be delivered to the superintendent of the hospital or licensed house into which the patient is ordered to be removed.

Such order for removal shall be a sufficient authority for the removal of such patient and also for his reception into the hospital or licensed house into which he is ordered to be removed and for his detention therein or thereby.

(2.) A copy of the order, statement, or other proper authority with which such patient was received into the hospital or licensed house from which he is removed, together with an abstract of his treatment and progress certified by

the superintendent of such hospital or licensed house (or in the case of a house licensed under section fifty-nine of this Act of the licensee thereof) shall be delivered with one copy of the said order of removal to the superintendent of the hospital or licensed house to which such patient is removed.

Insane persons or patients may be taken out of Western Australia by order of the Court.

97. (1.) If it is made to appear to the Court that any insane person or patient has relations or friends in any place beyond Western Australia who are willing to undertake the care and charge of such insane person or patient, and that it would be for his benefit if he were to be removed to such place, the Court may order such insane person or patient to be removed from Western Australia, and make such further or other order authorising or directing his removal and touching his safe custody and maintenance as to such Court seems fit, and may order that security be given for the safe custody and maintenance of such insane person or patient in any such place beyond Western Australia.

(2.) No order shall be made for the removal of any such insane person or patient until after fourteen days' notice of the intention to apply for such an order has been given to the superintendent of the hospital or licensed house in which such insane person or patient is confined, or to the person in whose care or custody such insane person or patient is, unless such superintendent or person is himself the person applying for such an order.

Superintendent with consent of the Inspector General may send a patient to any place for his health, or permit his absence upon trial.

98. (1.) The superintendent of any hospital for the insane or licensed house may, with the consent in writing of the Inspector General, send or take under proper control any patient to any specified place for any definite time for the benefit of his health, and also permit any patient to be absent from any such hospital or licensed house upon trial for such period as may be thought fit:

Provided always that before giving any such consent the Inspector General may require the approval in writing of the person who signed the request, or of the committee who signed the order for the reception of such patient, or of the person by whom the last payment on account of such patient has been made.

(2.) In case any person so allowed to be absent for the benefit of his health or on trial for any period does not return at the expiration thereof, and a medical certificate as to his

state of mind certifying that his detention as an insane patient is no longer necessary is not sent to the superintendent or licensee of such hospital or licensed house, such person may at any time after the expiration of the same period be retaken as in the case of an escape.

99. Where the superintendent of a hospital for the insane certifies that the patient named in the certificate is harmless and is free from any symptoms which would indicate any tendency of a character dangerous either to the patient himself or to others, the Inspector General may, by order indorsed by him upon the certificate, commit such patient to the care of a person to be named in the order, to reside and board with him in accordance with and subject to regulations to be made under this Act.

Boarding-out of harmless patients.

100. The person in charge of an insane patient during conveyance to any hospital for the insane, or licensed house, or to a place in another State under the provisions of Part III. of this Act, shall have an order in writing by the Justices who have examined the patient, or by the Minister, or a request under section ten of this Act duly signed and authenticated by a Justice, and shall produce the same when required to do so by any Justice.

Order for conveyance of patient.

3. Discharge of Patients.

101. When any person who signed the request or the committee who signed the order on which any patient was received into any hospital or licensed house, whether or not such patient has since been removed under any order made under this Act or otherwise to any other hospital or licensed house, directs by writing under his hand that such patient be discharged, such patient shall forthwith be discharged.

Patient to be discharged by direction of person who signed the order or request for his admission.

102. If such person or committee as last aforesaid is dead, or is incapable by reason of insanity, absence from Western Australia, or otherwise of giving such direction for the discharge of such patient, then—

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

(a) the person who made the last payment on behalf of such patient; or

(b) the husband or wife of such patient;

or if there is no husband or wife, or if the husband or wife is incapable as aforesaid,

(c) the father;

or if there is no father, or the father is incapable as aforesaid, then

(d) the mother;

or if there is no mother, or the mother is incapable as aforesaid, then

(e) any one of the nearest of kin for the time being of such patient

may, in writing, give such direction as aforesaid for the discharge of such patient, and such patient shall be forthwith discharged accordingly.

Patients not to be discharged when certified to be dangerous or unfit from bodily health without Inspector General's consent.

Amended by No. 42 of 1920, s. 8.

103. No patient shall be discharged under either of the two last preceding sections if the superintendent of the hospital or the medical officer of the licensed house in which such patient is detained certifies in writing that in the opinion of such superintendent or medical officer such person is dangerous and unfit to be at large, or unfit from bodily health to be removed, together with the grounds on which such opinion is founded, unless the Inspector General, or a majority (which shall include a medical practitioner) of the board after such certificate has been produced to him or them give his or their consent that such patient shall be discharged.

Power to discharge patients.

Original section repealed and new section substituted by No. 42 of 1920, s. 9.

104. (1.) The superintendent or a majority of the board of any hospital for the insane, or reception house, or the medical officer or a majority of the board of any licensed house may order the discharge of any person detained therein or permitted to be absent therefrom under the provisions of section ninety-eight hereof.

(2.) The Inspector General may order the discharge of any such person from any hospital for the insane, reception house, or licensed house.

(3.) Such discharge may be ordered whether the person is recovered or not.

(4.) No majority of a board shall be deemed sufficient for the exercise of any power under this section unless such majority includes a medical practitioner.

(5.) If in any case a discharge is ordered under this section of which the superintendent disapproves, he shall forward to the Inspector General a statement in writing of the reasons for such disapproval, and the Inspector General shall record such statement in his book.

(6.) In this section "reception house" includes any place appointed or set apart for the temporary detention of the insane under Part VII. of this Act.

105. Where application is made to the Inspector General or the board of visitors of any hospital for the insane or licensed house by any relative or friend of an insane patient confined therein, requiring that he may be delivered over to the care and custody of such relative or friend, such Inspector General or board, with the advice in writing of the superintendent of such hospital or the medical officer of such licensed house, and upon the undertaking in writing of such relative or friend that such insane patient will be properly taken care of, and will be prevented from doing injury to himself or others, may discharge such insane patient.

Insane patients may be discharged on friends or relatives undertaking that they shall be taken care of.

Amended by No. 42 of 1920, s. 10.

106. (1.) In cases where the relatives or friends of any insane patient are willing to take care of such patient, but are unable, owing to indigent circumstances, to maintain him, the Minister may, on the recommendation of the board of visitors, grant an allowance for maintenance to such relative or friend on such insane patient being discharged in the manner set forth in the last preceding section.

Allowance to be made to friends for maintenance of patients.

Amended by No. 42 of 1920, s. 11.

In all such cases the allowance for maintenance shall be paid once in every three months, upon the receipt of a certificate from some medical practitioner in the form of Schedule Seventeen of this Act.

Seventeenth Schedule.

(2.) If it appears to such medical practitioner that the insane patient so discharged is not properly cared for by his friends, or that his mental state is such as to render it advisable that he should be no longer entrusted to their care, he shall report the same to the Inspector General, who may thereupon direct that such insane patient be returned to the hospital from whence he was discharged without any further certificate or statement, and he shall be received therein accordingly.

107. If a Judge receives information upon oath, or has reason to suspect that any person of sound mind is confined in any hospital for the insane, reception house, or licensed house, the Judge may order the superintendent of such hospital, reception house, or licensed house to bring the confined person before him for examination at a time to be specified in the order.

A Judge may order persons confined as insane to be brought before him for examination.

Amended by No. 42 of 1920, s. 12.

And if found to be of sound mind may discharge them from confinement.

Amended by No. 42 of 1920, s. 12.

If upon the examination of the confined person, and of the superintendent, and of any medical or other witnesses, it is made to appear to the satisfaction of the Judge that the confined person is of sound mind, the Judge may direct that the confined person be immediately discharged from the custody of the superintendent of such hospital, reception house, or licensed house, unless he is detained therein for some other cause by due process of law.

New paragraph added by No. 42 of 1920, s. 12.

Except where a person has been declared of unsound mind under Part X. and the question was determined by a jury, the Judge may, if he thinks fit, on the application of the person so brought before him, order that the question whether such person is of unsound mind be determined by a jury, and in such case the provisions of section one hundred and fifteen shall apply.

[Section 108 repealed by No. 42 of 1920, s. 13.]

PART X.—PROCEEDINGS FOR DECLARING PERSONS INSANE OR INCAPABLE AND FOR THE APPOINTMENT OF COMMITTEES OF THEIR ESTATES, ETC.

Constitution of Court.

109. The Court shall, except on appeal as hereinafter provided, be holden by a Judge of the Supreme Court sitting in open court:

Provided that any such Judge may sit in chambers to determine all such matters as in his opinion may advantageously and with propriety be heard in chambers; and such Judge when so sitting shall have the same powers and jurisdiction as in open court.

Application to Supreme Court in lieu of Commission *de lunatico inquirendo*.

110. Where it is proved to the satisfaction of the Court that a person is of unsound mind and incapable of managing his affairs, the Court may make a declaration to that effect, and may direct a reference to the Master to make inquiries concerning the property of such person, and may make all proper orders for rendering the property of such person, or the income thereof, available for the payment of his debts and for the maintenance or benefit of himself and his family, and for carrying on his trade or business (if any), and may, if necessary, appoint a committee of his estate, and also, when desirable, a committee of his person.

111. (1.) Where it is proved to the satisfaction of the Court that any person is, through mental infirmity arising from disease or age, incapable of managing his affairs, the Court may—

Persons incapable of managing their affairs.

- (a) make all proper orders for rendering the property and income of the said person available for the payment of his debts and for the maintenance and benefit of himself and his family; and
- (b) make orders for the care and management of his property in all respects as if he were an insane person; and
- (c) if necessary, appoint any person, either with or without security, to undertake the care and management of his property under the order and direction of the Court.

(2.) The person so appointed shall, subject to the said orders and directions and to the rules of Court, have the same powers and be subject to the same obligations and control as a committee of the estate of an insane person, and the powers and provisions contained in this Act relating to the management and administration of the estates of insane persons shall apply to the estates of incapable persons.

112. Whenever it is proved to the satisfaction of the Court that any insane person has recovered his sanity and is capable of managing his affairs, the Court may make a declaration to that effect, and may make all proper orders to give effect to such declaration, and to release the estate of such person from the control of the Court and to discharge the committee of his estate and person.

Superseding orders, etc., when person has recovered.

113. Applications under the last three preceding sections respectively shall be made, and evidence by affidavit given in support thereof in such manner as is prescribed by rules of Court:

Mode of application

Provided that every deponent may be cross-examined upon his affidavit either at the hearing or at such time and place as the Court may direct, and at such hearing the Court may receive or require the oral evidence of witnesses and such other proofs as may be deemed necessary.

Cross-examination on affidavit, etc.

114. (1.) Notice of any application under sections one hundred and ten and one hundred and eleven, and of the evidence by affidavit to be used in support thereof, shall be given

Process to be served.

to the alleged insane or incapable person, and of any application under section one hundred and twelve, and of the evidence by affidavit to be used in support thereof, to the person upon whose application the insane person was found or declared to be insane, or to the committee of such insane person, in such manner and within such time as is prescribed by rules of Court.

(2.) Where personal service cannot be effected or is inexpedient, then substituted service may be effected in such manner as may be prescribed by rules of Court, or as may be ordered by the Court.

Court may order inquiry before a jury.

115. The Court in any case, instead of determining whether or not the person whose sanity is the subject of inquiry is of unsound mind and incapable of managing his affairs, may order that question to be determined by a jury; and in such order shall direct whether such jury shall be a common or special jury, and thereupon the like proceedings for procuring the return of such jury shall be had and taken as provided by any law for the time being in force for the return of juries in the Supreme Court, and in every inquiry or proceeding before a jury the number of the jury shall be four, unless the Court orders a jury of twelve.

Jury to be four unless the Court order twelve.

Inquiries before jury.

116. When any such inquiry before a jury is ordered, the Court shall direct the question to be tried before a Judge or the Master, or a commissioner specially appointed, who shall, while so acting, have for the purposes of the inquiry all the powers of the Supreme Court; and the trial of every such question and the verdict thereon shall be had and dealt with in all respects in accordance with any law for the time being in force relating to the trial of issues out of the Supreme Court.

After verdict, Court may make declaration, etc.

117. When the verdict of the jury has been returned, unless a new trial is granted, the Court may make such declaration and orders as hereinbefore are respectively mentioned, as the case may be.

Examination of the alleged insane person.

118. On the hearing of any application under section one hundred and ten, the person whose sanity is in question shall be examined by the Court; and on the trial of any such question as above mentioned there shall be a like examination by the jury before they consult as to their verdict, and every such

examination shall take place in open court or in private, as may be deemed expedient:

Provided that, if it appears to the Court to be unnecessary or inexpedient that such person should be examined by the Court, or the jury, the Court may, in lieu of the examination aforesaid, direct the Master to personally examine the said person and report on such examination, or may dispense with any examination whatever.

119. Where in any Act or rule of Court or instrument reference is made to a commission of lunacy, or a writ in the nature of a writ *de lunatico inquirendo*, or to any inquisition thereon, or to a traverse or supersedeas of any inquisition or commission, the application and declaration thereon in the one hundred and tenth and one hundred and twelfth sections respectively mentioned, as the case may be, shall be taken to be intended by or comprehended in such reference.

The word commission shall apply to petition and declaration.

120. When the Court is satisfied that any person has been found of unsound mind and incapable of managing himself and his affairs by any commission, or other legal inquiry, in any other State or in the United Kingdom, or in any dependency thereof, the Court may direct a copy of the inquisition or finding of such commission or inquiry, duly certified by the proper officer of the Court into which such inquisition or finding shall have been returned, to be filed of record in the Court; and may thereupon appoint a committee of such person's estate or person, or both, and may give such other orders in respect of the management of his estate or person as it may deem expedient. Such committee shall have the same duties, powers, and liabilities as if he were the committee of an insane person under this Act.

Persons found insane in places beyond the State.

121. The Court may make such order as to the costs, charges, and expenses of and incidental to any proceeding authorised by this Act as the Court thinks proper, and may direct the same to be paid out of the estate of the insane person.

Court may order costs.

122. There shall be an appeal to the Full Court from every order made under this Act before or by a Judge in such manner as may be prescribed by rules of Court.

Appeal.

PART XI.—ADMINISTRATION AND MANAGEMENT OF THE ESTATES OF INSANE PERSONS AND PATIENTS.

(1).—*General powers and duties of Master.*

In administering the estates of certain persons the Master to have jurisdiction of the Court.

123. Subject to rules of Court, the jurisdiction and powers of the Court in respect of the administration and management of the estates of all insane and incapable persons may be exercised by the Master.

Every order made by the Master under the authority hereby conferred shall take effect, unless rescinded or varied by the Court.

The Master shall have and execute all the powers and duties hereby or under the authority hereof vested in and imposed upon him; and, subject to and in accordance with the regulations of the Governor and the rules of Court and to any special order of the Court, the Master shall—

- (1.) Undertake the general care, protection, and management, or supervision of the management, of the estates of all insane persons and patients;
- (2.) Supervise and enforce the performance of the obligations and duties of all committees of insane persons; and
- (3.) Take care of, collect, and administer, under the provisions of this Act, the property and estates of all insane patients.

Expenses incurred to be paid out of estate.

124. All expenses incurred by or on behalf of the Government in the care, protection, and management, or in the supervision of the management, under this Act, of the estate of any insane person or patient, shall be charged by the Master against and shall be paid out of and recoverable from such estate.

Expenses and accounts of Master.

125. All expenses incurred with the authority of the Court or of the Minister by the Master in carrying this Act into execution, and whether chargeable to the estate of any insane person or patient or not, shall be defrayed and paid out of such public moneys as may be appropriated by Parliament for that purpose.

All expenses so chargeable as aforesaid shall be repaid by the Master out of any money of the insane person or patient that comes to his hands, or may be recovered by him on summary application to the Court, whether such patient has been

discharged or not, or whether such insane person or patient is dead, or whether a superseding order has been made under this Act or not.

The general accounts of the Master shall be reviewed and audited in the manner provided and by virtue and in exercise of the powers conferred by any law for the time being in force relating to the audit of the public accounts.

126. There shall be paid to the Master a percentage at a rate not exceeding Five pounds per centum per annum on the clear annual income of every insane or incapable person and insane patient. Percentage and fees.

The said percentage and fees shall be charged upon and payable out of the estates of such insane or incapable persons and patients as aforesaid, although before payment the insane or incapable person dies or a superseding order is made under this Act, or the insane patient dies or is discharged from the hospital or other place in which he is detained.

127. The Master may, in the execution of his powers, duties, and authorities, and also in the prosecution of all inquiries and matters which may be referred to him under this Act, summon persons before him and administer oaths and take evidence, either orally or by affidavit or partly orally and partly by affidavit, and take recognisances and require the production of books, papers, accounts, and documents. Master to have all necessary powers of inquiry, taking evidence, etc.

The Court may by any order (general or particular) refer to the Master any inquiries under the provisions of this Act relating to the person and estate of any insane person or patient.

128. Every person giving evidence by affidavit— Witnesses may be cross-examined orally.

- (1.) shall be liable to oral cross-examination by or before the Master upon his affidavit, and after cross-examination may be re-examined orally by or on behalf of the person filing the affidavit; and
- (2.) shall be bound to attend before the Master to be so cross-examined and re-examined upon receiving due and proper notice and payment or tender of his reasonable expenses in like manner as if he had been duly served with a writ of subpoena *ad testificandum* before the Master.

The expenses attending on such cross-examination and re-examination shall be paid in such manner and by such person as the Master directs. How expenses to be paid.

Master may issue advertisements.

129. The Master may cause to be issued such advertisements as may to him seem expedient with reference to the subject matter of a proposed commission or inquiry or with a view to the efficient discharge of his duties as Master under this Act with regard to the estate and property of insane persons or patients.

Master to approve of and to enforce security to be given by committee of estate.

130. The Master shall approve, on behalf of His Majesty, of the security to be given by the committee of the estate of any insane person under order of the Court, and it shall be the duty of the Master to see that the conditions of all bonds and recognisances heretofore or hereafter to be given or entered into by the committee of the estate, or other persons in the matter of the estate, shall be faithfully and regularly observed and performed, and immediately report to a Judge any breach or non-performance of any of such conditions; and thereupon such Judge may cause such bond or recognisance to be forfeited or estreated, and such forfeiture or estreat shall be enforced and effected in the manner provided by any law now or hereafter to be in force relating to the estreat of recognisances entered into to His Majesty.

(2).—*Powers and duties of Master in respect to Estates of Insane Patients.*

Power of Master in respect of estates of insane patients.

131. The Master shall have, in respect of the property and estate of any insane patient, in addition to the general powers conferred upon him in subdivision one of this Part of this Act, all the like powers and authorities, subject to the like limitations, as are hereinafter, in subdivision three of this Part of this Act, given to the committee of the estate of an insane person, and also the powers hereinafter mentioned.

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

132. Where any person has, on the trial of any information, been acquitted on the ground of insanity, or has, upon arraignment upon a criminal charge, been found to be insane, the Sheriff shall report the fact to the Master, who shall thereupon make inquiry respecting the property of such person, and the Court may, on being satisfied of the continued insanity of such person and of his being still in confinement, make any orders with respect to the property of such person and the application thereof for the payment of his debts or for his maintenance or benefit or that of his family or for carrying on his trade or business.

133. The Master shall have the management and care of the property of every insane patient, and, in addition to other powers and duties necessary and incident to such management and care, may exercise the following powers and perform the following duties with respect to the estate of every insane patient, that is to say, he may:

Master's powers as to property of patients.

- (a) receive moneys, rents, incomes, and profits of real and personal property, and distrain for rent;
- (b) lease land for a term not exceeding five years, at such rent and on such conditions as he may think fit;
- (c) sell, realise, and mortgage real and personal property where the net value of the patient's estate, exclusive of debts and claims allowed by the Master, does not exceed Five hundred pounds;
- (d) settle, adjust, and compromise a demand not exceeding Five hundred pounds made by or against the estate;
- (e) carry on a business which the patient had carried on, so far as may appear desirable for the purpose of more advantageously disposing of or winding-up the business, or preserving the same until the recovery of the patient;
- (f) agree to an alteration of the conditions of a partnership into which the patient had entered, for the purpose of more advantageously disposing of his interest therein or terminating his liability.
- (g) complete a contract for the performance of which the patient was liable, or enter into an agreement terminating that liability;
- (h) sequestrate the estate of a patient under the provisions of the bankruptcy laws;
- (i) bring and defend actions, suits, and other proceedings on behalf of a patient;
- (j) bring lands under the provisions of the Transfer of Land Act, 1893, or any Act amending the same.

134. (1.) The Master may apply to the Court for directions with respect to the exercise of any of the powers over the estate of an insane patient which the Court may exercise, or order a committee to exercise, over the estate of an insane person under subdivision three of this part of this Act.

Master may apply to the Court as to the exercise of certain powers.

(2.) The Court may, upon such application or upon the application of the patient or any relative, friend, or creditor of the patient, direct that such inquiries be made and notices given as may be deemed advisable, and may make such order as may be thought proper.

Master may execute instruments on behalf of patient.

Title of purchaser from the Master.

135. (1.) The Master may do such acts and exercise such powers with respect to an estate committed to his management and care as the patient himself could have done if sane, and may, in the name and on behalf of the patient, execute and sign deeds and instruments (including instruments under the Transfer of Land Act, 1893, or any Act amending the same), transfers of shares, receipts, releases, and other documents, which shall be as effectual as if executed and signed by the patient himself while sane, and shall be acted upon accordingly by the Registrar of Titles and all other persons without any obligation to inquire whether the person upon whose behalf the Master purports to act be a patient or not.

(2.) Persons dealing with the Master in respect of any estate over which he has assumed control shall be as fully protected as if the owner of the estate were a patient at the time of the dealing, although he is not, in fact, then a patient; and a purchaser or mortgagee from the Master of any real or personal property of a patient shall not be bound to inquire as to the Master's powers so to deal with that property, or as to the application of the purchase money.

Summary proceedings for protection of property of insane patients.

136. (1.) If any real or personal property of an insane patient is wrongfully held, detained, converted, or injured, or if any sum of money is due and owing to such patient by any person, the Master may, as such Master, claim and recover possession of such property or damages for the conversion or injury thereof, or payment of the said sum by summary proceeding on complaint before a Judge, who is hereby authorised, on proof to his satisfaction of the said cause of complaint, to make an order requiring the defendant to give up possession of such property, or to pay reasonable damages to be fixed by the said order for the conversion or injury thereof, or to pay the sum so due as aforesaid, and in default of compliance by the defendant with the said order, to order in and by the same or any subsequent order that the defendant be committed to prison for any period not exceeding six months.

(2.) Such Judge may, on any complaint under this section, make such order as to costs as he thinks fit, and every order under this section shall have the same effect, and may be enforced in like manner as any judgment, decree, or order of the Supreme Court in its ordinary jurisdiction.

137. (1.) The Master shall pay into the consolidated revenue for the use and benefit thereof, and at such times and in such manner as the Governor may from time to time appoint, all money paid to him for the maintenance of any patient, and all percentages and fees.

Payments to consolidated revenue.

(2.) The Master shall at such times, and in such manner as aforesaid, pay all other money coming to his hands into the Treasury to the credit of a trust fund, and may withdraw the same or any part thereof and apply it for the purposes in the next section mentioned, or pay it to the consolidated revenue for the purposes of maintenance, clothing, medicine, and care in that section mentioned.

Payments to credit of trust fund.

(3.) No money so deposited shall be withdrawn or paid from the Treasury otherwise than by the authority of the Court, or by the Master for the purposes aforesaid.

(4.) A separate account shall be kept by the Master of payments to the credit of the trust fund, and of payments out in respect of the estate of each patient.

Separate accounts.

138. The Master may apply money coming to his hands in respect of the estate of a patient, and standing to the credit of the trust fund towards all or any of the following purposes:—

Disposition of money in the hands of the Master.

- (a) The payment of the debts of the patient, and the repayment of expenses chargeable to his estate;
- (b) His maintenance, clothing, medicine, and care, past and future, and in the event of his death, his funeral expenses;
- (c) The maintenance of his wife or any child or parent, or other person dependent upon the patient;
- (d) The maintenance of any person for whose maintenance the patient provided when sane;
- (e) The payment of all proper costs, charges, and expenses incurred in or about the care, protection, recovery, sale, mortgage, leasing, disposal, and management of his estate;
- (f) The preservation and improvement of the patient's estate;
- (g) The investment, in manner hereinafter provided, of money not presently required for the above purposes;

- (h) The payment to a patient or any person under sections one hundred and forty-one and one hundred and forty-three of this Act:

Provided that the Master may report to and apply for the advice and directions of the Court upon any of the matters aforesaid; and the Court may, upon such application as aforesaid, or upon the application of the patient or any relative, friend, or creditor of the patient, direct such inquiries to be made, and notices given as may be deemed advisable, and may make such orders in the premises as may be thought proper.

Powers of Master as to investment.

139. The Master may invest any money unapplied as aforesaid in Government debentures, or by paying the same into the Treasury under such conditions as to interest and otherwise as may be prescribed by rules of Court.

Investment on mortgage.

Ibid., s. 27.

140. The Master may, with the leave of the Court, invest any money unapplied as aforesaid upon mortgage of real estate or other security, or in the purchase of land, if such purchase appear to the Court to be desirable for the purpose of protecting the estate of the patient from injury or deterioration in value, or of increasing the value or facilitating the sale of other lands of the estate; and the Court may, on the hearing of the application, deal with the same *ex parte*, or require notice to be served on any person.

Payment over of estate before discharge in certain cases.

141. (1.) If any patient is permitted to be absent from a hospital for the insane or licensed house upon trial or otherwise under the provisions of this Act, the Master may, in his discretion, pay over to the patient, or to any person on his behalf who gives satisfactory security to the Master for the proper management and disposal thereof, the whole or any part of the money standing to the credit of the patient in the trust fund, and may hand over to him, or to the person aforesaid, all other property forming part of his estate.

(2.) The receipt of the patient or person aforesaid shall be an absolute discharge to the Master, notwithstanding any informality in or about the granting of such permission as aforesaid.

Sale, etc., by patient before his discharge may be set aside.

142. Where—

- (a) any person within one month before becoming a patient; or

(b) any patient, before his discharge, has made or executed any transfer, sale, alienation, charge, or lease of any property, real or personal, the Court may, on application being made by the Master, and on notice to such persons as the Court may direct, set aside the said transfer, sale, alienation, charge, or lease, and may make such order as may be just.

For the purposes of the application the patient shall be *prima facie* deemed to have been insane at the time when he made or executed the transfer, sale, alienation, charge, or lease.

143. (1.) After the discharge or death of a patient, the Master may pay over to him in the case of his discharge, or to his legal representative in the case of his death, all money standing to the credit of that patient in the trust fund, and may hand over to him or to his legal representative (as the case may be) all other property forming part of his estate.

Payment to discharged patients and to representatives of deceased patients.

(2.) The receipt of the said patient or his legal personal representative shall be an absolute release to the Master, notwithstanding any informality in the discharge of the patient, or in the mode of obtaining the same.

(3.) The Master may, in the exercise of his discretion, require a discharged patient, claiming money or property as aforesaid, to obtain the order of the Court.

(4.) Where advertisements for creditors to come in and prove their debts have been duly published by the Master in the course of managing the property of a patient, and no debt has been proved within the fixed time for that purpose, or no debt remains unsatisfied, and the amount of any money standing to the credit of the patient in the trust fund, and the value of any other property forming the estate of the patient, does not exceed in the whole One hundred pounds, the Master may, in his discretion, after the death of the patient, pay and hand over such money and property to any person claiming as entitled in the distribution of his estate, or as a legatee under his will, notwithstanding letters of administration have not been obtained or the will proved, and notwithstanding legal proof is not given of the right or title of the person claiming as aforesaid.

Payment of sum not exceeding £100 to representatives or legatees.

Provisions as to personal effects of patient in hands of Master not claimed for two years, and as to moneys standing to credit of patient for a period of six years after his death.

144. (1.) All personal effects in the hands of the Master belonging to a patient, and not claimed within two years from the date of the discharge of that patient, may be sold by direction of the Master, and the proceeds of the sale shall be paid by him into the consolidated revenue.

(2.) All moneys standing to the credit of a patient in the trust fund at the end of six years from the death of such patient shall be carried to and form part of the consolidated revenue.

(3.) Nothing herein contained shall affect the right of a person under the disability of infancy or insanity, to recover the said moneys or the proceeds of the said sale at any time within six years from the removal of that disability.

Master may act until he receives notice of death or discharge of patient.

145. (1.) Notwithstanding the discharge or death of a patient, the Master may continue to perform the duties and exercise the powers conferred upon him with respect to the estate of that patient until he receives notice of such discharge or death as aforesaid.

(2.) On the discharge or death of a patient, he or his legal personal representatives (as the case may be) shall be bound by and may take advantage of an act lawfully done by the Master on behalf of the patient, as if the said act had been done by the patient himself while sane.

The Court may direct the Master to report as to the insanity of any patient, etc.

146. The Court may direct the Master to personally examine any insane patient, and take evidence and call for information as to the insanity of such patient, and report thereon to the Court, and the Court may make orders for—

- (a) the appointment of a guardian or otherwise for the protection, care, and management of the person or of the estate, or of the person and estate, of any patient who by any such report is found to be insane; such guardian, according to the nature of his appointment, to have the same powers and authorities, and be subject to the same control and liabilities, as a committee of the person and estate of an insane person appointed under this Act; and also
- (b) the appointment of a receiver or otherwise for the protection, care, and management of the estate of such insane patient; such receiver to have the same powers and authorities and be subject to the same control and liabilities as a receiver of the estate of an insane person appointed under this Act; and also

- (c) the application of the income of such insane patient 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 insane patient, and of or in connection with the said examination by the Master and the obtaining of such orders by the Court; and as to
- (d) the investment or other application for the purpose of accumulation or otherwise of the surplus (if any) of such income as last mentioned for the use of such patient, his wife, or children as to the Court may seem fit.

(3).—*Management of the Estates of Insane Persons.*

147. (1.) The Court may order that any property of an insane person, whether present or future, be sold, charged, mortgaged, dealt with, or disposed of as the Court thinks most expedient for the purpose of raising or securing or repaying, with or without interest, money which is to be or which has been applied to all or any of the purposes following:—

Power to raise money for certain purposes.

- (a) Payment of the insane person's debts or engagements;
- (b) Discharge of any incumbrance on his property;
- (c) Payment of any debt or expenditure incurred for the insane person's maintenance or otherwise for his benefit;
- (d) Payment of or provision for the expenses of his future maintenance;
- (e) Payment of the costs of any proceeding under this Act, or of any sale or other disposition made under this Act.

(2.) In case of a charge or mortgage being made under this Act for the expenses of future maintenance, the Court may direct the same to be payable, either contingently if the interest charged is a contingent or future one, or upon the happening of the event if the interest is depending on an event which must happen, and either in a gross sum or in annual or other periodical sums, and at such times and in such manner as the Court thinks expedient.

Powers exercisable
by committee under
order of Court.

148. The Court may, by order, authorise and direct the committee of the estate of an insane person to do all or any of the following things:—

- (a) sell any property belonging to the insane person;
- (b) make exchange or partition of any property belonging to the insane person, or in which he is interested, and give or receive any money for equality of exchange or partition;
- (c) carry on any trade or business of the insane person;
- (d) grant leases of any property of the insane person for building, agricultural, or other purposes;
- (e) surrender any lease and accept a new lease;
- (f) accept a surrender of any lease and grant a new lease;
- (g) execute any power of leasing vested in an insane person having a limited estate only in property over which the power extends;
- (h) perform any contract relating to the property of the insane person entered into by the insane person before he became an insane person;
- (i) surrender, assign, or otherwise dispose of, with or without consideration, any onerous property belonging to the insane person;
- (j) exercise any power or give any consent required for the exercise of any power where the power is vested in the insane person for his own benefit, or the power of consent is in the nature of a beneficial interest in the insane person;
- (k) sequestrate the estate of the insane person under the provisions of the bankruptcy laws;
- (l) bring lands under the provisions of the Transfer of Land Act, 1893, or any Act passed or to be passed amending or consolidating the same;
- (m) bring and defend actions, suits, and other proceedings on behalf of the insane person.

Property exchanged
and renewed lease
to be to same uses
as before.

149. Any property taken in exchange, and any renewed lease accepted on behalf of an insane person under the powers of this Act, shall be to the same uses and be subject to the same trusts, charges, incumbrances, dispositions, devises, and conditions as the property given in exchange or the surrendered lease was, or would, but for the exchange or surrender, have been subject to.

150. (1.) The power to authorise leases of an insane person's property under this Act shall extend to property of which the insane person is tenant in tail, and every lease granted pursuant to any order under this Act shall bind the issue of the insane person, and all persons entitled in remainder and reversion expectant upon the estate tail of the insane person, and every person to whom from time to time the reversion expectant upon the lease belongs upon the death of the insane person, shall have the same rights and remedies against the lessee, his executors, administrators, and assigns as the insane person or his committee would have had.

Extent of leasing power.

(2.) Leases authorised to be granted and accepted by or on behalf of an insane person under this Act may be for such number of lives or such term of years at such rent and subject to such reservations, covenants, and conditions as the Court may order.

(3.) Fines or other payments on the renewal of leases may be paid out of the estate of the insane person, or charged with interest on the leasehold property, as the Court may order.

151. (1.) The insane or incapable person, his heirs, next of kin, devisees, legatees, executors, administrators, and assigns shall have the same interest in any moneys arising from any sale, mortgage, charge, or other disposition of land under the powers of this Act, which may not have been applied under such powers as he or they would have had in the property the subject of the sale, mortgage, charge, or disposition, if no sale, mortgage, charge, or disposition had been made, and the surplus moneys shall be of the same nature as the property sold, mortgaged, charged, or disposed of.

Insane person's interest in property not to be altered.

(2.) Moneys received for equality of partition and exchange, and all fines, premiums, and sums of money received upon the grant or renewal of a lease where the property, the subject of the partition, exchange, or lease was real estate of the insane or incapable person shall, subject to the application thereof for any purposes authorised by this Act, be considered as real estate, except in the case of fines, premiums, and sums of money received upon the grant or renewal of leases of which the insane person was tenant for life, in which case the fines, premiums, and sums of money shall be personal estate of the insane person.

(3.) In order to give effect to the foregoing provisions of this Act the Court may make such orders and direct such conveyances, deeds, and things to be executed and done as it thinks fit.

Expenses of im-
provements may be
charged on estate.

152. (1.) The Court may order that the whole or any part of any moneys expended or to be expended under its order for the permanent improvement, security, or advantage of the property of the insane person, or of any part thereof, shall with interest be a charge upon the improved property or any other property of the insane person, but so that no right of sale or foreclosure during the lifetime of the insane person be conferred by the charge, and the interest shall be kept down during his lifetime out of the income of his general estate as far as the same is sufficient to bear it.

(2.) The charge may be made either to some person advancing the money, or, if the money is paid out of the insane person's general estate, to some person as a trustee for him as part of his personal estate.

Where property
small Inspector
General may
exercise powers of
committee or apply
same for insane
person's mainten-
ance.

153. Where the net estimated value of the property of any insane person does not exceed the sum of Five hundred pounds, the Court—

- (1) may, by an order made on the application of the Inspector General, vest such property in the Inspector General, who thereupon may exercise all the powers of a committee of the estate of the insane person; or
- (2) may order such property or the produce thereof, when realised, to be paid or transferred to the Inspector General or any other person to be applied in or towards the maintenance of the insane person, at his discretion, or in such manner and subject to such control as the Court may direct, and for the purpose of giving effect to any such order the Court may order any real estate or other property whatsoever of the insane person to be sold, and a valid conveyance or transfer thereof to be executed or made by the Inspector General or such other person as it shall direct.
- (3) may order such sum by way of remuneration to be paid out of the estate of the insane person to the Inspector General or such other person as the Court may think fit.

154. (1.) Where it appears to the Court that there is reason to believe that the unsoundness of mind of any insane person 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 such insane person 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 insane person, 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 may allow thereout such amount as it may think proper for the temporary maintenance of the insane person and the members of his immediate family who are dependent upon him for maintenance, and may order the payment of any such sum of money as aforesaid, or any part thereof, to some fit person, and may direct the same to be paid to such person accordingly, and when received to be applied, and the same shall accordingly be applied in or towards such temporary maintenance as aforesaid.

Where insanity temporary the Court may apply cash arising from income for temporary maintenance.

(2.) The receipt 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.

(3.) The person so receiving any moneys by virtue of this present provision shall pass an account thereof before the Master when required.

155. The committee of the estate, or such person as the Court approves, shall, in the name and on behalf of the insane person, execute, make, and do all such conveyances, deeds, transfers, and things for giving effect to any order under this Act as the Court directs; and every such conveyance, deed, transfer, and thing shall be valid and effectual, and shall take effect accordingly, subject only to any prior charge to which the property affected thereby at the date of the order is subject.

Power to carry orders into effect.

156. Where by the order of the Court any real estate is ordered to be sold, mortgaged, or charged, an effectual conveyance, mortgage, or charge may be made of any interest of a married woman in such estate, being an insane person, without any acknowledgment by her.

Conveyance of interest of married woman.

Committee may exercise power vested in insane person in character of guardian, etc.

157. Where a power is vested in an insane person in the character of a trustee or guardian, or the consent of an insane person 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 to be expedient that the power 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 insane person, under an order of the Court made upon the application of any person interested in the exercise of the power, may exercise the power or give the consent (as in the case may be) in such manner as the order may direct.

Appointment of new trustees under power to have effect of appointments by Court, and like orders may be made as under any law relating to trusts.

158. Where under this Act the committee of the estate, under order of the Court, exercises in the name and on behalf of the insane person a power of appointing new trustees vested in him, the persons who shall after and in consequence of the exercise of the power be the trustees shall have all the same rights and powers as they would have had if the order had also been made by the Supreme Court under any law for the time being in force relating to trusts; and the Court may in such case where it seems to be expedient make any such order respecting the property, subject to the trust, as might have been made in the same case under the provisions of any such law as aforesaid on the appointment thereunder of new trustees.

Temporary provision for maintenance of insane person.

159. In any case where, pending the appointment of a committee, it appears to the Master desirable that temporary provision should be made for the expenses of the maintenance or other necessary purposes or requirements of the insane person, or any member of his family, out of any cash or available securities belonging to him in the hands of his bankers, or of any other person, the Master may, by certificate, authorise such banker or other person to pay to the person to be named in such certificate such sum as he certifies to be proper; and may, by such certificate, give any directions as to the proper application thereof for the insane person's benefit by that person, who shall be accountable for the same, as the Master directs.

Stock belonging to insane person may be ordered to be transferred.

160. Where any stock is standing in the name of or is vested in an insane person beneficially entitled thereto, or is standing in the name of or vested in a committee of the estate of an insane person in trust for the insane person or as part of his property, and the committee dies intestate or himself

becomes insane or is out of the jurisdiction, or it is uncertain whether the committee is living or dead, or he neglects or refuses to transfer the stock, and to receive and pay over the dividends thereof to a new committee, or as he directs for the space of fourteen days after a request in writing for that purpose made by a new committee, then the Court may order some fit person to transfer the stock to or into the name of a new committee or otherwise, and also to receive and pay over the dividends thereof, or such sums of money, and in such manner as the Court directs.

161. Where any stock is standing in the name of, or vested in, a person residing out of Western Australia, the Court, upon proof to its satisfaction that such person has been declared idiot, lunatic, or of unsound mind, and that his personal estate has been vested in a curator or other person appointed for the management thereof, according to the laws of the place where he is residing, may order some fit person to make such transfer of the stock to or into the name of the curator or other person appointed as aforesaid or otherwise, and also to receive and pay over the dividends thereof as the Court thinks fit.

Stock in name of insane person residing out of Western Australia may be ordered to be transferred.

162. Where an order is made under this Act for the transfer of stock, the person to be named in the order for making the transfer shall be some proper officer of the company or society in whose books the transfer is to be made.

Who shall be appointed to make transfer.

163. The Court may order the costs and expenses of and relating to the petitions, applications, orders, directions, conveyances, and transfers to be presented or made in pursuance of this part of this Act to be paid and raised out of or from the property, or the rents, income, or profits in respect of which the same respectively shall be presented or made in such manner as it may think proper; and the Court may order such sum by way of remuneration to be paid out of the estate to the committee of any insane person as the Court may think fit.

Costs and remuneration may be paid out of estate.

164. Every conveyance, lease, surrender, transfer, charge, or other disposition made or accepted or executed and every payment made under this Act shall be valid to all intents and binding upon all persons whomsoever; and this Act shall be a full indemnity and discharge to all persons for all acts and

All deeds, transfers, payments, etc., made in pursuance of this Act, to be valid and binding.

things done or permitted to be done in pursuance thereof, or of any order of the Court made or purporting to be made under this Act.

Act not to subject insane person's property to debts.

165. Nothing in this Act contained shall subject any part of the property of an insane person to the debts or demands of his creditors, further or otherwise than as the same is now subject thereto by due course of law.

PART XII—COURT VISITOR.

Court may order insane person to be visited.

166. The Court may, by general rule or special order—

- (a) direct any fit person to visit any insane person and to make a report in writing to the Court or a Judge of the state of mind and bodily health and general condition, and also of the care and treatment of the person visited;
- (b) direct that such information as may be deemed necessary be given to the person making the visit as to the nature and extent of the fortune of the person visited, and as to the orders of the Court made in respect thereof;
- (c) Order that any expenses connected with the visit be paid out of the estate of the person visited.

PART XIII.—MISCELLANEOUS PROVISIONS.

Relative, etc., may agree for maintenance of insane patient.

167. The Inspector General may agree with any relative, guardian, or friend of any patient detained in any hospital for the insane or licensed house for his maintenance while detained therein, and such relative, guardian, or friend shall be entitled to be reimbursed all necessary sums expended in such maintenance and interest thereon out of any real or personal property of such patient.

Owner, charterer, agent, or master of ship liable for maintenance of any passenger or seaman being insane and a charge upon the public.

168. (1.) If any health officer, or the Commissioner of Police, certifies to the Inspector General, after the arrival of any ship at any port in Western Australia, that any person arriving by that ship is insane, imbecile, or idiotic, it shall be lawful for the Inspector General thereupon to require the owner, charterer, agent, or master of that ship to execute, with two sufficient sureties, jointly and severally, a bond to His

Majesty in such sum as the Inspector General may determine, not exceeding Five hundred pounds, conditioned to pay to the Inspector General the maintenance of that passenger or seaman in such reception house or hospital at such rate and for such term as may be determined by the Inspector General; or, at the option of the owner, charterer, agent, or master of the ship, subject to the approval of the Inspector General, to return such person to the place whence he was shipped.

(2.) No bond shall be required when such person is, at the date of the arrival of the ship, domiciled in Western Australia; but the onus of proving such domicile as aforesaid shall be upon the said owner, charterer, agent, or master of the ship.

169. If the said owner, charterer, agent, or master of the ship neglects or refuses to execute the bond as aforesaid within seven days after being so required, he shall be liable to a penalty not exceeding Five hundred pounds, to be recovered summarily before a Resident or Police Magistrate; and the said ship shall not be cleared out until the bond is executed as aforesaid.

Penalty if owner, charterer, agent, or master neglects or refuses to execute bond.

170. (1.) If it appears to two Justices, on application by or on behalf of the Inspector General, that any patient has not an estate or any sufficient estate applicable to the maintenance of such patient, and that any person related to such patient in the manner hereinafter specified, is of ability to maintain or contribute to the maintenance of such patient, such Justices may make application in writing to the father, mother, husband, wife, child, or children, being of the age of twenty-one years or upwards, of such patient, or any of them, for the payment to the Inspector General of a reasonable sum weekly, or monthly, or otherwise in such manner as such Justices shall direct, for or towards the maintenance, clothing, medicine, and care of such patient.

Justices may make an order upon relations of patient for his support.

(2.) If the sum referred to in such application is not paid pursuant thereto, the Justices shall, on complaint made by or on behalf of the Inspector General, issue a summons to be served on any person so applied to and failing to pay as aforesaid, to answer such complaint, and upon return of such summons the Justices may, upon being satisfied as to the matters aforesaid, make an order on such person for the payment of a reasonable sum weekly, or monthly, or otherwise in such manner as such Justices direct, for or towards the maintenance, clothing, medicine, and care of such patient.

(3.) No wife of an insane patient shall be liable under the provisions of this section except in respect of her separate estate.

(4.) Payments made pursuant to any such application or order shall be sufficient discharges for such payments.

Application for maintenance to be supported by affidavit.

171. (1.) Upon application being made to Justices under the last preceding section of this Act, there shall be lodged with the Justices the affidavit or statutory declaration hereinafter mentioned, together with a true copy of the same.

(2.) The affidavit or declaration shall be made by the Inspector General or some other person on his behalf, setting forth among other things the following facts to the best of his knowledge, information, and belief:—

- (a) The degree of relationship of the person sought to be charged to the patient;
- (b) That such person is of ability to pay for or towards the maintenance of the patient;
- (c) the particulars of the patient's property (if any) and that the same is not sufficient for his maintenance, clothing, medicine, and care.

Proceedings on complaint made.

172. Upon complaint being made under section one hundred and seventy of this Act, the copy of the affidavit or declaration lodged with the Justices as above mentioned shall be served with the summons; and the affidavit or declaration, or the copy served as aforesaid shall, at the hearing of the complaint, be evidence of the matters therein stated.

Justices may make orders for payment of arrears of maintenance.

173. The Justices may, on complaint made by or on behalf of the Inspector General under the provisions of section one hundred and seventy of this Act, order payment of a reasonable sum for or towards the past maintenance of a patient, and for or in respect of money expended on his clothing, medicine, and care; and such order may be made notwithstanding the patient has been discharged or is dead.

Procedure if amount mentioned in order remains unpaid.

174. If the amount mentioned in an order made by Justices under the provisions of section one hundred and seventy, or of the last preceding section of this Act, remains unpaid, the Inspector General may apply, on notice to the person named in such order as aforesaid, to the Court for an order directing payment of the amount due; and upon the hearing

of that application the Court may make such order in the premises as may seem just for payment of the amount found to be due as aforesaid, together with the costs of the application:

Provided that nothing herein contained shall affect any other remedies which the Inspector General may have for enforcing the order of the Justices.

175. Where it appears to the Inspector General that payments agreed to be made under this Act for the maintenance of or otherwise on behalf of an insane person or patient have fallen into arrears through circumstances beyond the control of the person agreeing as aforesaid, the Inspector General may, in his discretion—

Maintenance.
Discretion of Inspector General to forego arrears or to accept a smaller sum in satisfaction.

- (a) forego altogether the payment of such arrears; or
- (b) accept a smaller sum in satisfaction thereof; or
- (c) make such other agreement as he may think just and reasonable.

176. (1.) The Judges, or any two or them, may make general orders and rules for regulating, in all cases, the form and mode of proceeding before the Court, and before and by the Master, for carrying into effect the several objects of Parts X. and XI. of this Act, so far as the same relate to the powers or duties of the Court or of the Master, and for regulating the practice and forms in all matters of lunacy, and the amount of percentage, and of the fees payable in proceedings relating to insane persons and patients and their estates, and the mode in which the same shall be ascertained and paid:

Power to Judges of Supreme Court to make general orders.

(2.) A copy of every such rule shall be laid before both Houses of Parliament within fourteen days from the publication thereof, if Parliament is then in session, or otherwise within fourteen days after the commencement of the next ensuing session.

177. The Governor may make regulations for carrying into effect the purposes and provisions of this Act in all respects other than as hereinbefore provided for, and in particular for the classification, care, and maintenance of patients while boarded-out and the inspection of those patients and of the houses and premises where they may reside, and may

Governor may make regulations.]

impose any penalty not exceeding twenty pounds for any breach of those regulations; and all regulations when made and published in the *Government Gazette* shall have the force of law, and shall be laid before both Houses of Parliament without delay. Such regulations, so far as they directly concern the welfare and conduct of patients, shall be plainly printed and displayed on the walls of every hospital for the insane.

Superintendents, etc., may plead the general issue.

Certificates, etc., a bar to proceedings.

178. In any proceeding taken against a superintendent of a hospital for the insane or for the criminal insane, licensed house, or reception house, or other person authorised by this Act to take charge of any person as insane, or against any assistant or servant of any such superintendent or person authorised as aforesaid for taking, confining, detaining, or retaking any person as an insane person or patient, the party complained of may plead the general issue, and may under that plea give in evidence the order, request, and certificates or certificate mentioned in Parts II. to IX. (inclusive) of this Act in his defence; and the certificate or certificates and the request or the certificate or certificates and the order (as the case may be) shall be a justification for taking, confining, detaining, or retaking that insane person or patient.

No action to lie against person who has acted in good faith, etc.

179. (1.) No action shall lie against any person for or on account of any act, matter, or thing done or commanded to be done by him, and purporting to be done for the purpose of carrying out the provisions of this Act, unless it is proved that such act was done or commanded to be done maliciously and without reasonable and probable cause.

Notice of action.

(2.) No such action shall be commenced until one month next after notice in writing has been served on the person against whom it is intended to be brought, or left at his usual place of abode. Such notice shall clearly state the cause of action, the name and place of abode of the plaintiff, and the name and place of business of his solicitor (if any) and shall be signed by the plaintiff.

Action to be commenced within three months.

(3.) Every such action shall be commenced within three months after the alleged cause of action, or, in the case of an action by a person who has been an insane person or patient, within three months next after the making of a superseding order, or next after the discharge of the patient.

(4.) Proceedings in such action shall be stayed if the Court is satisfied that there is no reasonable ground for the action, or that notice of action has not been given, or that the said proceedings have been commenced after the expiration of the three months aforesaid. Stay of proceedings.

(5.) The Court may at any time after the commencement of such action order security for costs to be given by the plaintiff, and direct all proceedings in the action to be stayed until such order is complied with. Security for costs.

180. Any superintendent, officer, servant, or other person, employed in any hospital for the insane, licensed house, reception house, hospital for criminal insane, public hospital, or prison, who strikes, wounds, illtreats, or wilfully neglects any insane patient confined or detained therein shall, for every such offence, be liable to a penalty not exceeding Twenty pounds, or to imprisonment for any period not exceeding six months: Penalties on officers or servants illtreat- ing the insane.

Provided that nothing in this section contained shall pre- judice or affect the civil or criminal responsibility (if any) of the offender at common law or under any statute.

181. If any person having the care or charge of any patient in any institution or any attendant therein has, or attempts to have, carnal knowledge of any female patient, he shall be guilty of a crime, and on conviction shall be liable to imprison- ment with or without hard labour for a term not exceeding five years, with or without whipping, and the consent of such patient shall be no defence to the charge. Penalty for defile- ment of the insane. Amended by No. 42 of 1920, s. 14.

182. If any superintendent, officer, servant, or other person employed in any institution, through wilful neglect or con- nivance, permits any insane patient to escape from any such institution, or to be at large without such order as in this Act mentioned (save in the case of temporary absence authorised under the provisions aforesaid), or secretes, or abets, or con- nives at the escape of any such person, he shall, for every such offence, be liable to a penalty not exceeding Twenty pounds. Penalty on officers, etc., allowing patients to escape or be at large without permission. Amended by No. 42 of 1920, s. 15.

183. (1.) Every superintendent of a hospital for the insane— Reports to be made to the master and in certain cases to the Minister.

(a) shall forward to the Master, within fourteen days from the reception of any patient into any such hospital the name of such patient, together with a

true and particular account, so far as the same is known or can be ascertained, of his property, and of the names and residences of his relatives known, or supposed, to be able to maintain or contribute to the maintenance of such patient; and

- (b) shall from time to time, without any unnecessary delay, forward to the Master a report in writing of the death, discharge, removal, absence on trial or for the benefit of his health, return, escape, and recapture of every patient in the said hospital.

Amended by No. 42
of 1920, s. 16.

(2.) Every superintendent and every visitor shall communicate to the Master all particulars that may come to his knowledge respecting the property of any patient in any hospital for the insane, reception house, or public hospital, and if any such superintendent or visitor has reason to believe that the property of any such patient is not duly protected, or that the income thereof is not duly applied for his maintenance, such superintendent or visitor shall report thereon to the Minister, as well as to the Master.

Superintendents of
hospitals and
licensed houses to
show Inspector
General and visitors
the whole of house
and answer inquiries.

Amended by No. 42
of 1920, s. 17.

184. (1.) The superintendent of every such hospital, reception house, licensed house, or other place officially visited under this Act, shall show to the Inspector General and visitors visiting the same, every part thereof respectively, and every person detained therein, and shall give full and true answers to the best of his knowledge to all questions which the Inspector General or visitors shall ask in reference to the said hospital, reception house, licensed house, or other place, and the patients confined therein, and shall produce to the Inspector General and visitors respectively the several books by this Act required to be kept, and shall furnish all such returns as may be required by the Inspector General or visitors.

(2.) Every such superintendent or other officer, and every servant of any such superintendent or other officer who—

- (a) conceals or attempts to conceal, or refuses or wilfully neglects to show any part of such hospital or house or other place, or any building or appurtenances belonging thereto, or any person detained or being therein from or to the Inspector General or any member of the board of visitors; or

- (b) does not give true and full answers to the best of his knowledge to all questions which the Inspector General or any member of the board of visitors asks in reference to the matters aforesaid; or
- (c) neglects or refuses to furnish such returns as aforesaid, or to produce to the Inspector General or visitors—
 - (i) the several books by this Act required to be kept; and also
 - (ii) all orders and certificates relating to patients admitted since the last visitation of the Inspector General or visitors; and
 - (iii) in the case of a licensed house, the license then in force for such house; and
 - (iv) such other documents and papers relating to any of the patients at any time received into such hospital, licensed house, reception house, or other place as the Inspector General or visitors shall require to be produced to him or them,

shall be liable, on summary conviction, to a penalty not exceeding One hundred pounds, or to imprisonment not exceeding six months.

185. (1.) Every letter written by a patient in any such hospital, licensed house, reception house, or other place officially visited under this Act and addressed to the Inspector General or any visitor shall be forthwith forwarded unopened.

Letters of patients to be forwarded, or if not to be laid before Inspector General or visitors, etc.

(2.) Every letter written by any such patient and addressed to any person other than the Inspector General or a visitor shall be forwarded to the person to whom it is addressed, unless the superintendent of such institution, or in the case of a single patient the person having charge of him shall upon reading the same prohibit the forwarding of such letter by indorsement to that effect under his hand on the letter, and in such case he shall lay the letter so indorsed before the Inspector General or the board of visitors, on his or their next visit, and no such letter if unsent shall be destroyed until it has been submitted to the Inspector General.

Amended by No. 42 of 1920, s. 18:

(3.) Any such superintendent or any such person in charge as aforesaid who fails to comply with any of the requirements of this section shall be liable to a penalty not exceeding Ten pounds in respect of every such offence.

Penalty.

Misdemeanour.
Medical practitioner
—untrue entry—
untrue statement.

186. Every person who for the purposes of this Act—
- (a) signs or describes himself in any statement or certificate as a medical practitioner, not being such within the meaning of this Act; or
 - (b) wilfully makes or is privy to the making of an untrue entry in any of the books required by this Act to be kept; or
 - (c) wilfully makes an untrue statement in any report, or with reference to anything by this Act required to be made or done,

shall be liable, on summary conviction, to a penalty not exceeding One hundred pounds, or to imprisonment not exceeding six months.

Unlawfully entering or bringing prohibited thing into a hospital for insane.

187. Every person who, contrary to the regulations,—
- (1) enters, or attempts to enter, any hospital for the insane; or
 - (2) communicates, or attempts to communicate, with any insane patient; or
 - (3) places in, or brings, or attempts by any means whatever to introduce into any hospital for the insane any prohibited thing; or
 - (4) secretes or leaves at any place any thing for the purpose of being found or received by any insane patient,

shall be liable, on summary conviction, to a penalty not exceeding Fifty pounds or to imprisonment, with or without hard labour, for any period not exceeding six months.

Power of Inspector General to deal with misconduct or incompetence of attendants in hospitals

187a. (1.) If it shall be proved to the satisfaction of the Inspector General that any attendant or employee in any hospital for the insane, hospital for the criminal insane, or reception house has been or is—

- (a) guilty of any wilful disobedience or disregard of any lawful order made or given by any person having authority to give such order; or
- (b) negligent or careless in the discharge of his duties; or
- (c) inefficient or incompetent; or
- (d) using intoxicating beverages to excess; or
- (e) guilty of any disgraceful or improper conduct,

then it shall be lawful for the Inspector General to dismiss such attendant or employee or reduce him to a lower class or grade, or fine him a sum not exceeding Ten pounds.

Inserted by No. 42 of 1920, s. 19.

(2.) If the superintendent of any such institution as aforesaid shall have reason to believe that any such offence or matter as is hereinbefore described can be imputed to any attendant or employee, he may formally charge the attendant or employee in respect thereof by written notice given to the Inspector General, and shall forthwith serve a copy of the notice on the attendant or employee, and may suspend him pending the hearing of the charge. If the charge is found not to be proven, the suspension shall be immediately removed, and the attendant or employee shall receive arrears of salary in full from the date of the suspension.

Suspension.

(3.) If any attendant or employee who has been permanently employed in any such institution as aforesaid is fined or reduced to a lower class or grade or dismissed, he may appeal in the prescribed manner and within the prescribed time, to the board of visitors of the institution, and the decision of the board shall be final.

Appeal.

Provided that such attendant or employee shall have the right to be represented at such appeal by any person whom he may appoint.

(4.) The board may affirm, reverse, or modify the decision appealed from, and may give such decision as in the opinion of the board ought to have been given in the first instance.

(5.) No person shall be deemed to have been permanently employed within the meaning of this section unless he has been continuously employed for at least one year immediately prior to the Inspector General having found the charge proven against him.

(6.) This section does not apply to any attendant or employee who is subject to the Public Service Act, 1904.

(7.) Nothing in this section shall abridge the power of making any necessary classification or reduction of or in the staff of an institution.

188. (1.) The Inspector General or the board of visitors of any institution may require, by summons according to the form in the eighteenth schedule, any person to appear before him or them to testify on oath touching any of the matters respecting which the Inspector General or board is or are by this Act authorised to inquire, and to produce for the inspection of the Inspector General or board any document in his possession, custody, or power relating to any of the matters aforesaid.

Power of Inspector General or Board to summon witnesses.

Eighteenth Schedule.

Original section repealed and new section substituted by No. 42 of 1920, s. 20.

(2.) Every person who does not appear pursuant to such summons (having had his reasonable expenses paid or tendered to him at the time of service of such summons) and does not assign some reasonable excuse for not so appearing or appears and refuses to be sworn or examined or to produce any such document when required so to do, shall be liable to a penalty not exceeding Ten pounds.

(3.) The Inspector General or board may also examine on oath any person appearing as a witness or present at the time of any inquiry touching any of the matters aforesaid, although no such summons aforesaid may have been served upon him.

Penalties.

189. Penalties may, except where otherwise provided under this Act, be recovered summarily before any two Justices of the Peace in petty sessions.

Printing of amendments.

190. Whenever any amendment is made in this Act, all copies thereof printed by the Government Printer after the amendment shall be so printed as to set forth the actual provisions of the Act after omitting all repealed provisions or words, and embodying all newly enacted or substituted provisions or words.

SCHEDULES.

Schedule One.

Secs. 7, 10, 75, 76,
77, 83.

Form of Medical Certificates to accompany order or request for reception into a Hospital or Licensed House.

I, the undersigned, being a medical practitioner, hereby certify that I, on the _____ day of _____, One thousand nine hundred and _____, at [here insert the particulars of the place of examination, as the street, number of the house, or other particulars] separately from any other medical practitioner, personally examined _____, of [insert residence, and profession or occupation, if any] and that the said _____ is [insane or an idiot] and a proper person to be taken charge of and detained under care and treatment, and that I have formed this opinion upon 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 whom].

Dated this _____ day of _____, one thousand nine hundred and _____

(Signed)

Place of abode.

Schedule Two.

Sec. 7.

Order for reception into Hospital or Licensed House.

Schedule altered.
(New form gazetted
28th January, 1921).
No. 42 of 1920, s. 23

We, the undersigned Justices, having called to our assistance _____ and _____ medical practitioners, and having examined A.B., of (insert residence and occupation, if any), who has been brought before us as being deemed to be insane, and also the said medical practitioners (or, and also having the prescribed certificates of the said medical practitioners before us, the said medical practitioners themselves not having attended personally before us and not having been specially ordered by us or required by the said A.B. so to do), and having made such inquiry relative to the said A.B. as we have deemed necessary, and being upon such examination (if other evidence of the insanity add "with other proof") satisfied that the said A.B. is insane and is without sufficient means of support,

or was wandering at large,

or was discovered under circumstances that denoted a purpose of committing some offence against the law,

or is not under proper care and control,

or is cruelly treated or neglected by X.Y. (a relative or person having or assuming the care or charge of him),

and that he is a proper person to be taken charge of and detained under care and treatment, do hereby direct you the Superintendent of (here name the hospital or licensed house) at _____, to receive into the said hospital (or licensed house) the said _____

Given under our hands and seals, this _____ day of _____, One thousand nine hundred and twenty _____

(Signed).....J.P. (L.S.)

.....J.P. (L.S.)

Note.—When the case is one of emergency and a certificate is signed in the form in Schedule Six, this form must be altered so as to refer to one medical practitioner.

Sec. 10.

Schedule Three.

I, the undersigned, hereby request you to receive _____, a person certified to be insane, into the hospital [or licensed house] of which you are the Superintendent. Subjoined is a statement respecting the said

Name of person signing the request—

Occupation [if any] of that person—

Place of his abode—

Degree of relationship [if any] or other circumstances of connection of the person signing the request with the person so certified to be insane—

Dated this _____ day of _____, One thousand nine hundred and _____

(Signed)

To _____ Superintendent of the hospital [or licensed house] of _____ at _____

Secs. 7, 10, 76.

Schedule Four.

Statement.

If any particulars in this statement be not known, the fact is to be so stated.

Name in full?

Age?

Married, single, or widowed?

Number of children?

Age of youngest child?

Previous occupation?

Native place?

Late residence?

Previous occupation?

Supposed cause of insanity?

How long has the attack lasted?

Has _____ been insane before?

State the number of attacks?

Age [if known] at first attack?

Has _____ any insane relations?

Has _____ ever been an inmate of any institution for the insane?

Is _____ subject to fits?

Is _____ suicidal?

Is _____ dangerous to others?

Name and address of nearest relations or friends?

Special circumstances [if any] preventing the patient being examined before admission separately by two medical practitioners.

(Signed)

(Address)

When the person signing the statement is not the person who signs the order or request for the admission of the insane person, 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] or other circumstances of connection with the patient?

Schedule Five.

Sec. 22.

Order to convey an insane patient to another State.

We, the undersigned Justices, having called to our assistance _____ and _____ medical practitioners, and having examined _____ of [insert residence and occupation, if any], who has been brought before us as being deemed to be insane, as also the said medical practitioners; and having made such inquiry relative to the said _____ as we have deemed necessary, and being upon such examination [if other evidence of the insanity, add "with other proof"] satisfied that the said _____ is insane and in indigent circumstances, or is insane and was wandering at large, or is insane and was discovered under circumstances that denoted a purpose of committing some offence against the law, or is insane and is not under proper care and control, or is insane and is cruelly treated or neglected by _____, a relative or a 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 that it is for his benefit that he should be sent for care, treatment, and maintenance to the State of [here insert name of State], do hereby direct you [person to convey insane patient to another State] to convey him to [place in another State agreed upon] and there to set him at large, and thereupon to identify him to [name of a police officer of the other State] so that the said _____ may apprehend him in due course pursuant to the lunacy statutes of the said State to be dealt with thereunder.

Given under our hands and seals this _____ day of _____, One thousand nine hundred and _____

(Signed)

J.P.

J.P.

Schedule Six.

Sec. 7.

Certificate of Emergency.

We, the undersigned Justices, certify that we cannot call to our assistance two medical practitioners without causing delay prejudicial to _____, a person certified by one medical practitioner to be insane, and do direct his reception into a reception house, prison, or public hospital for immediate treatment pending his removal to a hospital for the insane or licensed house.

Dated this _____ day of _____, One thousand nine hundred and _____

(Signed)

J.P.

J.P.

Schedule Seven.

Sec. 66.

I, the undersigned Justice, do direct that _____, a person for whose reception into a hospital for the insane or licensed house the proper authority has been signed and remains in force, be received into a reception house, public hospital, or prison for immediate treatment, pending his removal to a hospital for the insane or licensed house.

Dated this _____ day of _____, One thousand nine hundred _____

(Signed)

J.P.

Schedule Nine.

Secs. 36, 59.

Notice of Admission.

I hereby give you notice that [A.B.] was admitted into the hospital for the insane (or licensed house) on the _____ day of _____, and I hereby transmit a copy of the order and statement and medical certificates on which he was received. Subjoined is a statement with respect to the mental and bodily condition of the above-named patient.

Dated the _____ day of _____, One thousand nine hundred and _____
(Signed)

Superintendent of the hospital (or licensed house).

Statement.

I have this day seen and examined [A.B.], the patient mentioned in the above notice, and hereby certify that with respect to mental state he (or she) _____ and that with respect to bodily health and condition he (or she) _____

Dated the _____ day of _____, One thousand nine hundred and _____
(Signed)

Superintendent (or medical officer) of hospital (or licensed house).

Schedule Ten.

Secs. 36, 37, 54, 55, 73.

Form of Medical Journal.

Date.	Number of patients.		Patients who are or since the last entry have been under restraint or in seclusion, when and for what period and reasons, and in cases of restraint by what means.				Number of patients under medical treatment.		Deaths, injuries, and violence to patients since the last entry.	General observations.
			Restraint.		Seclusion.					
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.		

Schedule Eleven.

Secs. 38, 58, 74.

Form of Notice of Discharge, or Removal, or Escape, or Recapture.

I hereby give you notice that _____, a patient admitted into this hospital (or licensed house) on the _____ day of _____, was discharged therefrom recovered (or relieved or not improved) [or was removed to (mentioning the place to which removed) relieved (or not improved)] by the authority of _____ [or escaped therefrom] [or was recaptured] on the _____ day of _____

Dated the _____ day of _____, One thousand nine hundred and _____
(Signed)

Superintendent of the hospital (or licensed house).

Lunacy Act, 1903-1920.

Secs. 38, 74.

Schedule Twelve.

Register of Discharges, Removals, and Deaths.

Date of discharge, removal or death.	Date of last admission.	No. in register of patients.	Christian and surname at length.	Discharged.						Removed to some other hospital or licensed house.				Died.		Assigned cause of death.	Age at death.		Observations.	
				Re-covered.		Re-lieved.		Not improved.		Re-lieved.		Not improved.		M.	F.		M.	F.		
				M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.		M.	F.		

Secs. 39, 58, 74.

Schedule Thirteen.

Form of Notice of Death.

I, the undersigned, hereby give you notice that _____, a patient admitted into this hospital (or licensed house) on the _____ day of _____, died therein on the _____ day of _____, and I, the undersigned superintendent, certify that the apparent cause of such death [as ascertained by post-mortem examination (if so)] was _____

Dated the _____ day of _____, One thousand nine hundred and _____ (Signed)

Superintendent of the hospital (or licensed house).

Sec. 40.

Schedule Fourteen.

Form of License to keep a Licensed House.

I do hereby, in pursuance of the Lunacy Act, 1903-20, grant to _____, of _____, a license to be in force for three years from the date hereof to keep for the reception of _____ insane persons of the male (or female) sex (or of both sexes) the house, the particulars of which appear in the notice given on the _____ day of _____, to the Colonial Secretary.

Witness my hand this _____ day of _____ One thousand nine hundred and _____ Governor.

Schedule Fifteen.

Statement respecting the Criminal Insane.

Sec. 77.

(If any particulars in this statement be not known, the fact is to be so stated.)

Name in full?

Age?

Married, single, or widowed?

Number of children?

Age of youngest child?

Previous occupation?

Native place?

From whence brought?

Religious persuasion?

Supposed cause of insanity?

How long has the attack lasted?

Has been insane before?

State number of attacks?

Age (if known) at first attack?

Has any insane relations?

Has ever been an inmate of any institution for the insane?

Is subject to fits?

Is dangerous to others?

Crime or offence?

Verdict of jury?

Sentence?

Name and address of nearest relations and friends?

Schedule Sixteen.

Whereas it has been duly certified under section seventy-five of the Lunacy Act, 1903-20, that [A.B.], a prisoner in prison, is insane, I hereby order the said [A.B.] to be removed to the hospital for the criminal insane at , there to remain until he has become of sound mind or until he be otherwise discharged by due course of law. Secs. 75, 77.

Dated this day of One thousand nine hundred and

Colonial Secretary.

Schedule Seventeen.

I [A.B.], a medical practitioner, have this day examined [C.D.], residing at , and hereby certify that he is still insane, and that he appears to be kindly treated by the persons under whose care he is living. Sec. 106.

(Signed)

(Address)

Dated this day of , One thousand nine hundred and

Schedule Eighteen.

To

Sec. 188.

Original Schedule repealed and new Schedule substituted by No. 42 of 1920, s. 22.

The Inspector General of the Insane [*or the Board of Visitors of (here specify the Institution)*] hereby summon(s) and require(s) you personally to appear before him [*or them*] at _____ on the _____ day of _____, 19____, at the hour of _____ o'clock in the _____ noon, then and there to be examined and to testify the truth touching [*here specify the matter*] respecting which the Inspector General [*or the said Board*] is [*or are*] holding [*or about to hold*] an inquiry.

And you are required to have and produce at the time and place aforesaid for the inspection of the Inspector General [*or the Board*] all documents in your possession, custody or power relating to the matter aforesaid and particularly [*here specify the document*].

And take notice that if you disobey this summons you will be liable to a penalty not exceeding Ten Pounds.

Dated this _____ day of _____, 19____.

Inspector General
[*or Chairman of the Board.*]