ANNO VICESIMO SEPTIMO ET VICESIMO OCTAVO

VICTORIÆ REGINÆ.

A.D. 1864.

No. 21.

An Act to consolidate and amend the laws relating to the Safe Custody of, and Prevention of Offences by, Persons Dangerously Insane; for the Care and Maintenance of Persons of Unsound Mind; for the Care and Management of the Property and Estates of such Persons; and for other purposes.

[Assented to, 9th December, 1864.]

Preamble.

WHEREAS it is expedient to consolidate and amend the Laws relating to the safe custody of, and prevention of crimes by, persons dangerously insane; and the care and maintenance of persons of unsound mind; and to provide for the care and management of the property and estates of such persons--Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

Short title.

1. This Act may be cited for all purposes as the "Lunatics Act, 1864."

PRELIMINARY.

Repeal.

2. An Ordinance No. 10 of 1844, intituled "An Ordinance to make provision for the safe custody of, and prevention of offences by, persons dangerously insane; and for the care and maintenance of persons of unsound mind;" an Ordinance No. 2 of 1847, "Further to provide for the care and maintenance of persons of unsound mind;" and an Act No. 6 of 1854, intituled "An Act to authorize the sale, or mortgage, or letting of the estates of persons found lunatic, and for other purposes therein mentioned," are hereby repealed, save so far as is necessary to give validity to all acts hitherto

PRELIMINARY.

hitherto done in pursuance thereof respectively, and save so far as may be necessary to enable any penalty to be imposed, enforced, or recovered, and save so far as may be necessary to enable any punishment to be inflicted for any offence against the said Ordinances and Act or either of them.

Interpretation.

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

"Board," shall mean the Board of Inquiry hereinafter appointed:

"Lunatic," shall mean and include every person of unsound mind, and every person being an idiot:

"Asylum," shall mean any asylum, house, or place now used for the reception of lunatics, or which may be hereafter proclaimed for that purpose under the provisions hereinafter contained:

"Justice," shall mean a Justice of the Peace for the said Province:

"Pauper," shall mean any person having no income, property, or estate sufficient to provide for his maintenance:

"Medical Practitioner," shall mean any person who shall have obtained a certificate of his being a legally qualified medical practitioner, according to the laws of the said Province, in force for the time being:

"Visitor," shall mean any person appointed by the Governor as visitor under this Act.

Division of Act.

4. This Act shall be divided into seven parts, viz.:—

PART I. Proclamation of Lunatic Asylums; Appointment of Officers; their powers and duties:

PART II. Admission into, and discharge from, Asylums of Lunatics, not being dangerous or criminal:

PART III. Dangerous and criminal lunatics:

PART IV. Care and management of property and estates of lunatics:

PART V. Offences and penalties:

PART VI. Legal procedure and evidence:

PART VII. Protection of Officers and general matters:

PART I.

PART I. — Proclamation of Lunatic Asylums; Appointment of Officers; their powers and duties:

Governor, with advice of Executive Council, may proclaim lunatic asylums.

5. The Governor, with the advice of the Executive Council, may from time to time, by Proclamation in the *Government Gazette*, declare any place or places provided or deemed suitable for that purpose to be an asylum for lunatics; and may in like manner declare

declare that any such place or places so proclaimed shall cease to be used as a lunatic asylum. PART I.

Resident Medical Officer and visitors to be appointed.

6. For every such lunatic asylum as aforesaid, there shall be appointed some duly qualified Medical Practitioner, as Resident Medical Officer, and such other officers as may be deemed necessary and proper for carrying out the duties imposed by this Act; and also, six fit and proper persons, to be visitors of every such asylum: and such Resident Medical Officer and visitors shall have and exercise the powers and authorities herein conferred upon them respectively.

Officers to be appointed by Governor, with advice of Executive Council.

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

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

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

Duties of Resident Medical Officer.

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

Colonial Surgeon to inspect, &c.

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

Board of Inquiry.

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

PART II.

PART II. PART II.—Admissions into and discharge from Asylums of Lunatics, not being Dangerous or Criminal.

Provision for sending pauper lunatics to asylum.

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

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

13. Every constable or other peace officer who shall have knowledge that any person wandering at large is deemed to be a lunatic, shall immediately apprehend and take, or cause such person to be apprehended and taken, before a Justice:

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

And every constable or other peace officer who shall have knowledge that any person, not a pauper and not wandering at large as aforesaid, is deemed to be a lunatic, and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him shall, within three days after obtaining such knowledge, give information thereof upon oath to a Justice:

And in case it be made appear to any Justice upon such information, or upon the information upon oath of any person whomsoever, that any person, not a pauper, and not wandering at large, is deemed to be a lunatic, and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him:

Such

Such Justice shall either himself visit and examine such person, and make inquiry into the matters so appearing upon such information, or by an order under his hand and seal direct and authorize some Medical Practitioner to visit and examine such person and make such inquiry, and to report in writing to such Justice his opinion thereupon; and in case, upon such personal visit, examination, and inquiry by such Justice, or upon the report of such Medical Practitioner, it appear to such Justice that such person is a lunatic, and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him:

Such Justice may, by an order under his hand and seal, require any constable or other peace officer to bring such person before any two Justices:

And the Justice or Justices, as the case may be, before whom any such person as aforesaid in the respective cases aforesaid is brought under this section shall call to his and their assistance a Medical Practitioner, and shall examine such person and make such inquiry relative to such person as he or they shall deem necessary:

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

Or such two Justices be satisfied that such person so brought before them is a lunatic, and is not under care and control, or is cruelly treated or neglected by any person having the care or charge of him, and that he is a proper person to be taken charge of and detained under care and treatment, and if such Medical Practitioner sign a certificate with respect to every such person so brought, either before one Justice or two Justices, according to the form in the Schedule C:

The said Justice or Justices may, by an order under his or their hand and seal or hands and seals, according to the form in Schedule A, No. 1, to this Act, may direct such person to be received into any asylum duly proclaimed as aforesaid, and such person shall forthwith be conveyed to and detained in such asylum accordingly: Provided always, that any Justice may upon such information on oath as aforesaid, or upon his own knowledge, and alone in the case of any such person as aforesaid wandering at large and deemed to be a lunatic, or with some other Justice in any other of the cases aforesaid, examine the person deemed to be a lunatic at his own abode or elsewhere, and to proceed in all respect as if such person were brought before him or them as hereinbefore mentioned: Provided also, that the said Justice or Justices may suspend the execution

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execution of any such order for removing any such person as aforesaid to any asylum for such period not exceeding fourteen days as he or they may deem meet, and in the meantime may give such directions or make such arrangements for the proper care and control of such person as he or they shall consider necessary: Provided also, that nothing herein contained shall be construed to extend to restrain or prevent any relation or friend from retaining or taking such lunatic under his own care, if such relation or friend shall satisfy the Justice or Justices before whom such lunatic shall be brought, or the visitors of the asylum in which such lunatic is or is intended to be placed, that such lunatic will be properly taken care of.

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

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

No person not a pauper shall be received into asylum without certain order and certificates.

15. No person, not a pauper, shall be received into any asylum (save under the provisions herein contained), without an order under the hand of some person, according to the form in Schedule B to this Act, together with such statement of particulars as is contained in the same Schedule, nor without the medical certificate, according to the form, and containing the particulars required in Schedule C to this Act, of two Medical Practitioners, neither of whom shall be in partnership with, or an assistant to the other, and each of whom shall, separately from the other, have personally examined the person to whom it relates, not more than seven clear days previously to the reception of such person into such asylum, and such order as aforesaid may be signed before or after the medical certificates or either of them: Provided always, that any person may, under special circumstances preventing the examination of such person by two Medical Practitioners as aforesaid, be received into any asylum upon the certificate of one Medical Practitioner alone, if the statement accompanying such order set forth the special circumstances which prevented the examination of such person by two Medical Practitioners; but in every such case two other such certificates shall, within three clear days after the reception of such patient into such asylum, be signed by two other Medical Practitioners not in partnership with or an assistant to the other, or the Medical Practitioner who signed the certificate on which the patient was received, and who shall within such time, separately from the other of them, have personally examined the person so received as a lunatic.

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

16. Every Medical Practitioner signing any certificate under or for the purposes of this Act, shall specify therein the facts upon which he has formed his opinion that the person to whom such certificate relates is a lunatic, an idiot, or a person of unsound mind, distinguishing

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distinguishing in such certificate facts observed by himself from facts communicated to him by others; and no person shall be received into any asylum under any certificate which purports to be founded only on facts communicated by others.

Order for reception of patient found lunatic by inquisition.

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

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

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

Resident Medical Officer to keep books, to be called "The Medical Journal," and "The Case Book."

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

Statement of pauper patients dying to be transmitted to the Chief Secretary.

20. In case of the death of a pauper patient in any asylum, a statement of the cause of the death of such patient shall be drawn up and signed by the Resident Medical Officer of such asylum, and a copy thereof, duly certified by him, shall be by him transmitted to the

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the Chief Secretary, within two clear days of the death of such patient.

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

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

Books, certificates, &c., to be laid before visitors at every visit.

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

Book to be kept called "Visitors' Book," in in which to be entered result of inquiries.

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

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

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

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

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

26. At

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Quorum of Board.

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

Meetings may be adjourned.

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

If Colonial Surgeon not present, Resident Medical Officer to be Chairman.

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

Chairman of Board may issue summons for attendance of witnesses.

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

Visitors and Justices may enter and inspect.

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

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

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

32. On

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

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

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

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

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

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

Patient not to be discharged, when certified to be dangerous, without consent of visitors.

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

Orders and medical certificates may be amended.

36. If after the reception of any lunatic into any asylum it appear that the order or medical certificate, or (if more than one) both or either of the medical certificates upon which he was received, is or are in any respect incorrect or defective, such order and medical certificate or certificates may be amended by the person or persons signing the same at any time within fourteen days next after the reception of such lunatic: Provided, nevertheless, that no such amendment shall have any force or effect unless the same shall receive the sanction of one or more of the visitors.

Provision as to defective certificates.

37. When any medical certificate upon which a patient has been received into any asylum, or either of such certificates is deemed by the visitors incorrect or defective, and the same is or are not duly amended

amended to their satisfaction, within fourteen days next after the reception of such patient, the visitors, or any two of them, may forthwith order the discharge of such patient. PART II.

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

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PART III.—Dangerous and Criminal Lunatics: PART III.

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

40. The particulars contained in the statement annexed to the order of committal shall be forthwith, after the reception of the person therein named into any asylum, entered in a book to be called "The Book of Admissions of Dangerous and Criminal Lunatics," which shall be kept by the Resident Medical Officer of every asylum, and in which shall be entered, from time and time, the dates of the admission, death, discharge, or otherwise of every such person; and which book shall be produced to the visitors at every visitation. Particulars to be entered in Book of Admissions of Dangerous and Criminal Lunatics.

41. The Resident Medical Officer, or any two of the visitors of any asylum, of whom the Colonial Surgeon shall be one, on the receipt of a certificate signed by two Medical Practitioners, that any person confined therein as a dangerous lunatic, is no longer a dangerous lunatic and Two visitors on medical certificate may order discharge of any person committed as dangerous lunatic.

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and may be suffered to go at large with safety, such certificate setting forth that such person has been personally examined by the Medical Practitioners signing the same, may order such person to be forthwith discharged.

Power to discharge dangerous lunatic on undertaking of friend, and powers of Board of Inquiry.

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

Chief Secretary may order criminal lunatics to be conveyed to asylum.

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

Chief Secretary may direct insane persons committed for trial, to be removed to a lunatic asylum.

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

Chief Secretary may order removal of a lunatic from one Asylum to another.

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

Jury acquitting persons of offences on the ground of insanity,

46. In all cases where it shall be given in evidence, upon the trial of any person charged with any treason, murder, felony, or misdemeanor, that such person was insane at the time of the commission of

of such offence, and such person shall be acquitted, the jury shall be required to find specially whether such person was insane at the time of the commission of such offence, and to declare whether such person was acquitted by them on account of such insanity, and if they shall so find, the Court before whom such trial shall be had, shall order such person to be kept in strict custody in some asylum, and in such manner as to the Court shall seem fit, until the Governor's pleasure shall be known, and thereupon the Governor may give such order for the safe custody of such person, during his pleasure, in such place and in such manner as to the Governor shall seem fit.

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to declare whether such person was acquitted on account thereof.

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

When sentence expires, if patient still insane, he may be transferred to portion of asylum set apart for lunatics not being criminals.

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

Governor may grant leave of absence on condition.

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

Escaped lunatics may be recaptured.

PART IV.—Care and management of property and estates of lunatics.

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

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

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the money when raised, be applied for or towards all or any of the purposes following:—

I. The payment of the lunatic's debts or engagements:

II. The discharge of any encumbrance on his estates:

III. The payment of any debt or expenditure incurred or made after inquisition, or authorized by such Court or Judge to be incurred or made for the lunatic's maintenance or otherwise for his benefit:

IV. The payment of or provision for the expenses of his future maintenance:

V. The payment of the costs of applying for, obtaining, and executing the inquiry, and of opposing the same:

VI. The payment of the costs of any proceeding under or consequent on the inquisition, or incurred under order of such Court or Judge:

VII. The payment of the costs of any such sale, mortgage, charge, or other disposition as is hereby authorized to be made:

And the committee of the estate may and shall in the name and on behalf of the lunatic, execute, make, and do all such conveyances, deeds, transfers, and things relative to any such sale, mortgage, charge, or other disposition as aforesaid, and for effectuating this present provision as such Court or Judge shall order.

Modes in which future maintenance may be charged when interest not in possession.

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

Expenses of improvements may be charged on estate.

52. Where it appears to the Court or a Judge to be for the lunatic's benefit, such Court or Judge may order that the whole or any part of any moneys expended or to be expended under any order for the permanent improvement, security, or advantage of the land of the lunatic, or of any particular part thereof, shall, with interest, be a charge upon and be raisable out of the lunatic's estate and interest in the land, or such particular part thereof as aforesaid, but so that no right of sale or foreclosure during the lifetime of the lunatic, be given or acquired under or by virtue of the charge; and the interest shall be kept down during the lunatic's lifetime out of the income of his general estate as far as the same shall be sufficient to bear it; and the committee may and shall in the name and on behalf of the lunatic, execute, and do all such conveyances and things for effectuating

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tuating this present provision as the Court or a Judge shall order, and such charge may be made either to some person advancing the money, or if the money is paid out of the lunatic's property, to some person as a trustee for him, as part of his personal estate.

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

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

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

54. Where it is made to appear to the Court or a Judge that the net amount, or net estimated value of the property of a lunatic, does not exceed the sum of Five Hundred Pounds sterling, and it appears, having regard to the situation and condition in life of the lunatic and his family, and the other circumstances of the case, to be expedient that the amount or value of his property should be made available for his maintenance in a direct and inexpensive manner, and that the same can be safely and properly done, such Court or Judge may, instead of proceeding to order a grant of the custody of the estate, order or allow that the amount of the property, if in money or stock, or if of any other description, the produce thereof, when realized, be paid or transferred to such relative of the lunatic, or such other person as such Court or Judge may think proper to intrust with the application thereof, to be by him applied in or towards the maintenance of the lunatic, either at his discretion or in such manner and subject to such control as such Court or Judge may direct; and for the purpose of giving effect to any such order, such Court or Judge may order any real estate, or other property of the lunatic, to be sold, and a valid conveyance or transfer thereof to be executed or made by such person, as he shall direct.

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

55. Where it appears to the Court or Judge, upon a report of the Master of the said Court, that there is reason to believe that the unsoundness of mind of any lunatic so found by inquisition is in its nature temporary, and will probably be soon removed, and that it is expedient that temporary provision should be made for the maintenance of the lunatic, or of the lunatic and the members of his immediate family who are dependent upon him for maintenance, and that any sum of money arising from or being in the nature of income, or of ready money belonging to the lunatic, and standing to his account

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count with a banker or agent, or being in the hands of any person for his use, is readily available, and may be safely and properly applied in that behalf, the Court or a Judge may allow thereout such amount as may be thought proper for the temporary maintenance of the lunatic, or of the lunatic and the members of his immediate family who are dependent upon him for maintenance; and may, instead of proceeding to order a grant of the custody of the estates, order or give liberty for the payment of any such sums of money as aforesaid, or any part thereof, to such person as such Court or Judge may, under the circumstances of the case, think proper to intrust with the application thereof, 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; and the receipts in writing of the person named in the order to whom payment is to be made, for any moneys payable to him by virtue thereof, shall effectually discharge the banker, agent, or other person paying the same, from the moneys therein respectively expressed to be received, and they respectively are hereby directed to act upon and obey every such order; and the person so receiving any moneys by virtue of this present provision shall pass an account before the Master of the said Court when required.

Committee may convey land in performance of contracts.

56. Where a person having contracted to sell, mortgage, let, divide, exchange, or otherwise dispose of any land, afterwards becomes lunatic, and the contract is not disputed, and is such as the Court or a Judge thinks ought to have been performed, or a specific performance of the contract, either wholly or so far as the same remain to be performed, has been decreed or ordered by the Court in its Equitable Jurisdiction, either before or after the lunacy, the committee of the estate may, in the name and on behalf of the lunatic, under an order of the Court or a Judge, on the application of the party claiming the benefit of the contract with the lunatic, or any plaintiff in the suit, receive and give an effectual discharge for the money payable to the lunatic, or so much thereof as remains unpaid, and make such conveyance of the land to such person and in such manner as the Court or a Judge may order.

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

57. Where a person being a member of a copartnership firm becomes lunatic, the Court or a Judge may, by order on the application of the partner or partners of the lunatic, or of such other person or persons as such Court or Judge shall think entitled to require the same, dissolve the partnership, and thereupon or upon a dissolution of the partnership by decree of the Court in Equity or otherwise by due course of law, the Committee of Estate, in the name and on behalf of the lunatic, may join and concur with such person or persons in disposing of the partnership property, as well real as personal, to such persons, upon such terms and in such manner, and may and shall execute and do such conveyances and things for effectuating this present provision, and apply the moneys payable to the lunatic in respect of his share and interest in the co-partnership in such manner as the Court or a Judge shall order. 58. Where

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Committee may make sale, partition, or exchange.

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

Committee may sell land for building purposes.

59. Where a lunatic is seized or entitled to land in fee simple, and it appears to the Court or a Judge to be for his benefit that the same or any part thereof be made available for building purposes, and that to that end the same should, in lieu of being demised for long terms of years, be absolutely sold, he may order the same to be sold accordingly, to such person, in such quantities, upon such terms, and in such manner as to him may seem expedient, and the moneys arising thereby shall be applied and disposed of in manner directed in section 72 of this Act respecting the surplus moneys therein mentioned; and the committee of the estate may and shall, in the name and on behalf of the lunatic, execute and do all such conveyances and things for effectuating this present provision as the Court or a Judge shall order.

Committee may surrender lease, and accept renewal.

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

Charges of renewal to be charged on estates.

61. Every sum of money and other consideration paid by a committe

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mittee or other person, in the nature of or as a fine, premium, or income on renewal, and all reasonable charges incident thereto, may be paid out of the lunatic's estate, or may be a charge upon the leasehold premises, as the Court or a Judge shall order.

New leases to be to the same uses.

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

Committee may assign business premises.

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

Committee may dispose of undesirable lease.

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

Committee may make agreement under 1 G. IV., c. 10.

65. The committee of the estate of a lunatic may, with the approbation of the Court or a Judge, signified by order on the application of the committee, enter into any agreement for or on behalf of the lunatic which the guardian of an infant might have entered into for or on behalf of the infant, by virtue of the Act passed in the Session of Parliament holden in the first year of the reign of King George the First, chapter ten, if so much as that Act as related to agreements of guardians for or on behalf of infants or idiots under their guardianship, had not been repealed by the Act passed in the Session of Parliament holden in the first year of the reign of King William the Fourth, chapter sixty-five, section twenty-five.

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

66. Where a lunatic is seised or entitled to land in fee or in tail, or to leasehold land for an absolute interest, and it appears to the Court or a Judge to be for his benefit that a lease or underlease should be made thereof for terms of years, for encouraging the erections

erections of building thereon, or for repairing buildings actually being thereon, or otherwise improving the same, or for farming or other purposes, the committee of the estate may, in the name and on behalf of the lunatic, under order of the Court or a Judge, make such lease of the land or any part thereof according to the lunatic's estate and interest therein, and the nature and tenure thereof, for such term or terms of years, and subject to such rents and covenants as the Court or a Judge shall order.

Committee may make leases of mines already opened.

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

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

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

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

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

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between the representatives of his real and of his personal estate, be considered as real estate.

Committee may execute leasing powers of lunatic having limited estate.

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

Committee may accept surrender, and make new lease.

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

Fines how to be paid.

On death of lunatic, quality of money arising from fines.

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

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

73. Where a power is invested in a lunatic for his own benefit, or the consent of a lunatic is necessary to the exercise of a power, and such power of consent is in the nature of a beneficial interest in the lunatic, and it appears to the Court or a Judge to be for the lunatic's benefit, and also expedient that the power should be exercised, or the consent given, as the case may be, the committee of the estate may,

may, in the name and on behalf of the lunatic, under the order of the Court or a Judge, made upon the application of the committee of the estate, exercise the power, or give the consent, as the case may be, in such manner as the order shall direct.

Committee may exercise power vested in lunatic in character of trustee or guardian.

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

Trustees appointed by Committee to have same powers as if appointed by Court under "Trustee Act, 1855."

75. Where, under this Act, the committee of the estate under order of the Court or Judge, exercises, in the name and on behalf of the lunatic, a power of appointing new trustees, vested in the lunatic, the person or persons who shall after, and in consequence of the exercise of the power, be the trustee or trustees, shall have all the same rights and powers as he or they would have had if the order had also been made by the Court, in its equitable jurisdiction under "The Trustee Act, 1855," or if he had been appointed by a decree of that Court, in a suit duly instituted; and the Court or a Judge may, in any such case, where it seems to be for the lunatic's benefit and also expedient, make any and every such order respecting the land, or stock, or choses in action, subject to the trust, as might have been made in the same case, under the provisions of "The Trustee Act 1855," on the appointment thereunder of a new trustee or trustees.

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

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

Power to sell land or other property of lunatic.

77. For the purpose of giving effect to any such order as is mentioned in the last preceding section, the Court or a Judge may order any land, stock, or other property of such person as aforesaid, to be sold, charged by way of mortgage, or otherwise disposed of, and a conveyance, transfer, charge, or other disposition thereof to be executed or made, by any person on his behalf, and may order the proceeds

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proceeds of any such sale, charge, or other disposition, or the dividends or income of such land, stock, or property, to be paid to any relative of such insane person, or to such other person as it may be considered proper to trust with the application thereof, to be by him applied in the maintenance or for the benefit of the insane person, or of him and his family, either at the discretion of such relative or person, or in such manner and subject to such control, and with or without such security for the application thereof, as the Court or a Judge may direct; and for the purpose above mentioned, the Court or a Judge shall have all the same powers with respect to the transfer, sale, and disposition of, and otherwise respecting, the real and personal property of such person as aforesaid, as if he had been found lunatic by inquisition.

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

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

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

79. When any person shall have been received or taken charge of as a lunatic upon an order and certificates, or an order and certificate, in pursuance of the provisions of this Act, or of any Ordinance hereby repealed; and shall have been detained as a lunatic for the twelve months then last past, the Court or a Judge may direct that the Master of the said Court shall, and thereupon the said Master shall personally examine such person, and shall take such evidence, and call for such information as to such Master shall seem necessary to satisfy him that such person is a lunatic, and shall report thereon to such Court or Judge, and such Court or Judge may thereupon from time to time make orders for the appointment of a guardian or otherwise, for the protection, care, and management of the person of any person who shall by any such report as last aforesaid, be found to be a lunatic; and such guardian shall have the same powers and authorities as a committee of the person of a lunatic found such by inquisition; and such Court or a Judge may also make orders for the appointment of a receiver or otherwise, for the protection, care, and management of the estate of such lunatic, and such receiver shall have the same power and authorities as a receiver of the estate of a lunatic found such by inquisition; and such Court or a Judge may also make orders for the application of the income of such lunatic, or a sufficient part thereof for his maintenance and support; and in payment of the costs, charges, and expenses attending the protection, care, and management, of the person and estate of such lunatic; and also as to the investment or other application for the purpose of accumulation of the overplus, if any, of such income, for the use of such lunatic as to the Court or a Judge shall from time to time in each case seem fit: Provided always, that such protection, care, and management,

management, shall continue only during such time as such lunatic shall continue to be detained as a lunatic upon an order and certificates, or certificate, as aforesaid, and for such further time not exceeding six months as the Court or a Judge may fix: Provided also, that the Court or a Judge may, in any such case, either before or after directing such inquiry, by such Master as aforesaid, and whether such master shall have made a report as aforesaid, or not, to direct a commission in the nature of a writ *de lunatico inquirendo* to issue, to inquire of the lunacy of such person.

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

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

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

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

Transfers and payments to be binding.

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

Costs may be paid out of estate.

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

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

84. If, on information before any Special Magistrate or two Justices, it be made to appear that any lunatic confined in any such asylum has an estate, real or personal, applicable to his maintenance, and more than sufficient to maintain his family, if any, such Special Magistrate or Justices may make an order under his or their hand and seal or hands and seals, directing the seizure of so much money, or the seizure and sale of so much of the goods and chattels, or directing any person, to be therein named, to receive and take so much of the rents and profits of the lands and tenements of such lunatic, or other income of such lunatic, as may be necessary to pay for the lodging, maintenance, clothing, medicine, and care of such lunatic, and the receipt of the person named in such order to receive any

PART IV. any moneys to be realized under such order shall be a sufficient discharge to any person paying over any moneys of the lunatic in his possession: Provided that no such order shall be made in any case where a committee, receiver, or guardian has been appointed for the estate of such lunatic by the Supreme Court.

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

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

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

86. The said Court may, from time to time, make such orders for regulating the forms and mode of proceeding before the Court or a Judge, and before the said Master, and of any other proceedings pursuant to the provisions of this Act, for the due protection, care, and management of the persons and estates of lunatics, and for regulating the procedure to be adopted and duties to be performed by the said Master for obtaining such reports as aforesaid, and for vesting in such Master or other officers such powers as to the said Court may appear expedient for the purposes aforesaid, and also for fixing, altering, and discontinuing the fees to be received and taken in respect of such proceedings, and generally for carrying into effect the aforesaid provisions as to the said Court shall seem meet; and any such orders as aforesaid, or any of them, may be from time to time rescinded and varied by the like authority; and all such orders shall be laid before Parliament within fourteen days from the making thereof, if Parliament be then assembled, and if not, then within fourteen days after the meeting of Parliament then next following; and if either House of Parliament shall, by resolution passed within thirty-six days next after any such orders as aforesaid shall be laid before it, resolve that the whole or any part thereof ought not to continue in force, in that case, the whole order, or part of the order specified in the resolution, as the case may be, shall, from and after the passing of such resolution, cease to be binding.

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

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

PART V. PART V.—Offences and Penalties.

The following offences to be misdemeanors—

88. Any Resident Medical Officer or other officer or servant of any asylum:

Wilfully neglecting to make entries in Book of Admission.

Who shall, knowingly or wilfully neglect to make due entry in "The

"The Book of Admission," "The Book of Admissions of Dangerous and Criminal Lunatics," "The Medical Journal," or "The Case Book," of all or any of the particulars by this Act required to be made by them, or any of them respectively:

Fraudulently concealing any patient from visitors.

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

Not giving true answers to questions of visitors.

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

Receiving patient without order and certificate required by this Act.

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

Having received patient under special circumstances, permitting him to remain beyond three days without obtaining certificate.

Or who having received any patient under special circumstances, as mentioned in clause 15, upon the certificate of one Medical Practitioner alone, two being required, shall permit such patient to remain in such asylum beyond the period of three clear days without such further certificates as are mentioned in the said clause:

Wilfully permitting escape of any lunatic

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

Ill-treating any lunatic.

Or shall strike, wound, ill-treat, or wilfully neglect any patient confined in any such asylum:

Shall be guilty of a misdemeanor, and shall be subject to indictment for every such offence, or to forfeit, on a summary conviction thereof before two Justices, any sum not exceeding Twenty Pounds nor less than Two Pounds.

Neglecting to transmit statement of death of pauper lunatic, penalty not less than Two Pounds, nor exceeding Ten Pounds.

89. Any Resident Medical Officer, or officer whose duty it shall be, who shall knowingly and wilfully neglect to draw up, sign, or transmit to the Chief Secretary, a statement of the cause of death of any pauper patient, as hereinbefore required, shall, on conviction thereof, forfeit and pay a sum not exceeding Ten Pounds, nor less than Two Pounds.

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

90. Any person (not being a guardian, or relative deriving no property from the charge, or a Committee or guardian appointed by the Supreme Court), who shall receive to board or lodge, in any house not being an asylum, duly proclaimed under this Act, or shall take the care or charge of any lunatic under restraint, without first having the like

PART V.

like order and medical certificates, as are required on the admission of a lunatic (not being a pauper) into any such asylum, or shall receive or keep, in any house not being such asylum, more than one such lunatic under restraint, shall be guilty of a misdemeanor.

Signing certificate contrary to provisions of Act, penalty not exceeding Twenty Pounds. Medical practitioner giving false certificate, or person describing himself as medical practitioner, not being such, guilty of misdemeanor.

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

Penalty for obstructing officers.

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

Procuring confinement of sane person on false certificate misdemeanor.

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

PART VI.

PART VI.—Legal Procedure and Evidence.

Summary procedure.

94. Every proceeding under this Act, for omissions, defaults, acts, or offences, to which any penalty is attached, shall be had and taken and may be heard and determined in a summary way, by any Special Magistrate or two Justices, under the provisions of an Ordinance of the Governor and Legislative Council, No. 6 of 1850, "To facilitate the performance of the duties of Justices of the Peace out of session, with respect to summary convictions and orders," or of any Act hereafter to be in force relating to the duties of Justices with respect to summary convictions and orders, and all convictions and orders may be enforced, as in the said Ordinance is mentioned.

Resident Medical Officer may prosecute.

95. The Resident Medical Officer may prosecute or proceed against any person, for procuring any person to be wrongfully or improperly confined in any asylum, or for any other offence against this Act; or may commence any action, lay any information, or institute any other proceedings for enforcing payment of amounts due, or payable for the maintenance of any person confined in any such asylum, from the person liable to pay the same; and no such prosecution, action, or other proceeding shall abate or be discontinued by reason of the death or removal of such Resident Medical Officer, but his successor may continue the same in the name of the Resident Medical Officer so dying or being removed.

96. Production

PART VI.

Gazette to be conclusive evidence of Proclamation of asylums, &c.

96. Production of the *Government Gazette* containing any Proclamation of any place as an asylum under this Act, or notifying theappointment of any person as a visitor, Resident Medical Officer, or other officer, shall be conclusive evidence of the matters therein contained in any action, suit, or proceeding in any Court or Courts in the said Province.

Appeal to Adelaide Local Court of Full Jurisdiction.

97. There shall be an appeal from any conviction by any Special Magistrate or Justices for any offence against this Act, or from any order dismissing any information or complaint, or from any order for payment of money, whether for the maintenance of any lunatic out of his own estate or otherwise, or for costs or otherwise; which appeal shall be to the Local Court of Adelaide of Full Jurisdiction only, and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, for appeals to Local Courts; but the Local Court of Adelaide aforesaid may make such order as to the payment of the costs of appeal as it shall think fit, although such costs may exceed Ten Pounds.

Local Court, upon hearing of appeal, may state special case.

98. The Local Court of Adelaide, upon the hearing of any appeal, may state one or more special case or cases for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case or cases according to the practice of the Supreme Court on special cases, and the Supreme Court shall make order as to costs of any special case as to the said Court shall appear just; and any two or more Justices, or the Local Court of Adelaide, shall make an order in respect to the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court, or of any Judge thereof; which order of the Justices or Local Court shall be expressed in manner provided for the enforcement of orders of Justices, under the said Ordinance No. 6 of 1850; and save as herein provided, no order or proceeding of any Special Magistrate or Justices, or of any Local Court, made under the authority of this Act, shall be appealed against, or removed by *certiorari*, or otherwise, into the Supreme Court of the said Province.

Appropriation of moneys.

99. All moneys received for penalties imposed for offences against this Act, shall be paid to the Treasurer on behalf of Her Majesty, Her heirs, and successors, for the public uses of the said Province and in support of the Government thereof.

PART VII.—Protection to officers, and general matters.

PART VII.

Poor persons to be first accommodated in asylums, and other insane persons according to the accommodation.

100. Every asylum shall in the first place be appropriated to the reception of pauper lunatics, and poor insane people whose estate and friends are unable to bear the expense of their maintenance, and of dangerous and criminal lunatics, and of lunatics wandering at large, or not being properly taken care of, or being cruelly treated, ordered to be confined therein under this Act or the repealed Ordinances, or either of them; and in the next place, so far as the means of accommodation therein will extend, to the reception of other insane

PART VII.

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

insane persons, in respect of whom some relative, guardian, friend, or committee may agree with the Resident Medical Officer for his maintenance whilst detained therein, as hereinafter mentioned, the amount of which maintenance shall and may be recovered by such Resident Medical Officer suing in his own name, from the person so agreeing with him.

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

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

Relatives of poor persons liable for their maintenance.

102. All the provisions, powers, and authorities, made and given by the Ordinance No. 11 of the 6th Victoria, intituled "An Act to provide for the maintenance and relief of deserted wives and children, and other destitute persons, and to make the property of husbands and other near relatives, to whose assistance they have a natural claim in certain circumstances, available for their support," shall be deemed and construed to extend to the case of poor persons confined in any asylum, whether such poor persons are confined as dangerous lunatics or otherwise: Provided that, where by the said Ordinance it is directed, that complaints may be made by any reputable householder, such complaint may be made by the Resident Medical Officer of the asylum wherein such poor person may be confined.

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

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

Governor, or the Supreme Court, or any Judge thereof, may order visitation of patients, &c.

But not patients under a Committee.

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

105. If

PART VII.

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

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

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

Governor may make rules for government and management of asylums.

106. The Governor, with the advice of the Executive Council, may from time to time make rules for the government and management of any asylum to be proclaimed under this Act, and for the regulating the duties and conduct of the officers thereof, and the care and treatment of the different classes of patients confined therein; and the forms of the various books and returns required by this Act, or deemed necessary to be kept or made, but so as not to alter any form hereby prescribed; and such rules, when published in the *Government Gazette*, shall be binding on the visitors, and all officers, assistants, and servants of such asylum, and all other persons whomsoever; and all such rules shall be laid before Parliament within twenty-one days after such publication; or if Parliament be not sitting, then within twenty-one days after the next meeting of Parliament.

Provision for absence of Resident Medical Officer.

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

108. The

PART VII.

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

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

Resident Medical Officer may plead the order and certificate for receiving any lunatic in bar of all proceedings.

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

Actions to be commenced within six calendar months.

Repealed 19 of 1866 - Sec 2

110. If any action or suit be brought against any person for anything done in pursuance of this Act, the same shall be commenced within six calendar months next after the release of the party bringing the action; and notice in writing of such action, and the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and the defendant in any such action or suit may, at his election, plead specially, or the general issue, not guilty, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and the plaintiff shall not recover in such action if tender of sufficient amends shall be made before action brought, or if, after action brought, the defendant shall pay into Court sufficient amends; but in such last mentioned case the plaintiff shall recover his costs of suit up to the time of payment into Court; and if a verdict shall be found for the defendant, or if the plaintiff shall be nonsuited or discontinue his action or suit after the defendant shall have appeared, or if, upon demurrer, judgment shall be given against the plaintiff, then the defendant shall recover double costs, and have such remedy for recovering the same as any defendant hath or may have in ordinary cases.

In the name and on behalf of the Queen I hereby assent to this Act.

D. DALY, Governor.

SCHEDULES

SCHEDULES REFERRED TO.

A.—No. 1.

Order for the Reception of a Pauper Patient.

I, C.D. [*in the case of a single Justice of the Peace, or in the case of two Justices,* we, C.D. and E.F.] the undersigned, a Justice [*or* Justices] of the Peace for the Province of South Australia, having called to my [*or* our] assistance a medical practitioner, and having personally examined A.B., a pauper [*omit the words* "a pauper" *when the lunatic is not a pauper*], and being satisfied that the said A.B. is a lunatic [*or* an idiot, *or* a person of unsound mind; *add, where the lunatic is sent as being wandering at large, the words* "wandering at large," *and in the case of a lunatic sent by virtue of the authority given to two Justices, add* "not under proper care and control," *or* "and is cruelly treated (*or* neglected) by the person having the care or charge of him," *as may appear to the Justices to be the case*] and a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said A.B. as a patient into the asylum under your charge.

Subjoined is a statement respecting the said A.B.

Dated the day of 18 .

(Signed) C.D.

To Resident Medical Officer of the Asylum at

Statement.

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

Name of patient, and Christian name at length.....
Sex and age .....
Married, single, or widowed .....
Condition of life, and previous occupation (if any)..
The religious persuasion, as far as known .....
Previous place of abode .....
Whether first attack.....
Age (if known) on first attack .....
When and where previously under care and treatment
Duration of existing attack.....
Supposed cause.....
Whether subject to epilepsy .....
Whether suicidal .....
Whether dangerous to others .....
Name and Christian name and place of abode of the nearest known relative of the patient, and degree of relationship (if known) .....

I certify that to the best of my knowledge the above particulars are correctly stated.

(Signed)

[To be signed by two Justices where required by the foregoing Act.]

A.—No. 2.

Committal of Dangerous Lunatic.

We C.D. and E.F., the undersigned Justices of the Peace for the Province of South Australia, having called to our assistance G.H., a medical practitioner, and having seen and examined A.B., and the said G.H. having deposed upon oath that in his

his opinion the said A.B. is a dangerous lunatic [*or* idiot], and being satisfied that the said A.B. is a dangerous lunatic [*or* idiot], hereby commit the said A.B. to the asylum at under your charge, there to be kept in strict custody as a dangerous lunatic until he may be discharged therefrom by the order of any two of the visitors of such asylum, or any other person duly authorized in that behalf.

Subjoined is a statement respecting the said A.B.

Dated the day of 18 .

(Signed) C.D.
E.F.

To Resident Medical Officer of the Asylum at

Statement.

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

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

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

(Signed) C.D.
E.F.

A.—No. 3.

Statement respecting Criminal Lunatics, to be filled up and transmitted to the Resident Medical Officer with every Criminal Lunatic.

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

B.

Order for the Reception of a Private Patient.

I, the undersigned, hereby request you to receive A.B., a lunatic [*or* an idiot, *or* a person of unsound mind], as a patient into the asylum under your charge.

Subjoined is a statement respecting the said A.B.

Dated this day of 18

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

To Resident Medical Officer of the asylum at .

Statement.

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

Name of patient, with Christian name at length.....
Sex and age .....
Married, single, or widowed .....
Condition of life, and previous occupation (if any) ....
The religious persuasion (as far as known).....
Previous place of abode .....
Whether first attack.....
Age (if known) on first attack .....
When and where previously under care and treatment..
Duration of existing attack .....
Supposed cause.....
Whether subject to epilepsy .....
Whether suicidal .....
Whether dangerous to others .....
Whether found lunatic by inquisition, and date of commission or order of inquisition .....
Special circumstances (if any) preventing the patient being examined before admission separately by two medical practitioners .....

(Signed)

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

C.

Form of Medical Certificate.

I, the undersigned, A.B., of in the Province of South Australia, a Medical Practitioner, of the said Province, and now in actual practice, hereby certify that I, on the day of at [*here insert the street and the number of the house (if any), or other like particulars*], in the said Province, [*in any case where more than one medical certificate is required by this Act, here insert* separately from any other Medical Practitioner], personally examined A.B., of [*insert residence and profession or occupation (if any)*], and that the said A.B. is a lunatic, [*or* an idiot, *or* a person of unsound mind], and a proper person to be taken charge of and detained under care and treatment, and that I have formed this opinion on the following grounds, viz.:—1. Facts indicating insanity observed by myself [*here state the facts*]. 2. Other facts (if any) indicating insanity communicated to me by others [*here state the information, and from whom obtained*].

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As to Sec. 16

Dated this day of 18 .

(Signed)

D.—No. 1.

D.—No. 1.

Book of Admissions.

Date of last previous admission (if any).	No. in order of admission.	Date of admission.	Christian and surname at length.	Sex and class.				Age.	Condition as to marriage.			Previous place of abode.	By whose authority sent.	Dates of Medical Certificates, and by whom signed.	Bodily condition.	Name of disorder (if any).	Form of Mental Disorders.	Supposed cause of insanity.	Epileptic.	Congenital idiots.	Duration of existing attacks.			Number of previous attacks.	Age on first attack.	Date of examination by Resident Medical Officer and Officer next in authority.	If any inquiry held by Board of Inquiry, date thereof and result.	Date of discharge or death.	Discharged.			Died.	Observations.
				Private.		Pauper.																											
				M.	F.	M.	F.		Married.	Single.	Widowed.										Years.	Months.	Weeks.						Recovered.	Relieved.	Not improved.		

D.—No. 2.

D.—No. 2.

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 case of restraint, by what means.		Patients under medical treatment, and for what, if any bodily disorder.		Deaths, injuries, and violence to Patients since last entry.
	Private.		Pauper.		Criminal and Dangerous.						
	M.	F.	M.	F.	M.	F.	Males.	Females.	Males.	Females.	

E.

Form of Summons by Board of Inquiry.

I, the undersigned, Chairman of the Board of Inquiry appointed under "The Lunatics Act, 1864," do hereby summon and require you personally to appear before the said Board at on the day of at the hour of in the noon, then and there to be examined and testify the truth touching certain matters under inquiry by the said Board by virtue of the said Act, and if you fail to attend at the time and place aforesaid, you will be liable to a penalty of not less than Ten nor more than Fifty Pounds.

Given under my hand this day of 18 .

, Chairman.

Adelaide: Printed by authority, by W. C. Cox, Government Printer, Victoria-square.