

No. VII.

An Act to consolidate and amend the Law relating to the Insane. [4th February, 1879.]

LUNACY.

WHEREAS it is expedient to consolidate and amend the Law relating to the Insane Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. This Act shall come into operation on the first day of March in the year of our Lord one thousand eight hundred and seventy-nine and may be cited as the "Lunacy Act of 1878" and its sections are divided into parts as follows:—

PART I.—*Proceedings by which persons of unsound mind may be placed under restraint.*

PART II.—*Hospitals for the Insane.*

PART III. { (1.) *For the reception of the Insane.*
Licensed Houses. { (2.) *For the reception of a single Patient.*

PART IV.—*Reception-houses for the Temporary Treatment of the Insane.*

PART V.—*Hospitals for the Criminal Insane.*

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PART VI. { (1.) *Inspection of the Insane.*
Inspection Transfer and { (2.) *Transfer of Patients.*
Discharge of Patients. { (3.) *Discharge of Patients.*

PART VII.—*Proceedings for declaring persons insane and for the appointment of Committees &c.*

PART VIII. { (1.) *General Powers and duties of Master in Lunacy.*
Administration and { (2.) *Powers and Duties of Master in Lunacy in respect to Estates of Insane Patients.*
Management of the Estates of Insane Persons and Patients. { (3.) *Management of the Estates of Insane Persons.*

PART IX.—*Miscellaneous provisions.*

Repeal of existing Acts.
Schedule 1.

2. The several enactments mentioned in Schedule 1 to this Act to the extent to which the same are in and by the said Schedule expressed to be repealed shall be and the same are hereby repealed but so that no proceedings or acts or things done or contracts made under the said Acts or any of them before or at the commencement of this Act shall be invalidated or affected by the repeal aforesaid and all proceedings respecting the person or estate of any person before the commencement of this Act found by inquisition idiot lunatic or of unsound mind and incapable of managing himself or his affairs and all proceedings for the purpose of procuring such a finding shall be carried on as far as may be practicable according to the provisions of this Act and subject thereto according to the provisions of the said Acts or any of them which shall for that purpose be deemed to continue in force notwithstanding the repeal aforesaid or in case of doubt as to the mode of procedure in such of the modes aforesaid as the Master in Lunacy hereby appointed shall direct.

Interpretation terms.

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

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

“Insane person”—Any person who shall for the time being be idiotic lunatic or of unsound mind and incapable of managing himself or his affairs and whether found insane by inquisition or otherwise.

“Insane patient” and “patient”—Any person detained at the commencement of this Act in any public or private establishment in New South Wales for the reception of insane persons and any person hereafter received into and detained in any hospital reception-house licensed house or other place respectively appointed or licensed under the provisions of this Act for the reception of insane persons or patients.

“Governor in Council”—The Governor with the advice of the Executive Council.

“Superintendent”—Shall include the deputy superintendent of any hospital for the insane licensed house or reception-house.

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

“Medical

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“Medical practitioner”—A legally qualified medical practitioner within the meaning of any law now or hereafter to be in force within the Colony relating to the qualification of medical practitioners.

“Public Hospital”—Any hospital or infirmary for the care and treatment of the sick or any benevolent asylum or any portion thereof respectively set apart for the temporary reception of the insane.

“Justice”—Justice of the Peace.

PART I.

Proceedings by which persons of unsound mind may be placed under restraint.

4. Upon information on oath before a Justice that a person deemed to be insane is without sufficient means of support or is wandering at large or has been discovered under circumstances that denote a purpose of committing some offence against the law such Justice may by order under his hand require a constable to apprehend such person and bring him before two Justices. And every constable finding any such person so wandering or under such circumstances as are lastly abovementioned may without any such order apprehend him and take him before two Justices.

Insane persons in indigent circumstances without sufficient means of support.

Insane persons wandering at large &c.

5. Any constable who shall have knowledge that any person deemed to be insane is not under proper care and control or is cruelly treated or cruelly neglected by any relative or other person having or assuming the care or charge of him shall forthwith give information thereof upon oath to a Justice and such Justice upon such information or upon the information upon oath of any person whomsoever to the like effect shall either himself visit and examine such person and make inquiry into the case or by an order under his hand direct and authorize some medical practitioner to visit and examine such person and make such inquiry and to report in writing to such Justice his opinion thereon and if upon such personal visit examination and inquiry by such Justice or upon the report of such medical practitioner it shall appear to such Justice that such person is insane and not under proper care and control or is cruelly treated or cruelly neglected by any relative or other person having or assuming the care or charge of him the Justice may by order under his hand require any constable to bring such person before two or more Justices.

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

6. The Justices before whom any such person as aforesaid is brought shall call to their assistance any two medical practitioners who may have previously examined such person apart from each other and separately signed certificates with respect to such person according to the form in Schedule 2 of this Act and if upon examination of such person and such medical practitioners and upon other proof (if any) such Justices be satisfied that such person is insane and is without sufficient means of support or was wandering at large or discovered under circumstances that denote a purpose of committing some offence against the law or is not under proper care and control or is cruelly treated or neglected by any person having or assuming the charge of him and that he is a proper person to be taken charge of and detained under care and treatment the said Justices may by an order under their hands according to the form in Schedule 3 of this Act together with such statement of particulars as is contained in Schedule 5 direct such person to be removed into some hospital for the insane or licensed house

Course to be pursued when the insane person is brought before the Justices.

Schedule 3.
Schedule 5.

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house to be named in such order and such person shall be forthwith conveyed to and detained in such hospital or licensed house accordingly and such Justices may examine the person deemed to be insane and any witness in the matter at any convenient place and proceed in all respects as if such person were brought before them at a Court of Petty Sessions Provided that such Justices may suspend the execution of any such order for any period not exceeding fourteen days and in the meantime give such directions or make such arrangements for the proper care and control of such person as they shall consider necessary Provided also that if the medical practitioners or one of them by whom such person shall be examined shall certify in writing that he is not in a fit state to be removed the removal of such person shall be suspended until the same or some other medical practitioner or practitioners certify in writing that such person is fit to be removed Provided also that any relation or friend may retain or take such insane person under his own care if he shall satisfy the Justices before whom such insane person shall be brought that such insane person will be properly taken care of anything in this Act to the contrary notwithstanding Provided always that whenever any such examination is had at any other place than a public police office it shall be the duty of the magistrates to report to the Colonial Secretary the name residence and other particulars pertaining to the insane person and if such magistrates shall fail to make such return for the period of ten days they shall be each liable to a penalty not exceeding one hundred pounds.

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

7. The Justices causing any person to be examined by any medical practitioners under the provisions hereinbefore contained may grant a certificate for the payment of remuneration to such medical practitioners and of all other expenses in or about the examination of such person and the bringing him before Justices and of conveying him to an hospital for the insane licensed house reception-house or other place or for his proper care and control as in the sixth section mentioned as to such Justices may seem proper and such expenses where they cannot be obtained from the estate of the person examined shall be defrayed out of such fund as shall have been appropriated by Parliament for such purposes Provided always that the remuneration and expenses so awarded or sanctioned shall in every case be subject to the approval of the Colonial Secretary.

Any person to be received into hospital upon a request in writing according to Schedule 4 together with statement according to Schedule 5 and two medical certificates according to Schedule 2.

8. Any person may be received and detained as a patient in an hospital for the insane or a licensed house on the authority of a request under the hand of some person according to the form in Schedule 4 authenticated by a Justice or minister of religion authorized to celebrate marriage together with such statement of particulars as is contained in Schedule 5 and two medical certificates each of which certificates shall be according to the form and contain the particulars required in Schedule 2 to this Act and be signed by a medical practitioner who shall separately from the medical practitioner who shall have signed or shall thereafter sign the other of such certificates have personally examined the person to whom such certificate relates not more than ten clear days previously to the reception of such person into such hospital or licensed house and such request as aforesaid may be signed before or after the date of such medical certificates or either of them.

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

9. Every medical practitioner who shall sign 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 an insane person and shall distinguish in such certificate facts observed by himself from facts communicated to him by others and no person shall be received into any hospital for the insane or licensed house under any certificate which purports to be founded only upon facts communicated by others.

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10. No medical practitioner whose father brother son partner or assistant shall have signed the order or request or one of the certificates for the reception of a patient into an hospital for the insane reception-house or licensed house shall sign any certificate for the reception of the same patient and no medical practitioner who or whose father brother son partner or assistant shall be the superintendent of or a medical officer of an hospital for the insane reception-house or licensed house or a regular professional attendant in a licensed house or wholly or partly the proprietor or the mortgagee or lessee of a licensed house or who shall receive a percentage on or otherwise be interested in the payments to be made by or on account of any patient received into such hospital reception-house or licensed house shall sign any order request or certificate for the reception of a patient into any such hospital reception-house or licensed house And no medical practitioner shall himself or by his servants or agents receive to board or lodge in any licensed house or take the charge or care of any person upon or under any medical certificate signed by himself or his father brother son partner or assistant And no medical practitioner having (either before or after the passing of this Act) signed any certificate for the reception of any person into a licensed house shall be the regular professional attendant of such person while under care or charge under such certificate Provided always that any superintendent or medical officer of any such hospital other than an hospital for the criminal insane may sign a certificate in the case of a prisoner under sentence in any gaol prison or penal establishment for his reception into an hospital for the criminal insane.

Who not to sign
certificates &c.

11. If any medical practitioner shall grant any such certificate as aforesaid without having seen and carefully examined the person to whom it relates at the time and in the manner specified in such certificate for the purpose of ascertaining the condition of such person to the best of his knowledge and power he shall for every such offence be liable to a penalty not exceeding fifty pounds And if any such practitioner shall wilfully and falsely certify in writing that any person is insane knowing him not to be insane the practitioner so certifying shall be guilty of a misdemeanor.

No certificate to be
granted without
examination.

12. No order or request for the reception of any patient into an hospital for the insane or licensed house shall remain in force after twenty-eight days from the date of the medical certificates which shall have been given under the provisions herein contained in respect of such patient or the date of the last of them.

No order &c. for
reception into any
hospital &c. to
remain in force after
twenty-eight days.

13. If after the reception of any insane person into any hospital for the insane or licensed house it shall appear that the order or request or the medical certificates or either of them or any statement or copy of any order upon which he was received is or are in any respect defective or incorrect such order or request or medical certificates or either of them or statement or copy of any order may be amended by the person and persons who shall have signed the same within twenty-eight days next after the reception of such insane person Provided nevertheless that every such amendment shall be approved by the Colonial Secretary and if any such incorrect or defective order request certificate statement or copy of order is not amended within twenty-eight days after the receipt by the superintendent of such hospital or licensed house of a direction in writing from the Colonial Secretary requiring such amendment the Colonial Secretary may order the Inspector General to visit the patient to whom such order request certificate statement or copy of order relates and such Inspector General may order the patient's discharge and such patient shall be discharged accordingly.

Orders and medical
certificates may be
amended.

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Reception of persons found insane by proceedings before the Supreme Court.

14. Where any person has been found insane by any proceeding in the Supreme Court an order signed by a Judge of the Supreme Court or 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 hospital for the insane or licensed house without any further order or any such medical certificate as hereinbefore mentioned.

Penalty for receiving person into hospital &c. without the requisite documents &c.

15. Every person who shall receive any person into any hospital for the insane reception-house licensed house or other place appointed under this Act without such order or request and such medical certificate or certificates statement and office copy of such order as in such case shall be required under the provisions of this Act shall be guilty of a misdemeanor. Provided always that a person may be received into a reception-house public hospital or gaol upon the certificate of one medical practitioner alone but in every such case one other such certificate shall before such person shall be received into any hospital for the insane or licensed house be lodged with or obtained by the superintendent or officer in charge of such reception-house public hospital or gaol.

Persons received into hospitals &c. may be retained and on escape re-captured.

16. Every person lawfully received into any hospital for the insane reception-house licensed house or other place appointed under this Act shall be detained therein until he be removed or discharged in the manner authorized by this Act and in case of escape therefrom may be retaken at any time within twenty-eight days after his escape by the superintendent of such hospital reception-house licensed house or other place or any other officer or any servant belonging thereto or by any constable or by any other person authorized in that behalf by such superintendent and may be conveyed to and received and detained in such hospital reception-house licensed house or other place.

PART II.

Hospitals for the Insane.

Governor in Council may appoint hospitals for the insane.

17. The Governor in Council may by notification published in the *Gazette* appoint any place to be an hospital for the insane and in and by such notification may assign a name to such hospital and any such appointment may be revoked in like manner.

Continuance of existing asylums as hospitals and the officers thereof till superseded.

18. All places appointed to be lunatic asylums under any former Act shall be deemed to have been appointed and to be hospitals for the insane under this Act and all officers and servants already appointed shall continue to discharge the duties of their respective offices until they are reappointed or removed or superseded by the appointment of other persons officers and servants.

Superintendent deputy superintendent may be appointed for each hospital.

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

A register of patients to be kept.

20. Immediately on the admission of any person as a patient into such hospital an entry with respect to such patient shall be made in a book to be kept for that purpose to be called the Register of Patients according to the form and containing the particulars specified in Schedule 7 of this Act or such other form and containing such other particulars as the Colonial Secretary may direct (except as to the form of disorder the entry as to which shall be supplied by the superintendent of the hospital within one month after the admission of the patient and except as to the discharge removal or death of the patient the entry as to which shall be made when the same shall happen)

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happen) and after the second and before the end of the seventh clear day from the day of admission of any person as insane into any hospital a notice of such admission shall be transmitted to the Colonial Secretary in the form of Schedule 8 to this Act with a copy of the order and statement and certificate or certificates on which such insane person has been received together with a statement to be made and signed by the superintendent of such hospital not sooner than two clear days after such admission according to the form in the said last mentioned Schedule. Schedule 8.

21. In every hospital the superintendent shall once at least in every week enter or cause to be entered in a book to be kept for the purpose to be called the medical journal a statement according to the form in Schedule 9 of this Act and shall also enter or cause to be entered in a book to be called the case book (to be kept in such form and manner as the Colonial Secretary shall direct) as soon as may be after the admission of any patient the mental state and bodily condition of every patient at the time of his admission and also the history of his case whilst he shall continue in such hospital together with a correct description of the medicines and other remedies prescribed for the treatment of his disorder and in case of death an exact account of the autopsy (if any) of such patient. Medical journal.
Schedule 9.
Case book.

22. Within forty-eight hours after the discharge removal escape or recapture of any patient a written notice of such discharge removal escape or recapture according to the form in Schedule 10 of this Act shall be transmitted to the Colonial Secretary and within forty-eight hours after the death discharge or removal of any patient an entry thereof shall be made in the said register of patients and also in a book to be kept for the purpose according to the form and containing the particulars in Schedule 11 of this Act. Entries to be made of deaths discharges removals escapes and recaptures and notice given to the Colonial Secretary.
Schedule 10.
Schedule 11.

23. In case of the death of any patient in any hospital a notice and statement according to the form in Schedule 12 of this Act respecting the death and cause of the death of such patient shall be drawn up and signed by the superintendent of such hospital and transmitted—in addition to any notice respecting such death required by any law for the time being in force relating to the registration of deaths—within forty-eight hours after such death to the Colonial Secretary and also to a relation named in the statement of particulars subjoined to the order of admission of such patient or to the person who shall have signed the request for his admission. Notice of death of patient to be transmitted to the Colonial Secretary and to relations of patients.
Schedule 12.

PART III.

Licensed Houses.(1.) *For the reception of the Insane.*

24. The Governor in Council may subject to the provisions hereinafter contained by writing under his hand as nearly as conveniently may be in the form in Schedule 13 to this Act grant to any person or to two or more persons jointly a license for any period not exceeding three years to keep a house for the reception of a certain number of insane patients to be mentioned in such license and may renew or revoke such license And every license granted under the Act thirty-first Victoria number nineteen in force at the date of the passing of this Act shall be deemed to have been granted and to be held under and subject to the provisions of this Act. Governor in Council may grant licenses for houses for the reception of the insane.
Schedule 13.

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

25. The person who shall desire to obtain a license for a house for the reception of insane patients shall give a notice to the Colonial Secretary which shall contain the true christian name and surname place of abode and occupation of such person and a true and full description of his estate or interest in such house and such notice when given for any house which shall not have been previously licensed shall be accompanied by a plan of such house to be drawn upon a scale of not less than one-eighth of an inch to a foot with a description of the situation thereof and the length breadth and height of and a reference by a figure or letter to every room or apartment therein and a statement of the quantity of land not covered by any building annexed to such house and to be appropriated to the exclusive use exercise and recreation of the patients proposed to be received therein and also a statement of the number of patients proposed to be received into such house and whether the license so applied for is for the reception of male or female patients or both and if for the reception of both of the number of each sex proposed to be received into such house and of the means by which one sex may be kept distinct and apart from the other.

What may be included in one license.

26. Any one license to be granted for the reception of insane patients may include two or more houses belonging to one proprietor or two or more joint proprietors provided that no one of such houses be separated from the other or others of them otherwise than by land in the occupation of such proprietor or proprietors and by a road or by either of such modes and all houses buildings and lands intended to be included in any license shall be specified delineated and described in the plan hereinbefore required.

Notice of all additions and alterations to be given to the Colonial Secretary.

27. No addition or alteration shall be made to in or about any licensed house or the appurtenances thereof unless previous notice in writing of such proposed addition or alteration accompanied by a plan of such addition or alteration to be drawn upon the scale aforesaid and to be accompanied by such description as aforesaid shall have been given by the person to whom the license shall have been granted to the Colonial Secretary and the consent in writing of such Colonial Secretary shall have been previously given.

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

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

Provision in case of the incapacity of the person licensed.

29. If any licensee under this Act shall by sickness or for other sufficient reason become incapable of keeping the licensed house or shall die before the expiration of the license the Colonial Secretary may by writing endorsed on such license transfer the said license with all the privileges and obligations annexed thereto for the term then unexpired to such person as he shall approve and in the meantime such license shall remain in force and have the same effect as if granted to such person and in case a license shall have been or shall be granted to two or more persons and before the expiration thereof any of such persons shall die leaving the other or others surviving such license shall remain in force and have the same effect as if granted to such survivors or survivor.

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

30. If any licensed house shall be pulled down or occupied under the provisions of any Act of Parliament or shall by fire tempest or other accident be rendered unfit for the accommodation of insane patients or if the person keeping such house shall desire to transfer the patients to another house the Colonial Secretary may grant to the licensee of such house a license to keep another house for the reception of insane patients for any time not exceeding the period for which the current license is then held Provided always that a like notice accompanied by a like plan statement and description shall be given as to such intended

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intended new house as is hereby required when application shall be first made for a license for any house and shall be accompanied by a statement in writing of the cause of such change of house.

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

32. If after a lapse of two months from the expiration of any license for the use of any house for the reception of the insane which shall not have been renewed or if after the revocation of any such license there be in any such house any insane patient every person keeping such house or having the care and charge of such patient shall be guilty of a misdemeanor. Detention of patients after expiration or revocation of license a misdemeanor.

33. No person (unless he be a person who derives no profit from the charge or a committee or person appointed by the Supreme Court or any Judge thereof or otherwise authorized under this Act or a person to whom charge of an insane relation or friend is given under section eighty-nine of this Act) shall receive to board or lodge in any house or take the care or charge of any patient as insane and any person offending against this provision shall be guilty of a misdemeanor. No unlicensed or unauthorized person unless deriving no profit therefrom to take charge of any insane person.

34. Every licensed house containing more than one hundred patients shall have at all times a medical practitioner resident therein whose true christian and surname shall be given in the notice of application for the license who whether he be the licensee or proprietor or not shall be the superintendent thereof. Provided that the licensee of such house may remove such medical practitioner and appoint some other medical practitioner giving a notice containing the true christian name and surname of such medical practitioner to the Colonial Secretary. And every such house containing over fifty patients shall be visited daily by a medical practitioner. And every such house containing fifty or less than fifty patients shall be visited twice a week by a medical practitioner and in all cases where a medical practitioner is not appointed as superintendent the licensee shall be the superintendent of the house named in the license. Provided always that no license shall be of any validity unless the superintendent of the house licensed shall reside therein and the house be visited by a medical practitioner as and at such times as hereinbefore mentioned. Provided further that when any house is licensed to contain less than ten patients the Colonial Secretary may permit such house to be visited by a medical practitioner less frequently than twice in every week. Provided also that the present licensee of the house known as Bay View House at Cook's River so long as he shall be licensee of the same shall for the purposes of this section only be taken to be a medical practitioner. Misdemeanor. Superintendent to reside.

35. Every superintendent of a licensed house shall within two days after the reception of a patient make an entry with respect to such patient in a book to be kept for that purpose to be called the register of patients according to the form and containing the particulars required in Schedule 7 to this Act or such other form and containing such other particulars as the Colonial Secretary may direct (except as to the form of the mental disorder and except also as to the discharge removal or death of the patient the entry as to which latter shall be made and signed by such superintendent when the same shall happen) And every person who shall not make such entries within or at the times aforesaid shall be liable to a penalty not exceeding two pounds. Superintendent receiving any patient into a licensed house to make an entry thereof in a certain form. Schedule 7. Penalty.

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

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Notice of admission with statement concerning mental disorder to be sent to the Colonial Secretary.
Schedule 8.

37. The superintendent of every licensed house shall within twenty-four hours after the admission of any patient transmit to the Colonial Secretary a notice of such admission in the form in Schedule 8 to this Act with a copy of the order statement and medical certificates on which such person shall have been received and after two clear days and before seven clear days after such admission shall transmit to the Colonial Secretary a statement to be made and signed by the medical officer of such licensed house not sooner than two clear days after such admission according to the form in Schedule 8 to this Act And every superintendent who shall neglect to transmit such copy notice or statement to the Colonial Secretary shall be guilty of a misdemeanor.

Schedule 8.
Misdemeanor.

Medical journal.

38. Every superintendent of a licensed house shall once in every week enter and sign in a book to be kept at such house for that purpose to be called the medical journal a statement according to the form in Schedule 9 hereto and every such superintendent who shall omit to enter such report as aforesaid shall for every such omission be liable to a penalty not exceeding twenty pounds.

Schedule 9.

Penalty.

A medical case book to be kept.

39. There shall be kept in every licensed house a book to be called the medical case book in the form and manner directed by the Colonial Secretary in which the superintendent shall make or cause to be made entries of the mental state and bodily condition of each patient together with a correct description of the medicine and other remedies prescribed for the treatment of his disorder And the Colonial Secretary may require such superintendent to transmit to him a correct copy of the entries in such medical case book relative to the case of any patient who shall be or may have been confined in any such licensed house And every such superintendent who shall neglect to keep the said medical case book or to keep the same according to the form directed as abovementioned or to transmit a copy of the said entry or entries pursuant to such order or orders as aforesaid shall for every such offence be liable to a penalty not exceeding ten pounds.

Penalty.

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

40. Whenever any patient shall escape from any licensed house the superintendent of such house shall within two clear days next after such escape transmit a written notice thereof to the Colonial Secretary and such notice shall state the christian and surname of the patient who shall have so escaped and his then state of mind and also the circumstances connected with such escape and if such patient shall be brought back to such house such superintendent shall within two clear days next thereafter transmit a written notice thereof to the Colonial Secretary and such notice shall state when such person was so brought back and the circumstances connected with his bringing back and whether with or without a fresh order and certificates or certificate And every superintendent omitting to transmit such notice whether of escape or return shall for every such omission be liable to a penalty not exceeding ten pounds.

Penalty.

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

41. Whenever any patient shall be removed or discharged from any licensed house or shall die therein the superintendent of such house shall within two clear days next after such removal discharge or death make and sign an entry thereof in a book to be kept for that purpose according to the form and stating the particulars in Schedule 11 to this Act and shall also in the case of a death within two days after such death transmit to the Colonial Secretary (in addition to any notice respecting such death required by any law now or hereafter in force relating to the registration of deaths) a written notice of the death of such patient and of the cause thereof according to the form in Schedule 12 to this Act and in the case of the removal or discharge of such patient of such removal or discharge according to the form in

Schedule 11.

Schedule 12.

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Schedule 10 to this Act and shall also in the case of such death Schedule 10.
transmit a copy of such notice to one of the relations named in
the statement subjoined to the order or request for admission or to
the person who signed such order or request And every superin- Misdemeanor.
tendent who shall neglect to make and sign such entry or transmit
such notice or notices shall be guilty of a misdemeanor.

(2.) *For the reception of a single insane person.*

42. The Colonial Secretary may grant to any person or to two or Colonial Secretary
more persons jointly a license to keep a house for the reception of a may grant licenses for
single insane patient and from time to time may renew or revoke such houses for the recep-
license No person licensed under this section shall receive to board or tion of a single insane
lodge in any such licensed house for reward or shall take the care or patient.
charge of any patient as insane without the like order statement and But no person so
medical certificates or certificate in respect of such patient as are hereir- licensed to take
before required on the reception of a patient into an hospital for the insane patients without such
And every person licensed under this section shall within twenty-four order &c. as are
hours after receiving a patient transmit to the Colonial Secretary a required on reception
notice of such admission in the form in Schedule 8 to this Act into an hospital for
together with copies of the order statement and medical certificates the insane.
or certificate on which such patient shall have been so received and Schedule 8.
shall also after the second and before the end of the seventh day from
such admission cause each patient to be visited by a medical prac-
titioner and forthwith transmit to the Colonial Secretary a statement
in the form in Schedule 8 to this Act to be made and signed by such Sche lule 8.
medical practitioner so visiting such patient after such admission.

43. Every such patient shall after the second day and before Patient to be visited
the end of the seventh day after his admission and thereafter at least by medical practi-
once in every two weeks be visited by a medical practitioner not himself tioner.
deriving and not having a partner father son brother or other relative
who derives any profit from the care and charge of such patient and
such medical practitioner shall enter and sign in a book to be kept
for that purpose to be called the medical journal (regulations as Medical journal.
to the form of which and the particulars to be entered therein shall
be made by the Colonial Secretary) the date of each of his visits and a
statement of the condition of the patient's health both mental and
bodily and of the condition of the house in which the patient shall be
and such book shall be produced to the Inspector General on every visit
and shall be signed by him as having been so produced and the person by
whom the care or charge of such patient shall have been taken or into
whose house he shall have been received as aforesaid shall transmit to
the like persons the like notices and statements of the death removal
escape and recapture of such patient and within the like periods as Misdemeanor.
are hereinbefore required in the case of the death removal escape or
recapture of a patient received into a licensed house And every
person who shall fail to comply with the regulations made as afore-
said shall be guilty of a misdemeanor.

44. If any occupier or inmate of any private house shall keep Colonial Secretary
or detain therein any insane person although he be a relative of such may order examina-
occupier or inmate beyond the period of a year after the malady shall tion of patient in
have become apparent and confirmed and where it shall have been private houses.
such as to require during any part of such period coercion or restraint
such occupier or inmate or the medical practitioner attending such
insane person so detained shall intimate such detention to the Colonial
Secretary and shall transmit to the Colonial Secretary a written certi-
ficate signed by a medical practitioner of the condition of the person so
detained and shall state the reasons which render it desirable that such
person should remain under private care and the Colonial Secretary may
thereupon or without such intimation authorize the Inspector General

*Lunacy.***Penalty.**

or a Justice such Justice to be accompanied by a medical practitioner to visit and inspect such person and to make such inquiry respecting his treatment as to such Inspector General or Justice and medical practitioner may seem fit And if upon such inquiry it shall appear that such person is insane and has been so for a space exceeding a year and that restraint or coercion of any kind has been resorted to and that the circumstances are such as to render the removal of such insane person to an hospital for the insane or licensed house necessary or expedient the Colonial Secretary may order the removal of such insane person accordingly and the order of the Colonial Secretary under his hand shall be sufficient authority to the superintendent of the hospital or licensed house to which the insane person shall be sent to receive such insane person accordingly And any person who shall keep harbour conceal or aid in keeping harbouring or concealing beyond such period as aforesaid any person as insane without such intimation thereof to the Colonial Secretary and any medical practitioner attending on such person kept or detained as insane beyond such period who shall wilfully neglect to disclose the condition of such person so kept or detained to the Colonial Secretary shall severally for every such offence be liable to a penalty not exceeding two hundred pounds or to imprisonment for any period not exceeding three months.

PART IV.*Reception-houses &c. for the temporary treatment of the Insane.*

Governor may appoint reception-houses for the insane.

45. The Governor in Council may by notification in the *Gazette* appoint such houses and premises as he may think expedient for the reception and temporary treatment of persons certified to be insane and every such house and premises shall be a reception-house for the insane And any such appointment may be revoked in like manner And every reception-house and all officers and servants thereof appointed under the Act thirty-first Victoria number nineteen shall be deemed to have been appointed under this Act.

Governor to appoint superintendent and medical officer.

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

Colonial Secretary to make regulations.

47. The Colonial Secretary shall make regulations for the government of reception-houses.

Wards in public hospitals for temporary reception of insane.

48. The Governor in Council may by notification in the *Gazette* declare wards of any public hospital which may be set apart for such purpose by the committee or the persons in whose hands shall be vested the management of such hospital to be wards for the temporary reception of persons certified to be insane and thereupon the Colonial Secretary shall make regulations for the dietary treatment and inspection of patients in such wards.

Colonial Secretary to make regulations.

Justice may order the detention of an insane person in reception-house &c. Schedule 6.

49. Any Justice may by order under his hand in the form of Schedule 6 hereto direct the reception and detention of any person (for whose reception into an hospital for the insane or licensed house the necessary order or request certificates and statement have been signed and remain in force) in any such reception-house or in any gaol or in any such public hospital so set apart for immediate treatment.

No person to be detained in any reception-house &c. longer than fourteen days.

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

Lunacy.

51. On receipt of a certificate from the medical officer of such reception-house gaol or public hospital that any person confined therein as an insane patient is of sound mind or may with safety be discharged to the care of a relation or friend any Justice may order the discharge of such person.

Discharge of patients from reception-house gaol &c.

PART V.

Hospitals for the Criminal Insane.

52. The Governor in Council may by notification published in the *Gazette* declare that any hospital for the insane gaol or place or part of any such hospital gaol or place provided for or appropriated for that purpose shall be an hospital for the criminal insane and any such appointment may be revoked in like manner.

Governor may appoint hospital for the criminal insane.

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

Governor may appoint superintendent and officers.

54. The Colonial Secretary shall make regulations for the government and management of hospitals for the criminal insane.

Colonial Secretary to make regulations.

55. Immediately on the admission of any person as a patient into an hospital for the criminal insane an entry with respect to such patient shall be made in a book to be kept for that purpose to be called the register of patients according to the form and containing the particulars specified in Schedule 7 of this Act or such other form and containing such other particulars as the Colonial Secretary may direct (except as to the form of disorder the entry as to which is to be supplied by the medical officer of the hospital within one month after the admission of the patient and except as to the discharge removal or death of the patient the entry as to which is to be made when the same shall happen).

Register of patients to be kept.
Schedule 7.

56. In every hospital for the criminal insane the superintendent thereof shall once at least in every week enter or cause to be entered in a book to be kept for the purpose to be called the medical journal a statement according to the form in Schedule 9 of this Act and shall also enter or cause to be entered in a book to be called the case book (to be kept in such form as the Colonial Secretary shall direct) as soon as may be after the admission of any patient the mental state and bodily condition of every patient at the time of his admission and also the history of his case whilst he shall continue in such hospital together with a correct description of the medicines and other remedies prescribed for the treatment of his disorder and in case of death an exact account of the autopsy (if any) of such patient.

Medical journal.
Schedule 9.
Case book.

57. Within forty-eight hours after the death discharge removal escape or re-capture of any patient a written notice of such death discharge removal escape or recapture according to the form in Schedules 10 and 12 of this Act respectively shall be transmitted to the Colonial Secretary and within forty-eight hours after the death discharge or removal of any patient an entry thereof shall be made in the said register of patients and also in a book to be kept for the purpose according to the form and containing the particulars in Schedule 11 of this Act.

Entries to be made of deaths discharges removals escapes and recaptures and notice given to the Colonial Secretary.
Schedule 10.
Schedule 11.

58. If any person indicted for any offence shall be insane and shall upon arraignment be found so to be by a jury lawfully impannelled for that purpose so that such person cannot be tried upon such indictment or if upon the trial of any person so indicted such person shall appear to the jury charged with such indictment to be insane it shall

Procedure where person charged with offences are found to be insane by a jury or are acquitted on the ground of insanity.

be

Lunacy.

be lawful for the Court before which any such person shall be brought to be arraigned or tried as aforesaid to direct such finding to be recorded and thereupon to order such person to be kept in strict custody in such place and in such manner as to the Court may seem fit until he shall be dealt with as hereinafter provided And in all cases where it shall be given in evidence upon the trial of any person charged with any treason felony or misdemeanour that such person was insane at the time of committing such offence and such person is 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 find that such person was insane at the time of committing such offence the Court before whom such trial is had shall order such person to be kept in strict custody in such place and in such manner as to the Court may seem fit until the Governor's pleasure shall be known And it shall be lawful in any case where the jury have so found that such person was insane at the time of committing such offence for the Governor upon the receipt of certificates by two medical practitioners in the form of Schedule 2 accompanied by a statement of particulars in the form of Schedule 14 by warrant under his hand to direct that such person be conveyed to and kept in an hospital for the criminal insane during the Governor's pleasure.

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

59. When any person committed to take his trial for any offence shall be certified by two medical practitioners in the form of Schedule 2 to be insane or shall upon arraignment be found by verdict to be insane the Colonial Secretary may direct by order under his hand in the form of Schedule 15 that such person be removed to an hospital for the criminal insane and detained in such hospital until he shall be certified by the medical officer and the Inspector General or by the said medical officer and two official visitors to be of sound mind whereupon the Colonial Secretary shall order his removal to the gaol from whence he came in order to his being tried for such offence Provided that such detention for any period shall not operate as a bar to his subsequent indictment and trial for such offence.

Colonial Secretary may order insane criminals to be conveyed to hospital.

Schedule 2.

Schedule 14.

Schedule 15.

60. If any person while imprisoned in any gaol prison or penal establishment under any sentence of death hard labor or imprisonment shall appear to be insane the Comptroller-General of Prisons shall direct that such prisoner shall be placed under observation as in section sixty-seven mentioned and the Colonial Secretary may upon the receipt of certificates by two medical practitioners in the form of Schedule 2 accompanied by a statement of particulars in the form of Schedule 14 direct by order under his hand in the form of Schedule 15 that such person be removed to and kept in an hospital for the criminal insane until it shall be duly certified by the medical officer of such hospital and the Inspector General or by the said medical officer and two official visitors that such person has become of sound mind whereupon the Colonial Secretary shall if such person remain subject to be continued in custody issue his order to the superintendent of such hospital directing that such person shall be removed to the gaol prison or penal establishment from whence he has been taken or if the period of his imprisonment has expired that he shall be discharged.

Removal of person of sound mind to gaol.

Colonial Secretary to order removal to hospital for insane on expiration of sentence insanity still existing.

61. When by reason of the expiration of his term of imprisonment or otherwise any person confined in any hospital for the criminal insane would if duly certified to be of sound mind be entitled to his discharge the Colonial Secretary may (upon the certificate of the medical officer of such hospital that the person is still insane) by writing under his hand order his discharge and removal to some other hospital not being an hospital for the criminal insane or to be otherwise subjected to the same care and treatment and to be dealt with

in

Lunacy.

in all respects as an insane person not being a criminal Provided that when such insane person is certified by such medical officer to suffer from homicidal propensities or from insanity of such a kind as renders it advisable that he should be detained in an hospital for the criminal insane the Colonial Secretary may order such detention after the expiration of his sentence.

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

62. When any person detained in an hospital for the criminal insane whose sentence is unexpired shall be certified by the medical officer and the Inspector General or by the said medical officer and two official visitors to be demented and not dangerous the Colonial Secretary may direct his removal therefrom to any other hospital for the insane not being an hospital for the criminal insane.

Insane person becoming demented may be removed from criminal to other hospital for the insane.

63. When any person shall be ordered to be kept in custody during the Governor's pleasure any order made by the Governor in relation to the custody of such person may be renewed and varied from time to time And the Governor in Council may permit any person confined in any hospital for the criminal insane not being a person under conviction and sentence to be liberated from custody or confinement upon such terms and conditions as he may think fit And if any of such conditions be broken such person may be retaken and dealt with as hereinafter enacted in case of an escape.

Governor may liberate on conditions.

64. In case of the escape of any person confined in any hospital for the criminal insane he may be retaken at any time by the superintendent of such hospital or any officer or servant belonging thereto or any constable or any person assisting such superintendent officer servant or constable or any other person authorized by the Colonial Secretary or such superintendent and shall be conveyed to and received and detained in such hospital.

Escaped insane person may be recaptured.

65. Any person who rescues any person ordered as aforesaid to be conveyed to any hospital for the criminal insane during his conveyance thereto or his confinement therein and the superintendent or any officer servant or other person employed in any such hospital who through wilful neglect or connivance permits any person so confined therein to escape therefrom or secretes or abets or connives at any such escape shall be guilty of felony and be liable to imprisonment with or without hard labour for any term not exceeding three years And any such superintendent officer servant or other person who carelessly allows any such person to escape shall be guilty of a misdemeanour.

Penalties for aiding or permitting escape.

66. Any person committed to take his trial for having attempted to commit suicide who shall be certified by two medical practitioners in the form of Schedule 2 hereto to be insane shall forthwith be sent to an hospital for the insane other than an hospital for the criminal insane and such person when certified by the medical officer and Inspector General or by the medical officer and an official visitor to be of sound mind shall be discharged from such hospital and shall not be put upon his trial or be liable to any charge or indictment for having attempted such act of suicide.

Persons attempting to commit suicide and found insane not to be subsequently tried for the offence. Schedule 2.

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

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

PART VI.

Inspection Transfer and Discharge of Patients.(1.) *Inspection of the Insane.*

Governor in Council
to appoint Inspector
General of the Insane.

68. The Governor in Council may appoint an Inspector General and such Inspector General shall be paid travelling expenses in addition to his salary as Inspector General.

Inspector General to
visit hospitals and
licensed houses.

69. Every hospital whether for the insane or for the criminal insane and every licensed house shall be visited by the Inspector General at least once in every six months and with or without any previous notice and every such visit shall be made at such hour of the day or night and for such length of time as he shall think fit and also at such other times as the Colonial Secretary may direct And such Inspector General when visiting such hospital or licensed house shall so far as practicable inspect every part of the same and every out-house and building communicating therewith or detached therefrom and every part of the ground or appurtenances held or occupied therewith and see every patient then confined therein and make such inquiries examinations and inspections as are set forth in section seventy-one of this Act and enter in the Inspector General's book hereinafter mentioned a minute of the then condition of such hospital or licensed house and of the patients therein and such other remarks as he may deem proper And also if such visit be the first after the granting of a license to any licensed house shall examine such license.

Inspector General's
book.

Inspector General to
visit reception-houses
gaols &c.

70. Every reception-house appointed under this Act and any ward set apart in any public hospital or other institution for the reception of insane patients and any ward cell or cells set apart in any gaol or penal establishment under section sixty-seven of this Act shall as often as he shall think fit and with or without any previous notice be visited by the Inspector General and every such visit shall be made at such hours of the day or night or for such length of time as he shall think fit and also at such other times as the Colonial Secretary may direct and such Inspector General at every such visit shall inspect every part of the same see each patient confined therein and make such inquiries as are set forth in section seventy-one of this Act and enter in the Inspector General's book hereinafter mentioned a minute of the then condition of the reception-house and of such ward cell or cells and of the patients therein with any observations which he may deem proper.

Inquiries to be made
by Inspector General.

71. The Inspector General on his several visitations to every such hospital reception-house and licensed house and to every such ward or cell as aforesaid shall inquire as to the care treatment and mental and bodily health of the patients therein and the arrangements for their maintenance and comfort—as to whether any patient is under restraint or in seclusion and why—as to whether and at what times and to what number of patients Divine Service is performed—as to what occupations or amusements are provided for the patients—as to the classification and dietary of the patients and the number of the attendants and nurses—and also as to the moneys paid for the maintenance of any insane person with all such other inquiries as to such Inspector General may seem fit And such Inspector General shall examine the several books by this Act required to be kept and sign the said books as having been produced to him and shall inspect the order and certificates for the reception of every patient who shall have been received into such hospital licensed house reception-house or other place since the last visit of the Inspector General or official visitor thereto.

Lunacy.

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

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

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

Inspector General to make an annual report to Colonial Secretary.

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

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

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

Plans &c. for hospital to be submitted to Inspector General.

76. All plans of houses for which a license for the reception of insane persons is sought to be obtained under this Act and for additions to or alterations to in or about those already licensed shall be submitted to the Inspector General who shall report thereon in writing to the Colonial Secretary and no license shall be granted for the reception of insane persons and no addition or alteration to in or about such house already licensed shall be undertaken without such report as aforesaid.

All plans of houses proposed to be licensed and of additions and alterations to those already licensed to be submitted to Inspector General.

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

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

78. The Governor in Council may appoint for every hospital for the insane or the criminal insane licensed house reception-house or other place where patients certified to be insane or persons so found by inquisition are detained two or more official visitors one of whom shall be a medical practitioner and one a police magistrate or a barrister-at-law any two or more of whom one being a medical practitioner shall visit the place to which they are appointed visitors once at least every month with or without any previous notice and at such hours of the day or night and for such length of time as they shall think fit and also at such other times as the Colonial Secretary may direct and such official visitors when visiting such hospital licensed house reception-house or other place shall so far as practicable inspect every part of the same and every out-house and building communicating therewith or detached therefrom and every part of the grounds or appurtenances held or occupied therewith and see every patient confined therein and make such inquiries examinations and inspections as are set forth in section

Governor in Council to appoint official visitors.

section

Lunacy.

section seventy-one of this Act and enter in the Inspector General's book a minute of the then condition of the said hospital licensed house reception-house or other place and of the patients confined therein and such other remarks as they may deem proper and shall after every visit transmit to the Colonial Secretary a statement of the number of patients admitted and discharged since the date of the last visitation together with a copy of the entry made by them in the Inspector General's book and any other information they may consider necessary. Any or all of the official visitors may be appointed to two or more hospitals for the insane or the criminal insane licensed houses reception-houses or other places where patients certified to be insane are detained.

Official visitor to have no interest in hospital or licensed house nor sign certificates for admission nor attend patients.

79. No person shall be or act as an official visitor of any hospital licensed house reception-house or other place where patients certified to be insane are detained who shall be directly or indirectly interested therein and no such visitor shall sign any certificate for the admission of any patient into any hospital reception-house licensed house or other place for the reception of insane patients or shall professionally attend on any patient in any licensed house of which he shall be an official visitor.

(2.) Transfer of Patients.

Inspector General may order transfer of patients.

80. The Colonial Secretary may direct by an order in writing the removal of any patient from any hospital for the insane or licensed house to any other such hospital or licensed house and every such order shall be in duplicate and one copy shall be delivered to the superintendent of the hospital or licensed house from which the patient is ordered to be removed and the other shall be delivered to the superintendent of the hospital or licensed house into which the patient is ordered to be removed. And such order for removal shall be a sufficient authority for the removal of such patient and also for his reception into the hospital or licensed house into which he is ordered to be removed and for his detention therein or thereby. Provided always that a copy of the order and statement with which such patient was received into the hospital or licensed house from which he is removed together with an abstract of his treatment and progress certified by the superintendent of such hospital or licensed house (or in the case of a house licensed under section forty-two of this Act of the licensee thereof) shall be delivered with one copy of the said order of removal to the superintendent of the hospital or licensed house to which such patient is removed.

Insane persons may be taken out of New South Wales by order of the Supreme Court.

81. If it shall be made to appear to the Supreme Court or to a Judge thereof that any insane person or patient has relations or friends in any place beyond New South Wales who are willing to undertake the care and charge of such insane person or patient and that it would be for his benefit if he were to be removed to such place such Court or Judge may order such insane person or patient to be removed from New South Wales and make such further or other order authorizing or directing his removal and touching his safe custody and maintenance as to such Court or Judge shall seem fit and may order that security shall be given for the safe custody and maintenance of such insane person or patient in any such place beyond New South Wales. Provided always that no order shall be made for the removal of any such insane patient until after fourteen days notice of the intention to apply for such an order shall have been given to the superintendent of the hospital or licensed house in which such insane person or patient shall be confined or to the person in whose care or custody such insane person or patient shall be unless such superintendent or person shall himself be the person applying for such an order.

Lunacy.

82. The superintendent of any hospital for the insane or licensed house may with the consent in writing of the Inspector General send or take under proper control any patient to any specified place for any definite time for the benefit of his health and also permit any patient to be absent from any such hospital or licensed house upon trial for such period as may be thought fit. Provided always that before giving any such consent the Inspector General may require the approval in writing of the person who signed the order or request for the reception of such patient or by whom the last payment on account of such patient shall have been made. In case any person so allowed to be absent for the benefit of his health or on trial for any period do not return at the expiration thereof and a medical certificate as to his state of mind certifying that his detention as an insane person is no longer necessary be not sent to the superintendent or licensee of such hospital or licensed house such person may at any time after the expiration of the same period be retaken as in the case of an escape.

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

83. The person in charge of an insane patient during conveyance to any hospital or licensed house shall have an order in writing by the Justices who have examined the patient or by the Colonial Secretary and shall produce the same when required to do so by any Justice.

Order for conveyance of patient.

(3.) Discharge of Patients.

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

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

85. If the person who shall have signed the order or request on which any patient shall have been received into any hospital or licensed house is dead or is incapable by reason of insanity absence from New South Wales or otherwise of giving an order for the discharge of such patient then the person who made the last payment on behalf of such patient or the husband or wife of such patient or if there is no husband or wife or if the husband or wife is incapable as aforesaid the father or if there is no father or the father is incapable as aforesaid then the mother or if there is no mother or the mother is incapable as aforesaid then any one of the nearest of kin for the time being of such patient may in writing give such direction as aforesaid for the discharge of such patient and such patient shall be forthwith discharged accordingly.

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

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

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

87. The Inspector General or any official visitor of any hospital for the insane or licensed house may with the advice in writing of the superintendent of such hospital or the medical officer of such licensed house order the discharge of any person detained therein whether such person is recovered or not.

Inspector General or official visitor with advice of the superintendent may order discharge.

88. Where application is made to the Inspector General or to any official visitor or visitors of any hospital for the insane or licensed house by any relative or friend of an insane person confined therein requiring that he may be delivered over to the care and custody of such relative or friend such Inspector General or official visitor or visitors

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

Lunacy.

with the advice in writing of the superintendent of such hospital or the medical officer of such licensed house and upon the undertaking in writing of such relative or friend that such insane person shall be properly taken care of and shall be prevented from doing injury to himself or others may discharge such insane person.

Allowance to be made to friends for maintenance of patients.

89. In cases where the relatives or friends of any insane person shall be willing to take care of such person but shall be unable owing to indigent circumstances to maintain him the Colonial Secretary may on the recommendation of the Inspector General or of any official visitor or visitors grant an allowance for maintenance to such relative or friend on such insane person being discharged in the manner set forth in the next preceding section. And in all such cases the allowance for maintenance shall be paid once in every three months upon the receipt of a certificate from some medical practitioner in the form of Schedule 16 of this Act. Provided that if it shall appear to such practitioner as aforesaid that the insane person so discharged is not properly cared for by his friends or that his mental state is such as to render it advisable that he should be no longer entrusted to their care he shall report the same to the Inspector General who may thereupon direct that such insane person be returned to the hospital from whence he was discharged without any further certificate or statement and he shall be received therein accordingly.

Schedule 16.

Judges may order persons confined as insane to be brought before them for examination.

90. If any Judge of the Supreme Court shall receive information upon oath or shall have reason or cause to suspect that any person of sound mind is confined in any hospital for the insane or licensed house such Judge may order the superintendent of such hospital or licensed house to bring such confined person before him for examination at a time to be specified in such order and if upon the examination of such confined person and of such superintendent and of any medical or other witness it shall be made to appear to the satisfaction of such Judge that such confined person is of sound mind such Judge may direct such confined person to be immediately discharged from the custody of the superintendent of such hospital or licensed house 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.

Inspector General or official visitors may recommend the discharge of any patient subject to certain conditions.

91. If the Inspector General official visitors or superintendent of any hospital for the insane or licensed house shall certify to the Colonial Secretary that any patient is detained in such hospital or licensed house without sufficient cause the Colonial Secretary may order the discharge of such patient. Provided that if the superintendent do not consent to such discharge his reasons in writing shall be forwarded to the Colonial Secretary by the Inspector General or official visitors together with the certificate as aforesaid.

PART VII.

Proceedings for declaring persons insane and for the appointment of Committees of their estates &c.

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

92. After the passing of this Act no commission *de lunatico inquirendo* shall be issued but in every case in which it shall be proved to the satisfaction of the Supreme Court or one of the Judges thereof that a person is of unsound mind and incapable of managing his affairs such Court or Judge may make a declaration to that effect and may direct a reference to the Master in Lunacy to make inquiries concerning the property of such person and may make all proper orders for rendering the property of such person or the income thereof available

Lunacy.

available for the payment of his debts and for the maintenance or benefit of himself and his family and for carrying on his trade or business if any and may if necessary appoint a committee of his estate and also when desirable a committee of his person.

93. Whenever it shall be proved to the satisfaction of the Supreme Court or a Judge thereof that any person declared to be of unsound mind or so found by inquisition has recovered his sanity and is capable of managing his affairs the said Court or Judge may make a declaration to that effect and may make all proper orders to give effect to such declaration and to release the estate of such person from the control of the Court and to discharge the committee of his estate and person. Superseding orders &c. when person has recovered.

94. Every application under the last two preceding sections respectively shall be by petition supported by affidavit of the facts relied on which petition and affidavits shall be filed in the office of the Master in Lunacy and a copy thereof shall be served upon the alleged insane person where the petition is under the said ninety-second section or upon the petitioner under that section or the committee of a person found insane by inquisition where the petition is by or on behalf of the alleged insane person under the said ninety-third section within such times respectively as may be fixed by any general rule of the Supreme Court as hereinafter provided. Application to be by petition.

95. When from any cause the applicant is unable to effect personal service of the petition and affidavits mentioned in the last preceding section the Court or Judge may direct substituted service thereof in such manner as may seem proper. Substituted service.

96. Every deponent may be cross-examined upon his affidavit either at the hearing or at such time and place as the Court or any Judge may direct and at such hearing the Court or Judge may receive or require the oral evidence of witnesses and such other proofs as may be deemed necessary. Cross-examination on affidavit &c.

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

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

99. When the verdict of the jury shall have been returned unless a new trial be granted the Court or the Judge by whom such inquiry was directed may make such declaration and orders as in the said ninety-second and ninety-third sections are respectively mentioned as the case may be. After verdict Court or Judge may make declaration &c.

100. On the hearing of any such petition before the Court or Judge the person whose sanity is in question shall be examined by such Court or one of the Judges thereof or such Judge. And on the trial of any such question as above mentioned there shall be a like examination by the jury before they consult as to their verdict and every such examination shall take place in open Court or in private as may be deemed expedient. Examination of the alleged insane person.

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The word commission shall apply to petition and declaration.

101. Where in any Act or rule of Court or instrument reference is made to a Commission of Lunacy or a writ in the nature of a writ *de lunatico inquirendo* or to any inquisition thereon or to a traverse or supersedeas of any inquisition or commission the petition and declaration thereon in the ninety-second and ninety-third sections respectively mentioned as the case may be shall be taken to be intended by or comprehended in such reference.

Persons found insane in places beyond the Colony

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

Court may order costs.

103. The Supreme Court or any Judge thereof may make such order as to the costs charges and expenses of and incidental to any proceeding authorized by this Act as the said Court or Judge shall think proper and every such order shall have the same effect as orders for the payment of money made by the Supreme Court in its Equitable jurisdiction.

Appeal.

104. There shall be an appeal to the full Court from every order made under this Act by a single Judge in such manner as may be prescribed by any general rule of the Court.

PART VIII.

Management of the Estates of Insane Persons and Patients.

(1.) *General Powers and Duties of Master in Lunacy.*

Master in Lunacy.

105. There shall be a Master in Lunacy and the Master in Equity for the time-being of the Supreme Court shall be also the Master in Lunacy and as such shall have and execute all the powers and duties hereby or under the authority hereof vested in and imposed upon him and subject to and in accordance with the regulations of the Governor in Council and the general rules of the Supreme Court and to any special order of the said Court the Master in Lunacy shall undertake the general care protection and management or supervision of the management of the estates of all insane persons and patients in New South Wales And he shall supervise and enforce the performance of the obligations and duties of all committees of insane persons heretofore or hereafter to be appointed and shall take care of collect and administer under the provisions of this Act the property and estates of all insane patients.

Power to sell land or other property of insane for his benefit.

106. For the purpose of giving effect to any order made in pursuance of section ninety-two of this Act the Court may order any real or personal property of the insane person mentioned in such order to be

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be sold mortgaged charged or otherwise disposed of and a conveyance transfer mortgage charge or other disposition thereof to be executed or made by any person on his behalf and may order the proceeds of any such sale mortgage charge or other disposition or the dividends or income of such real or personal property to be paid to any relative of the insane person or to some other fit or proper person to be by such relative or other person applied to the payment of the debts or to the maintenance or for the benefit of the insane person or of him and his family and also for carrying on his trade or business either at the discretion of such relative or person or in such manner and subject to such control or supervision of the Master in Lunacy and with or without such security for such application as the Court may direct.

107. Where any person shall on the trial of any information have been acquitted on the ground of insanity or shall upon arraignment upon a criminal charge have been found to be insane the Sheriff shall report the fact to the Master in Lunacy who shall thereupon make inquiry respecting the property of such person and the Supreme Court may on being satisfied by the report of the Master or by affidavit or otherwise of the continued insanity of such person and of his being still in confinement make any such orders with respect to the property of such person and the application thereof for the payment of his debts or for his maintenance or benefit or that of his family or for carrying on his trade or business as are mentioned in the last preceding section.

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

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

Expenses incurred to be paid out of estate.

109. The Master may in the execution of his powers duties and authorities and also in the prosecution of all inquiries and matters which may be referred to him under this Act summon persons before him and administer oaths and take evidence either *vivâ voce* or by affidavit or partly *vivâ voce* and partly by affidavit and take recognizances and require the production of books papers accounts and documents and every person so summoned shall be bound to attend as required by the summons and give evidence before the Master in like manner as persons summoned before him in his Equity jurisdiction are bound to attend and to give evidence And the Court 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 insane person or patient.

Master to have all necessary powers of inquiry.

110. Every person giving evidence by affidavit shall be liable to oral cross-examination by or before the Master upon his affidavit and after cross-examination may be re-examined orally by or on behalf of the person filing the affidavit And every person giving evidence by affidavit shall be bound to attend before the Master to be so cross-examined and re-examined upon receiving due and proper notice and payment or tender of his reasonable expenses in like manner as if he had been duly served with a writ of subpoena *ad testificandum* before the Master And the expenses attending on such cross-examination and re-examination shall be paid in such manner and by such person as the Master shall direct.

Witnesses may be cross-examined orally.

How expenses to be paid.

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

Master may issue advertisements.

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

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

Grant of custody may be extended to surviving or continuing committees in certain cases.

113. Where the Master shall report that more than one person ought to be appointed the committees of the estate or person and that it is expedient that one or more of such persons should continue to be the committee or committees after the death or discharge of the others or other of them and that such person or persons is or are willing so to continue the committees of the estate shall on confirmation of such report by the Supreme Court perfect their securities in such form as to extend to the acts and defaults of one or more of them in accordance with the report and thereupon the grant of the custody of the estate or of the person (as the case may be) shall be made conformably with the order of custody and the continuing or surviving committee or committees to whom separately the grant shall extend shall continue until further order to act after the death or discharge of the others or other of them with all the like powers authorities and discretions and subject to all the like liabilities as the original committees.

Form of allowance of accounts.

114. The Master's allowance of the account of a committee or receiver shall be signified under his hand and be written under the account but no certificate shall be made except where it may be specially required with a view to payment of money into Court or for some other purpose.

Master to distinguish items in account which he cannot allow and the account to be submitted to Court.

115. Where the Master shall be of opinion that any small expenses included in the committee's or receiver's account have been properly and reasonably incurred for the benefit or enjoyment of the insane person or the improvement security or advantage of his estate and there shall be no opposition to the allowance thereof but it may not be competent to him to allow the same to the committee or receiver without the sanction of the Court he shall distinguish the items by some mark in his allowance of the account which shall be made subject to the approval of the Court and the account as passed by the Master shall be submitted by him to the Court without petition for its allowance or disallowance in respect of the items so distinguished by him.

Master to receive proposals in certain cases.

116. The Master may without an order of reference receive any proposal and conduct any inquiry respecting the managing repairing or letting of the estate of an insane person and report thereon.

Master may certify as to propriety of proposal with regard to costs.

117. Where the Master without an order of reference shall receive and proceed on a proposal or conduct an inquiry but shall arrive at the opinion that the proposal ought not to be adopted or that the inquiry was unnecessary he may certify whether or not (under the circumstances) the proposal or inquiry was proper to be made and if he shall certify in the affirmative usual and proper costs of the proposal or inquiry and proceedings thereon shall be allowed on taxation by virtue of his certificate but if he shall certify in the negative the Court shall direct by whom and in what manner the costs shall be paid and borne.

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118. Where any person shall require that the Master should report on a proposal which he shall have received and proceeded on without an order of reference notwithstanding his opinion that it should not be adopted the Master shall report on the proposal and the report shall be brought before the Court by petition and the Court may make such order upon the report and respecting the costs as it shall think fit.

Persons insisting on report liable to costs.

119. Where an application shall be made by petition to the Court either concerning a matter which might have been brought before the Master in the first instance or in consequence of the Master receiving any proposal or proceeding in any inquiry relating to the estate or the person the Court may make such order respecting the costs of the application and of the consequent proceedings as it shall think fit.

On application not being made to Master costs may be ordered to be paid.

120. Subject to the provisions hereinafter contained the Master shall as soon as possible inquire and certify who are the next of kin of the insane person and subject as aforesaid due notice of attending on the proceedings in the matter shall be given to the persons for the time-being found to be next of kin.

Master to inquire as to next of kin and they are to have notice of proceedings.

121. The Court may in any case by order defer an inquiry respecting next of kin or direct that the inquiry shall be carried on to such limited extent only and under such restrictions and provisions and in such manner as it may think expedient and may order that persons alleging themselves to be next of kin be left to make out their claim at their own expense and may in any case by reason of the smallness of the property of the insane person wholly dispense with the inquiry.

Court may dispense with or limit inquiry as to next of kin.

122. Where the Master shall be of opinion that by reason of the smallness of the property of an insane person or for any other reason an inquiry or a subsequent inquiry (as the case may be) respecting next of kin should be dispensed with or deferred or be carried on to a limited extent only he shall report accordingly.

Master to report where inquiry as to next of kin inexpedient.

123. The Master in conducting an inquiry respecting next of kin without any special direction of the Court concerning the mode of conducting the same may dispense with strict proof of pedigree and may require and receive such evidence only as may appear to him sufficient and satisfactory respecting the family and the next of kin and shall certify the mode in which he shall have conducted the inquiry.

Master may dispense with strict proof of pedigree in certain cases.

124. The Court may by order dispense with and disallow the attendance on the proceedings in the matter of all or some of the next of kin either wholly or except at their own expense or except upon special leave first obtained and such notice only of the proceedings shall be given as shall be conformable with the order of the Court.

Court may dispense with attendance next of kin.

125. Subject to the provisions hereinbefore contained the Master shall once in the matter of each insane person and may afterwards determine whether any and which of the next of kin are to attend on the proceedings or on any particular proceeding before him in the matter and no other persons save those so allowed shall be entitled to notice of or shall be allowed to attend at the cost of the estate on any proceedings or on such particular proceeding as aforesaid except on the special leave of the Master first obtained and no other person save as aforesaid shall be entitled to notice of or shall be allowed to attend at the cost of the estate on any proceeding before the Court except upon special leave of the Master first obtained and for that purpose the Master shall certify who are the persons so allowed to attend on the proceedings before him in the matter.

Master to determine which of next of kin to attend before him and to certify and the same only to attend before the Court.

126. Where an infant being one of the next of kin and being so allowed to attend on the proceedings shall have no guardian the Master may by certificate appoint a fit person to be his guardian for

Master may appoint guardian for infant for purposes of insanity.

the

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the purposes of the insanity and such person shall thereupon for such purposes only and not otherwise have all the same powers authority and discretion as if he had been duly constituted guardian by the Court.

In cases of members of same family proceedings may be consolidated and evidence interchanged.

127. The Master may consolidate or carry on together similar proceedings before him in the matters of several persons being members of the same family and may in all cases use in the matter of one member of a family evidence filed or taken in the matter of another member or other members of the same family when and so far as it may be applicable.

Master may open and deliver out will.

128. The Master may on being satisfied of the death of an insane person open and read without order any paper writing deposited with him and purporting or alleged to be the will of such person for the purpose of ascertaining who is therein nominated executor thereof and also whether or not there is any and what direction therein contained concerning his funeral or place of interment and shall then deliver the same to the executor or one of the executors therein named or some other proper person to the intent that the same may be proved in the usual course and dealt with according to law and shall certify the death and the opening and delivering out of the paper writing accordingly.

Master may inquire respecting interest in stock of insane residing out of jurisdiction.

129. The Master may without order of reference inquire and report whether or not any person residing out of New South Wales has been declared idiot lunatic or of unsound mind and whether or not his estate has been vested in a curator or some other and what person appointed for the management thereof according to the laws of the place where the person shall be residing.

Master may direct times &c. of proceeding before him.

130. Subject to the provisions of this Act and to the general orders for the time-being in force and to any order of the Court the Master may dispense with any summons ordinarily taken out in the course of the proceedings before him and require any party attending before him to take out a summons for a particular purpose or within a particular time and fix the time at which any particular summons shall be returnable before him or at or within which any proceeding necessary or proper to be taken before him shall be taken and may proceed *de die in diem* or adjourn the proceedings before him.

Master to inquire into delays.

131. The Master shall inquire into the circumstances of any delay in the conduct of proceedings before him or in proceeding upon his reports certificates or decisions and for that purpose may call before him all parties concerned and may report accordingly.

Master may disallow costs.

132. The Master may by certificate disallow wholly or in part the costs of any proceeding before him and also any affidavits petitions or other documents used for the purposes of this Act which shall contain unnecessary recitals or statements of proceedings or documents previously taken or used in the same matter or shall be improper in whole or in part or of unnecessary length.

Master may report decision pending inquiry.

133. The Master may report specially to the Court any decision at which he may arrive or any other matter relating to any inquiry or proposal pending before or under consideration by him in order to obtain a decision or direction by or from such Court for his guidance in the further prosecution of the inquiry or consideration of the proposal.

Form of reports.

134. The Master's report shall be divided into paragraphs numbered consecutively and respectively confined as nearly as may be to distinct portions of the subject matter and with such appropriate headings prefixed to all or any of the paragraphs as may be convenient.

Objection to draft report may be brought in.

135. Any person objecting to a draft report of the Master and desiring to prosecute the objection shall bring in before the Master a statement of objections in writing and thereupon the Master may review

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review the draft objected to and after review or the refusal of the Master to review the person objecting may bring in before the Master a notice in writing stating that he insists on the objections or any one or more of them and all the objections not so insisted on shall be considered as abandoned.

136. No person shall except upon special leave of the Court first obtained present a petition against the confirmation of a report but in every case on the hearing of the petition for confirmation of the report any objections insisted on as aforesaid may be brought forward in opposition to the confirmation of the report without any exceptions or cross petition.

No petition against confirmation but objections to be brought forward on petition for confirmation.

137. Where no statement of objections shall be brought in or all the objections contained in a statement brought in shall be abandoned the report shall be submitted to the Court for confirmation without petition and without the attendance of parties except where from the special nature or circumstances of the case the Master shall be of opinion that the report ought to be brought before the Court by petition and by endorsement on the report under his hand shall so direct.

Reports not objected to may be confirmed without petition.

138. Where a report is to be submitted for confirmation without petition it shall contain the directions consequent on the confirmation thereof and the order of the Court on the report shall give it the operation of an order of the Court made upon petition subject to such other directions and provisions (if any) as the Court may think fit.

Such reports to contain consequential directions and Order of the Court to give them operation of orders.

139. The reports of the Master regarding the person or estate of any insane person shall be brought before the Court for confirmation by petition in each of the cases following—

Cases in which reports shall not be confirmed without petition.

- (I.) Where the Court on referring a matter to the Master to inquire and report shall so direct
- (II.) Where a statement of objections shall be brought in and all the objections shall not be abandoned
- (III.) Where the Master having regard to the special nature or circumstances of the case as hereinbefore provided shall so direct
- (IV.) Where no order shall be made on the report being submitted for confirmation without petition

And in such other cases as are herein mentioned and as the Judges of the Supreme Court shall from time to time by general order direct.

140. The Master in Lunacy shall give such security for the due performance of his duties as the Governor in Council may require. All expenses incurred with the authority of the Court or of the Colonial Secretary by the Master in Lunacy in carrying this Act into execution and not chargeable to the estate of any insane person or patient shall be defrayed and paid out of such public moneys as may be appropriated by Parliament for that purpose. The general accounts of the Master shall be reviewed and audited in the manner provided and by virtue and in exercise of the powers conferred by any law for the time being in force relating to the audit of the public accounts.

Expenses and accounts of Master in Lunacy.

(2.) *Powers and Duties of Master in Lunacy in respect to Estates of Insane Patients.*

141. The Master in Lunacy shall have in respect of the property and estate of any insane patient in addition to the general powers conferred upon him in subdivision (1) of this part all the like powers and authorities subject to the like limitations as are hereinafter in subdivision (3) of this part given to the committee of the estate of an insane person.

Power of Master in respect of estates of insane patients.

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Summary proceedings for protection of property of insane patients.

142. If any real or personal property of an insane patient be wrongfully held detained converted or injured or if any sum of money be due and owing to such patient by any person the Master in Lunacy may as such Master claim and recover possession of such property or damages for the conversion or injury thereof or payment of the said sum by summary proceeding on complaint before any Judge of the Supreme Court who is hereby authorized and required on proof to his satisfaction of the said cause of complaint to make an order requiring the defendant to give up possession of such property or to pay reasonable damages to be fixed by the said order for the conversion or injury thereof or to pay the sum so due as aforesaid and in default of compliance by the defendant with the said order to order in and by the same or any subsequent order that the defendant be committed to prison for any period not exceeding six months And such Judge may in any complaint under this section make such order as to costs as he shall think fit and every order under this section shall have the same effect and may be enforced in like manner as any judgment decree or order of the Supreme Court in its jurisdiction at law or in Equity.

Payments to Consolidated Revenue and trust fund.

143. The Master shall diligently collect and pay into the Consolidated Revenue for the use and benefit thereof all moneys of the estate of any patient in any hospital for the insane that may be payable to the Government on account of his maintenance or on account of expenses incurred or otherwise under this Act or under any order of the Supreme Court or the regulations herein mentioned The Master shall pay into the Treasury to the credit of a trust fund all the surplus moneys proceeds and income belonging to the estate of all insane patients not applied or disposed of under this Act or any such order or the said regulations and all or any part of such moneys standing to the credit of any such estate in the trust fund may be paid at any time before the expiration of the six years hereinafter mentioned upon the order of the Supreme Court to the patient or to any person authorized by such order to receive the same and so much of the said moneys as shall not be so paid out of the trust fund shall notwithstanding any law for the time being in force relating to the collection and management of public moneys remain to the credit of the trust fund for a period of six years after the death of such patient and shall at the end of such period be carried to and form part of the Consolidated Revenue but no time during which the person applying for any such order of the Court shall have been an infant or *feme covert* or of unsound mind or beyond the seas shall be taken into account in estimating the said period of six years.

Master may pay maintenance.

144. The Master may out of the estate of any patient pay such sum or sums for the maintenance of such patient and for the maintenance of his wife or other near relative and for the maintenance and education of his children as to the Master shall seem expedient and reasonable The Master may also take such steps for the management and care of the property of any such patient and for the sale letting and disposal thereof and for the application thereof or of part thereof to the payment of the debts of the patient as to the Master may seem expedient Provided always that the Master may report to and apply for the order or advice of the Court upon any of the matters aforesaid and the Court may on the application of the patient or of any relative friend or creditor of the patient make orders as to any of the matters aforesaid or as to any other matter whatsoever upon which the Court may lawfully make an order respecting the estate of an insane person.

And manage property of patient.

Master or any relative friend or creditor of patient may apply to Court.

Relative &c. may agree for maintenance of insane patient.

145. The Master may agree with any relative guardian or friend of any patient detained in any hospital for the insane or licensed house for his maintenance while detained therein and such relative

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relative guardian or friend shall be entitled to be reimbursed all necessary sums expended in such maintenance and interest thereon out of any real or personal property of such patient.

146. The Supreme Court may direct the Master to personally examine any insane patient and take evidence and call for information as to the insanity of such person and report thereon to the said Court and the said Court may make orders for the appointment of a guardian or otherwise for the protection care and management of the person or of the estate or of the person and estate of any person who shall by any such report as last aforesaid be found to be insane (and such guardian shall according to the nature of his appointment have the same powers and authorities and shall be subject to the same control and liabilities as a committee of the person and estate of an insane person appointed under this Act) and also may make orders for the appointment of a receiver or otherwise for the protection care and management of the estate of such insane patient (and such receiver shall have the same powers and authorities and shall be subject to the same control and liabilities as a receiver of the estate of an insane person appointed under this Act) and also may make orders for the application of the income of such insane patient or a sufficient part thereof for his maintenance and support and in payment of the costs charges and expenses attending the protection care and management of the person and estate of such insane patient and of or in connection with the said examination by the Master and the obtaining of the said orders by the Supreme Court and also as to the investment or other application for the purpose of accumulation or otherwise of the overplus (if any) of such income for the use of such insane patient his wife or children as to such Court seem fit.

The Court may direct the Master to report as to the insanity of any patient and may appoint guardians of his person and estate and direct the application of his income.

147. If it shall appear to any two Justices on application by or on behalf of the Master in Lunacy that any patient has not an estate or any sufficient estate applicable to his maintenance such Justices may make an application in writing to the father of such patient or if the father be dead to his mother or if such patient be a married woman to her husband or to one or more of his or her children being of the age of twenty-one years or upwards (such father mother husband child or children being proved to the satisfaction of such Justices to be of ability to maintain or contribute to the maintenance of such patient) for the payment of a reasonable sum weekly or monthly or otherwise in such manner as such Justices shall direct for or towards the maintenance clothing medicine and care of such patient And if such sum shall not be paid pursuant to such application such patient if a wife or a child of a living father or mother (whatever the age of such child may be) shall be deemed on complaint made by or on behalf of the Master before any two Justices a deserted wife or child within the meaning of any law for the time being in force relating to the maintenance of destitute or deserted wives and children and if such patient be a father or mother with one or more than one child of such age and ability as aforesaid such father or mother shall on such complaint as aforesaid be entitled to such order or maintenance and the enforcement thereof as against such child or more than one child as the case may be as by any such law a deserted child is entitled to as against its father Provided that if the father of such patient be dead and if his mother be living such mother shall be deemed for the purposes of this enactment to be liable under the provisions of any such law in the same manner as the father of a deserted child is thereby made liable and every such sum so applied for or ordered to be paid shall be paid to the Master whose receipts shall respectively be sufficient discharges for such payments.

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

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

Committee may surrender lease and accept renewal.

148. Where an insane person shall be entitled to a lease for life or for 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 surrender the lease and in the name and on behalf and for the benefit of the insane person 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 shall order.

Charges of renewal to be charged on estates.

149. Every sum of money and other consideration paid by a committee or other person upon renewal and all reasonable charges incident thereto may be paid out of the estate of the insane person or may with interest be a charge upon the leasehold premises as the Court shall order.

New leases to be to the same uses.

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

Property of insane may be sold mortgaged &c. for debts maintenance &c.

151. Where it shall appear to the Court to be just and reasonable or for the benefit of the insane person it may order that any estate or interest of the insane person in real or personal property either in possession reversion remainder contingency or expectancy and either existing or which may exist at any future time be sold mortgaged charged or otherwise disposed of as may to it seem most expedient for the purpose of raising money or for securing any moneys (and either with or without interest thereon) advanced or to be advanced by or due or to become due to any person for or towards all or any of the purposes following—

- (I.) The payment of debts or engagements of the insane person.
- (II.) The discharge of any encumbrance on his estates.
- (III.) The payment of any debt or expenditure incurred or made after the declaration of his insanity or authorized by the Court to be incurred or made for his 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 petition under section ninety-two or incurred under order of the Court—and
- (VII.) The payment of the costs of any such sale mortgage charge or other disposition as is by this Act authorized to be made.

Committee to execute deeds &c.

152. The committee of the estate shall in the name and on behalf of the insane person 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 the provision in the last preceding section mentioned as the Court shall order.

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

153. In case of a charge or mortgage being made under this Act upon an interest in contingency or in reversion remainder or expectancy or which may exist at a future time for the expenses of future maintenance the Court 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—or if it be an interest which may exist at some future time when it shall come into existence—and either in a

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gross sum or in annual or other periodical sums and at such times in such manner and either with or without interest as such Court shall deem expedient.

154. Where it shall appear to the Court to be expedient it may order that the whole or any part of any moneys expended or to be expended under its order for the permanent improvement security or advantage of the land of the insane person or of any particular part thereof shall with interest be a charge upon and be raisable out of his 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 insane person be given or acquired under or by virtue of the charge and the interest shall be kept down during his lifetime out of the income of his general estate as far as the same shall be sufficient to bear it and the committee of the estate shall in the name and on behalf of the insane person execute and do all such conveyances and things for effectuating this present provision as the Court shall order and such charge may be made either to some person advancing the money or if the money shall be paid out of the general property of the insane person to some person as a trustee for him as part of his personal estate.

Expenses of improvements may be charged on estate.

155. On any moneys being raised by sale mortgage charge or other disposition of land made in pursuance of any of the foregoing provisions the person whose estate shall be sold mortgaged charged or otherwise disposed of and his next of kin devisees legatees executors administrators and assigns shall have such and the like interest in the surplus money 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 charge or other disposition thereof had been made and the surplus moneys shall be of the same nature and character as the estate sold mortgaged charged or otherwise disposed of and the Court may make such orders and direct such conveyances deeds and things to be executed and done as may be necessary for the effectuating this present provision and for the due application of the surplus moneys.

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

156. Where it shall be made to appear to the Court that the net amount or net estimated value of the property of any insane person or patient does not exceed the sum of five hundred pounds sterling and it shall appear 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 it may order the amount of the property or the produce thereof when realized to be paid or transferred to some fit person to be by him applied in or towards the maintenance of the insane person or patient either at his discretion or in such manner and subject to such control as the Court may direct and for the purpose of giving effect to any such order the Court may order any real estate or other property whatsoever of the insane person or patient to be sold and a valid conveyance or transfer thereof to be executed or made by such person as it shall direct.

Where property very small the Court may apply same directly for insane person's or patient's maintenance without grant &c.

157. Where it shall appear to the Court upon a report of the Master or otherwise that there is reason to believe that the unsoundness of mind of any insane person is in its nature temporary and will probably be soon removed and that it is expedient that temporary provision should be made for the maintenance of such insane person and the members of his immediate family who are dependent upon him for maintenance and that any sum of money arising from or being in the nature of income or of ready money belonging to the insane person and standing to his account with a banker or agent or being in the hands of any person for his use is readily

Where insanity temporary the Court may apply cash arising from income for temporary maintenance without grant &c.

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readily available and may be safely and properly applied in that behalf the Court may allow thereout such amount as it may think proper for the temporary maintenance of the insane person and the members of his immediate family who are dependent upon him for maintenance and may order the payment of any such sum of money as aforesaid or any part thereof to some fit person and may direct the same to be paid to such person accordingly and when received to be applied and the same shall accordingly be applied in or towards such temporary maintenance as aforesaid 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 the person so receiving any moneys by virtue of this present provision shall pass an account thereof before the master when required.

Committee may convey land in performance of contracts.

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

The Court may dissolve partnership and committee may convey partnership property.

159. Where a person being a member of a copartnership firm shall become insane the Court may by order made on the application of the partner or partners of the insane person or of such other person or persons as the Court as aforesaid shall think entitled to require the same dissolve the partnership and thereupon or upon a dissolution of the partnership by decree of the Court or otherwise by due course of law the committee of the estate in the name and on behalf of the insane person may join and concur with such other 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 shall execute and do such conveyances and things for effectuating this present provision and apply the moneys payable to the insane person in respect of his share and interest in the copartnership in such manner as the Court shall order.

Committee may make sale partition or exchange.

160. When an insane person shall be seised of or entitled to an undivided share of land and it shall appear to the Court to be expedient that a sale of the land or of part thereof or a partition of the land should be made and where an insane person shall be seised of or entitled to land and it shall appear to the Court aforesaid 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 insane person under an order of the Court 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 and 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 any such sale partition or exchange as aforesaid shall be applied and disposed of in manner hereinafter directed in this Act respecting the sums of money and other consideration received on renewal of a lease and the land taken in exchange shall be held and assured (as nearly as may be) to the same

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uses and upon the same trusts and subject to the same powers and provisions (if any) to upon and subject to which the land given in exchange shall have been held and the committee of the estate shall in the name and on behalf of the insane person execute and do all such conveyances and things for effectuating this present provision as the Court shall order.

161. Where an insane person shall be seised of or entitled to land in fee simple and it shall appear to the Court to be expedient that the same or any part thereof should 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 it may order the same to be sold accordingly to such persons in such quantities upon such terms and in such manner as to it may seem expedient and the moneys arising thereby shall be applied and disposed of in such manner and the committee of the estate shall in the name and on behalf of the insane person execute and do such conveyances and things for effectuating this present provision as the Court shall order.

Committee may sell land for building purposes.

162. Where an insane person shall have been engaged in a trade or business and it shall appear to the Court to be expedient that the business premises should be disposed of the committee of the estate may in the name and on behalf of the insane person under order of the Court make such conveyance of the messuage buildings or hereditaments of or belonging to the trade or business or used in connection therewith according to the estate and interest of the insane person in the same to such person and shall apply the moneys arising thereby in such manner as the Court shall order.

Committee may assign business premises.

163. Where an insane person shall be 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 shall appear to the Court to be expedient that the lease or under-lease should be disposed of the committee of the estate may in the name and on behalf of the insane person under order of the Court 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 as the Court shall order.

Committee may dispose of undesirable lease.

164. Where an insane person shall be seised or possessed of or entitled to land in fee or in tail or to leasehold land for an absolute interest and it shall appear to the Court to be expedient that a lease or under-lease should be made thereof for a term or terms of years for encouraging the erection of buildings thereon or for repairing buildings actually being thereon or otherwise improving the same or for farming or other purposes the committee of the estate may in the name and on behalf of the insane person under order of the Court make such lease of the land or any part thereof according to the estate and interest of the insane person therein and to the nature of the tenure thereof for such term or terms of years and subject to such rents and covenants as the Court shall order.

Committee may make building and other leases subject to such covenants as the Court shall order.

165. Where an insane person shall have only a limited estate in land and any power whatsoever of leasing the same shall be vested in him the committee of his estate may in the name and on behalf of the insane person under order of the Court execute the power to such extent and in such manner as the order shall direct and all sums of money or other consideration (if any) received for or upon the granting of any lease under this present provision shall be applied and disposed of in manner hereinafter directed in this Act respecting the sums of money and other consideration received upon the renewal of a lease.

Committee may execute leasing powers of insane having limited estate.

166. Where an insane person shall be entitled or shall have a right to renew and either it would be for his benefit to renew or he might in pursuance of any covenant or agreement if not under disability

Committee may accept surrender and make new lease.

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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 such person's estate may in his name under an order of the Court made 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 absolute as shall have been mentioned or contained in the lease surrendered at the making thereof or otherwise as the Court aforesaid shall order but so that no renewed lease be executed by virtue of this Act in pursuance of any covenant or agreement unless such sum of money or other consideration (if any) as ought to be paid on renewal and such things 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.

167. All sums of money and other consideration 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 benefit of the insane person as the Court shall order but upon the death of the insane person all such moneys as shall have so arisen or so much thereof as shall then remain unapplied for his benefit shall as between the representatives of his real and personal estate be considered as real estate unless the insane person be tenant for life only and then the same shall be considered as personal estate.

On death of insane
quality of money
arising by fines.

Committee may
exercise power vested
in insane for his own
benefit or give con-
sent.

And power vested in
insane in character
of guardian &c.

168. Where a power shall be vested in an insane person for his own benefit or the consent of an insane person shall be necessary to the exercise of a power and such power or consent shall be in the nature of a beneficial interest in the insane person—or where a power shall be vested in an insane person in the character of a trustee or guardian or the consent of an insane person to the exercise of a power shall be necessary in the like character or as a check upon the undue exercise of the power—and it shall appear to the Court to be expedient that the power should be exercised or the consent given (as the case may be) the committee of the estate in the name and on behalf of the insane person under an order of the Court made upon the application of any person interested in the exercise of the power may exercise the power or give the consent (as the case may be) in such manner as the order may direct.

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

169. Where under this Act the committee of the estate under order of the Court shall exercise in the name and on behalf of the insane person a power of appointing new trustees vested in him 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 under any law for the time being in force relating to trusts or if he or they had been appointed by a decree of the Court in a suit duly instituted and the Court may in such case where it shall seem to it to be expedient make any and every such order respecting the real or personal property or choses in action subject to the trust as might have been made in the same case under the provisions of any such law as aforesaid on the appointment thereunder of a new trustee or new trustees.

Stock belonging to
insane may be
ordered to be trans-
ferred.

170. Where any stock shall be standing in the name of or shall be vested in an insane person beneficially entitled thereto or of or in a committee of the estate of an insane person in trust for the insane person or as part of his property and the committee shall die intestate or himself become insane or be out of the jurisdiction of or not amenable to the process of the Court or it shall be uncertain whether the committee be living or dead or he shall neglect or refuse to transfer the

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the stock and to receive and pay over the dividends or income thereof to a new committee or as he shall direct for the space of fourteen days after a request in writing for that purpose made by a new committee then the Court may order some fit person to transfer the stock to or into the name of a new committee or otherwise and also to receive and pay over the dividends or income thereof or such sum or sums of money and in such manner as the Court may order.

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

Stock in name of insane residing out of the Colony may be ordered to be transferred.

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

Who shall be appointed to make transfer.

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

Costs and remuneration may be paid out of estate.

174. Every conveyance lease surrender transfer charge or other disposition made or accepted or executed by virtue of or under the authority of this Act and every payment made in pursuance or under the authority of this Act shall be valid to all intents and binding upon all persons whomsoever and this Act shall be a full indemnity and discharge to all persons for all acts and things done or permitted to be done in pursuance thereof or of any order of the Court made or purporting to be made under this Act.

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

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

Act not to subject insane's property to debts.

PART IX.*Miscellaneous Provisions.*

176. The Judges of the Supreme Court may make general orders and rules for regulating in all cases the form and mode of proceeding before the Court and before and by the Master for carrying into effect the several objects of Parts VII and VIII of this Act so far as the same relate to the powers or duties of the Court or of the Master and for regulating the practice and forms in all matters of lunacy.

Power to Judges of Supreme Court to make general orders.

177. The Governor in Council may make regulations for carrying into effect the purposes of this Act in all respects other than as hereinbefore provided for.

Governor in Council may make regulations.

178. In any proceeding which shall be taken against any superintendent of any hospital whether for the insane or for the criminal insane licensed house or reception-house or other person authorized

Superintendents and other authorized persons may plead the order and certificates

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for receiving any insane person in bar of all proceedings at law.

authorized by this Act to take charge of any person as insane or against any assistant or servant of any such superintendent or authorized person for taking confining detaining or retaking any person as an insane person or patient the party complained of may plead the general issue and may under such plea give in evidence the order and certificates or certificate mentioned in Parts I to VI (inclusive) of this Act in his defence and such order and certificates or certificate shall as respects such party be a justification for taking confining detaining or retaking such insane person or patient. Provided that no action shall lie against any person for or on account of any act matter or thing whatsoever done or to be done or commanded to be done by him in carrying the provisions of this Act into effect unless such action be commenced within three months after the alleged cause of action or complaint shall have arisen.

Penalties on officers or servants illtreating the insane.

179. Any superintendent officer servant or other person employed in any hospital for the insane licensed house reception-house hospital for criminal insane public hospital or gaol who shall strike wound illtreat or wilfully neglect any insane person or patient confined or detained therein shall for every such offence be liable to a penalty not exceeding twenty pounds or to imprisonment for any period not exceeding six months. Provided that nothing in this clause contained shall prejudice or affect the civil or criminal responsibility (if any) of the offender at common law or under any statute.

Penalty on officers &c. allowing patients to escape or be at large without permission.

180. If any superintendent officer servant or other person employed in any hospital for the insane licensed house reception-house public hospital or gaol shall through wilful neglect or connivance permit any insane patient to escape from any such hospital licensed house reception-house or gaol or to be at large without such order as in this Act mentioned (save in the case of temporary absence authorized under the provisions aforesaid) or shall secrete or abet or connive at the escape of any such person he shall for every such offence be liable to a penalty not exceeding twenty pounds.

Reports to be made to the Master and in certain cases to the Colonial Secretary as to property of insane patients.

181. Every superintendent of an hospital for the insane shall forward to the Master in Lunacy within one month after the coming into operation of this Act a true list of the names of all persons detained as patients in such hospital together with a true and particular account so far as the same is known or can be ascertained of the property of every such patient and of the name and residence of the relatives of any such patient known or supposed to be able to maintain or contribute to the maintenance of such patient and afterwards within fourteen days from the reception of any patient into any such hospital shall forward to the said Master the name of such patient together with a true and particular account of his property and of the names and residences of his relatives as aforesaid and every such superintendent and the Inspector General and every official visitor shall communicate to the Master all particulars that may come to his knowledge respecting the property of any patient in any hospital for the insane reception-house or public hospital and if any such superintendent Inspector General or official visitor shall have reason to believe that the property of any such patient is not duly protected or that the income thereof is not duly applied for his maintenance such superintendent Inspector General or official visitor shall report thereon to the Colonial Secretary as well as to the Master in Lunacy.

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

182. The superintendent of every such hospital reception-house licensed house or other place officially visited under this Act shall show to the Inspector General or official visitors visiting the same every part thereof respectively and every person detained therein and shall give full and true answers to the best of his knowledge to all questions which the Inspector General or official visitors shall

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ask in reference to the said hospital reception-house licensed house or other place and the patients confined therein and shall produce to the Inspector General and official visitors respectively the several books by this Act required to be kept and shall furnish all such returns as may be required by the Inspector General or official visitors. And every such superintendent or other officer and every servant of any such superintendent or other officer who shall conceal or attempt to conceal or shall refuse or wilfully neglect to show any part of such hospital or house or other place or any building or appurtenances belonging thereto or any person detained or being therein from any such official visitors or Inspector General as aforesaid or who shall not give true and full answers to the best of his knowledge to all questions which the official visitors or Inspector General shall ask in reference to the matters aforesaid—or who shall neglect or refuse to produce to the Inspector General or official visitors 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 Inspector General or official visitors and also in the case of a licensed house the license then in force for such house and also such other documents and papers relating to any of the patients at any time received into such hospital licensed house reception-house or other place as the Inspector General or official visitors shall require to be produced to him or them or to furnish such returns as aforesaid shall be guilty of a misdemeanor.

183. Every letter written by a patient in any such hospital licensed house reception-house or other place officially visited under this Act and addressed to the Inspector General or official visitors shall be forthwith forwarded unopened. And every letter written by any such patient and addressed to any person other than those above-mentioned shall be forwarded to the person to whom it is addressed unless the superintendent of such hospital licensed house or reception-house or in the case of a single patient the person having charge of him shall upon reading the same prohibit the forwarding of such letter by endorsement to that effect under his hand on the letter and in such case he shall lay the letter so endorsed before the Inspector General or official visitors whichever shall next thereafter visit such hospital reception-house licensed house or such other house as aforesaid on his or their next visit and no such letter if unsent shall be destroyed until it has been submitted to the Inspector General. And any such superintendent or any such person in charge as aforesaid who shall fail to comply with any of the requirements of this section shall be liable to a penalty not exceeding ten pounds in respect of every such offence.

184. Every person who shall for the purposes of this Act sign or describe himself in any statement or certificate as a medical practitioner not being such within the meaning of this Act—or shall wilfully make or be privy to the making of an untrue entry in any of the books required by this Act to be kept—or shall wilfully make an untrue statement in any report or with reference to anything by this Act required to be made or done shall be guilty of a misdemeanor.

185. The Inspector General or official visitors visiting any hospital licensed house reception-house or other place officially visited under this Act may require by summons according to the form in Schedule 17 to this Act any person to appear before him or them to testify on oath the truth touching any of the matters respecting which such Inspector General or official visitors is or are by this Act authorized to inquire. And every person who shall not appear pursuant to such summons (having had his reasonable expenses paid or tendered to him at the time of service of such summons) or shall not assign some reasonable excuse for not so appearing or shall appear and refuse to be sworn or examined shall for every such neglect or refusal be liable to a penalty not exceeding ten pounds. And such

Misdemeanor.

Letters of patients to be forwarded or if not to be laid before Inspector General &c.

Penalty.

Misdemeanors—
medical practitioner
—untrue entry—
untrue statement.

Power to Inspector General and official visitors to summon witnesses.

Schedule 17.

Penalty.

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Also to examine
persons not sum-
moned.

Penalties may be sued
for summarily.

Appeal.

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

186. All pecuniary penalties imposed by this Act may be recovered in a summary way before any two Justices under the provisions of any Act or Acts in force for the time-being regulating proceedings on summary convictions and if any such penalty be not paid either immediately after the conviction or order or within the time appointed by such conviction or order the same shall be levied by distress and sale of the offenders goods and chattels and in failure of distress shall be enforced in manner directed by the said Act or Acts And all persons aggrieved by any such conviction or order may appeal therefrom in the manner and subject to the conditions prescribed by the Act regulating appeals to Quarter Sessions.

SCHEDULES.

SCHEDULE 1.

Date of Act.	Title of Act.	Extent of Repeal.
17 Edw. II st. I cc. 9 10 2 & 3 Edw. VI c. 8 s. 6 39 & 40 Geo. III c. 94	Of the King's Prerogative. Of the King's Prerogative. An Act for the safe Custody of Insane Persons charged with offences.	So far as the same are in force in New South Wales.
6 Geo. IV c. 53	An Act for limiting the time within which Inquisitions of Lunacy Idiocy and <i>Non compos Mentis</i> may be traversed and for making other Regulations in the pro- ceedings pending a traverse.....	
5 Wm. IV No. 8 ...	An Act for adopting and applying certain Acts of Parliament passed in the eleventh year of the reign of His late Majesty and first year of the reign of His present Majesty and in the first and second years of the reign of His present Majesty respectively in the administration of Justice in New South Wales in like manner as other Laws of England are applied therein.	So much as adopts so much of 11 Geo. IV and 1 Wm. IV c. 65 as relates to Idiots Lunatics and Persons of Unsound Mind or their Estates.
7 Vic. No. 14	An Act 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.	So much as has not been already repealed
9 Vic. No. 4	An Act to alter and amend an Act intituled " <i>An Act 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.</i> "	The whole.
9 Vic. No. 34	An Act to amend an Act intituled " <i>An Act 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.</i> "	The whole.
13 Vic. No. 3	An Act to amend the Law in respect to the safe Custody of Persons dangerously Insane and the Care and Maintenance of Persons of Unsound Mind.	The whole.
24 Vic. No. 19	An Act to make provision for the Custody and Care of Criminal Lunatics.	The whole.
31 Vic. No. 19	An Act to amend the Law for the Care and Treatment of the Insane.	The whole.

SCHEDULE

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SCHEDULE 2.

Form of Medical Certificates to accompany Order or Request for reception into an Hospital or Licensed House.

I THE undersigned being a medical practitioner hereby certify that I on the day of one thousand eight hundred and at (here insert the particulars of the place of examination as the street number of the house or other particulars) separately from any other medical practitioner personally examined of (insert residence and profession or occupation if any) and that the said is (insane or an idiot) and a proper person to be taken charge of and detained under care and treatment and that I have formed this opinion upon the following grounds viz.:—

1. Facts indicating insanity observed by myself (here state the facts.)
2. Other facts (if any) indicating insanity communicated to me by others (here state the information and from whom.)

Dated this day of one thousand eight hundred and

(Signed)

Place of abode

SCHEDULE 3.

Order for Conveyance to an Hospital or Licensed House of an Insane Person.

WE the undersigned Justices having called to our assistance and medical practitioners and having examined of (insert residence and occupation if any) who has been brought before us as being deemed to be insane as also the said medical practitioners and having made such inquiry relative to the said as we have deemed necessary and being upon such examination (if other evidence of the insanity add "with other proof") satisfied that the said is insane and in indigent circumstances [or is insane and was wandering at large] [or was discovered under circumstances that denoted a purpose of committing some offence against the law] [or that the said is insane and is not under proper care and control] [or is cruelly treated or neglected by a relative or a person having the care or charge of him] and that he is a proper person to be taken charge of and detained under care and treatment do hereby direct you (the superintendent of the hospital or licensed house) at to receive into the said hospital (or licensed house) the said

Given under our hands and seals this day of one thousand eight hundred and

(Signed)

J.P.

J.P.

To superintendent of the hospital (or licensed house) at Subjoined is a statement respecting the said

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SCHEDULE 4.

I THE undersigned hereby request you to receive an insane person into the hospital (or licensed house) of which you are the superintendent. Subjoined is a statement respecting the said

Name of person signing the request—

Occupation (*if any*) of that person—

Place of his abode—

Degree of relationship (*if any*) or other circumstances of connection of the person signing the request with the patient—

Dated this day of one thousand eight hundred and

(Signed)

To superintendent of the hospital (or licensed house) of at

SCHEDULE 5.

STATEMENT.

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

Name in full ?

Age ?

Married single or widowed ?

Number of children ?

Age of youngest child ?

Previous occupation ?

Native place ?

Late residence ?

Religious persuasion ?

Supposed cause of insanity ?

How long has the attack lasted ?

Has been insane before ?

State the number of attacks ?

Age (if known) at first attack ?

Has any insane relations ?

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

Is subject to fits ?

Is suicidal ?

Is dangerous to others ?

Name and address of nearest relations or friends ?

Special circumstances (*if any*) preventing the patient being examined before admission separately by two medical practitioners

(Signed)

(Address)

When the person signing the statement is not the person who signs the order or request for the admission of the insane person the following particulars concerning the person signing the statement are to be added viz. :—

Occupation (*if any*) ?

Place of abode ?

Degree of relationship (*if any*) or other circumstances of connection with the patient ?

SCHEDULE 6.

Certificate of Emergency.

I THE undersigned [A.B.] a Justice of the Peace certify that the case of [C.D.] a person certified by two medical practitioners (or one medical practitioner) to be insane is one of emergency and do direct his reception into a reception-house gaol or public hospital for immediate treatment pending his removal to an hospital or licensed house for the insane.

Dated this

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SCHEDULE 8.

Notice of Admission.

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

Dated the _____ day of _____ one thousand eight hundred and _____
(Signed) Superintendent of the Hospital (or Licensed House)

Statement.

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

Dated the _____ day of _____ one thousand eight hundred and _____
(Signed) Superintendent (or Medical Officer) of Hospital (or Licensed House)

(** For SCHEDULE 9 see page 49.)

SCHEDULE 10.

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

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

Dated the _____ day of _____ one thousand eight hundred and _____
(Signed) Superintendent of the Hospital (or Licensed House)

(** For SCHEDULE 11 see page 50.)

SCHEDULE 12.

Form of Notice of Death.

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

Dated the _____ day of _____ one thousand eight hundred and _____
(Signed) Superintendent of the Hospital (or Licensed House)

SCHEDULE 13.

Form of License to keep a Licensed House.

I DO hereby in pursuance of the "Lunacy Act 1878" grant to _____ of _____ a license to be in force for three years from the date hereof to keep for the reception of _____ insane persons of the male (or female) sex (or of both sexes) the house the particulars of which appear in the notice given on the _____ day _____ to the Colonial Secretary.

Witness my hand this _____ day of _____ one thousand eight hundred and _____

Governor.

SCHEDULE

Lunacy.

SCHEDULE 14.

*Statement respecting the Criminal Insane.**(If any particulars in this statement be not known the fact is to be so stated.)*

Name in full ?
 Age ?
 Married single or widowed ?
 Number of children ?
 Age of youngest child ?
 Previous occupation ?
 Native place ?
 From whence brought ?
 Religious persuasion ?
 Supposed cause of insanity ?
 How long has the attack lasted ?
 Has been insane before ?
 State number of attacks ?
 Age if known at first attack ?
 Has any insane relations ?
 Has ever been an inmate of any Institution for the Insane ?
 Is subject to fits ?
 Is dangerous to others ?
 Crime or offence ?
 Verdict of Jury ?
 Sentence ?
 Name and address of nearest relations and friends ?

SCHEDULE 15.

WHEREAS it has been duly certified under section of the "Lunacy Act 1878"
 that [A.B.] a prisoner in Gaol is insane I hereby order the said [A.B.] to
 be removed to the Hospital for the Criminal Insane at there to remain until
 he has become of sound mind or until he be otherwise discharged by due course of law.

Colonial Secretary.

Dated this

SCHEDULE 16.

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

(Signed)

(Address)

Dated this day of one thousand eight hundred and

SCHEDULE 17.

I [A.B.] the Inspector General (or we official visitors of the hospital or licensed house
 situate at) appointed under and by virtue of the "Lunacy Act of 1878"
 hereby summon and require you personally to appear before me (or us) at on
 next the day of at the hour of in the noon of the same
 day and then and there to be examined and to testify the truth concerning certain
 matters relating to the execution of the said statute.

Dated this day of one thousand eight hundred and

(Signature)