

INSANITY ORDINANCE, 1912⁽¹⁾ (PAPUA, ADOPTED) IN ITS APPLICATION TO THE TERRITORY OF NEW GUINEA.

An Ordinance to Amend the Law Relating to the Insane.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Insanity Ordinance*, 1912.⁽¹⁾ It is divided into Parts as follows:—

- PART I.—Preliminary.
- PART II.—Places for the reception and treatment of the Insane.
- PART III.—Proceedings by which Persons of Unsound Mind may be placed under Restraint.
- PART IV.—Criminal Insane.
- PART V.—Inspection Transfer and Discharge of Patients.
- PART VI.—Proceedings for Declaring Persons Insane Appointment of Committees &c.
- PART VII.—Management of the Estates of Insane Persons.
- PART VIII.—Miscellaneous Provisions.

2. This Ordinance shall commence on a day to be fixed by the Lieutenant-Governor by proclamation published in the *Gazette*.⁽²⁾

3. The enactment mentioned in the First Schedule to this Ordinance is repealed. All persons lawfully in custody at the commencement of this Ordinance under the provisions of the enactment hereby repealed shall be deemed to be in lawful custody under the provisions of this Ordinance and may be dealt with accordingly.

(1) Particulars of this Ordinance are set out in the following Table:—

ORDINANCE OF THE TERRITORY OF PAPUA.

Short title, number and year.	Ordinance by which adopted.	Date on which adoption took effect.
<i>Insanity Ordinance</i> 1912 (No. 15 of 1912)	<i>Laws Repeal and Adopting Ordinance</i> 1923 (No. 36 of 1923)	18.10.1923 (<i>Cwth. Gaz.</i> of 18.10.1923)

(2) By Proclamation dated 11.3.1913 and published in *Papua Govt. Gaz.* of 11.3.1913, the *Insanity Ordinance*, 1912, was proclaimed to commence in the Territory of Papua on 11.3.1913.

INSANITY—

Interpretation
of terms.
Q. 48 Vic.
No. 8, s. 4.

4. In this Ordinance unless the context otherwise indicates the following terms have the meanings set against them respectively.

“Government Secretary.”—The Government Secretary of the Territory or other officer appointed by the Lieutenant-Governor in Council⁽³⁾ and charged with the administration of this Ordinance;

“The Curator.”—The Curator in Insanity;

“Inspector.”—An inspector of asylums for the insane;

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

“Hospital for the insane.”—A hospital for the insane appointed under the provisions of this Ordinance;

“Licensed House.”—A house licensed for the reception and treatment of one or more patients under the provisions of this Ordinance;

“Asylum.”—A hospital for the insane or licensed house;

“Reception House.”—A place appointed for the reception and temporary treatment of persons committed under the provisions of this Ordinance;

“Superintendent.”—The superintendent or assistant superintendent of any asylum or the superintendent of a reception house;

“Patient.”—An insane person committed to received into or detained in any asylum or reception house;

“Medical Practitioner.”—A medical officer or other legally qualified medical practitioner within the meaning of the laws in force for the time being relating to the qualification of medical practitioners;

“Medical Superintendent.”—A superintendent being a medical practitioner;

“Medical Officer.”—Any Government medical officer or any medical officer appointed by the Lieutenant-Governor;⁽³⁾

“Hospital.”—A public hospital or any portion thereof set apart for the temporary reception of the insane;

“Stock.”—A share or other interest in any company society or association and any fund annuity or security transferable in books kept by any company society or association or transferable by deed alone or by deed accompanied by other formalities and any money payable in respect thereof and any share or interest therein;

⁽³⁾ See Section 17A(3) and (4) of the *Laws Repeal and Adopting Ordinance* 1921-1939.

Insanity Ordinance, 1912 (Papua, adopted).

“Court.”—The Central Court⁽⁴⁾ of the Territory or a Judge thereof;

“Justice.”—A Justice of the Peace.

PART II.—PLACES FOR THE RECEPTION AND TREATMENT OF THE INSANE.

Hospitals for the Insane.

5. The Lieutenant-Governor in Council⁽³⁾ may by notification⁽⁵⁾ in the *Gazette* appoint any suitable premises to be a hospital for the insane and may in such notification assign a name to such hospital.

Lieutenant-Governor in Council may appoint hospitals for the insane.

Q. 48 Vic. No. 8, s. 5.

6. The Lieutenant-Governor⁽³⁾ may appoint for every hospital for the insane a superintendent and if necessary an assistant superintendent who shall be medical practitioners and such other officers as he deems necessary.

Appointment of superintendents, officers, attendants, and nurses.

Q. 1b. s. 7.

The superintendent of every hospital for the insane shall subject to the approval of the Lieutenant-Governor⁽³⁾ appoint such and so many attendants nurses and servants as he deems necessary for the proper and efficient management thereof.

Reception Houses.

7. The Lieutenant-Governor in Council⁽³⁾ may by notification⁽⁶⁾ in the *Gazette* appoint from time to time such houses and premises as are requisite for the reception and temporary treatment of persons committed under the provisions of this Ordinance.

Lieutenant-Governor may appoint reception houses.

Q. 1b. s. 8.

8. The Lieutenant-Governor⁽³⁾ may appoint a superintendent and as many assistants as are necessary for the proper management of every such reception house.

Superintendent and assistants for reception houses.

Q. 1b. s. 9.

(3) See Section 17A(3) and (4) of the *Laws Repeal and Adopting Ordinance 1921-1939*.

(4) See Section 17 of the *Laws Repeal and Adopting Ordinance 1921-1939*. At the date of the adoption of the *Insanity Ordinance, 1912*, of the Territory of Papua as a law of the Territory of New Guinea, there was a “Central Court” in both Territories. As to references in any Ordinance to the “Central Court”, see now Section 7A of the *Judiciary Ordinance 1921-1938*.

(5) Pursuant to Section 5, the Administrator, by notice dated 20.7.1926 and published in *N.G. Gaz.* of 2.8.1926, appointed the following premises to be a hospital for the insane to be known as the Rabaul Mental Hospital:—

“The timber building situated on block 16 of the original sub-division of the Town of Rabaul, the South-West corner of the aforesaid building bearing true 13 degrees 31 minutes 40 seconds for a distance of 51 and 35/100th metres from the South-West corner of block 16 aforesaid.”

By further notice dated 28.5.1931, and published in *N.G. Gaz.* of 30.5.1931, the Administrator appointed “the premises comprised in and known as the Rapindik Native Mental Hospital to be a hospital for the insane” and assigned to that hospital “the name of the Rapindik Native Mental Hospital.”

(6) Pursuant to Section 7, the Administrator, by notice dated 15.2.1926 and published in *N.G. Gaz.* of 15.2.1926, appointed the following premises for the reception and temporary treatment of persons committed under the provisions of the *Insanity Ordinance, 1912*:—

“The timber building situated on block 16 of the original subdivision of the Town of Rabaul, the South-west corner of the aforesaid building bearing true 13 degrees 31 minutes 40 seconds for a distance of 51 and 35/100th metres from the South-west corner of block 16 aforesaid.”

INSANITY—

Licensed Houses for the Reception of the Insane.

Governor in Council may grant licences for houses for reception of the insane. Second Schedule. Q. 48 Vic. No. 8, s. 10.

9. The Lieutenant-Governor in Council⁽³⁾ may by writing under his hand in the form in the Second Schedule to this Ordinance grant to any person a licence for any period not exceeding three years to keep a house for the reception and treatment of a certain number of patients to be mentioned in such licence and may renew or revoke such licence.

Notice of intended application for and plans of licensed house to be given. Q. *Ib.* s. 11.

10. A person desiring to obtain any such licence must make application to the Government Secretary setting forth his christian name and surname place of abode and occupation and a true and full description of the house for which a licence is desired and of his estate and interest therein.

The application when made for a house which has not been previously licensed must be accompanied by a plan of the house to be drawn upon a scale 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 every room or apartment therein and a statement of the quantity of the 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 licence 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 will be kept distinct and apart from the other.

What may be included in one licence. Q. *Ib.* s. 12.

11. A licence 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^(6A) by land in the occupation of such proprietor or proprietors and by a road or in either of such ways and all houses buildings and lands intended to be included in any licence shall be specified delineated and described in the plan hereinbefore prescribed.

Notice of all additions and alterations to be given to the Government Secretary. Q. *Ib.* s. 13.

12. No addition or alteration shall be made to in or about any licensed house or the appurtenances thereof until notice in writing of the proposed addition or alteration accompanied by a plan of the addition or alteration drawn upon the scale aforesaid and accompanied by such description as aforesaid has been given by the person to whom the licence has been granted to the Government Secretary and the consent in writing of the Government Secretary has been given thereto.

Applications for renewal to state number of patients. Q. *Ib.* s. 14.

13. Any person applying for a renewal of a licence shall with such application transmit to the Government Secretary a statement

(3) See Section 17A(3) and (4) of the *Laws Repeal and Adopting Ordinance* 1921-1939.

(6A.) The words "otherwise by" appeared in the original Ordinance. The word "than" has now been inserted after the word "otherwise" by the First Schedule of the *Ordinances Reprint and Revision Ordinance* 1947 of the Territory of Papua-New Guinea.

Insanity Ordinance, 1912 (Papua, adopted).

signed by the person so applying containing the names and number of the patients of either sex then detained in the licensed house.

14. If any licensee by sickness or other cause becomes incapable of keeping the licensed house or dies before the expiration of the term of the licence the Government Secretary with the approval of the Lieutenant-Governor⁽³⁾ may by writing indorsed on the licence transfer it with all the privileges and obligations annexed thereto for the term then unexpired to another person and thenceforth the licence shall remain in force and have the same effect as if granted to such person; and in case a licence is granted to two or more persons and before the expiration thereof any of such persons dies leaving the other or others surviving the licence shall remain in force and have the same effect as if it had been granted to such survivors or survivor alone.

Provision in case of the incapacity of the person licensed.
Q. 48 Vic. No. 8, s. 15.

15. If any licensed house is pulled down or taken under the provisions of any Ordinance or is by fire tempest or other accident rendered unfit for the accommodation of patients or if the person keeping such house desires to transfer the patients to another house the Government Secretary with the approval of the Lieutenant-Governor⁽³⁾ may grant to the licensee a licence to keep another licensed house for any time not exceeding the period for which the current licence is then held.

In case of a licensed house being taken for public purposes &c.
Q. *Ib.* s. 16.

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

16. Before the revocation of any licence seven clear days' notice in writing shall be given to the licensee or be left at the licensed house.

Notice of revocation of licences.
Q. *Ib.* s. 17.

17. If after a lapse of two months from the expiration of the licence for a licensed house which has not been renewed or if after the revocation of a licence there is in the house any insane patient every person keeping such house or having the care and charge of such patient shall be guilty of a misdemeanour and may be imprisoned for any term not exceeding two years with or without hard labour.

Detention of patients after expiration or revocation of a licence a misdemeanour.
Q. *Ib.* s. 18.

18. Every licensed house containing more than twenty patients shall have at all times a medical practitioner resident therein whose christian and surname shall be given in the notice of application for the licence and who whether he be the licensee or proprietor or not shall be the superintendent thereof.

Superintendent to reside.
Q. *Ib.* s. 19.

The licensee of any such house may with the approval of the Government Secretary remove such medical practitioner and appoint some other medical practitioner in his stead.

⁽³⁾ See Section 17A(3) and (4) of the *Laws Repeal and Adopting Ordinance 1921-1939*.

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Every licensed house containing not more than twenty patients shall be visited twice a week at least by a medical practitioner.

In all cases where a medical practitioner is not appointed as superintendent the licensee shall be the superintendent of the house named in the licence.

When any house is licensed to contain less than five patients the Government Secretary may permit such house to be visited by a medical practitioner less frequently than twice a week.

Licences for the Reception of a Single Insane Person.

Houses for
single patients.
Q. 48 Vic.
No. 8, s. 20.

19. The Lieutenant-Governor⁽³⁾ may grant to any person a licence to keep a house for the reception and treatment of a single patient and may from time to time renew or revoke such licence.

Provisions as to Detention of Insane by Unlicensed Persons.

Examination
of patients in
private houses.
Q. 7b. s. 21.

20.—(1.) If the occupier or inmate of any private house keeps or detains an insane person therein although he is a relative of such occupier or inmate beyond the period of a year after the malady has become apparent and confirmed and such insane person during any part of such period has required coercion or restraint such occupier or inmate or the medical practitioner attending such insane person shall notify such detention to the Government Secretary and shall transmit to the Government Secretary a written certificate signed by a medical practitioner setting forth the condition of the person so detained and the reasons if any which render it desirable that such person should remain under private care.

(2.) The Government Secretary may thereupon or without such notice authorize the inspector or a justice accompanied by one or two medical practitioners to visit and make such inquiry respecting the treatment of such person as to the inspector or justice and medical practitioner seems fit.

(3.) If upon such inquiry it appears that such person is insane and has been so for a space exceeding a year and that restraint or coercion of any kind has been resorted to and that the circumstances are such as to render the removal of such person to an asylum necessary or expedient the Government Secretary may order the removal of such person accordingly; and the order of the Government Secretary under his hand shall be sufficient authority to the superintendent to receive such insane person accordingly.

(3) See Section 17A(3) and (4) of the *Laws Repeal and Adopting Ordinance* 1921-1939.

(4.) Any person who without notice to the Government Secretary keeps harbours or conceals or aids in keeping harbouring or concealing beyond the period aforesaid an insane person who has during such period been subjected to coercion or restraint and any medical practitioner attending on him beyond such period who wilfully neglects to disclose the condition of such person to the Government Secretary shall for every such offence be liable to a penalty not exceeding Two hundred pounds or to imprisonment for any period not exceeding three months.

21. No person (unless he be a person who derives no profit from the charge or a committee or person appointed by the Court or otherwise authorized under this Ordinance) shall receive to board or lodge in any house or take the care of any insane person except for the purpose of the temporary custody of such person during his removal for treatment under this Ordinance.

No unauthorized person deriving profit therefrom to take charge of any insane person.
Q. 48 Vic. No. 8, s. 22.

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

22. Upon information on oath preferred to a justice that a person suspected to be insane—

- (1) Is without sufficient means of support; or
- (2) Is wandering at large; or
- (3) Was discovered under circumstances indicating a purpose of committing some offence against the law;

Insane persons without sufficient means of support or wandering at large, &c., may be arrested.
Q. Ib. s. 23.

such justice may by order under his hand require a constable to apprehend and bring such person before two justices.

Any constable finding a person suspected to be insane under any of the circumstances above mentioned may without an order apprehend and bring such person before two justices.

23. Any constable who knows that a person suspected to be insane—

- (1) Is not under proper care and control; or
- (2) Is cruelly treated or neglected by any relation or other person having or assuming the care of him;

Persons suspected to be insane not taken care of or cruelly treated to be taken before justices.
Q. Ib. s. 24.

shall forthwith give information thereof upon oath to a justice; and upon such information or upon the information on oath of any other person the justice shall—

- (a) Either himself visit and examine such person and make inquiry into the case; or
- (b) By order under his hand direct and authorize some medical practitioner to visit and examine such person and make inquiry into the case and report in writing to the justice his opinion thereon.

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And if upon such personal visit or report it appears that the information on oath laid by the constable or other person is true the justice may by order under his hand require any constable to bring the person so suspected to be insane before two or more justices.

Course to be pursued when insane person is brought before justices.
Q. 48 Vic.
No. 8, s. 25.

24. The justices before whom any person is brought under the provisions of the two next preceding sections shall call to their assistance two medical practitioners who shall after having been furnished by the justices with a written statement of all the information previously obtained with respect to the condition of such person—

- (1) Examine him apart from each other; and
- (2) Severally sign separate certificates with respect to him according to the form in the Third Schedule to this Ordinance;

Third Schedule.

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

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

and that such insane person requires to be taken charge of and detained under care and treatment the justices may by order under their hands according to the form in the Fourth Schedule to this Ordinance with a statement of particulars attached thereto according to the form in the Fifth Schedule to this Ordinance direct such person to be removed into some asylum to be named in the order and such person shall subject to the provisions contained in this and the next following section be forthwith conveyed to and detained in such asylum accordingly and shall thenceforth be deemed to be a patient thereof.

Fourth Schedule.

Fifth Schedule.

Provided that the justices—

- (1) May suspend the execution of any such order for a period not exceeding thirty days and in the meantime give such directions or make such arrangements for the proper care and control of such person in a reception-house as they may deem necessary or otherwise;
- (2) May examine the person suspected to be insane and any witness in the matter at any convenient place and proceed in all respects as if the person were brought before them at a Court of Petty Sessions.

Insanity Ordinance, 1912 (Papua, adopted).

25. If either of the medical practitioners certifies in writing that such person is not in a fit state to be removed his removal shall be deferred until the same or some other medical practitioner certifies in writing that he is fit to be removed.

Patient's removal may be deferred.
Q. 48 Vic. No. 8, s. 26.

Notwithstanding anything in this Ordinance to the contrary the justices may if satisfied that he will be properly taken care of permit any relation or friend of such person to retain and take charge of him under such conditions as the justices think fit to impose.

Patient may be retained by friends.
Q. *Ib.* s. 26.

26. The justices causing any person to be examined by medical practitioners under the provisions hereinbefore contained may grant a certificate for the payment of such remuneration to such medical practitioner and of all such other expenses incurred in or about the examination of such person and bringing him before justices and in or about conveying him to an asylum reception-house or other place or in or about his proper care and control as hereinbefore mentioned as to such justices seems proper.

Power to justices to order payment of fees to medical practitioners and expenses of conveyance to asylum.
Q. *Ib.* s. 27.

Such expenses where they cannot be obtained from the estate of the person examined shall be defrayed out of moneys appropriated for that purpose: Provided always that the remuneration and expenses so awarded or sanctioned shall in every case be subject to the approval of the Lieutenant-Governor.⁽³⁾

27. Any person may be received and detained as a patient in an asylum on the authority of a request under the hand of some person according to the form in the Sixth Schedule to this Ordinance; and every such request shall be—

Any person to be received into asylum upon a request in writing, &c.
Q. *Ib.* s. 28. Sixth Schedule.

- (1) Authenticated by the signature of a justice or a minister of religion registered to celebrate marriages;
- (2) Accompanied by a statement in writing containing the particulars specified in the Fifth Schedule to this Ordinance; and
- (3) Supported by two medical certificates containing the particulars prescribed in the Third Schedule each of which certificates shall be signed by a medical practitioner who has not more than fourteen days before the date of admittance personally and separately examined the person to whom the certificate relates.

Fifth Schedule.

Third Schedule.

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

(3) See Section 17A(3) and (4) of the *Laws Repeal and Adopting Ordinance 1921-1939*.

Power of justices to direct detention in reception-house.

Q. 48 Vic. No. 8, s. 29. Seventh Schedule.

Where no reception-house patient may be lodged in hospital.

Q. *Ib.* s. 30.

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

Q. *Ib.* s. 31.

Who not to sign certificates, &c.

Q. *Ib.* s. 32.

No certificate to be granted without examination.

Q. *Ib.* s. 33.

No order for reception into an asylum to remain in force after forty days.

Q. *Ib.* s. 34.

28. Any justice may by order under his hand in the form of the Seventh Schedule to this Ordinance direct the reception into and detention in any reception-house of any person for whose reception into an asylum the necessary order or request certificates and statement have been signed and remain in force.

29. Where there is no convenient reception-house a person authorized by this Ordinance to be received and detained in a reception-house may be placed in safe custody or medical treatment in the nearest hospital gaol or lock-up until he can be safely conveyed to the asylum to which he is to be admitted; and such place shall be deemed to be a reception-house for the purpose of dealing with such person.

30. Every medical practitioner who signs any certificate for the purpose of this Ordinance 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. No person shall be received into an asylum or reception-house under any certificate which purports to be founded only upon facts communicated by others.

31. No medical practitioner whose father brother son partner or assistant has signed the order or request or one of the certificates for the reception of any person as a patient into an asylum shall sign any certificate for the reception of the same person; and no medical practitioner who or whose father brother son partner or assistant is the medical superintendent of an asylum shall sign any order request or certificate for the reception of a person into such asylum.

32. If a medical practitioner signs any certificate for the purpose of this Ordinance 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 ability he shall for every such offence be liable to a penalty not exceeding Fifty pounds.

33. Except as hereinafter provided no order for the reception of a person into an asylum shall remain in force as an authority for such reception after forty days from the date of either of the medical certificates given under the provisions hereinbefore contained in respect of such person.

And no request for the reception of a person into an asylum shall remain in force as an authority for such reception longer than forty days from the date of either of the medical certificates so given.

Insanity Ordinance, 1912 (Papua, adopted).

34. No patient shall be detained in a reception-house for a longer period than sixty days unless the medical officer certifies in writing that he is not in a fit state to be removed therefrom or that he would be benefited by remaining therein; in which case the removal of such patient shall be deferred until the medical officer certifies that he is fit to be removed to an asylum.

Patient not to be detained in reception-house for more than sixty days.

Q. 48 Vic. No. 8, s. 35.

In any such case any two justices may from time to time extend the operation of the order or request for the reception of the patient into an asylum for periods not exceeding seven days so long as may be necessary.

35. On receipt of a certificate from the medical officer that any person confined in a reception-house gaol or hospital under the provisions of this Part of this Ordinance as an insane person is of sound mind or may safely be discharged to the care of a relative or friend of such patient any justice may upon such conditions as he thinks fit order the discharge of such person.

Justice may order discharge of patient from reception-house.

Q. *Ib.* s. 36.

36. Where it is satisfactorily proved before two justices that an inmate of a reception-house is possessed of property the justices may order him previous to his release to repay to His Majesty the expenses of his maintenance and the justices are hereby authorized to assess the same. In the event of the inmate refusing payment to the superintendent the expenses so assessed shall be levied forthwith upon the goods and chattels of the inmate by warrant of distress.

Inmates liable for expenses of maintenance.

Q. *Ib.* s. 37.

37. If after the reception of an insane person as a patient into an asylum it appears to the superintendent that any document being one of the documents upon the authority of which he was received is in any respect defective or incorrect such document may be amended by the person who signed the same at any time within twenty-eight days next after the reception of the patient. Provided that every such amendment shall be approved by the Government Secretary.

Orders and medical certificates may be amended.

Q. *Ib.* s. 38.

If any such defective or incorrect document is directed by the Government Secretary to be amended it may be so amended by the person who signed the same at any time within twenty-eight days after the receipt by the superintendent of a direction in writing from the Government Secretary requiring such amendment and if it is not amended within that time the Government Secretary may order the Inspector to visit the patient to whom such document relates and such Inspector may order the patient's discharge and the patient shall be discharged accordingly.

38. Where a person has been found insane by any proceeding in the Court an order signed by a Judge thereof or an order signed by the committee appointed by the Court and having annexed to it an office copy of the order appointing such committee shall be sufficient authority for the reception of such person into an asylum without any further order or certificate.

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

Q. *Ib.* s. 39.

Provision for cases of emergency. Q. 48 Vic. No. 8, s. 40.

39. In cases where it is impracticable to obtain the certificates of two medical practitioners without unreasonable delay a person may be received into a reception-house or an asylum upon the certificate of one medical practitioner alone. Provided in such case that the justices who make the order mentioned in section twenty-four hereof or the justice or minister of religion who authenticates the request mentioned in section twenty-seven hereof shall certify in writing under their or his hands or hand that the certificates of two medical practitioners cannot be obtained without causing delay which may be prejudicial to such person.

Persons received into asylums, &c., may be retained and on escape recaptured. Q. *Ib.* s. 42.

40. Every person lawfully received into an asylum or reception-house shall be detained therein until he is removed or discharged in the manner authorized by this Ordinance and in case of escape therefrom may be re-taken at any time after his escape by the superintendent of such asylum or reception-house or by 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 again received and detained in such asylum or reception-house.

Proceedings by which Persons of Unsound Mind may be Removed to and from any State of the Commonwealth and be Treated Therein.

Arrangements with Governments. N.S.W. 45 of 1898, s. 19.

41. The Lieutenant-Governor⁽³⁾ may from time to time make arrangements with the Government of the Commonwealth for the reception into Australia and with the Government of a State of the Commonwealth for the apprehension care and treatment maintenance and burial and for the payment of the expenses under the Lunacy Statutes of that State of insane persons from the Territory.

Justices may send persons found by them to be insane for treatment in any State of the Commonwealth. N.S.W. *Ib.* s. 20.

42.—(1.) In any matter on which an order of justices has been made under section twenty-four of this Ordinance the Government Secretary if satisfied that it is for the benefit of the person found by the justices to be insane that he should be sent for care treatment or maintenance to any State of the Commonwealth with the Government of which an arrangement has been made as aforesaid either before or after the passing of this Ordinance may by order in the form of Schedule Eighteen to this Ordinance may⁽⁷⁾ direct some person named in the order to take such person to such place in such State as may be agreed upon and as may be named in the order and there to set him at large and thereupon to identify him to some officer of police of the State nominated by the Government thereof and named in the order so that the officer of police may apprehend such person in due course under the provisions of the Lunacy Statutes of the State to be dealt with thereunder.

Eighteenth Schedule.

(3) See Section 17A(3) and (4) of the *Laws Repeal and Adopting Ordinance 1921-1939*.

(7) The word "may" appeared in the original Ordinance. It has now been omitted by the First Schedule of the *Ordinances Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

Insanity Ordinance, 1912 (Papua, adopted).

The order shall be sufficient authority to all persons for anything done in pursuance of the same.

(2.) The Government Secretary shall forward the order together with all certificates and evidence upon which the same has been made to the officer of police named in the order.

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

Those persons to be insane patients for certain purposes.
N.S.W. 45 of 1898, s. 21.

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

Right of action vested in the Curator.
N.S.W. *Ib.* s. 22.

45. If at any time it is deemed expedient to remove any person for the payment of whose care treatment and maintenance the Government is responsible from any lunatic asylum in any State to any asylum in the Territory the Government Secretary may order the removal of that person accordingly; and the order of the Government Secretary under his hand shall be a sufficient authority to any person named therein to apply to the proper authorities in any State for the discharge of the first-named person to his care and to convey him to any asylum in the Territory and shall be a sufficient authority to the medical superintendent of the asylum to which that person is sent to receive him.

Removal of patient to asylum in the Territory.
N.S.W. *Ib.* s. 23.

46. Any person taken into any State under the authority of this Ordinance and there discharged from a lunatic asylum in that State shall be entitled to be paid out of the Public Revenue Account the expenses of his return to the Territory.

Person discharged in adjacent State entitled to expenses of his return.
N.S.W. *Ib.* s. 24.

General Records etc.

47.—(1.) On the admission of any person as a patient into an asylum or reception-house an entry with respect to such patient shall be made in a book kept for that purpose called the Register of Patients according to the form and containing the particulars specified in the Eighth Schedule to this Ordinance or such other form and containing such other particulars as the Lieutenant-Governor⁽³⁾ directs.

A register of patients to be kept.
Q. 48 Vic. No. 8, s. 43.

Eighth Schedule.

⁽³⁾ See Section 17A(3) and (4) of the *Laws Repeal and Adopting Ordinance 1921-1939*.

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(2.) Such entry shall be made immediately on the admission of the patient except so much as relates to the form of disorder the entry as to which shall be made by the superintendent within one month after the admission of the patient and except so much as relates to the discharge removal or death of the patient the entry as to which shall be made when the same happens.

(3.) After the second and before the end of the seventh clear day from the day of admission of the patient a notice of such admission shall be transmitted to the Government Secretary in the form of the Ninth Schedule to this Ordinance together with a statement made and signed by the superintendent not sooner than two clear days after such admission according to the form in that Schedule.

Ninth
Schedule.

Medical
Journal.
Q. 48 Vic.
No. 8, s. 44.

Tenth
Schedule.

Case Book.

48. In every asylum the superintendent and in every reception-house the medical officer shall once at least in every week enter or cause to be entered in a book kept for the purpose called the Medical Journal a statement according to the form in the Tenth Schedule to this Ordinance 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 Government Secretary directs) as soon as may be after the admission of a patient the mental state and bodily condition of such patient at the time of his admission and shall also enter or cause to be entered therein from time to time the history of his case whilst he continues in the asylum or reception-house 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.

Entries to be
made and
notice given of
discharges
removals
escapes and
recaptures.
Q. *Ib.* s. 45.

Eleventh
Schedule.
Twelfth
Schedule.

Notice of
death of
patient to be
transmitted.
Q. *Ib.* s. 46.

Thirteenth
Schedule.

49. Within forty-eight hours after the discharge removal escape or recapture of any patient a written notice thereof according to the form in the Eleventh Schedule to this Ordinance shall be transmitted to the Government 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 the Twelfth Schedule to this Ordinance.

50. On the death of a patient in any asylum or reception-house a notice and statement according to the form in the Thirteenth Schedule to this Ordinance shall be drawn up and signed by the medical superintendent or medical officer as the case may be and within forty-eight hours after the occurrence of such death shall be by him transmitted to the Government Secretary and also to a relation (if any) named in the statement of particulars which accompanied the order for admission of the patient or to the person who signed the request for such admission. And such notice shall be in addition to any notice required by the laws in force for the time being relating to the registration of deaths.

PART IV.—CRIMINAL INSANE.

51. The Lieutenant-Governor in Council⁽³⁾ may by notification⁽⁸⁾ in the *Gazette* appoint any gaol penal establishment or asylum or any part ward or cell of either to be a place for the detention of the criminal insane.

Asylum for criminal insane.
Q. 48 Vic. No. 8, s. 47.

52. If a person indicted for an offence is found to be insane by the Court or in jury cases⁽⁹⁾ by a jury lawfully impanelled for that purpose so that he cannot be tried upon such indictment or if upon the trial of a person so indicted such person is found by the Court or in jury cases by a jury to be insane or if any person committed to take his trial for an offence is certified by two medical practitioners to be insane the Lieutenant-Governor⁽³⁾ may by order under his hand in the form of the Fourteenth Schedule hereto direct that such person be removed to and detained in an asylum until he is duly certified to be of sound mind; whereupon the Lieutenant-Governor⁽³⁾ may order the removal of the patient to the custody of the gaoler of the gaol from whence he came in order to his being tried for such offence.

Procedure where persons charged with offences are found to be insane or are acquitted on the ground of insanity.

Persons found to be insane before trial to be sent to asylum.

Q. *Ib.* s. 48.

Fourteenth Schedule.

53. When any person is ordered to be kept in custody during the Lieutenant-Governor's⁽³⁾ pleasure the order made by the Lieutenant-Governor⁽³⁾ in relation to the custody of such person may be renewed and varied from time to time and any person so confined in an asylum not being a person under conviction and sentence may be liberated from custody or confinement upon such terms and conditions as the Lieutenant-Governor⁽³⁾ thinks fit. And if any of such conditions are violated such person may be retaken and dealt with as herein provided in case of an escape.

Persons detained during the Lieutenant-Governor's pleasure may be liberated.

Q. *Ib.* s. 50.

54. Any person committed to take his trial for having attempted to commit suicide who is certified by two medical practitioners in the form in the Third Schedule to this Ordinance to be insane shall forthwith be sent to an asylum or reception-house; and such person when certified by the superintendent and Inspector or the superintendent and an official visitor or in the case of a person sent to a reception-house by the medical officer to be of sound mind shall be discharged from such asylum or reception-house 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.

Q. *Ib.* s. 51.

Third Schedule.

(3) See Section 17A(3) and (4) of the *Laws Repeal and Adopting Ordinance 1921-1939*.

(8) Pursuant to Section 51, the Administrator, by notice dated 7.5.1934 and published in *N.G. Gaz.* of 15.5.1934, appointed the Rabaul Prison to be a place for the detention of the criminal insane.

(9) As to juries in the Territory of New Guinea, see footnote (3) to *The Criminal Procedure Ordinance of 1889 (Papua, adopted)*.

Lieutenant-Governor may appoint wards or cells for observing supposed insane persons in gaols.
Q. 48 Vic. No. 8, s. 52.

55. The Lieutenant-Governor⁽³⁾ may direct a ward or cells in any gaol or penal establishment to be set apart for the detention of any prisoner supposed to be insane or from mental imbecility unfit for penal discipline in order that such prisoner may be there placed under observation until it is certified by two medical practitioners one of whom shall be either the Inspector or medical officer that he is of unsound mind or is insane and ought to be detained in an asylum.

Procedure in reference to certain persons under detention appearing insane.
Q. 1b. s. 53.

Third Schedule.

Fifteenth Schedule.
Fourteenth Schedule.

56.—(1.) If any person while detained in any gaol or penal establishment for debt or in any gaol penal establishment reformatory or industrial school or other place of confinement in consequence of any summary conviction or order by any justice or justices or in default of bail appears to be insane the Lieutenant-Governor⁽³⁾ may upon the receipt of certificate by one or more medical practitioners in the form of the Third Schedule to this Ordinance accompanied by a statement of particulars in the form of the Fifteenth Schedule to this Ordinance direct by order under his hand in the form of the Fourteenth Schedule to this Ordinance that such person be removed to and kept in an asylum until it is duly certified by the medical superintendent thereof and the Inspector or by the said superintendent and two official visitors that such person has become of sound mind.

(2.) The Lieutenant-Governor⁽³⁾ may thereupon if such person is still subject to be detained in custody issue his order to the superintendent directing that such person shall be removed to the gaol penal establishment reformatory industrial school or other place from whence he was taken or to some other gaol or place of confinement; or if the period of his imprisonment has expired then that he be discharged.

Procedure on certain prisoners appearing to be insane.
Q. 1b. s. 54.

Third Schedule.
Fifteenth Schedule.

Fourteenth Schedule.

57.—(1.) If any person while imprisoned in any gaol or penal establishment under any sentence of hard labour or imprisonment imposed otherwise than on the conviction or order of justices appears to be insane the visiting justice of such gaol or penal establishment shall direct that such person be placed under observation in the manner hereinbefore provided; and the Lieutenant-Governor⁽³⁾ may upon the receipt of certificates by one or more medical practitioners in the form of the Third Schedule to this Ordinance accompanied by a statement of particulars in the form of the Fifteenth Schedule to this Ordinance direct by order under his hand in the form of the Fourteenth Schedule to this Ordinance that such person be removed to and kept in an asylum until it is duly certified that such person has become of sound mind.

(3) See Section 17A(3) and (4) of the *Laws Repeal and Adopting Ordinance* 1921-1939.

Insanity Ordinance, 1912 (Papua, adopted).

(2.) The Lieutenant-Governor⁽³⁾ may thereupon if such person is still subject to be detained in custody issue his order to the superintendent directing that such person shall be removed to the gaol or penal establishment from whence he was taken or to some other gaol or penal establishment; or if the period of his imprisonment has expired then that he shall be discharged.

58.—(1.) If it is made to appear to the Lieutenant-Governor⁽³⁾ that there is good reason to believe that any prisoner in confinement under sentence of death is then insane the Lieutenant-Governor⁽³⁾ may appoint one or more medical practitioners to inquire into the insanity of such prisoner; and if on such inquiry such prisoner is found to be then insane the fact shall be certified in writing by such practitioners to the Lieutenant-Governor.⁽³⁾

Procedure on
prisoner under
sentence of
death
appearing
insane.
Q. 48 Vic.
No. 8, s. 55.

(2.) On receipt of such certificate the Lieutenant-Governor⁽³⁾ may by order under his hand direct that such prisoner be removed to and kept in an asylum until it be duly certified by the medical superintendent thereof and by the Inspector or by the said superintendent and two official visitors that such person has become of sound mind.

(3.) The Lieutenant-Governor⁽³⁾ shall thereupon issue his order that such prisoner be removed to any gaol or penal establishment to undergo his sentence of death or to be dealt with according to law as if no such order for his removal to an asylum had been issued.

PART V.—THE INSPECTION TRANSFER AND DISCHARGE OF PATIENTS.

(1) Inspections of Asylums for the Insane.

59. The Lieutenant-Governor⁽³⁾ may appoint an Inspector of Asylums for the Insane.

Inspector of
the insane.
Q. Ib. s. 56.

60. The Inspector shall visit every asylum and reception-house at least once in every six months with or without previous notice and at such hour of the day or night as he thinks fit or the Government Secretary directs. He shall so far as practicable—

Inspector to
visit asylums
and reception-
houses.
Q. Ib. s. 57.

- (1) Inspect every part of the asylum or reception-house every out-house and building communicating therewith or detached therefrom and every part of the grounds or appurtenances held or occupied therewith;
- (2) See every patient then confined therein;
- (3) Make such inquiries examinations and inspections as are required by this Ordinance; and

(3) See Section 17A(3) and (4) of the *Laws Repeal and Adopting Ordinance* 1921-1939.

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- (4) Enter in the Inspector's book hereinafter mentioned a minute of the then condition of the asylum or reception-house and of the patients therein and such other remarks as he deems proper.

Inspector to
visit gaols, &c.
Q. 48 Vic.
No. 8, s. 58.

61. Every ward and cell set apart under the provisions of this Ordinance for the reception of insane patients in any hospital gaol penal establishment or other public institution shall be subject to inspection under the provisions of the last preceding section so far as the same are applicable thereto.

Inquiries to
be made by
inspector.
Q. *Ib.* s. 59.

62. The Inspector on his several visits to every asylum reception-house ward or cell shall inquire—

- (1) As to the care treatment and mental and bodily health of the patients therein;
- (2) As to the arrangement for their maintenance and comfort;
- (3) As to whether any patient is under restraint or in seclusion and why;
- (4) Whether and at what times and in the presence of what number of patients divine service is performed;
- (5) What occupations or amusements are provided for the patients;
- (6) As to the classification and dietary of the patients and the number of attendants and nurses; and
- (7) As to the money if any paid for the maintenance of any patient;

and make such further inquiries as to the Inspector seems fit.

And the Inspector shall examine the several books by this Ordinance required to be kept and sign the said books as having been produced to him and shall inspect the orders requests and certificates for the reception of every patient received into such asylum or other place since his last visit thereto.

Inspector to
make an
annual
report.
Q. *Ib.* s. 60.

63. The Inspector shall in every year make a report in writing to the Government Secretary of the state and condition of the several asylums 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 thinks deserving of notice.

Plans, &c., for
asylums or
hospital to be
submitted to
inspector.
Q. *Ib.* s. 61.

64. All plans for building or enlarging or improving any asylum or reception-house or any ward or cell for the insane in any gaol or hospital shall be submitted to the Inspector who shall report thereon in writing to the Government Secretary and no plan shall be carried into effect without such report being made.

65. There shall be hung up in some conspicuous part of every asylum or reception-house a copy of the plan thereof; and there shall be kept in every asylum or reception-house a copy of this Ordinance and the regulations bound up in a book called the Inspector's book; and the Inspector shall at the time of his visits enter therein the result of his inspection and inquiries as hereinbefore directed or authorized to be made by him with such observations (if any) as he thinks proper.

Plan of house and Inspector's book to be kept.
Q. 48 Vic. No. 8, s. 62.

66.—(1.) The Lieutenant-Governor⁽³⁾ may appoint for every asylum reception-house or other place where patients certified to be insane or persons so found by inquisition or otherwise are detained two or more official visitors one at least of whom if practicable shall be a medical practitioner and one of whom shall visit the place to which they are appointed visitors once at least every month and also at such other times as the Lieutenant-Governor⁽³⁾ directs and with or without any previous notice and at such hours of the day or night and for such length of time as they think fit and shall after every visit transmit to the Government Secretary a statement of the number of patients admitted and discharged since the date of the last visit together with a copy of the entry made by them in the Inspector's book and any other information they consider necessary.

Lieutenant-Governor in Council to appoint official visitors.
Q. *Ib.* s. 63.

(2.) Any official visitor may be appointed for two or more asylums reception-houses or other places where patients certified to be insane are detained; and every official visitor shall be authorized and empowered to make such and the same inspections and inquiries as are authorized and required to be made by the Inspector under the provisions of this Part of this Ordinance.

67. No official visitor shall sign a certificate for the admission of a patient to any asylum reception-house or other place for the reception of insane patients of which he is an official visitor.

Official visitor not to sign certificate for admission of patients.
Q. *Ib.* s. 64.

(2) Transfer of Patients.

68. The Government Secretary may by an order in writing direct the removal of a patient from one asylum or reception-house to another and every such order shall be in duplicate and one original shall be delivered to the superintendent of each such asylum or reception-house. And such order shall be a sufficient authority for the removal reception and detention of such patient.

Government Secretary may order transfer of patients.
Q. *Ib.* s. 65.

Provided that a copy of the order or request and statement upon which the patient was received into the asylum or reception-house from which he is removed together with an abstract of his

(3) See Section 17A(3) and (4) of the *Laws Repeal and Adopting Ordinance 1921-1939.*

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treatment and progress certified by the superintendent of such asylum or reception-house shall be delivered with the order of removal to the superintendent of the asylum or reception-house to which the patient is removed.

Insane persons may be taken out of the Territory by order of the Central Court. Q. 48 Vic. No. 8, s. 66.

69. If it is made to appear to the Court that an insane person or patient has relations or friends in any place beyond the Territory who are willing to undertake the care and charge of him and that it would be for his benefit that he should be removed to such place or if an insane person or patient is a subject of any foreign power the Court may order him to be removed from the Territory and make such further or other order authorizing or directing his removal and touching his safe custody and maintenance as to the Court seems fit and may order that security shall be given for the safe custody and maintenance of such insane person or patient in any place beyond the Territory.

Provided that no order shall be made for the removal of such insane person or patient until after fourteen days' notice of the intention to apply for such order has been given to the superintendent or to the person in whose care or custody such insane person or patient is unless such superintendent or person is himself the person applying for the order.

Superintendent with consent of the Inspector may send patient to any place for his health or permit his absence upon trial. Q. 1b, s. 67.

70.—(1.) The superintendent of an asylum may with the consent in writing of the Inspector or an official visitor send or take a patient under proper control to some specified place for a time specified in the consent for the benefit of his health and may also with the like consent permit a patient to be absent from the asylum upon trial for such period as is specified in the consent.

(2.) Before giving such consent the Inspector or official visitor may require the approval in writing of the person who signed the order or request for the reception of the patient or by whom the last payment on account of his maintenance was made.

(3.) If a patient so allowed to be absent for the benefit of his health or on trial does not return at the expiration of the specified time and a medical certificate as to his state to⁽¹⁰⁾ mind certifying his detention as an insane person to be no longer necessary has not been sent to the superintendent such patient may at any time after the expiration of such time be retaken as in the case of an escape.

(4.) In the event of the death of a patient so absent on leave a certificate thereof shall forthwith be forwarded to the superintendent by the person in whose charge the patient was at the time of his death.

(10) The word "to" appeared in the original Ordinance. The word "of" has now been inserted in its stead by the First Schedule of the *Ordinances Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

Insanity Ordinance, 1912 (Papua, adopted).

71. The person in charge of an insane person or patient during conveyance to an asylum or reception-house must have with him the prescribed documents authorizing the admission of such person or patient to the asylum or reception-house and shall produce the same when required so to do by any justice.

Order for conveyance of patient.
Q. 48 Vic. No. 8, s. 68.

72. If the superintendent of an asylum or if the superintendent is not a medical practitioner two medical practitioners or the superintendent and one medical practitioner certifies or certify in writing that a patient is recovered and is fit to be discharged the Government Secretary may by order under his hand direct him to be discharged accordingly.

Discharge on recovery.
Imp. 8 & 9 Vic. c. 100, s. 72.

73. The Inspector or an official visitor of any asylum or reception-house may with the advice in writing of the medical superintendent of the asylum or medical officer of the reception-house as the case may be order the discharge of any patient detained therein whether he has recovered or not.

Inspector or official visitor with advice of the superintendent may order discharge.
Q. Ib. s. 70.

74. Where application is made to the Government Secretary by any relative or friend of a patient requiring that he may be delivered over to the care and custody of such relative or friend the Government Secretary with the advice in writing of the superintendent or medical officer and upon the undertaking in writing of such relative or friend that the patient shall be properly taken care of and shall be prevented from doing injury to himself or others may discharge the patient.

Insane persons may be discharged on friends' or relatives' undertaking.
Q. Ib. s. 71.

75. In cases where a relative or friend of a patient is willing to take care of him but is unable owing to indigent circumstances to maintain him the Lieutenant-Governor⁽³⁾ may on the recommendation of the Inspector or of an official visitor grant an allowance for maintenance to the relative or friend on the patient being discharged in the manner set forth in the last preceding section. And in such case the allowance for maintenance shall be paid once in every three months upon the certificate of some medical practitioner in the form of the Sixteenth Schedule to this Ordinance.

Allowance to be made to friends for maintenance of patients.
Q. Ib. s. 72.

Sixteenth Schedule.

76. If it appears that the patient so discharged is not properly cared for by his relative or friend or that his mental state is such as to render it advisable that he should be no longer intrusted to the care of such relative or friend the medical practitioner shall report the facts to the Inspector who shall make inquiry into the case and may thereupon direct that the patient be returned to the asylum from which he was discharged without any further certificate or statement and he shall be returned thereto and received therein accordingly.

If not properly cared for practitioner to report to Inspector.
Q. Ib. s. 73.

(3) See Section 17A(3) and (4) of the *Laws Repeal and Adopting Ordinance* 1921-1939.

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Court may order persons confined as insane to be brought before it for examination.
Q. 48 Vic.
No. 8, s. 74.

77. If the Court receives information upon oath or has reasonable cause to suspect that any person of sound mind is confined in an asylum or reception-house the Court may order the superintendent to bring the person so confined before it for examination at a time to be specified in the order; and if upon examination it is made to appear to the satisfaction of the Court that such person is of sound mind the Court may direct such person to be immediately discharged from the asylum or reception-house unless he is detained therein for some other cause by due process of law.

Inspector or official visitors may recommend the discharge of any patient.
Q. *Ib.* s. 75.

78. If the Inspector or official visitors or the medical superintendent of an asylum or the medical officer of a reception-house certifies or certify to the Government Secretary that a patient is detained therein without sufficient cause the Government Secretary may order the discharge of such patient provided that if the medical superintendent or medical officer disapproves of such discharge his reason in writing shall be forwarded with the certificate by the Inspector or official visitors to the Government Secretary.

PART VI.—PROCEEDINGS FOR DECLARING PERSONS INSANE APPOINTMENT OF COMMITTEES ETC.

Application to Court in lieu of commission *de lunatico inquirendo*.
Q. *Ib.* s. 76.

79. No Commission *de lunatico inquirendo* shall hereafter be issued. In any case in which it is proved to the satisfaction of the Court that a person is of unsound mind and incapable of managing his affairs the Court may—

- (a) Make a declaration to that effect;
- (b) Direct a reference to the Curator to make inquiries concerning the property of such person;
- (c) Make all proper orders for rendering the property of such person or the income thereof available for the payment of his debts and for the maintenance or benefit of himself and his family and for carrying on his trade or business (if any); and
- (d) If necessary appoint a committee of his estate and also when desirable a committee of his person.

Superseding orders, &c., when person recovered.
Q. *Ib.* s. 77.

80. If it is proved to the satisfaction of the Court 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 Court may make a declaration to that effect and may make all proper orders to give effect to such declaration and for releasing the estate of such person from the control of the Court and discharging the committee of his estate and person.

Application to be by petition.
Q. *Ib.* s. 78.

81. Applications under the last two preceding sections shall be by petition supported by affidavit. Copies of the petition and affidavits shall be served in the prescribed manner upon the person

alleged to be of unsound mind or in the case of a petition by a person so declared upon his committee and the persons on whose application he was so declared; they shall also be served upon the Curator and such other persons as the Court may direct.

82. Every deponent may be cross-examined upon his affidavit either at the hearing or at such time and place as the Court directs and at such hearing the Court may receive or require the oral evidence of witnesses and such other proof as it thinks necessary.

Cross-examination on affidavit &c. Q. 48 Vic. No. 8, s. 79.

83. On the hearing of a petition before the Court the person whose sanity is in question shall if he can be produced in Court be so produced and be examined in open Court or in private as is deemed expedient.

Examination of the alleged insane person. Q. *Ib.* s. 83.

84. Where in any Ordinance Rule of Court or instrument reference is made to a Commission of Insanity 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 proceedings hereby respectively substituted for them shall respectively be taken to be intended by and comprehended in such reference.

The word commission shall apply to petition and declaration. Q. *Ib.* s. 84.

85. When the Court is satisfied upon the report of the Curator or otherwise that any person has been found of unsound mind and incapable of managing himself and his affairs by any competent Court in the United Kingdom or in any British colony or foreign state the Court may 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 the committee of a person declared insane under this Ordinance.

Persons found insane in places beyond the Territory. Q. *Ib.* s. 85.

86. The Court may make such order as to the costs charges and expenses of and incidental to any proceeding authorized by this Ordinance as the Court thinks proper and every such order shall have the same effect as orders for the payment of money made by the Court.

Court may order costs. Q. *Ib.* s. 86.

PART VII.—MANAGEMENT OF THE ESTATES OF INSANE PERSONS.

General Powers and Duties of Curator in Insanity.

87. The Lieutenant-Governor⁽³⁾ may appoint some fit and proper person to be Curator in Insanity who shall have and execute all the powers and duties hereby or under the authority hereof vested in and imposed upon him.

Curator in Insanity. Q. *Ib.* s. 88.

(3) See Section 17A(3) and (4) of the *Laws Repeal and Adopting Ordinance* 1921-1939.

INSANITY—

Subject to the Regulations and Rules of Court the Curator shall undertake the general care protection and management or supervision of the management of the estate of all insane persons and patients in the Territory.

He shall also supervise and enforce the performance of the obligations and duties of all committees of insane persons and receivers of their estates heretofore or hereafter to be appointed and shall take care of collect and administer under the provisions of this Ordinance the property and estates of patients.

Power to sell
land or other
property of
insane.

Q. 48 Vic.
No. 8, s. 89.

88. For the purpose of giving effect to any order made under this Ordinance: the Court may order any real or personal property of the insane person mentioned in such order to 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 and 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 his family or 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 Curator and with or without such security for such application as the Court directs.

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

Q. *Ib.* s. 90.

89. Where on the trial of an information or indictment any person has been acquitted on the ground of insanity or upon arraignment upon a criminal charge has been found to be insane the Registrar of the Court shall report the fact to the Curator who shall thereupon make inquiry respecting the property of such person and the Court may on being satisfied by the report of the Curator or by affidavit or otherwise of the continued insanity of such person and of his being still in confinement make any such order 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.

Expenses
incurred to be
paid out of
estate.

Q. *Ib.* s. 91.

90. All expenses incurred by or on behalf of the Curator in the care protection and management or in the supervision of the management under this Ordinance of the estate of any insane person or patient shall be charged against and paid out of such estate and shall be recoverable therefrom by the Curator.

Insanity Ordinance, 1912 (Papua, adopted).

91. The Curator may for the purposes of this Ordinance obtain from the Court writs of subpœna requiring the attendance of any person before him and may administer oaths and take evidence either *viva voce* or 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 subpœna and give evidence before the Curator in the same manner as persons summoned before the Court are bound to attend and to give evidence and any person disobeying any such summons shall be guilty of a contempt of Court and be dealt with accordingly.

Curator to have all necessary powers of inquiry.
Q. 48 Vic. No. 8, s. 92.

92. The Court may by order (either general or special) refer to the Curator any inquiries under the provisions of this Ordinance relating to the person and estate of any insane person or patient.

Court may refer matters to Curator.
Q. *Ib.* s. 93.

93.—(1.) Every person giving evidence by affidavit shall be liable to oral cross-examination by or before the Curator upon his affidavit and after cross-examination may be re-examined orally by or on behalf of the person filing the affidavit.

Witnesses may be cross-examined orally.

(2.) Every person giving evidence by affidavit shall be bound to attend before the Curator to be cross-examined and re-examined upon receiving due and proper notice and payment or tender of his reasonable expenses in the same manner as if he has been duly served with a writ of subpœna.

How expenses to be paid.
Q. *Ib.* s. 94.

(3.) The expenses attending such cross-examination and re-examination shall be paid in such manner and by such person as the Curator directs.

94. The Curator may cause to be published such advertisements as to him seem expedient with respect to the subject-matter of a reference or inquiry or with a view to the efficient discharge of his duties as Curator under this Ordinance.

Curator may issue advertisements.
Q. *Ib.* s. 95.

95. The Curator shall be the person to approve on behalf of His Majesty of the security to be given by the committee of the estate of any insane person under order of the Court.

Curator to approve of and to enforce security to be given by committee.
Q. *Ib.* s. 96.

It shall be the duty of the Curator to report to the Court any breach or non-performance of the conditions of any bonds and recognizances heretofore or hereafter given or entered into by the committee of any such estate or other persons in the matter of the estate. And thereupon the Court 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 the law for the time being in force relating to the estreat of recognizance entered into to His Majesty.

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

Q. 48 Vic.
No. 8, s. 97.

96. Where the Curator reports that more persons than one 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 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 extends 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.

Q. *Ib.* s. 98.

97. The Curator'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 is specially required with a view to payment of money into Court or for some other purpose.

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

Q. *Ib.* s. 99.

98. Where the Curator is of opinion that any small expenses included in the committee'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 is 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 Curator shall be submitted by him to the Court without petition for its allowance or disallowance in respect of the items so distinguished by him.

Curator to receive proposals in certain cases.

Q. *Ib.* s. 100.

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

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

Q. *Ib.* s. 101.

100. Where the Curator without an order of reference receives and proceeds on a proposal or conducts an inquiry but arrives 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 certifies 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 certifies in the negative

the Court shall direct by whom and in what manner the costs shall be paid and borne.

101. Where any person requires the Curator to report on a proposal which he has received and proceeded on without an order of reference notwithstanding his opinion that it should not be adopted the Curator 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 thinks fit.

Persons insisting on report liable to costs.
Q. 48 Vic. No. 8, s. 102.

102. Where an application is made by petition to the Court either concerning a matter which might have been brought before the Curator in the first instance or in consequence of the Curator 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 thinks fit.

On application not being made to Curator the costs may be ordered to be paid.
Q. Ib. s. 103.

103. Subject to the provisions hereinafter contained the Curator shall as soon as possible inquire and certify who are the next of kin of every insane person and patient 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.

Curator to inquire as to next of kin who are to have notice of proceedings.
Q. Ib. s. 104.

104. 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 thinks expedient; and may order that persons alleging themselves to be next of kin to⁽¹¹⁾ 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.
Q. Ib. s. 105.

105. Where the Curator is 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 carried on to a limited extent only he shall report accordingly.

Curator to report where inquiry as to next of kin inexpedient.
Q. Ib. s. 106.

106. The Curator 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 appears to him sufficient and satisfactory respecting the family and the next of kin and shall certify the mode in which he has conducted the inquiry.

Curator may dispense with strict proof of pedigree in certain cases.
Q. Ib. s. 107.

(11) The word "to" appeared in the original Ordinance. It has now been omitted by the First Schedule of the *Ordinances Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

Court may dispense with attendance of next of kin.
Q. 48 Vic.
No. 8, s. 108.

107. The Court may by order dispense with or disallow the attendance on any proceedings 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 is conformable with the order of the Court.

Curator to determine which of next of kin to attend before him.
Q. *Ib.* s. 109.

108. Subject to the provisions hereinbefore contained the Curator shall once in the matter of each insane person and may from time to time 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 unless otherwise ordered by the Court 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 Curator or the Court 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 and for that purpose the Curator shall from time to time certify who are the persons so allowed to attend on the proceedings before him in the matter.

Curator may appoint guardian for infant for the purposes of insanity.
Q. *Ib.* s. 110.

109. Where an infant being one of the next of kin and being so allowed to attend on the proceedings has no guardian the Curator may appoint a fit person to be his guardian for 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.
Q. *Ib.* s. 111.

110. The Curator 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 is applicable.

Curator may open and deliver out will.
Q. *Ib.* s. 112.

111. The Curator 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.

Insanity Ordinance, 1912 (Papua, adopted).

112. The Curator may without order of reference inquire and report whether or not any person residing out of the Territory has been declared 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 is residing. Curator may inquire as to insane persons residing out of jurisdiction. Q. 48 Vic. No. 8, s. 113.
113. Subject to the provisions of this Ordinance and to the General Rules of Court for the time being in force and to any order of the Court the Curator may dispense with any notice in the course of the proceedings before him or may require any party attending before him to give notice to any other person for a particular purpose or within a particular time and fix the time for which any notice shall be given or at or within which any proceeding necessary or proper to be taken before him shall be taken and may proceed from day to day or adjourn the proceedings before him. Curator may direct times &c. of proceeding before him. Q. 7b. s. 114.
114. The Curator 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. Curator to inquire into delays. Q. 7b. s. 115.
115. The Curator may disallow wholly or in part the costs of any proceeding before him and also of any affidavits petitions or other documents used for the purposes of this Ordinance which contains unnecessary recitals of statement of proceedings or any documents previously taken or used in the same matter or are improper in whole or in part or of unnecessary length. Curator may disallow costs. Q. 7b. s. 116.
116. The Curator may report specially to the Court any decision at which he arrives 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 the Court for his guidance in the further prosecution of the inquiry or consideration of the proposal. Curator may report decision pending inquiry. Q. 7b. s. 117.
117. The Curator'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 appropriate headings prefixed to the paragraphs. Form of report. Q. 7b. s. 118.
118. Any person objecting to a draft report of the Curator and desiring to prosecute the objection shall bring in before the Curator a statement of objections in writing and thereupon the Curator may review the draft objected to and after review or the refusal of the Curator to review the person objecting may bring in before the Curator 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. Objection to draft report may be brought in. Q. 7b. s. 119.

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Cases in which reports shall not be confirmed without petition.

Q. 48 Vic. No. 8, s. 120.

119. The reports of the Curator 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:—

- (1) Where the Court on referring the matter to the Curator to inquire and report so directs;
- (2) Where a statement of objections is brought in and all the objections are not abandoned;
- (3) Where the Curator having regard to the special nature or circumstances of the case as hereinbefore provided so directs;
- (4) Where no order is made on the report being submitted for confirmation without petition;

and in such other cases as are herein mentioned and as the Court from time to time by general order directs.

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

Q. *Ib.* s. 121.

120. 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 petition.

Reports not objected to may be confirmed without petition.

Q. *Ib.* s. 122.

121. Where no statement of objections is brought in or all the objections contained in a statement brought in are 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 Curator is of opinion that the report ought to be brought before the Court by petition and by indorsement on the report under his hand shall so direct.

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

Q. *Ib.* s. 123.

122. 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.

Expenses and accounts of Curator.

Q. *Ib.* s. 124.

123. The Curator shall give such security for the due performance of his duties as the Lieutenant-Governor in Council⁽³⁾ requires. All expenses incurred with the authority of the Court or of the Government Secretary by the Curator in carrying this Ordinance into execution and not chargeable to the estate of any insane person or patient shall be paid out of moneys appropriated by the Legislative Council for that purpose. The general accounts

(3) See Section 17A(3) and (4) of the *Laws Repeal and Adopting Ordinance* 1921-1939.

of the Curator 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.

Powers and Duties of Curator in Respect to Estates of Patients.

124. The Curator shall have in respect of the property and estate of any insane patient in addition to the general powers conferred upon him by this Part of this Ordinance all the like powers and authorities and subject to the like limitations as are hereinafter by the provisions of this Part of this Ordinance given to the committee of the estate of an insane person.

Power of Curator in respect of estates of insane patients.
Q. 48 Vic. No. 8, s. 153.

125. If any real or personal property of an insane patient is wrongfully held detained converted or injured or if any sum of money is due and owing to such patient by any person the Curator may 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 Court who is hereby authorized and required on proof to his satisfaction of the cause of complaint to make an order requiring the person complained against to give up possession of such property or to pay reasonable damages to be fixed by the order for the conversion or injury thereof or to pay the sum due and in default of compliance by such person to order that he be committed to prison for any period not exceeding six months; or the Judge may direct an action to be brought in respect of the matter of the complaint.

Summary proceedings for protection of property of insane patients.
Q. 1b. s. 154.

The Judge may on any complaint under this section make such order as to costs as he thinks fit and every order under this section shall have the same effect and may be enforced in the same manner as any judgment of the Court.

126.—(1.) The Curator shall collect and pay into the Public Revenue Account for the use and benefit thereof all moneys of the estate of any patient that are payable to him under any order of the Court by way of commission or that are payable to the Treasury on account of the maintenance of the patient or on account of expenses incurred or otherwise under this Ordinance or under any order of the Court or the Regulations herein mentioned.

Payments to Public Revenue and Trust Fund.
Q. 1b. s. 155.

(2.) The Curator 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 as aforesaid; and may withdraw the same or any part thereof and apply it for the purposes in the next section mentioned or pay it to the Public Revenue Account for the purposes of maintenance clothing medicine and care of the insane person; and all or any

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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 Court to the patient or to any person authorized by such order to receive the same and so much of the said moneys as are not 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 Public Revenue Account; but no time during which the person applying for such order of the Court has been an infant or *femme covert* or of unsound mind or beyond the seas shall be taken into account in estimating the said period of six years.

Curator may pay maintenance. Q. 48 Vic. No. 8, s. 156.

And manage property of patients.

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

Relatives &c. may agree for maintenance of insane patient. Q. 1b. s. 157.

The Court may direct the Curator 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. Q. 1b. s. 158.

127.—(1.) The Curator may out of moneys coming into his hands in respect of the estate of an insane person and standing to the credit of the Trust Fund pay such sum or sums for the maintenance of such patient and his wife or other near relative and for the maintenance and education of his children as the Curator thinks expedient and reasonable and the Government Secretary approves. The Curator may also take such steps for the management and care of the property or business of the patient and for the sale letting and disposal thereof and for the application thereof or any part thereof to the payment of the debts of the patient as to the Curator seems expedient.

(2.) The Curator 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 in the premises as may be thought proper.

128. The Curator may agree with any relative guardian or friend of a patient for his maintenance while detained in an asylum and such relative guardian or friend shall be entitled to be reimbursed all necessary sums expended in such maintenance and interest thereon out of any real or personal property of the patient.

129. The Court may direct the Curator to personally examine a patient and take evidence and call for information as to his insanity or otherwise and report thereon to the Court; and the 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 both of a patient who is by any such report as last aforesaid 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 Ordinance.

Insanity Ordinance, 1912 (Papua, adopted).

The Court may also make orders for the appointment of a receiver for the protection care and management of the estate of a patient; and such receiver shall have the same powers and authorities and shall be subject to the same control and liabilities as a committee of the-estate of an insane person appointed under this Ordinance.

The Court may further make orders for the application of the income of a 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 his person and estate and of or in connexion with any examination by the Curator or the obtaining of any order of the 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 the Court seems fit.

130.—(1.) If it appears to the Curator that any patient has not an estate or any sufficient estate applicable to his maintenance he may make an application in writing—

- (a) To the father of the patient; or
- (b) If the father is dead to his mother; or
- (c) If the patient is a married woman to her husband; or
- (d) To one or more of his or her children being of the age of twenty-one years or upwards,

Justices may make an order upon relations of patient for his support.
Q. 48 Vic.
No. 8, s. 159.

for the payment to the Curator of a reasonable sum weekly or monthly or otherwise for or towards the maintenance clothing medicine and care of such patient.

(2.) If such sum is not paid pursuant to such application the 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 the Curator before any two justices a deserted wife or child within the meaning of the law for the time being in force relating to the maintenance of destitute or deserted wives and children.

(3.) If the patient is a father or mother with one or more than one child of age and ability to maintain or contribute towards the maintenance of the patient the Curator shall on such complaint as aforesaid be entitled to such order for maintenance and the enforcement thereof as against such child or children as the case may be as by law a deserted child is entitled to as against its father. Provided that if the father of the patient is dead and his mother living the mother shall be deemed for the purposes of this enactment to be liable in the same manner as the father of a deserted child is made liable.

Every such sum so applied for or ordered to be paid shall be paid to the Curator whose receipt shall be sufficient discharge for such payments.

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Management of the Estates of Insane Persons.

Power to raise money for certain purposes.
N.S.W. 45 of 1898, s. 149.
Q. 48 Vic.
No. 8, s. 128.

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

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

Modes in which future maintenance may be charged.
N.S.W. *Ib.*
s. 149 (2).
Q. *Ib.* s. 130.

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

Powers exercisable by committee under order of Court.
N.S.W. *Ib.*
s. 150.
Q. *Ib.* ss. 139, 140.
Q. *Ib.* s. 139,
N.S.W. *Ib.*
s. 150.

132. The Court may by order authorize and direct the committee of the estate of any insane person to do all or any of the following things:—

- (a) Sell any property belonging to the insane person;
- (b) Make exchange or partition of any property belonging to the insane person or in which he is interested and give or receive any money for equality of exchange or partition;
- (c) Carry on any trade or business of the insane person;
- (d) Grant leases of any property of the insane person for building agricultural or other purposes;
- (e) Surrender any lease and accept a new lease;
- (f) Accept a surrender of any lease and grant a new lease;
- (g) Execute any power of leasing vested in an insane person having a limited estate only in the property over which the power extends;
- (h) Perform any contract relating to the property of the insane person entered into by the insane person before he became an insane person;

Q. *Ib.* s. 143.

N.S.W. *Ib.*
s. 150.
N.S.W. *Ib.*
s. 150.
Q. *Ib.* s. 144.

Q. *Ib.* s. 135.

Insanity Ordinance, 1912 (Papua, adopted).

- (i) Surrender assign or otherwise dispose of with or without consideration any onerous property belonging to the insane person; Q. 48 Vic. No. 8, s. 142.
- (j) Exercise any power or give any consent required for the exercise of any power where the power is vested in the insane person for his own benefit or the power of consent is in the nature of a beneficial interest in the insane person; Q. *Ib.* s. 145.
- (k) Sequestrate the estate of the insane person under the provisions of the insolvency laws; N.S.W. 45 of 1898, s. 150.
- (l) Bring and defend actions suits and other proceedings on behalf of the insane person.

133. Any property taken in exchange and any renewed lease accepted on behalf of an insane person under the powers of this Ordinance shall be to the same uses and be subject to the same trusts charges incumbrances dispositions devises and conditions as the property given in exchange or the surrendered lease was or would but for the exchange or surrender have been subject to. Property exchanged and renewed lease to be to same uses as before. N.S.W. *Ib.* s. 151. Q. *Ib.* s. 127.

134.—(1.) The power to authorize leases of an insane person's property under this Ordinance shall extend to property of which the insane person is tenant in tail and every lease granted pursuant to any order under this Ordinance shall bind the issue of the insane person and all persons entitled in remainder and reversion expectant upon the estate tail of the insane person including the Crown and every person to whom from time to time the reversion expectant upon the lease belongs upon the death of the insane person shall have the same rights and remedies against the lessee his executors administrators and assigns as the insane person or his committee would have had. Extent of leasing power. N.S.W. *Ib.* s. 152. Q. *Ib.* s. 164.

(2.) Leases authorized to be granted and accepted by or on behalf of an insane person under this Ordinance may be for such number of lives or such term of years at such rent and subject to such reservations covenants and conditions as the Court may order. Q. *Ib.* s. 164.

(3.) Fines or other payments on the renewal of leases may be paid out of the estate of the insane person or charged with interest on the leasehold property as the Court may order. N.S.W. *Ib.* s. 152 (3). Q. *Ib.* s. 126.

135.—(1.) The insane person his heirs next of kin devisees legatees executors administrators and assigns shall have the same interest in any moneys arising from any sale mortgage charge or other disposition of land under the powers of this Ordinance which may not have been applied under such powers as he or they would have had in the property the subject of the sale mortgage charge or disposition if no sale mortgage charge or disposition had been made and the surplus moneys shall be of the same nature as the property sold mortgaged charged or disposed of. Insane person's interest in property not to be altered. N.S.W. *Ib.* s. 153 (1). Q. *Ib.* s. 132.

N.S.W. 45 of
1898, s. 153 (2).
Q. 48 Vic.
No. 8, s. 138.

(2.) Moneys received for equality of partition and exchange and all fines premiums and sums of money received upon the grant or renewal of a lease where the property the subject of the partition exchange or lease was real estate of the insane or capable⁽¹²⁾ person shall subject to the application thereof for any purposes authorized by this Ordinance be considered as real estate except in the case of fines premiums and sums of money received upon the grant or renewal of leases of which the insane person was tenant for life in which case the fines premiums and sums of money shall be personal estate of the insane person.

N.S.W. *Ib.*
s. 153 (3).
Q. *Ib.* s. 132.

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

Expenses of
improvements
may be
charged on
estate.

N.S.W. *Ib.*
s. 154.
Q. *Ib.* s. 131.

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

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

Where
property very
small the
Court may
apply same
directly for
insane person's
maintenance.

N.S.W. *Ib.*
s. 155.
Q. *Ib.* s. 133.

137. Where the net amount or net estimated value of the property of any insane person does not exceed the sum of Five hundred pounds the Court may order the amount of the property or the produce thereof when realized to be paid or transferred to some fit person to be applied in or towards the maintenance of the insane person 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 to be sold and a valid conveyance or transfer thereof to be executed or made by such person as it shall direct.

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

N.S.W. *Ib.*
s. 156.
Q. *Ib.* s. 134.

138.—(1.) Where it appears to the Court that there is reason to believe that the unsoundness of mind of any insane person is in its nature temporary and will probably be soon removed and that it is expedient that temporary provision should be made for the maintenance of such insane person and the members of his immediate family who are dependent upon him for maintenance and that any sum of money arising from or being in the nature of income or of ready money belonging to the insane person and standing to

(12) The words "or capable" appeared in the original Ordinance. These words have now been omitted by the First Schedule of the *Ordinances Reprint and Revision Ordinance* 1947 of the Territory of Papua-New Guinea.

his account with a banker or agent or being in the hands of any person for his use is readily available and may be safely and properly applied in that behalf the Court may allow thereout such amount as it may think proper for the temporary maintenance of the insane person and the members of his immediate family who are dependent upon him for maintenance and may order the payment of any such sum of money as aforesaid or any part thereof to some fit person and may direct the same to be paid to such person accordingly and when received to be applied and the same shall accordingly be applied in or towards such temporary maintenance as aforesaid.

(2.) The receipt in writing of the person named in the order to whom payment is to be made for any moneys payable to him by virtue thereof shall effectually discharge the banker agent or other person paying the same from the moneys therein respectively expressed to be received.

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

139. Where a person being a member of a co-partnership firm becomes insane the Court may by order dissolve the partnership.

The Court may dissolve partnership.
Q. 48 Vic. No. 8, s. 136.

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

Power to carry orders into effect.
N.S.W. 45 of 1898, s. 158.
Q. *Ib.* s. 129.

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

Conveyance of interest of married woman.
N.S.W. *Ib.* s. 158 (2).

141. Where a power is vested in an insane person in the character of a trustee or guardian or the consent of an insane person to the exercise of a power is necessary in the like character or as a check upon the undue exercise of the power and it appears to the Court to be expedient that the power should be exercised or the consent given (as the case may be) the committee of the estate in the name and on behalf of the insane person under an order of the Court made upon the application of any person interested in the exercise of the power may exercise the power or give the consent (as the case may be) in such manner as the order may direct.

Committee may exercise power vested in insane person in character of guardian &c.
N.S.W. *Ib.* s. 159.
Q. *Ib.* s. 145.

INSANITY—

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

N.S.W. 45 of 1898, s. 160.
Q. 48 Vic.
No. 8, s. 146.

142. Where under this Ordinance the committee of the estate under order of the Court exercises in the name and on behalf of the insane person a power of appointing new trustees vested in him the persons who shall after and in consequence of the exercise of the power be the trustees shall have all the same rights and powers as they would have had if the order had also been made by the Central Court⁽⁴⁾ under any law for the time being in force relating to trusts; and the Court may in such case where it seems to be expedient make any such order respecting the property subject to the trust as might have been made in the same case under the provisions of any such law as aforesaid on the appointment thereunder of new trustees.

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

N.S.W. *Ib.* s. 162.
Q. *Ib.* s. 147.

143. Where any stock is standing in the name of or is vested in an insane person beneficially entitled thereto or is standing in the name of or vested in a committee of the estate of an insane person in trust for the insane person or as part of his property and the committee dies intestate or himself becomes insane or is out of the jurisdiction or it is uncertain whether the committee is living or dead or he neglects or refuses to transfer the stock and to receive and pay over the dividends thereof to a new committee or as he directs for the space of fourteen days after a request in writing for that purpose made by a new committee then the Court may order some fit person to transfer the stock to or into the name of a new committee or otherwise and also to receive and pay over the dividends thereof or such sums of money and in such manner as the Court directs.

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

N.S.W. *Ib.* s. 163.
Q. *Ib.* s. 148.

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

Who shall be appointed to make transfer.

N.S.W. *Ib.* s. 164.
Q. *Ib.* s. 149.

145. Where an order is made under this Ordinance 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.

Costs and remuneration may be paid out of estate.

N.S.W. *Ib.* s. 165.
Q. *Ib.* s. 150.

146. 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 Ordinance to be paid and raised out of or from the property or

(4) See footnote (4) printed on p. 2517.

Insanity Ordinance, 1912 (Papua, adopted).

the rents income or profits in respect of which the same respectively shall be presented or made in such manner as it may think proper; and the Court may order such sum by way of remuneration to be paid out of the estate to the committee of any insane person as the Court may think fit.

147. Every conveyance lease surrender transfer charge or other disposition made or accepted or executed and every payment made under this Ordinance shall be valid to all intents and binding upon all persons whomsoever; and this Ordinance 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 Ordinance.

All deeds transfers payments &c. made in pursuance of this Ordinance to be valid and binding.
N.S.W. 45 of 1898 s. 166.
Q. 48 Vic. No. 8, s. 151.

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

Ordinance not to subject insane person's property to debts.
N.S.W. *Ib.* s. 167.
Q. *Ib.* s. 152.

PART VIII.—MISCELLANEOUS PROVISIONS.

149. The Chief Judicial Officer may make general rules⁽¹³⁾ for regulating the form and mode of proceedings before the Court and before and by the Curator for carrying into effect the several objects of Parts VI. and VII. of this Ordinance so far as the same relate to the powers or duties of the Court or of the Curator and for regulating the practice and forms in all matters in insanity.

Power to Chief Judicial Officer to make general orders.
Q. *Ib.* s. 160.

150. The Lieutenant-Governor in Council⁽³⁾ may make regulations⁽¹⁴⁾ for carrying into effect the purposes of this Ordinance in all respects other than as hereinbefore provided for.

Lieutenant-Governor in Council may make regulations.
Q. *Ib.* s. 161.

151. Any superintendent officer servant or other person employed in an asylum reception-house public hospital gaol or penal establishment who strikes wounds ill-treats or wilfully neglects 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 section contained shall prejudice or affect the civil or criminal responsibility (if any) of the offender at common law or under any statute.

Penalties on officers or servants ill-treating the insane.
Q. *Ib.* s. 162.

(3) See Section 17A(3) and (4) of the *Laws Repeal and Adopting Ordinance 1921-1939*.

(13) No rules made pursuant to Section 149 were in force in Papua at the date of the adoption of the *Insanity Ordinance 1912* by the Territory of New Guinea, and no rules pursuant to this section have been published in *N.G. Gaz.* since such date. For rules of court regulating the practice of proceedings relating to persons of unsound mind, and proceedings to which such persons are parties, see *The Rules of the Supreme Court* (Queensland, adopted), printed on p. 617.

(14) No regulations made pursuant to Section 150 were in force in Papua at the date of the adoption of the *Insanity Ordinance 1912* by the Territory of New Guinea, and no regulations pursuant to this section have been published in *N.G. Gaz.* since such date.

INSANITY—

Penalty on officers &c. allowing patients to escape or be at large without permission.
Q. 48 Vic. No. 8, s. 164.

152. Any superintendent or other person employed in an asylum reception-house gaol or penal establishment who carelessly permits any insane patient to escape or to be at large without such order as in this Ordinance mentioned (save in the case of temporary absence hereinbefore authorized) or secretes or abets or connives at the escape of any such patient shall for every such offence be liable to a penalty not exceeding Twenty pounds.

Penalty for not keeping books &c.
Q. Ib. s. 165.

153. Any superintendent who fails to keep any of the books or make any of the entries by this Ordinance required to be kept or made or to furnish any of the returns lists extracts or other documents by this Ordinance required to be furnished shall for every such offence be liable to a penalty not exceeding One hundred pounds.

Reports to be made to the Curator and in certain cases to the Government Secretary as to property of insane patients.
Q. Ib. s. 166.

154. Within fourteen days from the reception of a patient into any asylum the superintendent thereof shall forward to the said Curator—

- (1) The name of such patient and his age;
- (2) A true and particular account so far as is known or can be ascertained of his property; and
- (3) The names and residences of his relatives so far as is known.

Every superintendent Inspector and official visitor shall communicate to the Curator all particulars that may come to his knowledge respecting the property of any patient and if any such superintendent Inspector or official visitor has reason to believe that the property of any patient is not duly protected or that the income thereof is not duly applied for his maintenance such superintendent Inspector or official visitor shall report thereon to the Government Secretary as well as to the Curator.

Curator to furnish superintendent with statements of payments for maintenance of patients.
Q. Ib. s. 167.

155. The Curator shall from time to time furnish to the superintendent a statement of the sums paid by him out of the estate of any patient towards his maintenance while an inmate of the asylum and shall from time to time inform such superintendent of any change in the amount of such payments or of their discontinuance and the reasons therefor.

Superintendents &c. to show to Inspector and official visitors the whole of the house and answer questions.
Q. Ib. s. 168.

156. The superintendent or other officer in charge of any asylum reception-house or other place officially visited under this Ordinance shall—

- (1) Show to the Inspector or official visitor every part thereof and every person detained therein;
- (2) Give full and true answers to the best of his knowledge to all questions which the Inspector or official visitor asks in reference to the said asylum reception-house or other place and to the patients confined therein;

Insanity Ordinance, 1912 (Papua, adopted).

- (3) Produce to the Inspector and official visitors respectively the several books by this Ordinance required to be kept; and
- (4) Produce all such returns as are required by the inspector or an official visitor.

157. Every letter written by a patient in any asylum or other place officially visited under this Ordinance and addressed to the Inspector or an official visitor shall be forthwith forwarded unopened.

Letters of patients to be forwarded or if not to be laid before Inspector &c. Q. 48 Vic. No. 8, s. 169.

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 or in the case of a single patient the person having charge of him upon reading the same prohibits the forwarding of such letter by indorsement to that effect under his hand on the letter; and in such case he shall lay the letter so indorsed before the Inspector or official visitor or visitors on his or their next visit.

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

Penalty.

158. The Inspector or official visitors visiting any asylum reception-house or other place officially visited under this Ordinance may require by summons according to the form in the Seventeenth Schedule to this Ordinance any person to appear before him or them to testify on oath the truth touching any of the matters respecting which such Inspector or official visitors is or are by this Ordinance authorized to inquire.

Power to Inspector and official visitors to summon witnesses. Seventeenth Schedule. Q. 17. s. 171.

And every person who having had his reasonable expenses paid or tendered to him at the time of service of such summons does not appear pursuant to such summons or does not assign some reasonable excuse for not so appearing or who appears and after tender of such reasonable expenses refuses to be sworn or examined shall for every such neglect or refusal be liable to a penalty not exceeding Ten pounds.

Penalty.

And such Inspector 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 has been served upon him.

Also to examine persons not summoned.

159. Every person who receives a person into an asylum or reception-house without the production to him of the documents hereby prescribed shall be guilty of a misdemeanour and may be imprisoned for any term not exceeding two years with or without hard labour.

Penalty for receiving without requisite documents. Q. 17. s. 41.

Insanity Ordinance, 1912 (Papua, adopted).

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 without sufficient means of support (or and was wandering at large) (or and was discovered under circumstances indicating a purpose of committing some offence against the law) (or and is not under proper care and control) (or and is cruelly treated or neglected by a relative or a person having the care or charge of him) and that he is a proper person to be taken charge of and detained under care and treatment and do hereby direct you the superintendent of the asylum (or reception-house as the case may be) at to receive into the said asylum (or reception-house as the case may be) the said.

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

(Signed)

J.P.
J.P.

To superintendent of the asylum (or reception-house
as the case may be) at
Attached is a statement respecting the said

SCHEDULE 5.

Sections 24, 27.

STATEMENT TO ACCOMPANY INSANE PERSON.

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

Name in full:
Age:
Personal description:
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) of first attack:
Has any insane relatives?
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:

(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 connexion with the patient:

INSANITY—

Section 27.

SCHEDULE 6.

I the undersigned hereby request you to receive an insane person into the asylum 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 connexion of the person signing the request with the patient:

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

(Signed)

Witness—

J.P. or Minister of Religion.

To Superintendent of the Asylum at _____

Section 28.

SCHEDULE 7.

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 order his reception into a reception-house gaol or hospital for immediate treatment pending his removal to an asylum.

Dated this _____ day of _____ One thousand nine hundred _____

J.P.

Section 47.

SCHEDULE 8.

REGISTER OF PATIENTS AND ADMISSION-BOOK.

Date of last previous Admission (if any).	
Number on Register.	
Number for the Year.	
Date of Admission.	
Name at length.	
Sex.	
Male.	
Female.	
Age.	
Married.	
Single.	
Widowed.	
Number of Children.	
Occupation.	
Nativity.	
Residence.	
Profession or Religion.	
How Sent.	
Date of Medical Certificates and by whom signed.	
Form of Mental Disorder.	
Supposed Cause of Insanity.	
Insane Relations.	
Number of previous attacks.	
Years.	
Months.	
Weeks.	
Duration of Existing Attack.	
Age at First Attack.	
Date of Discharge.	
Recovered.	
Relieved.	
Not Improved.	
Died.	
Time in Asylum.	
Observations.	

Insanity Ordinance, 1912 (Papua, adopted).

SCHEDULE 9.

Section 47.

NOTICE OF ADMISSION.

I hereby give you notice that A.B. was admitted into this asylum on the day of _____, 19____, and I hereby transmit a copy of the order and statement and medical certificates on which he was received. Below is a statement with respect to the mental and bodily condition of the above-named patient.

Dated the _____ day of _____ One thousand nine hundred and _____ Superintendent of the Asylum.

STATEMENT.

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

Dated the _____ day of _____ One thousand nine hundred and _____ (Signed) Superintendent of Asylum.

SCHEDULE 10.

Section 48.

FORM OF MEDICAL JOURNAL.

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

SCHEDULE 11.

Section 49.

FORM OF NOTICE OF DISCHARGE OR REMOVAL OR ESCAPE OR RECAPTURE.

I hereby give you notice that _____ a patient admitted into this asylum (or reception-house) on the _____ day of _____, 19____, 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 _____, 19____.

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

Superintendent of the Asylum (or Reception-house).

INSANITY—

Section 49.

SCHEDULE 12.

REGISTER OF DISCHARGES REMOVALS AND DEATHS.

Date of Discharge Removal or Death.	Date of last Admission.	Number in Register of Patients.	Christian and Surname at length.	Discharged.						Removed to some other Asylum.				Died.		Assigned Cause of Death.		Age at Death.	Observations.
				Re-covered.		Re-lieved.		Not im-proved.		Re-lieved.		Not im-proved.		M.	F.	M.	F.		
				M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.		

Section 50.

SCHEDULE 13.

FORM OF NOTICE OF DEATH.

I the undersigned hereby give you notice that a patient admitted into this asylum (or reception-house) on the day of _____, 19____, died therein on the day of _____, 19____, and I the undersigned hereby certify that the apparent cause of such death (as ascertained by *post-mortem* examination (if so)) was

Dated the _____ day of _____ One thousand nine hundred and _____

(Signed)

Medical Superintendent of the Asylum (or of Reception-house).

Sections 52, 56, 57.

SCHEDULE 14.

Whereas it hath been duly certified under section _____ of the *Insanity Ordinance*, 1912, that A.B. a prisoner in _____ Gaol is insane I hereby order the said A.B. to be removed to the asylum at there to remain until he has become of sound mind or until he is otherwise discharged by due course of law.

Government Secretary.

Dated this _____

Insanity Ordinance, 1912 (Papua, adopted).

SCHEDULE 15.

Sections 56, 57.

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 of first attack:
Has any insane relatives?
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 16.

Section 75.

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 nine hundred and

SCHEDULE 17.

Section 158.

I (A.B.) the inspector (or we official visitors of the asylum situate at) appointed under and by virtue of the *Insanity Ordinance, 1912*, hereby summon and require you personally to appear before me (or us) at on next the day of , 19 , 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 nine hundred and

(Signature)

INSANITY—

Section 42.

SCHEDULE 18.

To

Whereas _____ of _____ is the person referred to in the Order of Justices hereto annexed whereto the said _____ is directed to be received into the asylum (or reception-house *as the case may be*) at _____ in the Territory of Papua. Now I _____ the Government Secretary of the said Territory being satisfied that it is for the benefit of the said _____ that he should be sent for care treatment and maintenance to the State of _____ do hereby direct you [*name*] to convey him to [*place agreed upon in a State*] and there to set him at large and thereupon to identify him to [*name of police officer*] so that the said [*police officer*] may apprehend him in due course pursuant to the lunacy statutes of the said State to be dealt with thereunder.

Given under my hand this _____ day of _____ One thousand nine hundred and _____

(Signed)

Government Secretary.