

# A BILL

## To regulate Private Lunatic Asylums.

[DR. MACFARLANE ;—28 August, 1862.]

**W**HEREAS it is expedient to permit the establishment of Private Preamble.

Asylums and Licensed Houses for the reception care and treatment of Lunatics and persons of unsound mind under proper supervision and inspection by Commissioners expressly appointed for that purpose Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

1. The following terms in inverted commas shall for the pur- Interpretation.  
poses of this Act unless the context otherwise indicate bear the meanings set against them respectively :—

“Lunatic”—Any person lawfully declared to be insane or a lunatic or of unsound mind or an idiot.

15 “Patient”—Any person received into or kept as a lunatic in any house licensed under this Act.

“Licensed house”—Any building with its land and appurtenances licensed for the reception of lunatics under this Act whether called a Private Lunatic Asylum or by any other name.

20 “Proprietor”—Any person holding a license under this Act or having any interest in such license or any other head Superintendent or Manager of a licensed house.

25 “Medical Attendant”—Any duly qualified medical practitioner being the proprietor or the appointed medical visitor of any such licensed house.

2. As soon as conveniently may be and not later than one Appointment of  
month after the passing of this Act the Governor with the advice of Commissioners.  
the Executive Council may appoint to be “Lunacy Commissioners”  
for the purposes of this Act hereinafter styled the Commissioners three



persons one of whom shall be a Barrister of not less than five years standing at the Bar of the Colony and one of them a duly qualified Medical practitioner having practised in the Colony for not less than the next preceding five years and some other fit person having resided in the Colony for not less than the next preceding five years—all three such persons being at the date of their appointment and so long as they hold the office resident in Sydney or within miles thereof And the Governor may with the like advice appoint one of such Commissioners to be Chairman.

Commissioner's oath.

3. Every Commissioner before acting as such shall make and subscribe the following declaration before a Judge of the Supreme Court—

Oath.

I A. B. do declare that I will discreetly impartially and faithfully execute all the trusts and powers committed to me by virtue of the "Private Lunatic Asylums Act of 1862" and that I will keep secret all matters coming to my knowledge in the execution of my office except when compelled by law to divulge the same or so far as I shall consider myself bound to do so for the better execution of my duty under the said Act.

20

(Signed)

and thereupon the appointment of such Commissioners and of their Chairman and of their having respectively made and subscribed the said declaration shall be published in the *Gazette*.

Commissioners to appoint days for licenses.

4. The Commissioners shall by announcement in the *Gazette* appoint a place in Sydney for receiving applications for licenses but shall not be required to consider any such application until the applicant has deposited with them the sum of *five* pounds which shall be returned to him if the license be refused after deducting therefrom the sum of *two* pounds to be accounted for by the Commissioners as hereinafter mentioned.

What license may be granted.

5. The Commissioners may subject to the following provisions grant a license in the form of the Schedule hereto marked A to the owner in fee or the leaseholder for any term not less than five years of any house as an asylum or licensed house for the reception care and treatment of lunatics of either sex and any class or age.

Plans and particulars to accompany application for license.

6. Every person applying for a license as aforesaid shall together with his application supply to the Commissioners a plan and description of the proposed house and premises a full description of the situation thereof and a statement of the quantity of land appurtenant thereto and stating the distance at which the house stands from other houses or buildings.

7.



7. Every person applying for a license must also state the number of patients proposed to be received and whether males or females or both and if both then how many of each sex and the means by which the sexes may be kept apart and also the name and age of the superintendent or manager. Provided that the proprietor may change such superintendent or manager giving the Commissioners notice in writing thereof and of the name of the new superintendent or manager.

Further particulars with application.

8. No license shall include or extend to more than one house and the buildings and land appurtenant thereto all which shall be specified in the license and be deemed part of such house.

License to apply to one house only.

9. Every license under this Act shall be signed by two at least of the Commissioners and shall be granted for a period not exceeding thirteen months but may be renewed on application made one month at least before its termination accompanied by like particulars as aforesaid so far as any alteration may have occurred since the original granting or the next previous renewal of such license. And the applicant for any such renewal shall also furnish the Commissioners with a full and particular statement of the number sex and class of patients then in his house and shall answer truly all other questions put to him by the Commissioners.

Duration and renewal of license.

10. Every person who shall on applying for a license or a renewal thereof wilfully make any false statement or description of anything required by this Act or by any regulation made hereunder to be communicated to the Commissioners shall be deemed guilty of a misdemeanor.

False statement a misdemeanor.

11. For every original license and every renewal thereof the fee of five pounds yearly shall be paid to the Commissioners and accounted for by them as hereinafter mentioned.

Fee for license.

12. If any proprietor shall die or become otherwise incapacitated to hold his license the Commissioners may transfer the same to any other person whom they may after full inquiry deem best entitled thereto having due regard to the proper management of the house and the well being of the patients therein.

Transfer of license on death or incapacity.

13. In case of any licensed house being rendered by any means unfit for the purpose or if the proprietor shall apply to the Commissioners for permission to transfer his patients and the benefit of his license to any other house the Commissioners may grant a new license accordingly upon surrender to them of the existing license and upon the applicant complying with all preliminaries required.

Provision for house becoming unfit.



## Revocation of license.

14. The Commissioners may upon a unanimous decision at a meeting held not less than twenty-one clear days after notice in writing served personally on the proprietor revoke any license granted by them. Provided that at any time during such twenty-one days the proprietor may apply by petition to the Governor who may with the advice of the Executive Council if deemed fit direct some other mode of inquiry. Provided also that no such revocation shall take effect until published in the *Gazette*. 5

## Licenses to be registered.

15. Every license granted by the Commissioners shall be registered in a book kept by them for that purpose on payment of a fee of five shillings to the Secretary within twenty-four hours of the same being granted for neglect of which the proprietor shall be liable to a penalty not exceeding *ten* pounds and a further penalty not exceeding *forty* shillings for every day during which such neglect shall continue. 15

## No lunatic to be in unlicensed house save relatives on notice to Commissioners.

16. It shall not be lawful for any person to keep or receive any lunatic except in a house licensed and registered under this Act except that any person may so keep or receive and keep any lunatic being a relative of his own upon notice in writing of his so doing being lodged with the Commissioners. And every such person neglecting to give such notice within *twenty-one* days after the passing of this Act if then keeping or within like time after receiving any such lunatic shall be liable to a penalty not exceeding *ten* pounds and a further penalty not exceeding *forty* shillings for every day of the continuance of such neglect. 25

## Certificates of lunacy to ground admission as patient.

17. No person shall be received as a lunatic into any licensed house without an order under the hand of some person according to the form of Schedule B hereto including the statement of particulars thereto annexed nor without certificates from two duly qualified medical practitioners in the form of Schedule C hereto. And neither such medical practitioner shall be in partnership with or assistant to the other and each of them shall separately from the other have personally examined the patient not more than seven clear days previously to his reception in such house. Provided that in any case of urgent necessity explained upon the certificate any such supposed lunatic may be so received on one such certificate only. Provided also that a second such certificate be procured and lodged with the proprietor within three days after such reception. Provided further that no medical practitioner who is in any way interested in the said house or license or a Commissioner under this Act shall give any such certificate. And 35 40

any



any person who shall act or neglect to act contrary to any provision of this section shall be deemed guilty of a misdemeanor.

18. Every person receiving a lunatic into any licensed house shall within two days make an entry thereof in a book kept for the purpose and called the "Patients' Admission Book" which book shall be at all times open for the inspection of the Commissioners on demand. And every such entry shall state the substance of every medical certificate on which each lunatic is received and for any offence against this section the proprietor shall be liable to a penalty not exceeding *five* pounds.

19. In case any patient shall escape from a licensed house a written notice thereof shall be immediately transmitted to the Commissioners by the proprietor who may lawfully cause the patient to be recaptured and brought back without any new certificate. Provided such recapture be made within ten days after such escape.

20. In case of the discharge or removal of any patient from a licensed house the proprietor shall forthwith make an entry thereof in a book to be kept for that purpose and called the "Patients' Removal Book" and shall also transmit a written notice thereof to the Commissioners. And the proprietor of any such licensed house who shall neglect to make such entry or transmit such notice shall be liable to a penalty not exceeding *five* pounds.

21. In case of the death of any patient in any licensed house a written notice thereof shall be transmitted to the Commissioners and also to the Coroner of the District within six hours thereafter with the name of every person present at such death which notice shall be signed by the proprietor or by the medical attendant. And for every neglect or omission to comply with this enactment such proprietor or medical attendant or both shall be liable to a penalty not exceeding *fifty* pounds.

22. Any proprietor superintendent officer nurse attendant servant or other person employed in or connected with any licensed house who shall in any way abuse or ill-treat any patient confined therein or shall wilfully neglect any such patient shall be guilty of a misdemeanor.

23. Every patient in every licensed house shall be visited three times at the least in every week by a medical attendant and in every such house there shall be kept a book called "The Medical Visitation Book" which shall be duly filled up every week and signed by such medical attendant who shall for every offence against this enactment be liable to a penalty not exceeding *five* pounds and the making of any false statement in any such entry shall be deemed a misdemeanor.



## Case Book.

24. There shall be kept in every licensed house a book to be called the "Case Book" in which the medical attendant shall from time to time make entries of the mental state and bodily condition of each patient together with a description of the medicines exhibited to him and the general treatment observed and for every neglect of this 5 enactment such medical attendant shall be liable to a penalty not exceeding *five* pounds.

## Visits of Commissioners.

25. Every licensed house shall without any previous notice be visited by two at least of the Commissioners together four times at least in the year and as much oftener as they deem fit and on such 10 days being not more than three months apart and at such hours and for such length of time as they shall think fit and they shall have power to visit every building and part of every building mentioned in the license and they shall see and inquire into every particular respecting every patient confined therein And in every such house 15 there shall be a book called the "Commissioner's Visiting Book" into which they shall at every visit enter full observations and shall sign their names thereto and state the date of their visit and every proprietor who shall conceal from or refuse to show to any of the Commissioners every part of such house and building so mentioned 20 in the license or shall conceal any patient confined therein from any such Commissioner shall be guilty of a misdemeanor.

## Proprietor to show Commissioners list of patients &amp;c.

26. The proprietor of every licensed house shall show to the Commissioners whenever they visit such house a list of the patients then therein and there shall be in every such house a bound copy 25 of this Act which shall be produced to the Commissioners on demand and there shall also be hung up in some conspicuous place a copy of the plan supplied to the Commissioners as aforesaid and any proprietor wilfully neglecting or omitting to comply with this enactment shall be liable to a penalty not exceeding *two* pounds. 30

## Special nightly visits.

27. The Commissioners may visit and inspect any licensed house at such hour of any night as they shall think fit Provided that they shall forthwith report to the Colonial Secretary the reasons for such visit and the result thereof Provided also that such reasons shall be of a cogent nature and such as fully to justify so unusual an 35 act And if the Colonial Secretary be satisfied after diligent inquiry that any such nightly visit was made improperly or upon frivolous grounds the Governor may with the advice aforesaid remove from office any Commissioner making the same.



28. Whenever the relative trustee guardian or committee at Discharge or removal of patients. whose instance any patient was received into any licensed house shall by writing under his hand require the discharge or removal of such patient and shall give ten days notice thereof to the proprietor  
5 such patient shall forthwith be discharged or removed upon the fees and other moneys due to the proprietor for such patient being paid  
Provided that in the case of any such relative or guardian or trustee being absent from the Colony or dead or himself a lunatic or otherwise incapacitated the next nearest relative to the patient  
10 after giving like notice may require the discharge or removal upon like payment of all moneys due and thereupon such patient shall be forthwith discharged or removed  
Provided also that if the medical attendant give notice in writing to the Commissioners that such patient is in his opinion dangerous and unfit to be at  
15 large together with the grounds on which such opinion is founded the patient shall not be discharged or removed without the written order of the Commissioners.

29. If after two distinct and separate visits made by the Discharge of patient on report of Commissioners. Commissioners to any patient detained in any licensed house seven  
20 days at least intervening between such visits it shall appear to such Commissioners that such patient is detained without sufficient cause they may order his discharge and if their order be not complied with forthwith they shall report their opinion to the Colonial Secretary and if he shall think fit he may make an order for the discharge of such  
25 patient who shall be forthwith discharged accordingly.

30. None of the powers of discharge or removal hereinbefore Excepted cases. contained shall apply to any person found lunatic by inquisition or under any inquiry directed by the Supreme Court nor to any lunatic lawfully confined by any order of the Colonial Secretary.

30 31. Upon every application to the Commissioners for informa- Commissioners to give information to inquirers. tion whether any particular person is confined in any licensed house the Commissioners shall unless any sufficient reason exist to the contrary give in writing the information required upon payment of a fee of *five* shillings.

35 32. Any person having any relative or friend confined in any Relatives may visit. licensed house may visit him from time to time with the sanction of the proprietor And in case of being refused admission the reason thereof shall be stated to him by the proprietor whereupon he may apply to the Commissioners who shall determine whether or not he is  
40 to be admitted.



Inquiry as to property of patient.

33. If the Commissioners or the proprietor shall know or suspect that the property of any person detained as a patient is not duly protected or is misappropriated or that the income thereof is not duly applied for his maintenance the Commissioners shall after making full inquiries relative thereto and if necessary by examining witnesses 5 whom they may summon for that purpose report thereon to the Colonial Secretary who may order such proceedings to be taken in the matter as he may see fit including proceedings before the Supreme Court for the appointment of a guardian for the protection and care of the property of such patient And any proprietor who shall 10 fail to communicate such his knowledge or suspicion to the Commissioners forthwith shall be deemed guilty of a misdemeanor.

Regulations.

34. The Commissioners may make regulations as to the forms of licenses and of the books and notices referred to in this Act the times of meeting of the Commissioners the duties of their officers and 15 the modes of transacting their business and respecting such other matters under this Act as are not herein expressly enacted And such regulations when approved by the Governor with the advice aforesaid and published in the *Gazette* shall have the force of law And copies thereof shall be laid before both Houses of Parliament 20 forthwith if sitting and if not then within fourteen days after the opening of the next Session.

Recovery of penalties.

35. All penalties under this Act may be recovered before any two Justices of the Peace.

Application of penalties and fees.

36. All penalties recovered under this Act and all fees paid to 25 the Commissioners or their Secretary for duties performed hereunder shall be paid over to the Colonial Treasurer and by him carried to the Consolidated Revenue Fund.

Commissioners to report to Governor half-yearly.

37. The Commissioners shall during the respective months of January and July in every year make and transmit to the Governor 30 a full report of their proceedings during the next preceding half-year wherein they shall state the number of licenses granted—the several particulars contained in and accompanying the applications for such licenses—the number sex and ages of the patients in the several licensed houses received during and remaining at the end of such half- 35 year—and such other particulars as they shall deem material And such reports omitting only the names of the patients shall be laid before both Houses of Parliament forthwith if sitting and if not then within fourteen days after the opening of the next Session.

Short title.

38. This Act shall be styled and may be cited as the "Private 40 Lunatic Asylums Act of 1862."



## SCHEDULE A.

*Form of License.*

Know all men that we the Lunacy Commissioners do hereby certify that A. B. of  
 in the Colony of New South Wales hath delivered to us a plan and  
 5 description of a house and premises proposed to be licensed for the reception of lunatics (*or*  
*in the case of a renewed license*—a list of the number of patients now detained in a house  
 and premises licensed on the                      day of                      18 ) situate at  
 in the said Colony And that we having considered and approved the same do hereby  
 authorize and empower the said A. B. (he intending [*or not intending*] to reside therein) to  
 10 use and employ the said house and premises of                      male (*or*                      female *or*  
 male and                      female) lunatics for the space of                      calendar months from  
 this date.

Given under our hands this

day of

18

(*Signatures*)

15

Witness—

Y. Z. Secretary (*or* Chief Clerk)

to the Lunacy Commissioners.

## SCHEDULE B.

20

*Order for the reception of a Private Lunatic.*

I the undersigned hereby request you to receive A. B. a lunatic as a patient into your  
 licensed house.—Subjoined is a statement respecting the said A. B.

(Signed)

Name.

Occupation (if any).

25 Dated this

18

day of }

Residence.

Degree of relationship (if any) or other  
 connection with patient.

To C. D. Proprietor of

(*describe house by situation and name if any*)

30

## STATEMENT.

Christian and surname of patient at length.

Sex and age.

Married single or widowed.

Condition of life and previous occupation if any.

35

Previous place of abode.

Whether first attack or date of previous attack and where under treatment.

Duration of present attack.

Supposed cause.

Whether subject to epilepsy.

40

Whether suicidal.

Whether dangerous to others.

Whether found lunatic by inquisition.

Special circumstances (if any) preventing examination by more than one medical  
 practitioner.

45

(Signed)

Where person signing the statement not the person signing the order following particulars of  
 the former to be added—

Occupation (if any).

Place of abode.

50

Degree of relationship or connection with patient.



## SCHEDULE C.

*Form of Medical Certificate.*

I the undersigned being a duly qualified medical practitioner of New South Wales hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_ at (*here insert exact description of the locality*) did separately from any other medical practitioner 5 personally examine \_\_\_\_\_ of \_\_\_\_\_ (*describe so as clearly to identify*) and that the said is a lunatic within the meaning of the "Private Lunatic Asylums Act of 1862" and a proper person to be taken charge of and detained under care and treatment And that I have formed this opinion upon the following grounds namely— 10

First—Facts indicating insanity observed by myself (*here state the facts*).

Secondly—Other facts (*if any*) indicating insanity communicated to me by others (*here state the information and from whom*).

(Signed)

(Residence). 15

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

Witness—

[*Price, 3d.*]



26<sup>o</sup> VICTORIÆ, 1862.

# A BILL

(As amended in Committee of the Whole.)

## To regulate Private Lunatic Asylums.

**W**HEREAS it is expedient to permit the establishment of Private Preamble.  
Asylums and Licensed Houses for the reception care and treat-  
ment of Lunatics and persons of unsound mind under proper super-  
vision and inspection by Commissioners expressly appointed for that  
5 purpose Be it therefore enacted by the Queen's Most Excellent  
Majesty by and with the advice and consent of the Legislative  
Council and Legislative Assembly of New South Wales in Parliament  
assembled and by the authority of the same as follows:—

1. The following terms in inverted commas shall for the pur- Interpretation.  
10 poses of this Act unless the context otherwise indicate bear the  
meanings set against them respectively:—

“Lunatic”—Any person lawfully declared to be insane or a  
lunatic or of unsound mind or an idiot.

15 “Patient”—Any person received into or kept as a lunatic  
in any house licensed under this Act.

“Licensed house”—Any building with its land and appur-  
tenances licensed for the reception of lunatics under this  
Act whether called a Private Lunatic Asylum or by any  
other name.

20 “Proprietor”—Any person holding a license under this Act or  
having any interest in such license or any other head  
Superintendent or Manager of a licensed house.

25 “Medical Attendant”—Any duly qualified medical practi-  
tioner being the proprietor or the appointed medical visitor  
of any such licensed house.

2. As soon as conveniently may be and not later than one Appointment of  
month after the passing of this Act the Governor with the advice of Commissioners.  
the Executive Council may appoint to be “Lunacy Commissioners”  
for the purposes of this Act hereinafter styled the Commissioners three



persons one of whom shall be a Barrister of not less than five years standing at the Bar of the Colony or a Solicitor of the Supreme Court of not less than seven years standing and one of them a duly qualified medical practitioner having practised in the Colony for not less than the next preceding five years and some other fit person having resided 5 in the Colony for not less than the next preceding five years And the Governor may with the like advice appoint one of such Commissioners to be Chairman.

Commissioner's  
declaration.

3. Every Commissioner before acting as such shall make and subscribe the following declaration before a Judge of the Supreme 10 Court—

Declaration.

I A. B. do declare that I will discreetly impartially and faithfully execute all the trusts and powers committed to me by virtue of the "Private Lunatic Asylums Act of 1862" and that I will keep secret all matters coming to my 15 knowledge in the execution of my office except when compelled by law to divulge the same or so far as I shall consider myself bound to do so for the better execution of my duty under the said Act.

(Signed)

20

and thereupon the appointment of such Commissioners and of their Chairman and of their having respectively made and subscribed the said declaration shall be published in the *Gazette*.

Commissioners to  
appoint days for  
licenses.

4. The Commissioners shall by announcement in the *Gazette* appoint a place in Sydney for receiving applications for licenses but 25 shall not be required to consider any such application until the applicant has deposited with them the sum of *five* pounds which shall be returned to him if the license be refused after deducting therefrom the sum of *two* pounds to be accounted for by the Commissioners as hereinafter mentioned. 30

What license may be  
granted.

5. The Commissioners may subject to the following provisions grant a license for twelve calendar months in the form of the Schedule hereto marked A to the owner in fee or the leaseholder for any term not less than five years of any house as an asylum or licensed house for the reception care and treatment of lunatics of either sex and any 35 class or age.

Plans and particulars  
to accompany appli-  
cation for license.

6. Every person applying for a license as aforesaid shall together with his application supply to the Commissioners a plan and description of the proposed house and premises a full description of the situation thereof and a statement of the quantity of land appurtenant 40 thereto and stating the distance at which the house stands from other houses or buildings. 7.



7. Every person applying for a license must also state the number of patients proposed to be received and whether males or females or both and if both then how many of each sex and the means by which the sexes may be kept apart and also the name and age of the superintendent or manager. Provided that the proprietor may change such superintendent or manager giving the Commissioners notice in writing thereof and of the name of the new superintendent or manager.

Further particulars with application.

8. No license shall include or extend to more than one house and the buildings and land appurtenant thereto all which shall be specified in the license and be deemed part of such house.

License to apply to one house only.

9. Every license under this Act shall be signed by two at least of the Commissioners and shall be granted only to licensees who shall always reside on the premises licensed and for a period not exceeding thirteen months and such license shall contain a delineation of the plan required by section six of this Act and may be renewed on application made one month at least before its termination accompanied by like particulars as aforesaid so far as any alteration may have occurred since the original granting or the next previous renewal of such license. And the applicant for any such renewal shall also furnish the Commissioners with a full and particular statement of the number sex and class of patients then in his house and shall answer truly all other questions put to him by the Commissioners.

Duration and renewal of license.

10. Every person who shall on applying for a license or renewal thereof wilfully make any false statement or description of anything required by this Act or by any regulation made hereunder to be communicated to the Commissioners shall be deemed guilty of a misdemeanor.

False statement a misdemeanor.

11. For every original license and every renewal thereof the fee of five pounds yearly shall be paid to the Commissioners and accounted for by them as hereinafter mentioned.

Fee for license.

12. If any proprietor shall die or become otherwise incapacitated to hold his license the Commissioners may transfer the same to any other person whom they may after full inquiry deem best entitled thereto having due regard to the proper management of the house and the well being of the patients therein.

Transfer of license on death or incapacity.

13. In case of any licensed house being rendered by any means unfit for the purpose or if the proprietor shall apply to the Commissioners for permission to transfer his patients and the benefit of his license

Provision for house becoming unfit.



license to any other house the Commissioners may grant a new license accordingly upon surrender to them of the existing license and upon the applicant complying with all preliminaries required under this Act.

Revocation of license.

14. The Commissioners may upon a unanimous decision at a meeting held not less than twenty-one clear days after notice in writing served personally on the proprietor revoke any license granted by them. Provided that at any time during such twenty-one days the proprietor may apply by petition to the Governor who may with the advice of the Executive Council if deemed fit direct some other mode of inquiry. Provided also that no such revocation shall take effect until published in the *Gazette*.

Licenses to be registered.

15. Every license granted by the Commissioners shall be registered in a book kept by them for that purpose on payment of a fee of five shillings to the Secretary within twenty-four hours of the same being granted for neglect of which the proprietor shall be liable to a penalty not exceeding *ten* pounds and a further penalty not exceeding *forty* shillings for every day during which such neglect shall continue.

One lunatic may be kept in unlicensed house on notice to Commissioners.

16. It shall not be lawful for any person to keep or receive any lunatic except in a house licensed and registered under this Act except that any person may so keep or receive and keep any one lunatic upon notice in writing of his so doing being lodged with the Commissioners. And every such person neglecting to give such notice within *twenty-one* days after the passing of this Act if then keeping or within like time after receiving any such lunatic shall be liable to a penalty not exceeding *ten* pounds and a further penalty not exceeding *forty* shillings for every day of the continuance of such neglect.

Certificates of lunacy to ground admission as patient.

17. No person shall be received as a lunatic into any licensed house without an order under the hand of some person according to the form of Schedule B hereto including the statement of particulars thereto annexed nor without certificates from two duly qualified medical practitioners in the form of Schedule C hereto. And neither such medical practitioner shall be in partnership with or assistant to the other and each of them shall separately from the other have personally examined the patient not more than seven clear days previously to his reception in such house. Provided that in any case of urgent necessity explained upon the certificate any such supposed lunatic may be so received



received on one such certificate only Provided also that a second such certificate be procured and lodged with the proprietor within three days after such reception Provided further that no medical practitioner who is in any way interested in the said house or license 5 or a Commissioner under this Act shall give any such certificate And any person who shall act or neglect to act contrary to any provision of this section shall be deemed guilty of a misdemeanor.

18. Every person receiving a lunatic into any licensed house <sup>Patients' Admission Book.</sup> shall within two days make an entry thereof in a book kept for the 10 purpose and called the "Patients' Admission Book" which book shall be at all times open for the inspection of the Commissioners on demand And every such entry shall state the substance of every medical certificate on which each lunatic is received and for any offence against this section the proprietor shall be liable to a penalty 15 not exceeding *five* pounds.

19. In case any patient shall escape from a licensed house <sup>Escape of patient.</sup> a written notice thereof shall be immediately transmitted to the Commissioners by the proprietor who may lawfully cause the patient to be recaptured and brought back without any new certificate Provided 20 such recapture be made within ten days after such escape.

20. In case of the discharge or removal of any patient from a <sup>Removal Book.</sup> licensed house the proprietor shall forthwith make an entry thereof in a book to be kept for that purpose and called the "Patients' Removal Book" and shall also transmit a written notice thereof to the 25 Commissioners And the proprietor of any such licensed house who shall neglect to make such entry or transmit such notice shall be liable to a penalty not exceeding *five* pounds.

21. In case of the death of any patient in any licensed house <sup>Death of patient.</sup> a written notice thereof shall be transmitted to the Commissioners 30 and also to the Coroner or the nearest Magistrate of the District within six hours thereafter with the name of every person present at such death which notice shall be signed by the proprietor or by the medical attendant And for every neglect or omission to comply with this enactment such proprietor or medical attendant or both 35 shall be liable to a penalty not exceeding *fifty* pounds.

22. Any proprietor superintendent officer nurse attendant <sup>Ill-treatment or neglect of patient.</sup> servant or other person employed in or connected with any licensed house who shall in any way abuse or ill-treat any patient confined therein or shall wilfully neglect any such patient shall be guilty of a 40 misdemeanor.



Visits of medical  
attendants.

23. Every patient in every licensed house shall be visited three times at the least in every week by a medical attendant and in every such house there shall be kept a book called "The Medical Visitation Book" which shall be duly filled up every week and signed by such medical attendant who shall for every offence against this enactment 5 be liable to a penalty not exceeding *five* pounds and the making of any false statement in any such entry shall be deemed a misdemeanor.

Case Book.

24. There shall be kept in every licensed house a book to be called the "Case Book" in which the medical attendant shall from time to time make entries of the mental state and bodily condition of 10 each patient together with a description of the medicines exhibited to him and the general treatment observed and for every neglect of this enactment such medical attendant shall be liable to a penalty not exceeding *five* pounds.

Visits of Commis-  
sioners.

25. Every licensed house shall without any previous notice be 15 visited by two at least of the Commissioners together four times at least in the year and as much oftener as they deem fit and on such days being not more than three months apart and at such hours and for such length of time as they shall think fit and they shall have power to visit every building and part of every building mentioned in 20 the license and they shall see and inquire into every particular respecting every patient confined therein And in every such house there shall be a book called the "Commissioner's Visiting Book" into which they shall at every visit enter full observations and shall sign their names thereto and state the date of their visit and every 25 proprietor who shall conceal from or refuse to show to any of the Commissioners every part of such house and building so mentioned in the license or shall conceal any patient confined therein from any such Commissioner shall be guilty of a misdemeanor.

Proprietor to show  
Commissioners list  
of patients &c.

26. The proprietor of every licensed house shall show to the 30 Commissioners whenever they visit such house a list of the patients then therein and there shall be in every such house a bound copy of this Act which shall be produced to the Commissioners on demand and there shall also be hung up in some conspicuous place a copy of the plan supplied to the Commissioners as aforesaid and any 35 proprietor wilfully neglecting or omitting to comply with this enactment shall be liable to a penalty not exceeding *two* pounds.

Special nightly  
visits.

27. The Commissioners may visit and inspect any licensed house at such hour of any night as they shall think fit Provided that they shall forthwith report to the Colonial Secretary the reasons for 40 such



such visit and the result thereof Provided also that such reasons shall be of a cogent nature and such as fully to justify so unusual an act And if the Colonial Secretary be satisfied after diligent inquiry that any such nightly visit was made improperly or upon frivolous  
5 grounds the Governor may with the advice aforesaid remove from office any Commissioner making the same.

28. Whenever the relative trustee guardian or committee at  
whose instance any patient was received into any licensed house shall  
by writing under his hand require the discharge or removal of such  
10 patient and shall give ten days notice thereof to the proprietor  
such patient shall forthwith be discharged or removed upon the fees  
and other moneys due to the proprietor for such patient being paid  
Provided that in the case of any such relative or guardian or  
trustee being absent from the Colony or dead or himself a lunatic  
15 or otherwise incapacitated the next nearest relative to the patient  
after giving like notice may require the discharge or removal  
upon like payment of all moneys due and thereupon such patient  
shall be forthwith discharged or removed Provided also that if  
the medical attendant give notice in writing to the Commissioners  
20 that such patient is in his opinion dangerous and unfit to be at  
large together with the grounds on which such opinion is founded  
the patient shall not be discharged or removed without the written  
order of the Commissioners.

29. If after two distinct and separate visits made by the  
25 Commissioners to any patient detained in any licensed house seven  
days at least intervening between such visits it shall appear to such  
Commissioners that such patient is detained without sufficient cause  
they may order his discharge and if their order be not complied with  
forthwith they shall report their opinion to the Colonial Secretary and  
30 if he shall think fit he may make an order for the discharge of such  
patient who shall be forthwith discharged accordingly.

30. None of the powers of discharge or removal hereinbefore  
contained shall apply to any person found lunatic by inquisition  
or under any inquiry directed by the Supreme Court nor to any  
35 lunatic lawfully confined by any order of the Colonial Secretary.

31. Upon every application to the Commissioners for informa-  
tion whether any particular person is confined in any licensed house  
the Commissioners shall unless any sufficient reason exist to the  
contrary give in writing the information required upon payment of a  
40 fee of *five* shillings.



Relatives may visit.

32. Any person having any relative or friend confined in any licensed house may visit him from time to time with the sanction of the proprietor And in case of being refused admission the reason thereof shall be stated to him by the proprietor whereupon he may apply to the Commissioners who shall determine whether or not he is to be admitted. 5

Inquiry as to property of patient.

33. If the Commissioners or the proprietor shall know or suspect that the property of any person detained as a patient is not duly protected or is misappropriated or that the income thereof is not duly applied for his maintenance the Commissioners shall after making full inquiries relative thereto and if necessary by examining witnesses whom they may summon for that purpose report thereon to the Colonial Secretary who may order such proceedings to be taken in the matter as he may think fit including proceedings before the Supreme Court for the appointment of a guardian for the protection and care of the property of such patient And any proprietor who shall fail to communicate such his knowledge or suspicion to the Commissioners forthwith shall be deemed guilty of a misdemeanor. 15

Regulations.

34. The Commissioners may make regulations as to the forms of licenses and of the books and notices referred to in this Act the times of meeting of the Commissioners the duties of their officers and the modes of transacting their business and respecting such other matters under this Act as are not herein expressly enacted And such regulations when approved by the Governor with the advice aforesaid and published in the *Gazette* shall have the force of law And copies thereof shall be laid before both Houses of Parliament forthwith if sitting and if not then within fourteen days after the opening of the next Session. 20

Recovery of penalties.

35. All penalties under this Act may be recovered before any two Justices of the Peace. 30

Application of penalties and fees.

36. All penalties recovered under this Act and all fees paid to the Commissioners or their Secretary for duties performed hereunder shall be paid over to the Colonial Treasurer and by him carried to the Consolidated Revenue Fund.

Commissioners to report to Governor half-yearly.

37. The Commissioners shall during the respective months of January and July in every year make and transmit to the Governor a full report of their proceedings during the next preceding half-year wherein they shall state the number of licenses granted—the several particulars contained in and accompanying the applications for such licenses—the number sex and ages of the patients in the several 40

licensed



licensed houses received during and remaining at the end of such half-year—and such other particulars as they shall deem material And such reports omitting only the names of the patients shall be laid before both Houses of Parliament forthwith if sitting and if not then within 5 fourteen days after the opening of the next Session.

38. Every medical practitioner signing any certificate under or for the purposes of this Act shall specify therein the facts upon which he has formed his opinion that the person to whom such certificate relates is a lunatic an idiot or a person of unsound mind and 10 distinguish in such certificate facts observed by himself from facts communicated to him by others and no person shall be received into any licensed house or as a single patient under any certificate which purports to be founded only upon facts communicated by others.

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

39. It shall be lawful for the Commissioners whenever they 15 shall see fit under special circumstances fully made out to their satisfaction to grant a license without fee to the owner or occupier of any house or cottage to admit into the same either with or without his or her wife or husband or any child as a permanent or temporary inmate on the application of some person according to the form of Schedule B 20 any person certified by two medical practitioners qualified as aforesaid to be a lunatic but believed to be in no way dangerous upon such terms and subject to such conditions as shall be approved by the Commissioners and this notwithstanding anything in or any regulation under this Act to the contrary Provided that such arrangement and the terms and con- 25 ditions aforesaid shall be reduced into writing and signed by such owner or occupier and be binding upon him and capable of being enforced against him in any Court of Law Provided also that such patient and such owner or occupier shall be under the constant supervision of the said Commissioners and that the said patient may at any 30 time without notice be removed by them.

Special arrangements for separate custody of harmless lunatics.

40. Any person who rescues or aids in rescuing any lunatic during his conveyance to any licensed house or any officer servant or other person in any such house or elsewhere who through wilful neglect or connivance permits any patient therein to escape therefrom 35 or conceals or abets or connives at any such escape shall be deemed guilty of a misdemeanor and be liable on conviction to imprisonment with or without hard labor for any term not exceeding six months nor less than three months.

Aiding escape to be a misdemeanor.

41. This Act shall be styled and may be cited as the "Private Short title.  
40 Lunatic Asylums Act of 1862."



SCHEDULE A.

Form of License.

Know all men that we the Lunacy Commissioners do hereby certify that A. B. of  
in the Colony of New South Wales hath delivered to us a plan and  
description of a house and premises proposed to be licensed for the reception of lunatics (or 5  
in the case of a renewed license—a list of the number of patients now detained in a house  
and premises licensed on the day of 18 ) situate at  
in the said Colony And that we having considered and approved the same do hereby  
authorize and empower the said A. B. (he intending [or not intending] to reside therein) to  
use and employ the said house and premises of male (or female or 10  
male and female) lunatics for the space of calendar months from  
this date.

Given under our hands this

day of 18

(Signatures)

15

Witness—

Y. Z. Secretary (or Chief Clerk)  
to the Lunacy Commissioners.

SCHEDULE B.

Order for the reception of a Private Lunatic.

20

I the undersigned hereby request you to receive A. B. a lunatic as a patient into your  
licensed house.—Subjoined is a statement respecting the said A. B.

(Signed)

Name.

Occupation (if any).

Dated this

18

day of }

Residence.

25

Degree of relationship (if any) or other  
connection with patient.

To C. D. Proprietor of

(describe house by situation and name if any)

STATEMENT.

30

Christian and surname of patient at length.

Sex and age.

Married single or widowed.

Condition of life and previous occupation if any.

Previous place of abode.

35

Whether first attack or date of previous attack and where under treatment.

Duration of present attack.

Supposed cause.

Whether subject to epilepsy.

Whether suicidal.

40

Whether dangerous to others.

Whether found lunatic by inquisition.

Special circumstances (if any) preventing examination by more than one medical  
practitioner.

(Signed)

45

Where person signing the statement not the person signing the order following particulars of  
the former to be added—

Occupation (if any).

Place of abode.

Degree of relationship or connection with patient.

50

SCHEDULE C.



SCHEDULE C.

*Form of Medical Certificate.*

I the undersigned being a duly qualified medical practitioner of New South Wales hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_ at (here  
 5 *insert exact description of the locality*) did separately from any other medical practitioner personally examine \_\_\_\_\_ of \_\_\_\_\_  
 (*describe so as clearly to identify*) and that the said \_\_\_\_\_  
 is a lunatic within the meaning of the "Private Lunatic Asylums Act of 1862" and a proper person to be taken charge of and detained under care and treatment And that I  
 10 have formed this opinion upon the following grounds namely—

First—Facts indicating insanity observed by myself (here state the facts).

Secondly—Other facts (if any) indicating insanity communicated to me by others (here state the information and from whom).

(Signed)

15

Dated this \_\_\_\_\_  
 18\_\_\_\_ .

day of \_\_\_\_\_

(Residence).

Witness—







26<sup>th</sup> VICTORIÆ, 1862.

# A BILL

(As Amended [on Re-committal] in Committee of the Whole.)

## To regulate Private Lunatic Asylums.

**W**HEREAS it is expedient to permit the establishment of Private Asylums and Licensed Houses for the reception care and treatment of Lunatics and persons of unsound mind under proper supervision and inspection by Commissioners expressly appointed for that purpose Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. The following terms in inverted commas shall for the purposes of this Act unless the context otherwise indicate bear the meanings set against them respectively:—

“Lunatic”—Any person lawfully declared to be insane or a lunatic or of unsound mind or an idiot.

“Patient”—Any person received into or kept as a lunatic in any house licensed under this Act.

“Licensed house”—Any building with its land and appurtenances licensed for the reception of lunatics under this Act whether called a Private Lunatic Asylum or by any other name.

“Proprietor”—Any person holding a license under this Act or having any interest in such license or any other head Superintendent or Manager of a licensed house.

“Medical Attendant”—Any duly qualified medical practitioner being the proprietor or the appointed medical visitor of any such licensed house.

2. As soon as conveniently may be and not later than one month after the passing of this Act the Governor with the advice of the Executive Council may appoint to be “Lunacy Commissioners” for the purposes of this Act hereinafter styled the Commissioners three

Appointment of Commissioners.



persons one of whom shall be a Barrister of not less than five years standing at the Bar of the Colony or a Solicitor of the Supreme Court of not less than seven years standing and one of them a duly qualified medical practitioner having practised in the Colony for not less than the next preceding five years and some other fit person having resided 5. in the Colony for not less than the next preceding five years And the Governor may with the like advice appoint one of such Commissioners to be Chairman.

Commissioner's  
declaration.

3. Every Commissioner before acting as such shall make and subscribe the following declaration before a Judge of the Supreme 10 Court—

Declaration.

I A. B. do declare that I will discreetly impartially and faithfully execute all the trusts and powers committed to me by virtue of the "Private Lunatic Asylums Act of 1862" and that I will keep secret all matters coming to my 15 knowledge in the execution of my office except when compelled by law to divulge the same or so far as I shall consider myself bound to do so for the better execution of my duty under the said Act.

(Signed)

20

and thereupon the appointment of such Commissioners and of their Chairman and of their having respectively made and subscribed the said declaration shall be published in the *Gazette*.

Commissioners to  
appoint days for  
licenses.

4. The Commissioners shall by announcement in the *Gazette* appoint a place in Sydney for receiving applications for licenses but 25 shall not be required to consider any such application until the applicant has deposited with them the sum of *five* pounds which shall be returned to him if the license be refused after deducting therefrom the sum of *two* pounds to be accounted for by the Commissioners as hereinafter mentioned. 30

What license may be  
granted.

5. The Commissioners may subject to the following provisions grant a license in the form of the Schedule hereto marked A to the owner in fee or the leaseholder for any term not less than five years of any house as an asylum or licensed house for the reception care and treatment of lunatics of either sex and any class or age. 35

Plans and particulars  
to accompany appli-  
cation for license.

6. Every person applying for a license as aforesaid shall together with his application supply to the Commissioners a plan and description of the proposed house and premises a full description of the situation thereof and a statement of the quantity of land appurtenant thereto and stating the distance at which the house stands from other 40 houses or buildings. 7.



7. Every person applying for a license must also state the number of patients proposed to be received and whether males or females or both and if both then how many of each sex and the means by which the sexes may be kept apart and also the name and age of the superintendent or manager. Provided that the proprietor may change such superintendent or manager giving the Commissioners notice in writing thereof and of the name of the new superintendent or manager.

Further particulars with application.

8. No license shall include or extend to more than one house and the buildings and land appurtenant thereto all which shall be specified in the license and be deemed part of such house.

License to apply to one house only.

9. Every license under this Act shall be signed by two at least of the Commissioners and shall be granted for a period not exceeding thirteen months and in case the person to whom the license is desired to be granted does not propose to reside himself in the licensed house the christian and surname and occupation of the superintendent who is to reside therein shall be stated in such license and such license shall contain a delineation of the plan required by section six of this Act and may be renewed on application made one month at least before its termination accompanied by like particulars as aforesaid so far as any alteration may have occurred since the original granting or the next previous renewal of such license. And the applicant for any such renewal shall also furnish the Commissioners with a full and particular statement of the number sex and class of patients then in his house and shall answer truly all other questions put to him by the Commissioners.

Duration and renewal of license.

10. Every person who shall on applying for a license or renewal thereof wilfully make any false statement or description of anything required by this Act or by any regulation made hereunder to be communicated to the Commissioners shall be deemed guilty of a misdemeanor.

a False statement a misdemeanor.

11. For every original license and every renewal thereof the fee of five pounds yearly shall be paid to the Commissioners and accounted for by them as hereinafter mentioned.

Fee for license.

12. If any proprietor shall die or become otherwise incapacitated to hold his license the Commissioners may transfer the same to any other person whom they may after full inquiry deem best entitled thereto having due regard to the proper management of the house and the well being of the patients therein.

Transfer of license on death or incapacity.

13. In case of any licensed house being rendered by any means unfit for the purpose or if the proprietor shall apply to the Commissioners for permission to transfer his patients and the benefit of his license

Provision for house becoming unfit.



license to any other house the Commissioners may grant a new license accordingly upon surrender to them of the existing license and upon the applicant complying with all preliminaries required under this Act.

Revocation of license.

14. The Commissioners may upon a unanimous decision at a meeting held not less than twenty-one clear days after notice in writing served personally on the proprietor revoke any license granted by them. Provided that at any time during such twenty-one days the proprietor may apply by petition to the Governor who may with the advice of the Executive Council if deemed fit direct some other mode of inquiry. Provided also that no such revocation shall take effect until published in the *Gazette*.

Licenses to be registered.

15. Every license granted by the Commissioners shall be registered in a book kept by them for that purpose on payment of a fee of five shillings to the Secretary within twenty-four hours of the same being granted for neglect of which the proprietor shall be liable to a penalty not exceeding *ten* pounds and a further penalty not exceeding *forty* shillings for every day during which such neglect shall continue.

One lunatic may be kept in unlicensed house on notice to Commissioners.

16. It shall not be lawful for any person to keep or receive any lunatic except in a house licensed and registered under this Act except that any person may so keep or receive and keep any one lunatic upon notice in writing of his so doing being lodged with the Commissioners. And every such person neglecting to give such notice within *twenty-one* days after the passing of this Act if then keeping or within like time after receiving any such lunatic shall be liable to a penalty not exceeding *ten* pounds and a further penalty not exceeding *forty* shillings for every day of the continuance of such neglect.

Certificates of lunacy to ground admission as patient.

17. No person shall be received as a lunatic into any licensed house without an order under the hand of some person according to the form of Schedule B hereto including the statement of particulars thereto annexed nor without certificates from two duly qualified medical practitioners in the form of Schedule C hereto which said order and certificate shall be sanctioned in writing by one of the Commissioners to be appointed under this Act. And neither such medical practitioner shall be in partnership with or assistant to the other and each of them shall separately from the other have personally examined the patient not more than seven clear days previously to his reception in such house. Provided that in any case of urgent necessity explained upon the certificate any such supposed lunatic may be so received



received on one such certificate only. Provided also that a second such certificate be procured and lodged with the proprietor within three days after such reception. Provided further that no medical practitioner who is in any way interested in the said house or license 5 or a Commissioner under this Act shall give any such certificate. And any person who shall act or neglect to act contrary to any provision of this section shall be deemed guilty of a misdemeanor.

18. Every person receiving a lunatic into any licensed house Patients' Admission Book. shall within two days make an entry thereof in a book kept for the 10 purpose and called the "Patients' Admission Book" which book shall be at all times open for the inspection of the Commissioners on demand. And every such entry shall state the substance of every medical certificate on which each lunatic is received and for any offence against this section the proprietor shall be liable to a penalty 15 not exceeding *five* pounds.

19. In case any patient shall escape from a licensed house Escape of patient. a written notice thereof shall be immediately transmitted to the Commissioners by the proprietor who may lawfully cause the patient to be recaptured and brought back without any new certificate. Provided 20 such recapture be made within ten days after such escape.

20. In case of the discharge or removal of any patient from a Removal Book. licensed house the proprietor shall forthwith make an entry thereof in a book to be kept for that purpose and called the "Patients' Removal Book" and shall also transmit a written notice thereof to the 25 Commissioners. And the proprietor of any such licensed house who shall neglect to make such entry or transmit such notice shall be liable to a penalty not exceeding *five* pounds.

21. In case of the death of any patient in any licensed house Death of patient. a written notice thereof shall be transmitted to the Commissioners 30 and also to the Coroner or the nearest Magistrate of the District within six hours thereafter with the name of every person present at such death which notice shall be signed by the proprietor or by the medical attendant. And for every neglect or omission to comply with this enactment such proprietor or medical attendant or both 35 shall be liable to a penalty not exceeding *fifty* pounds.

22. Any proprietor superintendent officer nurse attendant Ill-treatment or neglect of patient. servant or other person employed in or connected with any licensed house who shall in any way abuse or ill-treat any patient confined therein or shall wilfully neglect any such patient shall be guilty of a 40 misdemeanor.



Visits of medical attendants.

23. Every patient in every licensed house shall be visited three times at the least in every week by a medical attendant and in every such house there shall be kept a book called "The Medical Visitation Book" which shall be duly filled up every week and signed by such medical attendant who shall for every offence against this enactment 5 be liable to a penalty not exceeding *five* pounds and the making of any false statement in any such entry shall be deemed a misdemeanor.

Case Book.

24. There shall be kept in every licensed house a book to be called the "Case Book" in which the medical attendant shall from time to time make entries of the mental state and bodily condition of 10 each patient together with a description of the medicines exhibited to him and the general treatment observed and for every neglect of this enactment such medical attendant shall be liable to a penalty not exceeding *five* pounds.

Visits of Commissioners.

25. Every licensed house shall without any previous notice be 15 visited by two at least of the Commissioners together four times at least in the year and as much oftener as they deem fit and on such days being not more than three months apart and at such hours and for such length of time as they shall think fit and they shall have power to visit every building and part of every building mentioned in 20 the license and they shall see and inquire into every particular respecting every patient confined therein And in every such house there shall be a book called the "Commissioner's Visiting Book" into which they shall at every visit enter full observations and shall sign their names thereto and state the date of their visit and every 25 proprietor who shall conceal from or refuse to show to any of the Commissioners every part of such house and building so mentioned in the license or shall conceal any patient confined therein from any such Commissioner shall be guilty of a misdemeanor.

Proprietor to show Commissioners list of patients &c.

26. The proprietor of every licensed house shall show to the 30 Commissioners whenever they visit such house a list of the patients then therein and there shall be in every such house a bound copy of this Act which shall be produced to the Commissioners on demand and there shall also be hung up in some conspicuous place a copy of the plan supplied to the Commissioners as aforesaid and any 35 proprietor wilfully neglecting or omitting to comply with this enactment shall be liable to a penalty not exceeding *two* pounds.

Special nightly visits.

27. The Commissioners may visit and inspect any licensed house at such hour of any night as they shall think fit Provided that they shall forthwith report to the Colonial Secretary the reasons for 40 such



such visit and the result thereof Provided also that such reasons shall be of a cogent nature and such as fully to justify so unusual an act And if the Colonial Secretary be satisfied after diligent inquiry that any such nightly visit was made improperly or upon frivolous  
5 grounds the Governor may with the advice aforesaid remove from office any Commissioner making the same.

28. Whenever the relative trustee guardian or committee at  
whose instance any patient was received into any licensed house shall  
by writing under his hand require the discharge or removal of such  
10 patient and shall give ten days notice thereof to the proprietor  
such patient shall forthwith be discharged or removed Provided  
that in the case of any such relative or guardian or trustee  
being absent from the Colony or dead or himself a lunatic  
or otherwise incapacitated the next nearest relative to the patient  
15 after giving like notice may require the discharge or removal  
upon like payment of all moneys due and thereupon such patient  
shall be forthwith discharged or removed Provided also that if  
the medical attendant give notice in writing to the Commissioners  
that such patient is in his opinion dangerous and unfit to be at  
20 large together with the grounds on which such opinion is founded  
the patient shall not be discharged or removed without the written  
order of the Commissioners.

29. If after two distinct and separate visits made by the  
Commissioners to any patient detained in any licensed house seven  
25 days at least intervening between such visits it shall appear to such  
Commissioners that such patient is detained without sufficient cause  
they may order his discharge and if their order be not complied with  
forthwith they shall report their opinion to the Colonial Secretary and  
if he shall think fit he may make an order for the discharge of such  
30 patient who shall be forthwith discharged accordingly.

30. None of the powers of discharge or removal hereinbefore  
contained shall apply to any person found lunatic by inquisition  
or under any inquiry directed by the Supreme Court nor to any  
lunatic lawfully confined by any order of the Colonial Secretary.

31. Upon every application to the Commissioners for informa-  
tion whether any particular person is confined in any licensed house  
the Commissioners shall unless any sufficient reason exist to the  
contrary give in writing the information required upon payment of a  
fee of five shillings.



Relatives may visit.

32. Any person having any relative or friend confined in any licensed house may visit him from time to time with the sanction of the proprietor And in case of being refused admission the reason thereof shall be stated to him by the proprietor whereupon he may apply to the Commissioners who shall determine whether or not he is to be admitted. 5

Inquiry as to property of patient.

33. If the Commissioners or the proprietor shall know or suspect that the property of any person detained as a patient is not duly protected or is misappropriated or that the income thereof is not duly applied for his maintenance the Commissioners shall after making full 10 inquiries relative thereto and if necessary by examining witnesses whom they may summon for that purpose report thereon to the Colonial Secretary who may order such proceedings to be taken in the matter as he may think fit including proceedings before the Supreme Court for the appointment of a guardian for the protection and 15 care of the property of such patient And any proprietor who shall fail to communicate such his knowledge or suspicion to the Commissioners forthwith shall be deemed guilty of a misdemeanor.

Regulations.

34. The Commissioners may make regulations as to the forms of licenses and of the books and notices referred to in this Act the 20 times of meeting of the Commissioners the duties of their officers and the modes of transacting their business and respecting such other matters under this Act as are not herein expressly enacted And such regulations when approved by the Governor with the advice aforesaid and published in the *Gazette* shall have the force of law 25 And copies thereof shall be laid before both Houses of Parliament forthwith if sitting and if not then within fourteen days after the opening of the next Session.

Recovery of penalties.

35. All penalties under this Act may be recovered before any two Justices of the Peace. 30

Application of penalties and fees.

36. All penalties recovered under this Act and all fees paid to the Commissioners or their Secretary for duties performed hereunder shall be paid over to the Colonial Treasurer and by him carried to the Consolidated Revenue Fund.

Commissioners to report to Governor half-yearly.

37. The Commissioners shall during the respective months of 35 January and July in every year make and transmit to the Governor a full report of their proceedings during the next preceding half-year wherein they shall state the number of licenses granted—the several particulars contained in and accompanying the applications for such licenses—the number sex and ages of the patients in the several 40 licensed



licensed houses received during and remaining at the end of such half-year—and such other particulars as they shall deem material And such reports omitting only the names of the patients shall be laid before both Houses of Parliament forthwith if sitting and if not then within 5 fourteen days after the opening of the next Session.

38. Every medical practitioner signing any certificate under or for the purposes of this Act shall specify therein the facts upon which he has formed his opinion that the person to whom such certificate relates is a lunatic an idiot or a person of unsound mind and 10 distinguish in such certificate facts observed by himself from facts communicated to him by others and no person shall be received into any licensed house or as a single patient under any certificate which purports to be founded only upon facts communicated by others.

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

39. It shall be lawful for the Commissioners whenever they 15 shall see fit under special circumstances fully made out to their satisfaction to grant a license without fee to the owner or occupier of any house or cottage to admit into the same either with or without his or her wife or husband or any child as a permanent or temporary inmate on the application of some person according to the form of Schedule B 20 any person certified by two medical practitioners qualified as aforesaid to be a lunatic but believed to be in no way dangerous upon such terms and subject to such conditions as shall be approved by the Commissioners and this notwithstanding anything in or any regulation under this Act to the contrary Provided that such arrangement and the terms and con- 25 ditions aforesaid shall be reduced into writing and signed by such owner or occupier and be binding upon him and capable of being enforced against him in any Court of Law Provided also that such patient and such owner or occupier shall be under the constant supervision of the said Commissioners and that the said patient may at any 30 time without notice be removed by them.

Special arrangements for separate custody of harmless lunatics.

40. Any person who rescues or aids in rescuing any lunatic during his conveyance to any licensed house or any officer servant or other person in any such house or elsewhere who through wilful neglect or connivance permits any patient therein to escape therefrom 35 or conceals or abets or connives at any such escape shall be deemed guilty of a misdemeanor and be liable on conviction to imprisonment with or without hard labor for any term not exceeding six months nor less than three months.

Aiding escape to be a misdemeanor.

41. This Act shall be styled and may be cited as the "Private Short title.  
40 Lunatic Asylums Act of 1862."



SCHEDULE A.

Form of License.

Know all men that we the Lunacy Commissioners do hereby certify that A. B. of  
in the Colony of New South Wales hath delivered to us a plan and  
description of a house and premises proposed to be licensed for the reception of lunatics (or 5  
in the case of a renewed license—a list of the number of patients now detained in a house  
and premises licensed on the day of 18 ) situate at  
in the said Colony And that we having considered and approved the same do hereby  
authorize and empower the said A. B. (he intending [or not intending] to reside therein) to  
use and employ the said house and premises of male (or female or 10  
male and female) lunatics for the space of calendar months from  
this date.

Given under our hands this

day of 18

(Signatures)

15

Witness—

Y. Z. Secretary (or Chief Clerk)  
to the Lunacy Commissioners.

SCHEDULE B.

Order for the reception of a Private Lunatic.

20

I the undersigned hereby request you to receive A. B. a lunatic as a patient into your  
licensed house.—Subjoined is a statement respecting the said A. B.

(Signed)

Name.

Occupation (if any).

Dated this

18

day of }

Residence.

25

Degree of relationship (if any) or other  
connection with patient.

To C. D. Proprietor of

(describe house by situation and name if any)

STATEMENT.

30

Christian and surname of patient at length.

Sex and age.

Married single or widowed.

Condition of life and previous occupation if any.

Previous place of abode.

35

Whether first attack or date of previous attack and where under treatment.

Duration of present attack.

Supposed cause.

Whether subject to epilepsy.

Whether suicidal.

40

Whether dangerous to others.

Whether found lunatic by inquisition.

Special circumstances (if any) preventing examination by more than one medical  
practitioner.

(Signed)

45

Where person signing the statement not the person signing the order following particulars of  
the former to be added—

Occupation (if any).

Place of abode.

Degree of relationship or connection with patient.

50

SCHEDULE C.



SCHEDULE C.

*Form of Medical Certificate.*

I the undersigned being a duly qualified medical practitioner of New South Wales hereby certify that on the                      day of                      18                      at (*here*  
5 *insert exact description of the locality*) did separately from any other medical practitioner personally examine                      of  
(*describe so as clearly to identify*) and that the said  
is a lunatic within the meaning of the "Private Lunatic Asylums Act of 1862" and a proper person to be taken charge of and detained under care and treatment And that I  
10 have formed this opinion upon the following grounds namely—

First—Facts indicating insanity observed by myself (here state the facts).

Secondly—Other facts (if any) indicating insanity communicated to me by others (here state the information and from whom).

(Signed)

15

Dated this  
18 .

day of

(Residence).

Witness—



CHAPTER 1

The first part of the book is devoted to a general survey of the history of the subject. It begins with a brief account of the early attempts to explain the phenomena of life, and then proceeds to a more detailed consideration of the various theories which have been advanced from time to time. The author's object is to show how far we have advanced in our knowledge of the subject, and to point out the difficulties which still remain to be solved.

(Continued)

Page 1

Page 2

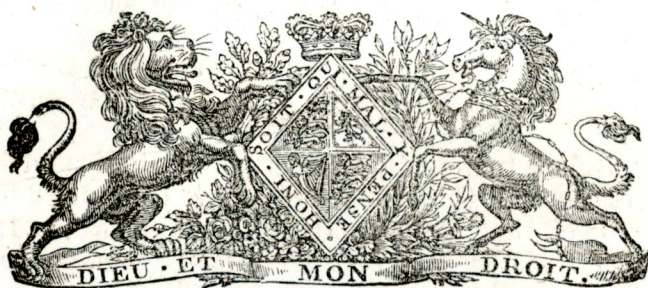


*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.*

*Legislative Council Chamber, }  
Sydney, 28th October, 1862.*

*R. O'CONNOR,  
Clerk of the Legislative Council.*

## New South Wales.



ANNO VICESIMO SEXTO

## VICTORIÆ REGINÆ.

\*\*\*\*\*

No. .

An Act to regulate Private Lunatic Asylums.

**W**HEREAS it is expedient to permit the establishment of Private Asylums and Licensed Houses for the reception care and treatment of Lunatics and persons of unsound mind under proper supervision and inspection by Commissioners expressly appointed for that purpose Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. The following terms in inverted commas shall for the purposes of this Act unless the context otherwise indicate bear the meanings set against them respectively:—

“Lunatic”—Any person lawfully declared to be insane or a lunatic or of unsound mind or an idiot.

“Patient”—Any person received into or kept as a lunatic in any house licensed under this Act.

“Licensed house”—Any building with its land and appurtenances licensed for the reception of lunatics under this Act whether called a Private Lunatic Asylum or by any other name.

“Proprietor”—Any person holding a license under this Act or having any interest in such license or any other head Superintendent or Manager of a licensed house.

c 52—

“Medical



*Private Lunatic Asylums.*

“Medical Attendant”—Any duly qualified medical practitioner being the proprietor or the appointed medical visitor of any such licensed house.

2. As soon as conveniently may be and not later than one Appointment of Commissioners.  
 5 month after the passing of this Act the Governor with the advice of the Executive Council may appoint to be “Lunacy Commissioners” for the purposes of this Act hereinafter styled the Commissioners three persons one of whom shall be a Barrister of not less than five years standing at the Bar of the Colony or a Solicitor of the Supreme Court  
 10 of not less than seven years standing and one of them a duly qualified medical practitioner having practised in the Colony for not less than the next preceding five years and some other fit person having resided in the Colony for not less than the next preceding five years And the Governor may with the like advice appoint one of such Commis-  
 15 sioners to be Chairman.

3. Every Commissioner before acting as such shall make and Commissioner's declaration.  
 subscribe the following declaration before a Judge of the Supreme Court—

20 I A. B. do declare that I will discreetly impartially and faithfully execute all the trusts and powers committed to me by virtue of the “Private Lunatic Asylums Act of 1862” and that I will keep secret all matters coming to my knowledge in the execution of my office except when  
 25 compelled by law to divulge the same or so far as I shall consider myself bound to do so for the better execution of my duty under the said Act.

(Signed)

and thereupon the appointment of such Commissioners and of their Chairman and of their having respectively made and subscribed the  
 30 said declaration shall be published in the *Gazette*.

4. The Commissioners shall by announcement in the *Gazette* Commissioners to appoint days for licenses.  
 appoint a place in Sydney for receiving applications for licenses but shall not be required to consider any such application until the applicant has deposited with them the sum of *five* pounds which shall  
 35 be returned to him if the license be refused after deducting therefrom the sum of *two* pounds to be accounted for by the Commissioners as hereinafter mentioned.

5. The Commissioners may subject to the following provisions What license may be granted.  
 grant a license in the form of the Schedule hereto marked A to the  
 40 owner in fee or the leaseholder for any term not less than five years of any house as an asylum or licensed house for the reception care and treatment of lunatics of either sex and any class or age.

6. Every person applying for a license as aforesaid shall together Plans and particulars to accompany application for license.  
 with his application supply to the Commissioners a plan and descrip-  
 45 tion of the proposed house and premises a full description of the situation thereof and a statement of the quantity of land appurtenant thereto and stating the distance at which the house stands from other houses or buildings.

7. Every person applying for a license must also state the Further particulars with application.  
 50 number of patients proposed to be received and whether males or females or both and if both then how many of each sex and the means by which the sexes may be kept apart and also the name and age of the superintendent or manager Provided that the proprietor may change such superintendent or manager giving the Commissioners  
 55 notice in writing thereof and of the name of the new superintendent or manager.

8. No license shall include or extend to more than one house License to apply to one house only.  
 and the buildings and land appurtenant thereto all which shall be specified in the license and be deemed part of such house.



*Private Lunatic Asylums.*

9. Every license under this Act shall be signed by two at least of the Commissioners and shall be granted for a period not exceeding thirteen months and in case the person to whom the license is desired to be granted does not propose to reside himself in the licensed house the christian and surname and occupation of the superintendent who is to reside therein shall be stated in such license and such license shall contain a delineation of the plan required by section six of this Act and may be renewed on application made one month at least before its termination accompanied by like particulars as aforesaid so far as any alteration may have occurred since the original granting or the next previous renewal of such license And the applicant for any such renewal shall also furnish the Commissioners with a full and particular statement of the number sex and class of patients then in his house and shall answer truly all other questions put to him by the Commissioners.
10. Every person who shall on applying for a license or a renewal thereof wilfully make any false statement or description of anything required by this Act or by any regulation made hereunder to be communicated to the Commissioners shall be deemed guilty of a misdemeanor.
11. For every original license and every renewal thereof the fee of *five* pounds yearly shall be paid to the Commissioners and accounted for by them as hereinafter mentioned.
12. If any proprietor shall die or become otherwise incapacitated to hold his license the Commissioners may transfer the same to any other person whom they may after full inquiry deem best entitled thereto having due regard to the proper management of the house and the well being of the patients therein.
13. In case of any licensed house being rendered by any means unfit for the purpose or if the proprietor shall apply to the Commissioners for permission to transfer his patients and the benefit of his license to any other house the Commissioners may grant a new license accordingly upon surrender to them of the existing license and upon the applicant complying with all preliminaries required under this Act.
14. The Commissioners may upon a unanimous decision at a meeting held not less than twenty-one clear days after notice in writing served personally on the proprietor revoke any license granted by them Provided that at any time during such twenty-one days the proprietor may apply by petition to the Governor who may with the advice of the Executive Council if deemed fit direct some other mode of inquiry Provided also that no such revocation shall take effect until published in the *Gazette*.
15. Every license granted by the Commissioners shall be registered in a book kept by them for that purpose on payment of a fee of five shillings to the Secretary within twenty-four hours of the same being granted for neglect of which the proprietor shall be liable to a penalty not exceeding *ten* pounds and a further penalty not exceeding *forty* shillings for every day during which such neglect shall continue.
16. It shall not be lawful for any person to keep or receive any lunatic except in a house licensed and registered under this Act except that any person may so keep or receive and keep any one lunatic upon notice in writing of his so doing being lodged with the Commissioners And every such person neglecting to give such notice within *twenty-one* days after the passing of this Act if then keeping or within like time after receiving any such lunatic shall be liable to a penalty not exceeding *ten* pounds and a further penalty not exceeding *forty* shillings for every day of the continuance of such neglect.

Duration and renewal of license.

False statement a misdemeanor.

Fee for license.

Transfer of license on death or incapacity.

Provision for house becoming unfit.

Revocation of license.

Licenses to be registered.

One lunatic may be kept in unlicensed house on notice to Commissioners.



*Private Lunatic Asylums.*

17. No person shall be received as a lunatic into any licensed house without an order under the hand of some person according to the form of Schedule B hereto including the statement of particulars thereto annexed nor without certificates from two duly qualified medical practitioners in the form of Schedule C hereto which said order and certificate shall be sanctioned in writing by one of the Commissioners to be appointed under this Act And neither such medical practitioner shall be in partnership with or assistant to the other and each of them shall separately from the other have personally examined the patient not more than seven clear days previously to his reception in such house Provided that in any case of urgent necessity explained upon the certificate any such supposed lunatic may be so received on one such certificate only Provided also that a second such certificate be procured and lodged with the proprietor within three days after such reception Provided further that no medical practitioner who is in any way interested in the said house or license or a Commissioner under this Act shall give any such certificate And any person who shall act or neglect to act contrary to any provision of this section shall be deemed guilty of a misdemeanor.
18. Every person receiving a lunatic into any licensed house shall within two days make an entry thereof in a book kept for the purpose and called the "Patients' Admission Book" which book shall be at all times open for the inspection of the Commissioners on demand And every such entry shall state the substance of every medical certificate on which each lunatic is received and for any offence against this section the proprietor shall be liable to a penalty not exceeding *five* pounds.
19. In case any patient shall escape from a licensed house a written notice thereof shall be immediately transmitted to the Commissioners by the proprietor who may lawfully cause the patient to be recaptured and brought back without any new certificate Provided such recapture be made within ten days after such escape.
20. In case of the discharge or removal of any patient from a licensed house the proprietor shall forthwith make an entry thereof in a book to be kept for that purpose and called the "Patients' Removal Book" and shall also transmit a written notice thereof to the Commissioners And the proprietor of any such licensed house who shall neglect to make such entry or transmit such notice shall be liable to a penalty not exceeding *five* pounds.
21. In case of the death of any patient in any licensed house a written notice thereof shall be transmitted to the Commissioners and also to the Coroner or the nearest Magistrate of the District within six hours thereafter with the name of every person present at such death which notice shall be signed by the proprietor or by the medical attendant And for every neglect or omission to comply with this enactment such proprietor or medical attendant or both shall be liable to a penalty not exceeding *fifty* pounds.
22. Any proprietor superintendent officer nurse attendant servant or other person employed in or connected with any licensed house who shall in any way abuse or ill-treat any patient confined therein or shall wilfully neglect any such patient shall be guilty of a misdemeanor.
23. Every patient in every licensed house shall be visited three times at the least in every week by a medical attendant and in every such house there shall be kept a book called "The Medical Visitation Book" which shall be duly filled up every week and signed by such medical attendant who shall for every offence against this enactment be liable to a penalty not exceeding *five* pounds and the making of any false statement in any such entry shall be deemed a misdemeanor.

Certificates of lunacy  
to ground admission  
as patient.

Patients' Admission  
Book.

Escape of patient.

Removal Book.

Death of patient.

Ill-treatment or  
neglect of patient.

Visits of medical  
attendants.



*Private Lunatic Asylums.*

24. There shall be kept in every licensed house a book to be Case Book.  
 called the "Case Book" in which the medical attendant shall from  
 time to time make entries of the mental state and bodily condition of  
 each patient together with a description of the medicines exhibited to  
 5 him and the general treatment observed and for every neglect of this  
 enactment such medical attendant shall be liable to a penalty not  
 exceeding *five* pounds.

25. Every licensed house shall without any previous notice be Visits of Commis-  
 visited by two at least of the Commissioners together four times at sioners.  
 10 least in the year and as much oftener as they deem fit and on such  
 days being not more than three months apart and at such hours and  
 for such length of time as they shall think fit and they shall have  
 power to visit every building and part of every building mentioned in  
 the license and they shall see and inquire into every particular  
 15 respecting every patient confined therein And in every such house  
 there shall be a book called the "Commissioner's Visiting Book"  
 into which they shall at every visit enter full observations and shall  
 sign their names thereto and state the date of their visit and every  
 proprietor who shall conceal from or refuse to show to any of the  
 20 Commissioners every part of such house and building so mentioned  
 in the license or shall conceal any patient confined therein from any  
 such Commissioner shall be guilty of a misdemeanor.

26. The proprietor of every licensed house shall show to the Proprietor to show  
 Commissioners whenever they visit such house a list of the patients Commissioners list  
 25 then therein and there shall be in every such house a bound copy of patients &c.  
 of this Act which shall be produced to the Commissioners on  
 demand and there shall also be hung up in some conspicuous place  
 a copy of the plan supplied to the Commissioners as aforesaid and any  
 proprietor wilfully neglecting or omitting to comply with this enact-  
 30 ment shall be liable to a penalty not exceeding *two* pounds.

27. The Commissioners may visit and inspect any licensed Special nightly  
 house at such hour of any night as they shall think fit visits. Provided that  
 they shall forthwith report to the Colonial Secretary the reasons for  
 such visit and the result thereof Provided also that such reasons  
 35 shall be of a cogent nature and such as fully to justify so unusual an  
 act And if the Colonial Secretary be satisfied after diligent inquiry  
 that any such nightly visit was made improperly or upon frivolous  
 grounds the Governor may with the advice aforesaid remove from office  
 any Commissioner making the same.

28. Whenever the relative trustee guardian or committee at Discharge or re-  
 whose instance any patient was received into any licensed house shall moval of patients.  
 by writing under his hand require the discharge or removal of such  
 patient and shall give ten days notice thereof to the proprietor  
 such patient shall forthwith be discharged or removed Provided  
 45 that in the case of any such relative or guardian or trustee  
 being absent from the Colony or dead or himself a lunatic  
 or otherwise incapacitated the next nearest relative to the patient  
 after giving like notice may require the discharge or removal  
 upon like payment of all moneys due and thereupon such patient  
 50 shall be forthwith discharged or removed Provided also that if  
 the medical attendant give notice in writing to the Commissioners  
 that such patient is in his opinion dangerous and unfit to be at  
 large together with the grounds on which such opinion is founded  
 the patient shall not be discharged or removed without the written  
 55 order of the Commissioners.

29. If after two distinct and separate visits made by the Discharge of patient  
 Commissioners to any patient detained in any licensed house seven on report of Commis-  
 days at least intervening between such visits it shall appear to such sioners.  
 Commissioners that such patient is detained without sufficient cause  
 they



*Private Lunatic Asylums.*

they may order his discharge and if their order be not complied with forthwith they shall report their opinion to the Colonial Secretary and if he shall think fit he may make an order for the discharge of such patient who shall be forthwith discharged accordingly.

5 30. None of the powers of discharge or removal hereinbefore Excepted cases.  
contained shall apply to any person found lunatic by inquisition or under any inquiry directed by the Supreme Court nor to any lunatic lawfully confined by any order of the Colonial Secretary.

10 31. Upon every application to the Commissioners for informa- Commissioners to  
tion whether any particular person is confined in any licensed house give information to  
the Commissioners shall unless any sufficient reason exist to the inquirers.  
contrary give in writing the information required upon payment of a fee of *five* shillings.

15 32. Any person having any relative or friend confined in any Relatives may visit.  
licensed house may visit him from time to time with the sanction of the proprietor And in case of being refused admission the reason thereof shall be stated to him by the proprietor whereupon he may apply to the Commissioners who shall determine whether or not he is to be admitted.

20 33. If the Commissioners or the proprietor shall know or suspect Inquiry as to pro-  
that the property of any person detained as a patient is not duly perty of patient.  
protected or is misappropriated or that the income thereof is not duly applied for his maintenance the Commissioners shall after making full inquiries relative thereto and if necessary by examining witnesses  
25 whom they may summon for that purpose report thereon to the Colonial Secretary who may order such proceedings to be taken in the matter as he may think fit including proceedings before the Supreme Court for the appointment of a guardian for the protection and care of the property of such patient And any proprietor who shall  
30 fail to communicate such his knowledge or suspicion to the Commissioners forthwith shall be deemed guilty of a misdemeanor.

34. The Commissioners may make regulations as to the forms Regulations.  
of licenses and of the books and notices referred to in this Act the times of meeting of the Commissioners the duties of their officers and  
35 the modes of transacting their business and respecting such other matters under this Act as are not herein expressly enacted And such regulations when approved by the Governor with the advice aforesaid and published in the *Gazette* shall have the force of law And copies thereof shall be laid before both Houses of Parliament  
40 forthwith if sitting and if not then within fourteen days after the opening of the next Session.

35. All penalties under this Act may be recovered before any Recovery of penal-  
two Justices of the Peace. ties.

45 36. All penalties recovered under this Act and all fees paid to Application of penal-  
the Commissioners or their Secretary for duties performed hereunder ties and fees.  
shall be paid over to the Colonial Treasurer and by him carried to the Consolidated Revenue Fund.

37. The Commissioners shall during the respective months of Commissioners to  
January and July in every year make and transmit to the Governor report to Governor  
50 a full report of their proceedings during the next preceding half-year half-yearly.  
wherein they shall state the number of licenses granted—the several particulars contained in and accompanying the applications for such licenses—the number sex and ages of the patients in the several licensed houses received during and remaining at the end of such half-  
55 year—and such other particulars as they shall deem material And such reports omitting only the names of the patients shall be laid before both Houses of Parliament forthwith if sitting and if not then within fourteen days after the opening of the next Session.



*Private Lunatic Asylums.*

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

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

39. It shall be lawful for the Commissioners whenever they shall see fit under special circumstances fully made out to their satisfaction to grant a license without fee to the owner or occupier of any house or cottage to admit into the same either with or without his or her wife or husband or any child as a permanent or temporary inmate on the application of some person according to the form of Schedule B any person certified by two medical practitioners qualified as aforesaid to be a lunatic but believed to be in no way dangerous upon such terms and subject to such conditions as shall be approved by the Commissioners and this notwithstanding anything in or any regulation under this Act to the contrary Provided that such arrangement and the terms and conditions aforesaid shall be reduced into writing and signed by such owner or occupier and be binding upon him and capable of being enforced against him in any Court of Law Provided also that such patient and such owner or occupier shall be under the constant supervision of the said Commissioners and that the said patient may at any time without notice be removed by them.

Special arrangements for separate custody of harmless lunatics.

40. Any person who rescues or aids in rescuing any lunatic during his conveyance to any licensed house or any officer servant or other person in any such house or elsewhere who through wilful neglect or connivance permits any patient therein to escape therefrom or conceals or abets or connives at any such escape shall be deemed guilty of a misdemeanor and be liable on conviction to imprisonment with or without hard labor for any term not exceeding six months nor less than three months.

Aiding escape to be a misdemeanor.

41. This Act shall be styled and may be cited as the "Private Lunatic Asylums Act of 1862."

Short title.

## SCHEDULE A.

*Form of License.*

Know all men that we the Lunacy Commissioners do hereby certify that A. B. of in the Colony of New South Wales hath delivered to us a plan and description of a house and premises proposed to be licensed for the reception of lunatics (or in the case of a renewed license—a list of the number of patients now detained in a house and premises licensed on the day of 18 ) situate at in the said Colony And that we having considered and approved the same do hereby authorize and empower the said A. B. (he intending [or not intending] to reside therein) to use and employ the said house and premises of male (or female or male and female) lunatics for the space of calendar months from this date.

Given under our hands this day of

18

(Signatures)

50 Witness—

Y. Z. Secretary (or Chief Clerk)  
to the Lunacy Commissioners.

## SCHEDULE



*Private Lunatic Asylums.*

## SCHEDULE B.

*Order for the reception of a Private Lunatic.*

I the undersigned hereby request you to receive A. B. a lunatic as a patient into your licensed house.—Subjoined is a statement respecting the said A. B.

5 (Signed) Name.  
Occupation (if any).  
Dated this day of } Residence.  
18 } Degree of relationship if any) or other  
connection with patient.

10 To C. D. Proprietor of  
(describe house by situation and name if any)

## STATEMENT.

Christian and surname of patient at length.  
Sex and age.  
15 Married single or widowed.  
Condition of life and previous occupation if any.  
Previous place of abode.  
Whether first attack or date of previous attack and where under treatment.  
Duration of present attack.  
20 Supposed cause.  
Whether subject to epilepsy.  
Whether suicidal.  
Whether dangerous to others.  
Whether found lunatic by inquisition.  
25 Special circumstances (if any) preventing examination by more than one medical practitioner.

(Signed)

Where person signing the statement not the person signing the order following particulars of the former to be added—

30 Occupation (if any).  
Place of abode.  
Degree of relationship or connection with patient.

## SCHEDULE C.

*Form of Medical Certificate.*

35 I the undersigned being a duly qualified medical practitioner of New South Wales hereby certify that on the day of 18 at (here insert exact description of the locality) did separately from any other medical practitioner personally examine of (describe so as clearly to identify) and that the said  
40 is a lunatic within the meaning of the "Private Lunatic Asylums Act of 1862" and a proper person to be taken charge of and detained under care and treatment And that I have formed this opinion upon the following grounds namely—

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

(Signed)

(Residence).

Dated this day of  
18 .  
50 Witness—