

Repealed with savings on Ord. 9 of 1931-35

CHAPTER 188.

LUNATIC ASYLUM.

[No. XVI of 1905.]

[1st July, 1905.]

1. This Ordinance may be cited as the Lunatic Asylum Ordinance. Short title.

2. In this Ordinance, unless the context otherwise requires,— Interpretation.

“lunatic” means an idiot or person of unsound mind;

“pauper lunatic” means a lunatic who has no visible means of subsistence, or who is wholly or in part chargeable to the poor law commissioners;

“medical superintendent” means the medical superintendent of the lunatic asylum appointed as hereinafter provided;

“registered medical practitioner” means a person qualified to practise medicine or surgery, and registered in that capacity under the Colonial Medical Service (Consolidation) Medical Ordinance. Chapter 186.

THE LUNATIC ASYLUM.

3. The buildings at Fort Canje, Berbice, now actually occupied as a lunatic asylum and any other buildings hereafter erected for the same purpose shall be the public lunatic asylum of this colony, hereinafter referred to as “the asylum.” Establishment.

4. The asylum shall be under the charge of the medical superintendent, who shall be a registered medical practitioner, and a number of medical officers as assistants from time to time appointed by the Governor. Superintendence.

5. The medical superintendent shall be appointed by the Governor and shall be responsible for the proper conduct and management of the asylum, and shall, under and Duties of superintendent.

subject to the direction of the Surgeon General and approval of the Governor, regulate the asylum and have the control of all the subordinate officers employed thereat.

Official
visitors.

6. (1) The members of the Executive Council and of the Legislative Council, the Surgeon General, and any other persons whom the Governor from time to time appoints, shall be official visitors of the asylum.

(2) Each official visitor on the occasion of his visit to the asylum may enter in a book to be kept for that purpose, any remarks he thinks fit, and the medical superintendent shall at once transmit, through the Surgeon General to the Colonial Secretary, a copy of those remarks.

Rules and
regulations.

7. The Surgeon General may from time to time make rules and regulations for the management and good order of the asylum; but no rules or regulations shall come into operation until they have been confirmed by the Governor.

Duties of
the Surgeon
General.

8. The Surgeon General shall visit the asylum whenever he thinks necessary.

Annual
report on
asylum.

9. The medical superintendent shall, at the end of each financial year, send to the Governor through the Surgeon General a full report of all matters connected with the asylum during the preceding twelve months.

ADMISSION OF LUNATICS INTO THE ASYLUM.

Inquiry as
to lunacy;
schedule;
form 1:

10.—(1) The magistrate of the judicial district in which any alleged lunatic is living, upon the information, in form 1 in the schedule hereto, on the oath of any informant that he has good cause to believe and does believe that some person is a lunatic and a proper subject for confinement, may, in any convenient place, examine the alleged lunatic, and in the same or in some other place may hold an inquiry as to the state of mind of the alleged lunatic.

(2) For the purposes of the inquiry the magistrate shall have the same powers as if the alleged lunatic were a person against whom a complaint had been made for an offence punishable upon summary conviction:

Proviso.

Provided that the magistrate may if he thinks fit proceed with the inquiry in the absence of the alleged lunatic.

11.—(1) If during the inquiry it appears to the magistrate that there is reason to believe that the person alleged to be a lunatic is a lunatic, he shall appoint two registered medical practitioners to examine the alleged lunatic, and each of those medical practitioners shall, if the facts appear to him to warrant his so doing, sign a certificate in form 2 in the schedule hereto, certifying that in his opinion the person is a lunatic.

Medical
certificates ;

schedule ;
form 2.

(2) The certificate shall specify in full detail the facts upon which the medical practitioner signing it founded his opinion and clearly distinguish facts which he himself has observed from facts communicated by others.

(3) The medical practitioners shall inquire of anyone able to give information as to the previous history of the alleged lunatic and also state in their certificates all matters known to them which in their opinion appear likely to be of service with reference to the medical treatment of the alleged lunatic.

(4) No certificate which purports to be founded wholly on facts communicated by others shall have any effect under this Ordinance.

(5) When the alleged lunatic is in any place where it is impossible without great delay to obtain two registered medical practitioners to examine him, it shall be a sufficient compliance with the provisions of this section if the magistrate appoints one registered medical practitioner to do so.

12.—(1) Where upon the inquiry it appears to the magistrate that anyone is a lunatic and a proper subject for confinement, and the registered medical practitioners appointed to examine the person have given their certificates (or, where only one practitioner has been so appointed, he has given his certificate), as required by this Ordinance, of the lunacy of the person, the magistrate may adjudge the person to be a lunatic and a proper subject for confinement and proceed to make an order for the care and custody of the lunatic, and by warrant under his hand in form 3 in the schedule hereto commit the lunatic to the asylum, there to be kept.

Adjudication
of lunacy
and
committal of
lunatic to
asylum.

schedule ;
form 3.

(2) Anyone adjudged a lunatic under this section shall be delivered into the custody of the police authorities, together with the warrant and the medical certificates or certificate of his lunacy, and they shall be responsible for his safe conduct to the asylum, where he shall be delivered

to the medical superintendent, who shall receive him and be responsible for his safe keeping under this Ordinance.

ADMISSION OF PAUPER LUNATICS TO ALMS HOUSE.

Harmless lunatic to be admitted to alms house.

schedule ;
form 4.

13. If, in the course of any inquiry respecting an alleged lunatic, the medical practitioners or practitioner appointed to examine him are or is of opinion that he is a lunatic but is harmless to himself and to others, and that it would be more expedient to detain him in the alms house, the medical practitioners or practitioner shall give certificates or a certificate in form 4 in the schedule hereto, and if it be proved to the satisfaction of the magistrate that the lunatic is a pauper, the magistrate shall, by order in writing under his hand, direct the superintendent to receive the pauper lunatic into the alms house, and the superintendent shall receive him accordingly.

ADMISSION TO ASYLUM IN URGENT CASES.

Patient in hospital becoming lunatic, and urgent cases ;
schedule ;
form 2.

14.—(1) If anyone become insane whilst under treatment in a public hospital, the resident surgeon of that hospital may give a certificate in form 2 in the schedule hereto, and may cause him, together with the certificate, to be despatched to the asylum, and the medical superintendent shall receive him into the asylum.

(2) Whenever the medical superintendent considers it urgent, he may admit into the asylum anyone whom on examination he believes to be insane.

(3) Where a lunatic has been admitted into the asylum under this section, the medical superintendent shall, within four days after the admission, make a full report on the case to the Surgeon General, who may order the lunatic to be further examined by any one or more registered medical practitioner or practitioners whom he appoints for the purpose and, after any further inquiry he thinks proper, he shall report the case to the Governor, who may make any order as to the custody and care of the lunatic he thinks fit.

Where lunatic is illtreated or neglected ;

15. Every constable, poor law commissioner, commissary of taxation, or guardian of the poor, who has knowledge that anyone, whether a pauper or not, and whether wandering at large or not, is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or

neglected by any relative or other person having the care or charge of him, shall, within seven days after obtaining the knowledge, give information thereof upon oath in form 1 in the schedule hereto to the magistrate of the judicial district in which the person is or is residing, and thereupon the magistrate shall examine the person and hold an inquiry, and shall proceed in the same manner as if an information on oath had been laid before him in respect of the person under section ten of this Ordinance.

schedule;
form 1.

RE-EXAMINATION OF PATIENTS IN ASYLUM.

16.—(1) An order for the examination of any patient in the asylum by any two registered medical practitioners authorised by the Governor, may be obtained from the Governor upon the application of anyone, whether a relative or friend or not, who satisfies the Governor that it is proper for him to grant the order; and on the production to the Governor of the certificates of the medical practitioners so authorised, certifying that after two separate examinations, with at least seven days intervening between the first and the second examination, they are of opinion that the patient may without risk or injury to himself or the public be discharged, the Governor may in his discretion order the patient to be discharged at the expiration of ten days from the date of the order.

Examination
of patient by
two medical
practitioners.

(2) All the costs of and incident to any examination made under this section shall be borne by the person applying for the examination.

MAINTENANCE OF LUNATICS.

17. If anyone confined in the asylum is possessed of any property, whether movable or immovable, the Governor shall fix what weekly or other rate shall be charged to his estate for his maintenance and care during his confinement in the asylum, and the Colonial Treasurer is hereby authorised to demand payment thereof from the person in charge of his estate and property, and if the amount is not paid within ten days after that demand, the Colonial Treasurer shall proceed by parate execution for the recovery thereof as a debt due to the colony.

Lunatics
possessing
property to
have cost of
maintenance
charged to
estate.

18.—(1) No one legally responsible for the maintenance of a child or relative or of any other person, shall, by reason of the lunacy and removal of the child or relative or other

Responsi-
bility for
maintenance
of lunatic.

person to the asylum under the authority of this Ordinance, be absolved from his responsibility in that respect, but shall be liable to pay that monthly sum towards the maintenance of the child, relative, or other person, while an inmate of the asylum, which the Governor, looking to the circumstances of the lunatic, thinks just and reasonable, and the amount so fixed by the Governor shall be certified to the Colonial Treasurer, who is hereby authorised to demand payment thereof from that person, and, if it is not paid within ten days after the demand, to proceed by parate execution for the recovery thereof as a debt due to the colony.

(2) The husband or wife of an inmate of the asylum shall be deemed to be a person legally responsible for his maintenance within the meaning of this section.

DISCHARGE OF PATIENTS.

Discharge of patient on recovery.

19.—(1) The medical superintendent shall forthwith upon the recovery of a patient, send notice thereof,—

- (a) in the case of a patient who is an immigrant within the meaning of the Immigration Ordinance to the Immigration Agent General;
- (b) in the case of a patient who is a pauper, to the poor law commissioners;
- (c) in all other cases to the husband or wife or nearest relative, or failing them, to anyone known to be a friend of the patient, and where the husband, wife, relative, or friend is unknown, then to the poor law commissioners.

(2) The notice shall state that unless the patient is removed within seven days from the date of the notice he will be discharged.

(3) If the patient is not removed within seven days from the date of the notice he shall be discharged forthwith.

Discharge of pauper lunatic able to work under surveillance of police.

20. Any pauper lunatic in the asylum who is sufficiently recovered to be at large and is able and willing to work for his living, may be discharged by the Governor, and in that case the police authorities shall be informed of his discharge, and it shall be their duty to keep him under surveillance and report once in every three months to the Medical Superintendent as to his condition and conduct.

21.—(1) The Governor may allow any lunatic confined in the asylum to be absent therefrom upon trial for any period which he thinks fit, and may at any time extend that period, and if the lunatic does not return to the asylum at or before the expiration of that period or extended period of trial he may be retaken as if he had escaped from the asylum.

Absence of lunatic from asylum on trial;

(2) No lunatic shall be allowed to be absent on trial unless someone enters into an undertaking to take charge of him, according to form 5 in the schedule hereto.

schedule ;
form 5.

TRANSFER OF LUNATICS.

22.—(1) The Governor may when it appears necessary order anyone adjudged to be a lunatic under the provisions of this Ordinance or confined in the asylum to be removed to some place other than the asylum and there detained for treatment and care.

Transfer of lunatic from asylum to another place.

(2) The provisions of this Ordinance shall, so far as they are applicable, apply to that lunatic and to the place where he is ordered to be detained, as if that place were the asylum.

ESCAPE OF PATIENTS.

23. A lunatic who escapes from the asylum may at any time be retaken by an officer, attendant, or servant of the asylum, or by any police constable or peace officer, and be conveyed to the asylum and detained therein as if he had not escaped.

Re-taking lunatics who escape.

OFFENCES.

24. Anyone, not being a registered medical practitioner, who knowingly and wilfully signs any certificate under this Ordinance shall be guilty of a misdemeanour and on conviction thereof be liable to a penalty not exceeding four hundred and eighty dollars, and to imprisonment with or without hard labour for any term not exceeding twelve months.

Signature of certificate by person not a registered medical practitioner.
Penalty.

25. A registered medical practitioner who knowingly and wilfully, in any certificate under this Ordinance, falsely certifies anything shall be guilty of a misdemeanour,

False medical certificate.

Penalty.

and on conviction thereof shall be liable to a penalty not exceeding four hundred and eighty dollars, and to imprisonment with or without hard labour for any term not exceeding twelve months.

Rescue of lunatic from asylum, and

servant of asylum permitting escape of lunatic; and

ill-treating lunatics in asylum; and

ill-treating lunatics absent on trial and obstructing officer; and selling articles to inmates of asylum.

Penalty.

26. Anyone who rescues a lunatic while being conveyed to or while confined in the asylum, or who secretes a lunatic who has escaped from the asylum; and any attendant or servant of the asylum who, through wilful neglect or connivance, permits a lunatic confined therein under this Ordinance to escape; and anyone employed at the asylum who strikes, ill-treats, or neglects, any lunatic confined in the asylum; and anyone who strikes or ill-treats a lunatic absent from the asylum on trial, knowing him to be a lunatic, or obstructs an officer of the asylum whilst engaged in the execution of his duty in connection with the lunatic; and anyone who, without the consent of the medical superintendent, gives, sells, or barter any article or commodity of any kind to an inmate of the asylum, either inside or outside of the grounds of the asylum, shall for each of those offences on summary conviction thereof be liable to a penalty not exceeding ninety-six dollars, or to imprisonment with or without hard labour for any term not exceeding six months.

Trespass on asylum premises.

27.—(1) Everyone found trespassing upon any grounds, buildings, yards, offices, or other premises whatsoever, belonging to or appertaining to the asylum, or who enters upon them without being duly authorised to do so, shall on summary conviction thereof be liable to a penalty not exceeding fifty dollars or to imprisonment with or without hard labour for any term not exceeding three months.

Penalty.

(2) The trespasser may be apprehended by any officer, servant, or attendant of the asylum, or by any police or rural constable, and shall be taken before a magistrate, to be dealt with according to law.

Saving of civil remedy.

28. Nothing in this Ordinance shall operate to prevent anyone from bringing an action, or obtaining redress for any act or omission whereby he has suffered injury or wrong by reason only that the act or omission is an offence punishable under this Ordinance.

MISCELLANEOUS PROVISIONS.

29.—(1) Every registered medical practitioner in the receipt of public pay shall be bound to give certificates under this Ordinance without charge to anyone whom he is required by any law or regulation to attend free of charge, and he shall be entitled to a fee of five dollars from every other person for any of those certificates.

Fee payable
for certificate.

(2) Every registered medical practitioner not in receipt of public pay shall be entitled to receive from the poor law commissioners, out of the funds under their control for providing medical aid for the poor in the rural districts, the sum of five dollars for every certificate given by him under this Ordinance in respect of any pauper alleged to be a lunatic.

30. All officers of police shall give proper assistance in the conveyance of lunatics to the asylum; and all reasonable expenses incurred by any persons, except the relatives or friends of lunatics, in conveying them to the asylum shall be repaid to those persons by the poor law commissioners out of the funds under their control in respect of any pauper alleged to be a lunatic.

Conveyance
of lunatics
to the
asylum.

31. All persons in custody under the provisions of any Ordinance for the time being in force relating to lunatics charged with or convicted of offences and confined elsewhere than in the asylum may, subject to the provisions of that Ordinance, at any time be removed there by order of the Governor, and may be also at any subsequent time by order of the Governor replaced in their former custody.

Criminal
lunatics.

32. The poor law commissioners shall, when requested by a magistrate or the medical superintendent, make inquiries and report as to the means of any lunatic or alleged lunatic, or as to whether he has any relatives able to maintain or assist in maintaining him.

Inquiry as
to means of
lunatic.

33. All persons lawfully detained in the asylum at the commencement of this Ordinance shall be deemed to be detained under the provisions hereof.

Detention at
commence-
ment of this
Ordinance.

SCHEDULE OF FORMS.

1.

(Sections 10 and 15.)

INFORMATION AS TO LUNACY.

BRITISH GUIANA.

In the

judicial district.

In re *A.B.* an alleged lunatic.

The information of *C.D.*, of _____ who saith on his oath that he has good cause to believe and does believe that *A.B.* is a lunatic and a proper subject for confinement, and that the following particulars as to the said *A.B.* are true and correct to the best of his information and belief:—

1. Name of person, his age, sex, native country and occupation.	1.
2. Place of residence ... (If an immigrant, his ship, estate number [date of indenture, and whether warrant out for desertion].)	2.
3. Condition (married or single) ...	3.
4. How many children ...	4.
5. How long supposed to be insane ...	5.
6. Whether— (a) present attack is the first; (b) the patient has been violent, and, if so, the nature of the violence; (c) the patient has shewn any suicidal tendency, and if so, how; (d) any of the relatives have been insane; (e) the person is temperate and has always been so; (f) the person is addicted to opium or ganje smoking; (g) the person has been subject to fits or other illness, and if so, what; (h) the person is a relative or friend of the informant.	6. (a) (b) (c) (d) (e) (f) (g) (h)
7. How long the person has been known to the informant.	7.
8. Name and address of nearest relative or friend.	8.

Sworn this

19 .

day of

Before me,

Magistrate.

C.D.,

Informant.

2.

(Sections 11 and 14.)

MEDICAL CERTIFICATE OF INSANITY.

In re *A.B.* an alleged lunatic.

I, _____, a registered medical practitioner of British Guiana, do declare that I have this day, separately from any other medical practitioner, personally examined *A.B.*, with respect to whom I have obtained certain particulars of information given below; and I certify that the said *A.B.* is of unsound mind and is a proper subject to be detained under care and treatment in the lunatic asylum. And I declare that I have formed that opinion on the following grounds:—

A.—Facts observed by me:

B.—Facts communicated to me by others:

Particulars of information:

- | | |
|----------------------------------------------------------------------------------------|-------|
| (i) apparent age of patient; | (i) |
| (ii) how many times visited; | (ii) |
| (iii) whether the patient has been violent, and, if so, the nature of the violence; | (iii) |
| (iv) whether the patient has shewn any suicidal tendency, and if so, full particulars; | (iv) |
| (v) whether the patient has been subject to any illness, and if so, what. | (v) |
| (vi) Further information of advantage, and considered desirable to give. | (vi) |

Medical Practitioner.

3.

(Section 12.)

WARRANT TO COMMIT LUNATIC TO LUNATIC ASYLUM.

BRITISH GUIANA.

In the _____ judicial district.

In the matter of *A.B.*, a lunatic.

To all police constables and to the medical superintendent of the lunatic asylum.

Whereas it has been made to appear to my satisfaction that *A.B.* of _____ is a person of unsound mind and a proper subject to be confined under care and treatment in the lunatic asylum:

Now, therefore, I do hereby adjudge the said *A.B.* to be a lunatic;

And do order and direct that the said *A.B.* shall be conveyed by some police constable to the public lunatic asylum and there delivered, together with this warrant and with the medical certificates of his unsoundness of mind, to the medical superintendent of the said lunatic asylum, there to be kept until he is lawfully removed or discharged therefrom under the provisions of the Lunatic Asylum Ordinance.

Dated this _____ day of _____, 19 _____.

Magistrate.

4.

(Section 13.)

MEDICAL CERTIFICATE FOR ADMISSION OF LUNATIC TO ALMS HOUSE.

In the matter of *A.B.*, an alleged lunatic.

I, _____, a registered medical practitioner, do declare that I have this day, separately from any other medical practitioner, personally examined *A.B.*, with respect to whom I have obtained certain particulars of information given below, and I certify that the said *A.B.* is a person of unsound mind, but is harmless to himself (or herself) and others, and is a fit subject to be detained under care in the alms house.

Apparent age :
Mental condition :
If subject to any illness.

Medical Practitioner.

5.

(Section 21.)

UNDERTAKING BY RELATIVE OR FRIEND.

In the event of _____ being delivered over to my care and custody by the medical superintendent of the public lunatic asylum, I hereby undertake that _____ shall not become chargeable to any charitable institution in the colony, and that _____ shall be properly taken care of in every way, and shall be prevented from doing injury to _____ or others.

Witness my hand this _____ day of _____, 19 _____.

Taken and acknowledged the
day of _____, 19 _____ }
Before me, _____ }
Magistrate. }