

THE LUNATICS ORDINANCE, 1877.

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No. 5.—1877.

1st March.

AN ORDINANCE to provide for the Custody of Lunatics.

(L.S.) G. WILLIAM DES VŒUX.

7th March, 1877.

WHEREAS it is expedient that proper provision should be made in this Colony for the care and custody of lunatics: Be it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows:—

Preliminary.

1. This Ordinance may be cited for all purposes as Short title.
“The Lunatics Ordinance, 1877.”

2. In this Ordinance,

The term “Lunatic” includes an idiot and any other person of unsound mind;

Interpretation.

The term “Pauper Lunatic” means any lunatic,

1. Who is found wandering at large; or
2. Who is not under proper care or not under proper control; or
3. Who is likely to commit a crime:

The term “Colonial Lunatic Asylum” means a colonial lunatic asylum appointed under this Ordinance:

The term “Criminal Lunatic Asylum” means a criminal lunatic asylum appointed under this Ordinance;

The term “Licensed House” means a house licensed for the reception of a lunatic under this Ordinance, and the term “licensee” means the person to whom a license in respect of a licensed house is granted:

The term “Crime” means any felony or misdemeanour:

The term “Member of the Medical Board” means a member of the Medical Board of the Island of Trinidad.

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Commence-
ment.

3. This Ordinance shall not come into operation until such day as the Governor by proclamation appoints.

General Lunatics.

Inquiry as to
lunacy.

4. Any stipendiary justice of the peace, upon the information upon oath of any informant to the effect that the informant has good cause to suspect and believe and does suspect and believe some person to be a lunatic and a proper subject of confinement may, in any place which he deems convenient examine such suspected lunatic, and in the same place or elsewhere may hold an inquiry as to the state of mind of such suspected lunatic. For the purposes of such inquiry the stipendiary justice shall have the same powers as if the suspected lunatic were a person against whom an information for an offence punishable on summary conviction had been laid: Provided that such justice may if he thinks fit proceed with such inquiry in the absence of the suspected lunatic, and without proof of the service of any summons upon him.

Medical
certificate.

5. The stipendiary justice of the peace shall also appoint some member of the medical board to examine the suspected lunatic, and such member of the medical board shall, if he considers the facts warrant him in so doing, sign a certificate certifying that in his opinion the suspected lunatic is of unsound mind. Such certificate shall specify in full detail the facts upon which the person signing it founds his opinion, and shall distinguish facts which he has himself observed from facts communicated by others. The person signing the certificate shall inquire of any persons able to give information as to the previous history of the lunatic, and shall state in his certificate all matters known to him which he deems likely to be of service with reference to medical treatment. No certificate shall have any effect under this Ordinance which purports to be founded wholly on facts communicated by others.

False medical
certificate.

6. Any person not being a member of the medical board who knowingly and wilfully signs any certificate under this Ordinance in which he is described as a member of the medical board, shall be guilty of a mis-

demeanour, and on conviction thereof before the Supreme Criminal Court, may be fined in any sum not exceeding one hundred pounds, and may also, if the court so think fit, be imprisoned with or without hard labour for any term not exceeding one year.

Any member of the medical board who knowingly and wilfully in any certificate under this Ordinance falsely states or falsely certifies anything, shall be guilty of a misdemeanour, and on conviction thereof before the Supreme Criminal Court may be fined in any sum not exceeding fifty pounds, and may also, if the court so think fit, be imprisoned with or without hard labour for any term not exceeding one year.

7. Where upon such inquiry as is provided for by this Ordinance, it appears to a stipendiary justice of the peace, that any person is a lunatic and a proper subject of confinement, and such medical certificate as by this Ordinance is required of his unsoundness of mind has been given, the stipendiary justice may adjudge such person to be a lunatic and a proper subject of confinement, and may either proceed to make order according to this Ordinance for the care and custody of such lunatic, or if he is of opinion that the question of the care and custody of the lunatic may be more conveniently decided by the stipendiary justice of some other district, may direct that the further proceedings be had before the stipendiary justice of such other district.

8. Where under this Ordinance any person has been duly adjudged a lunatic and a proper subject of confinement any stipendiary justice may, Custody of lunatic.

1. If the consent in writing of the chief medical officer of a colonial lunatic asylum is produced, order the lunatic to be detained in such asylum; or
2. Grant to any person residing within the district of such stipendiary justice a license authorising such person to receive the lunatic into some house specified in the license, and situate within such district, and there to take charge of the lunatic; or

3. If it appears that the lunatic is a pauper lunatic, by warrant under his hand commit him to a colonial lunatic asylum there to be taken charge of as a pauper lunatic.

Jurisdiction
of stipendiary
justice.

9. Any stipendiary justice of the peace may make an order adjudging any person to be a lunatic notwithstanding that none of the facts evidencing the lunacy happened in his district.

Any stipendiary justice of the peace may make an order adjudging any person to be a pauper lunatic notwithstanding that none of the facts constituting such person a pauper lunatic happened in his district.

Appeal from
adjudication
of lunacy.

10. In case of any order under this Ordinance by a stipendiary justice adjudging any alleged lunatic to be a lunatic and a proper subject of confinement, and in case of a refusal so to adjudge, an appeal to the Supreme Civil Court shall lie, subject to the same conditions and with the same consequences as if the alleged lunatic had been convicted of an offence punishable on summary conviction in a case in which an appeal would lie.

Where upon any appeal under this section the alleged lunatic either in open Court or before any judge of the court personally demands that the issue whether he is or is not a lunatic and a proper subject of confinement be tried by a jury, such issue shall be tried accordingly unless the court or judge is satisfied that the alleged lunatic is not mentally competent to form a wish for an inquiry before a jury. The court may in any case in which it sees fit direct that such issue be tried as aforesaid. The court shall make general orders for regulating the procedure in cases of trial by jury under this section.

Colonial Lunatic Asylums.

Appointment
of colonial
lunatic
asylums.

11. The Governor by proclamation may appoint the whole or any part of any building, asylum, house or other place with any out-houses, yards, gardens, grounds or premises thereto belonging to be a colonial lunatic asylum.

In the case of any colonial lunatic asylum, the Governor may from time to time make, alter or revoke regulations as to its management, the admission of patients and the payments to be made in respect of them, the absence upon trial or otherwise and discharge of patients, and as to such other matters as are necessary for the purposes of this Ordinance.

12. The Superintendent of any colonial lunatic asylum or any officer or servant thereof, or any member of the police force or any constable or other peace officer may retake any lunatic who is escaping from such asylum, and may within fourteen days after any escape retake any lunatic who has escaped from such asylum, and may return to the asylum any lunatic so retaken, where he shall revert to his former custody.

Escape of lunatic from colonial lunatic asylums.

13. The Governor may order the discharge from any colonial lunatic asylum of any person, whether recovered or not, detained under this Ordinance or may, subject to the provisions of this Ordinance, allow any such person to be absent on trial for such period as he thinks fit, and may at any time grant an extension of such period. In respect of any pauper lunatic absent on trial the Governor may by warrant under his hand order the payment out of the Colonial Treasury of any sum not exceeding the sum of two pounds one shilling and eight pence per month.

Discharge and absence on trial of colonial lunatic.

No lunatic shall be allowed to be absent on trial under this section unless some person enter into an agreement approved by the Governor to take charge of such lunatic.

If any lunatic allowed to be absent on trial under this section does not return at or before the expiration of the allowed period of absence, then, unless a certificate signed by some member of the medical board certifying that such lunatic may safely be permitted to be at large is sent to the superintendent or other principal officer of the asylum in which the lunatic was confined, such lunatic may at any time within fourteen days from the expiration of such period be retaken as if he had escaped from the asylum.

Licensed Houses.

Duty of licensee.

14. Where a license in respect of any lunatic is granted under this Ordinance, the licensee shall be bound to take proper care of such lunatic until he dies or the licensee is discharged under this Ordinance.

Visitation of licensed houses.

15. Every licensed house shall be visited once at least in every three months by the medical officer and by the stipendiary justice of the district in which such house is situate, and may at any time be visited by the surgeon general or any person authorised by the Governor. The visitation shall be conducted subject to any regulations made by the Governor, and a report of every visitation shall be made to the Governor.

Records as to licensed houses.

16. The licensee of every licensed house shall keep such books, make such entries, furnish such returns and give such notices as the Governor from time to time directs.

The medical officer of any district shall make such returns and furnish such information respecting licensed houses visited by him under this Ordinance as the Governor from time to time directs.

Escape of lunatic from licensed house.

17. The licensee of any licensed house or any servant of or person authorised by such licensee, or any member of the police force, or any constable or other peace officer may retake any lunatic who is escaping from such licensed house, and may within fourteen days retake any lunatic who has escaped from such licensed house, and may return to such licensed house any lunatic so retaken where he shall revert to his former custody.

Absence of lunatic from licensed house upon trial.

18. Subject to the provisions of this Ordinance the Governor may allow any lunatic confined in a licensed house to be absent from such licensed house upon trial for such period as he thinks fit, and may at any time grant an extension of such period.

No lunatic shall be allowed to be absent on trial under this section unless some person enter into an agreement approved by the Governor to take charge of such lunatic.

If any lunatic allowed to be absent on trial from a licensed house under this section does not return at or before the expiration of the allowed period of absence, then unless a certificate signed by some member of the medical board certifying that such lunatic may safely be permitted to be at large is sent to the stipendiary justice of the district within which such licensed house is situate, and also where practicable to the licensee of such licensed house, such lunatic at any time within fourteen days from the expiration of such allowed period may be retaken, as if he had escaped from such licensed house, or in case the licensee from whose custody the lunatic was allowed to be absent is unable or unwilling to resume the care and custody of such lunatic may be dealt with as a person duly adjudged under this Ordinance a lunatic and a proper subject of confinement.

19. Notice of the death of any lunatic confined in a licensed house shall be given forthwith by the licensee to the coroner of the district, and shall also be given by the licensee, as soon as may be to the nearest known relative of the lunatic.

Death of lunatic in licensed house.

20. When any lunatic is confined in a licensed house the licensee, if desirous of being discharged of the care of such lunatic, shall serve notice of such his desire upon the stipendiary justice of the district.

Discharge of licensee at his own request.

At the expiration of fourteen days from the service of such notice the licensee shall be discharged, and such lunatic may be dealt with as a person duly adjudged under this Ordinance a lunatic and a proper subject of confinement.

21. Where it appears to a stipendiary justice of the peace that the persons at whose expense a lunatic is maintained in a licensed house are desirous that the lunatic should be removed from such licensed house, and that provision has been made for his care and custody in a colonial lunatic asylum, or in a suitable licensed house, the stipendiary justice may make an order for the removal of the lunatic and discharge of the licensee accordingly.

Removal of lunatic at request of friends.

22. Where upon the information upon oath of any person it appears to a stipendiary justice of the peace

Removal of lunatic ill-treated or neglected.

that a lunatic confined in a licensed house is ill-treated or neglected, the stipendiary justice may order the lunatic to be removed to a colonial lunatic asylum, or to a suitable licensed house, and thereupon the licensee of the first-mentioned licensed house shall be discharged.

Release of
lunatic.

23. Where-upon the information upon oath of any person it appears to a stipendiary justice of the peace that a lunatic confined in a licensed house is no longer a proper subject of confinement, such stipendiary justice may discharge the licensee and order him to release the lunatic, or may himself release the lunatic.

Any licensee disobeying an order made under this section shall be guilty of an offence punishable on summary conviction, and on conviction thereof before a stipendiary justice of the peace may be fined in any sum not exceeding ten pounds, and such conviction shall not be a bar to any action in respect of the same wrong.

Appeal by
licensee.

24. Where under this Ordinance a stipendiary justice of the peace orders the removal of a lunatic from a licensed house on the ground of ill-treatment or neglect, or orders a lunatic confined in a licensed house to be released, the licensee may appeal against such order, subject to the same conditions, and with the same consequences as if he had been convicted of an offence punishable on summary conviction in a case in which an appeal would lie.

Appeal where
order refused.

25. Where upon information being laid under this Ordinance, that a lunatic confined in a licensed house is ill-treated or neglected, or that a person confined in a licensed house as a lunatic ought to be released, a stipendiary justice refuses to make any order, an appeal shall lie to the Supreme Civil Court subject to the same conditions, and with the same consequences as if the licensee had been charged with an offence punishable on summary conviction and the stipendiary justice had refused to convict.

26. Where an order for the removal of a lunatic from a licensed house has been made, the court judge or stipendiary justice making the order may issue a warrant for the execution of the order directed to any person or persons whom such court, judge, or stipendiary justice thinks fit. Any person shall, if required by any one to whom the warrant is directed, aid and assist in the execution of the warrant.

Execution of
order of
removal.

Interim Orders.

27. Where notice of appeal under this Ordinance has been given—

Interim order
in case of
appeal.

1. A stipendiary justice of the peace may, if he thinks fit, suspend the execution of any order made by him until the decision of the appeal, or for any shorter period, and upon such terms and conditions, if any, as he thinks fit; and
2. Any Judge of the Supreme Civil Court, upon the application of the appellant, and if he thinks fit without any notice of the application being served upon the respondent, may at any time, and notwithstanding any previous order of a judge or stipendiary justice make such order subject to such terms and conditions (if any) as he thinks fit, as to the care or custody, or allowing to be at large until the decision of the appeal, or for any shorter period of the person alleged or adjudged to be, or confined as a lunatic :

Provided that upon an appeal being or being deemed to be abandoned, any order made under this section shall determine, and the order appealed against shall take effect.

Criminal Lunatics.

28. The Governor by proclamation may appoint the whole or any part of any building, prison, asylum, house, or other place with any out-houses, yards, gar- dens, grounds or premises thereto belonging to be a criminal lunatic asylum.

Appointment
of criminal
lunatic
asylums.

The Governor may from time to time make, alter or revoke regulations for the management of any criminal lunatic asylum.

Insanity
before
verdict.

29. If any person upon arraignment before the Supreme Criminal Court or during his trial for any offence is found by the jury to be insane, the court shall order that the trial of such person be postponed until he becomes of sound mind, and that in the meantime he be detained in custody in such criminal lunatic asylum as the court appoints until Her Majesty's pleasure is known, and thereupon the Governor on behalf of Her Majesty may give such order for the safe custody of such person until he becomes of sound mind as the Governor thinks fit.

Acquittal on
account of
insanity.

30. Where upon the trial of any person upon indictment for any offence, evidence is given that such person was insane at the time of committing such offence, and the person is acquitted, the jury shall be required to declare whether such person was acquitted by them on the ground of such insanity. If the jury declares that such acquittal was on the ground of such insanity the court shall order the person acquitted to be detained in custody in such criminal lunatic asylum as the court appoints until Her Majesty's pleasure is known, and thereupon the Governor on behalf of Her Majesty may give such order for the safe custody of such person during Her Majesty's pleasure, as the Governor thinks fit.

Insane
prisoners.

31. Where the Governor is satisfied that any person imprisoned for any cause in any prison is insane, he may, by warrant under his hand, direct that such person be removed to such criminal or colonial lunatic asylum as the Governor thinks proper, and that the person so removed be detained in such asylum until discharged as in this section is mentioned.

Where any person is detained in any lunatic asylum under this section, the Governor, upon the certificate of the principal medical officer of such asylum certifying that such person is of sound mind, may by warrant under his hand direct—

1. If the term of imprisonment of such person has expired, that such person be discharged ;
2. If such person still remains liable to imprisonment, that he be removed to the royal gaol to undergo

his sentence of death or other sentence, or if not under sentence, to be dealt with according to law, as if no warrant for his removal to a lunatic asylum had been issued :

The time during which any person under sentence of imprisonment is detained in any lunatic asylum shall be reckoned as served under such sentence.

32. Where the term of imprisonment to which a person confined in a criminal lunatic asylum is liable expires while such person is in custody in such asylum, then unless the principal medical officer of the asylum, by writing under his hand, certifies that such person may safely be allowed to be at large, such person shall, at the expiration of his term of imprisonment, be deemed to be a pauper lunatic, and any stipendiary justice of the peace may order that such person be detained in a colonial lunatic asylum as a pauper lunatic.

Criminal lunatic insane at expiration of sentence.

33. The Governor may allow any lunatic confined in a criminal lunatic asylum to be absent from such asylum upon trial for any period which he thinks fit, and may at any time grant an extension of such period. If such lunatic does not return at or before the expiration of such period or extended period of trial, he may be retaken as if he had escaped on the last day of such period or extended period.

Absence upon trial of criminal lunatic.

No lunatic shall be allowed to be absent on trial under this section unless some person enter into an agreement approved by the Governor to take charge of him.

34. The Governor may order the discharge, absolutely or conditionally, of any person confined in a criminal lunatic asylum, whether recovered or not.

Discharge of criminal lunatic.

Where upon the information upon oath of the chief officer of police of any district it appears to a stipendiary justice of the peace that a condition subject to which a discharge under this section was granted has been broken, such stipendiary justice may order the person discharged to be conveyed to the asylum from which he was discharged, and there to be detained as if he had not been discharged therefrom, and may issue his warrant accordingly.

Retaking
criminal
lunatic.

35. Any criminal lunatic escaping or having escaped from a criminal lunatic asylum may at any time be retaken by any officer or servant of such asylum, or by any member of the police force, or any constable or peace officer, and conveyed to such asylum and detained therein as if he had not escaped.

Maintenance of Lunatics.

Application
of lunatic's
property for
his mainte-
nance.

36. 1. In all cases, notwithstanding anything contained in Ordinance 16 of 1863, intituled "An Ordinance for regulating the mode of proceeding in cases of Lunatics," or any other Ordinance, and notwithstanding any previous order made under this section, the Supreme Civil Court, and,

2. In cases where the property of a lunatic is of less value in the whole than the sum of one hundred pounds, or the annual value of such property is less than ten pounds, a stipendiary justice of the peace

may, upon the application of any person, make order as to the application of any property of a lunatic confined under this Ordinance, or the income thereof, in or towards the expenses of the maintenance and support of such lunatic, or in or towards recouping the expenses of his past maintenance and support, or in case any person undertakes to pay the expenses of such maintenance and support, or such portion of these expenses as the court or stipendiary justice deems reasonable, may suspend the making of such order for such time and upon such terms as the court or stipendiary justice thinks fit. The expenses of such maintenance and support, or past maintenance and support, shall be in equity a charge upon the real estate of the lunatic in the same manner as if the lunatic had power to charge, and, by writing under his hand, had agreed to charge his real estate therewith.

The application to the Supreme Civil Court shall be by motion or petition in a summary way, or in such other manner as such court by a general order made under this Ordinance directs.

Any application under this section shall be served

upon such persons and in such manner as the court or stipendiary justice directs.

Whether any order under this section is made, suspended or refused, the court or stipendiary justice shall make such order as is just as to the cost of the applicant, and such costs shall be recoverable by distress and sale of the lunatic's personal estate, and shall be a charge in equity upon his real estate in the same manner as if the lunatic had power to charge and by writing under his hand had agreed to charge his real estate therewith.

37. Where the Supreme Civil Court or a stipendiary justice orders under this Ordinance the property of any lunatic or the income thereof to be applied in or towards his maintenance or support, such court or stipendiary justice may declare that such lunatic holds such property or income upon trust to obey the orders of the court or stipendiary justice, and thereupon the court or stipendiary justice shall have the powers conferred upon the Supreme Civil Court in Equity by Ordinance No. 4 of 1862, intituled "An Ordinance to amend the Law relating to the Conveyance and Transfer of Real and Personal Property vested in Mortgagees and Trustees," in the case of lunatics within the meaning of that Ordinance holding property upon trust.

Declaring
lunatic a
trustee.

38. In the case of a pauper lunatic, the expenses of his maintenance and support shall be deemed to be according to a rate to be fixed by the Governor by a regulation under this Ordinance.

Expense of
maintaining
pauper
lunatic.

Offences in Reference to Lunatics.

39. Any superintendent, officer, nurse, attendant, servant or other person employed in any lunatic asylum who strikes, ill-treats or wilfully neglects any lunatic confined in such asylum, shall be guilty of an offence against this Ordinance and on summary conviction thereof before any stipendiary justice of the peace, may be fined in any sum not exceeding twenty pounds or imprisoned in the royal gaol for any term not exceeding six months, with or without hard labour, or subject to the limitations aforesaid punished both by fine and imprisonment.

Ill-treating
lunatics in
asylum.

Rescue and
permitting
escape of
lunatic from
asylum.

40. Any person who rescues any lunatic while being conveyed to or while confined in any lunatic asylum under this Ordinance, and any officer or servant of any lunatic asylum who secretes or through wilful neglect or connivance permits to escape any lunatic confined in any lunatic asylum under this Ordinance, shall be guilty of a misdemeanour and on conviction thereof shall be liable to be imprisoned with or without hard labour for any term not exceeding five years.

Any officer or servant of any lunatic asylum who carelessly permits any person confined therein under this Ordinance to escape shall be guilty of an offence against this Ordinance and on conviction thereof before a stipendiary justice of the peace may be fined in any sum not exceeding twenty pounds.

Offences by
person in
charge of
lunatic on
trial.

41. Any person who accepts the charge of a lunatic allowed to be absent on trial and who

1. Neglects to provide such lunatic with suitable lodging, clothing, food, medical attendance when required, or other necessaries, or fails to take proper care of such lunatic; or
2. Refuses to allow such lunatic to be visited by any medical officer of the asylum from which he was liberated on trial or the district medical officer or any stipendiary justice of the peace,

shall be guilty of an offence punishable on summary conviction, and on conviction thereof before any stipendiary justice of the peace may be fined in any sum not exceeding twenty pounds, or imprisoned with or without hard labour for any term not exceeding six months, and shall forfeit any sum due to him in respect of such lunatic.

Ill-treating
lunatic on
trial and
obstructing
visitor.

42. Any person who strikes or ill-treats a lunatic absent on trial, or who obstructs any medical officer of the asylum from which any such lunatic was liberated or the district medical officer or any stipendiary justice while visiting or attempting to visit any such lunatic shall be guilty of an offence punishable on summary conviction, and on conviction thereof before any stipendiary justice of the peace may be fined in any sum not exceeding twenty pounds, or imprisoned with or without hard labour for any term not exceeding three months.

43. Except in the case of a lunatic absent on trial, no private person shall undertake the care or custody of any lunatic unless he first obtains in respect of such lunatic a license under this Ordinance.

Prohibition
of taking
charge of
lunatic
without a
license.

Any person acting in contravention of this section shall be guilty of a misdemeanour and on conviction thereof may be punished by a fine not exceeding one hundred pounds, or by imprisonment with or without hard labour for any term not exceeding two years, or subject to the limitations aforesaid may be punished both by fine and imprisonment.

44. Where a lunatic is confined in any licensed house, the licensee, or any nurse, servant or other person employed in such house or by the licensee who strikes, ill-treats or wilfully neglects such lunatic shall be guilty of an offence punishable on summary conviction, and on conviction thereof before a stipendiary justice of the peace may be fined in any sum not exceeding twenty pounds, or imprisoned with or without hard labour for any term not exceeding three months.

Ill-treating
lunatic in
licensed
house.

45. Any one who resists or obstructs any person authorised by this Ordinance to visit a licensed house while visiting or attempting to visit the same shall be guilty of an offence punishable on summary conviction, and on conviction thereof before a stipendiary justice of the peace may be fined in any sum not exceeding twenty pounds, or imprisoned with or without hard labour for any term not exceeding three months.

Obstructing
visitor of
licensed
house.

46. Any one who obstructs any person acting in execution of an order for the delivery of a lunatic to a colonial lunatic asylum or licensed house, or for the removal of a lunatic from a licensed house shall be guilty of an offence punishable on summary conviction, and on conviction thereof before a stipendiary justice of the peace may be fined in any sum not exceeding fifty pounds, or imprisoned with or without hard labour for any term not exceeding six months.

Obstructing
execution of
order for
delivery or
removal of
lunatic.

Miscellaneous.

47. Nothing in this Ordinance shall prejudice any right or prerogative of Her Majesty or of the Governor on behalf of Her Majesty.

Saving
prerogative
of the Crown.

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Lunatics so found by inquisition.

48. Nothing in this Ordinance shall apply to lunatics so found by inquisition.

Proviso as to regulations.

49. No regulation made by the Governor under this Ordinance, and no alteration or revocation by the Governor of any such regulation shall be of any effect until the same is approved by resolution of the Legislative Council, and any such regulation, alteration or revocation may at any time be disallowed by one of Her Majesty's Principal Secretaries of State.

Notice shall be given in the *Royal Gazette* of any regulation, alteration or revocation made by the Governor and approved by the Legislative Council under this Ordinance and of every disallowance by a Secretary of State of any such regulation, alteration or revocation. Production of a copy of the *Royal Gazette* containing any such notice shall be *prima facie* evidence of all matters of which notice is so given, and every such regulation, alteration, revocation or disallowance shall take effect from the time of such notice.

No regulation made under this Ordinance shall be in contravention of or inconsistent with this Ordinance or any part thereof.

Procedure.

50. The provisions of Ordinance No. 5 of 1868, intituled "An Ordinance respecting the Summary Administration of Justice," shall so far as the same are applicable apply to proceedings before a stipendiary justice of the peace under this Ordinance.

The provisions of "The Summary Convictions Appeal Ordinance, 1875," shall so far as the same are applicable apply to appeals under this Ordinance.

Forms.

51. The forms contained in the first schedule to this Ordinance may be used in all cases to which they are applicable, but no such form shall in any case be obligatory.

Repeal of enactments in second schedule.

52. The enactments specified in the second schedule to this Ordinance are hereby repealed: Provided that this repeal shall not affect the custody or detention of any person in custody or detained at the time of the passing of this Ordinance or any right, power,

remedy or liability accrued before the passing of the Ordinance.

Passed in Council this first day of March, in the year of our Lord one thousand eight hundred and seventy-seven.

A. C. ROSS,

Clerk of the Council.

THE FIRST SCHEDULE.

LIST OF FORMS.

1. Information of lunacy.
2. Medical certificate.
3. Adjudication of lunacy and committal to colonial lunatic asylum.
4. Adjudication of lunacy and committal to licensed house.
5. Order of committal of pauper lunatic.
6. Adjudication of lunacy and transfer of proceedings.
7. Committal to a licensed house on an adjudication by another Stipendiary Justice.
8. Undertaking as to lunatic absent on trial.
9. Notice by licensee desiring to be discharged.
10. Order for removal of lunatic from licensed house on request of friends.
11. Complaint of ill-treatment [*or neglect*] of lunatic in a licensed house.
12. Order for removal on ground of ill-treatment [*or neglect*] of lunatic from a licensed house.
13. Warrant for removal of a lunatic from a licensed house.
14. Order for release of a lunatic from a licensed house.
15. Interim order by a stipendiary justice after notice of appeal.
16. Order for recommittal of a criminal lunatic.
17. Warrant for recommittal of a criminal lunatic.
18. Order for application of income of lunatic's real estate for his maintenance.
19. Order for sale of lunatic's real estate and application of proceeds for his maintenance.

1.—INFORMATION OF LUNACY.

The Lunatics Ordinance, 1877.

TRINIDAD.
County of

A.B. of _____ informs the undersigned Stipendiary Justice of the Peace that he has good

cause to suspect and believe and does suspect and believe that
D.E. of is a [pauper] lunatic and a proper
subject of confinement.

Taken and sworn }
this day of } *Signature of Informant.*
before me } A.B.

Signature of Justice.

R. D. M.

2.—MEDICAL CERTIFICATE.

The Lunatics Ordinance, 1877.

I, R. K., a member of the Medical Board of the Island of
Trinidad and being in actual practice as a [Physician, Surgeon or
Apothecary as the case may be] hereby certify that I, on the
day of , at , in the ward of
personally examined A. B. of and I hereby certify that
the said A. B. is a lunatic and a proper subject of confinement,
and I have formed this opinion upon the following grounds,
namely:—

1. Facts indicating insanity observed by myself [*here state the facts.*]
2. Other facts [*if any*] indicating insanity communicated by others [*here state the facts and by whom communicated.*]
3. I have made inquiries of all persons known to me who seem likely to be able to give information as to any facts of the previous history of the said A. B., likely to be of service with reference to the medical treatment. The following statement contains all such facts known to me.

STATEMENT.

[*If any particulars in this statement are not known, this to be stated.*]

Name of patient and christian name at length.

Sex and age.

Married, single or widowed.

Condition of life and previous occupation, if any.

The religious persuasion as far as known.

Previous place of abode.

Whether first attack. Age (if known) on first attack.

When and where previously under care and treatment.

Duration of existing attack. Supposed cause.

Whether subject to epilepsy.

Whether suicidal.

Whether dangerous to others.

Name and christian name and place of abode of nearest known
relative of the patient and degree of relationship.

[*Add any other facts proper to be stated.*]

(Signed)

R. K.

[*Place of abode.*]

Dated this

day of

3.—ADJUDICATION OF LUNACY AND COMMITTAL
TO COLONIAL LUNATIC ASYLUM.

The Lunatics Ordinance, 1877.

TRINIDAD.
County of

A. B. Informant, D. E. Respondent.

Whereas on the [Date.] day of A. B. of ,
informed me the undersigned R. D. M., Stipendiary Justice of the
Peace in and for , that he had good cause to suspect
and believe and did suspect and believe that D. E. of
was a lunatic and a proper subject of confinement: And whereas
it appears to me that the said D. E. is a lunatic and a proper sub-
ject of confinement: And whereas as required by "The Lunatics
Ordinance, 1877," the medical certificate hereunto annexed of the
unsoundness of mind of the said D. E. has been given: And
whereas the consent in writing of the principal medical officer of
the colonial lunatic asylum at to receive the said D. E.
into the said asylum has been produced to me: Now, therefore,
I, the said R. D. M. as such Stipendiary Justice of the Peace as
aforesaid, do hereby adjudge the said D. E., to be a lunatic and a
proper subject of confinement and do hereby order that the said
D. E. be detained in the said colonial lunatic asylum subject to
the provisions of "The Lunatics Ordinance, 1877," and the rules
and regulations of such asylum.

Signature of Stipendiary Justice.

R. D. M.

4.—ADJUDICATION OF LUNACY AND COMMITTAL
TO LICENSED HOUSE.

The Lunatics Ordinance, 1877.

TRINIDAD.
County of

A. B. Informant, D. E. Respondent.

Whereas on the [Date.] day of A. B. of ,
informed me the undersigned R. D. M., Stipendiary Justice of the
Peace in and for , that he had good cause to suspect
and believe and did suspect and believe D. E. of
to be a lunatic and a proper subject of confinement: And whereas
as required by "The Lunatics Ordinance, 1877," the medical
certificate hereunto annexed of the unsoundness of mind of the
said D. E. has been given: And whereas F. G. of ,
has offered to undertake the care and custody of the said D. E., in
his house situate at , within the said district of ,
and has requested to have a license granted to him for that
purpose: And whereas I am of opinion that the said F. G. is a
proper person to have the care and custody of the said D. E., and

that his said house is suitable for the reception of the said D. E. : Now, therefore, I the said R. D. M. as such Stipendiary Justice of the Peace as aforesaid do hereby adjudge the said D. E. to be a lunatic and a proper subject of confinement, and I do hereby grant to the said F. G. a license to receive the said D. E. into his said house and there to take care and custody of him the said D. E., and I do hereby order that the said D. E. be detained as a lunatic in the said house of the said F. G., in the care and custody of the said F. G., subject to the provisions of "The Lunatics Ordinance, 1877."

Signature of Stipendiary Justice.

R. D. M.

5.—ORDER OF COMMITTAL OF PAUPER LUNATIC.

The Lunatics Ordinance, 1877.

TRINIDAD.

County of

A. B. Informant, D. E. Respondent.

[Date.]

day of

A. B. of

Whereas on the _____ informed me the undersigned R. D. M., Stipendiary Justice of the Peace in and for _____, that he had good cause to suspect and believe and did suspect and believe that D. E. was a pauper lunatic and a proper subject of confinement: And whereas, as required by "The Lunatics Ordinance, 1877," the medical certificate hereunto annexed of the unsoundness of mind of the said D. E. has been given: Now, therefore, I the said R. D. M., as such Stipendiary Justice of the Peace as aforesaid, do hereby adjudge the said D. E. to be a pauper lunatic and a proper subject of confinement, and I do hereby order that the said D. E. be detained in the colonial lunatic asylum at _____, as a pauper lunatic, subject to the provisions of "The Lunatics Ordinance, 1877."

Signature of Stipendiary Justice.

R. D. M.

6.—ADJUDICATION OF LUNACY AND TRANSFER OF PROCEEDINGS.

The Lunatics Ordinance, 1877.

TRINIDAD.

County of

A. B. Informant, D. E. Respondent.

[Date.]

day of

A. B. of

Whereas on the _____ informed me the undersigned R. D. M., Stipendiary Justice of the Peace in and for _____, that he had good cause to suspect and believe and did suspect and believe D. E. of _____ to be a lunatic and a proper subject of confinement. And whereas it appears to

me that the said D. E. is a lunatic and a proper subject of confinement: And whereas, as required by "The Lunatics Ordinance, 1877," the medical certificate hereunto annexed of the unsoundness of mind of the said D. E. has been given: Now, therefore, I the said R. D. M., as such Stipendiary Justice as aforesaid, do hereby adjudge the said D. E. to be a lunatic and a proper subject of confinement, and being of opinion that the question of the care and custody of the said D. E. may be more conveniently decided by the Stipendiary Justice of the Peace of the district of _____, I do hereby order that the further proceedings in this matter be had before the Stipendiary Justice of the Peace of the said district of _____

Signature of Stipendiary Justice.

R. D. M.

7.—COMMITTAL TO A LICENSED HOUSE UPON AN
ADJUDICATION BY ANOTHER STIPENDIARY
JUSTICE.

The Lunatics Ordinance, 1877.

TRINIDAD.

County of _____

A. B. Informant, D. E. Respondent.

[Date.]

Whereas D. E., of _____, was on the _____ day of _____, by R. D. M., Esquire, Stipendiary Justice of the Peace in and for the district of _____, adjudged to be a lunatic and a proper subject of confinement, and the further proceedings in the matter of the said lunacy were directed to be had before the Stipendiary Justice of the Peace in and for the district of _____: And whereas F. G., of _____, has offered to undertake the care and custody of the said D. E. in his house, situate at _____, within the said last-mentioned district of _____, and has requested to have a license granted to him for that purpose: And whereas I, H. P. H., Stipendiary Justice of the Peace in and for the said last-mentioned district of _____, am of opinion that the said F. G. is a proper person to have the care and custody of the said D. E., and that his said house is suitable for the reception of the said D. E.: Now, therefore, I, the said H. P. H., as such Stipendiary Justice of the Peace as aforesaid, do hereby grant to the said F. G. a license to receive the said D. E. into his said house, and there to take care and custody of him the said D. E., and I do hereby order that the said D. E. be detained as a lunatic in the said house of the said F. G., in the care and custody of the said F. G., subject to the provisions of "The Lunatics Ordinance, 1877."

Signature of Stipendiary Justice.

H. P. H.

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8.—UNDERTAKING AS TO LUNATIC ABSENT ON TRIAL.

The Lunatics Ordinance, 1877.

(When no payment is to be made the words between brackets must be omitted.)

An agreement made the _____ day of _____, between A. B., the principal medical officer of the _____ lunatic asylum at _____, of the one part, and C. D. of _____, of the other part: Whereas the said C. D. has requested that E. F., a lunatic at present confined in the said lunatic asylum at _____

(hereinafter called the said lunatic asylum) may be liberated on trial, and placed in the charge of him the said C. D.: And whereas His Excellency the Governor has consented to allow the said E. F. to be liberated on trial, and delivered to the said C. D. for the period and subject to the conditions hereinafter appearing, provided that the said C. D. enter into the agreement hereinafter contained: Now these presents witness that in consideration of the premises [and of the payment hereinafter agreed to be made to the said C. D.] it is mutually agreed between the said A. B. and C. D. as follows:—

1. The said C. D. shall take charge of the said lunatic, and exercise proper care and control over him, and provide him with suitable food, clothing and other necessaries, and shall allow him to be visited by any medical officer of the lunatic asylum, the medical officer of the _____ district, or any stipendiary justice of the peace.

The said C. D. shall answer according to the best of his knowledge, information and belief any questions put to him by any visitor under this clause, and shall attend and conform to any directions of a medical visitor.

2. The said lunatic shall remain in the charge of the said C. D. for the period of _____ from the day of the date of these presents, or for such extended period as may be agreed upon with the sanction of His Excellency the Governor between the chief medical officer of the said lunatic asylum and the said C. D., unless such period or extended period be sooner determined by writing under the hand of the chief medical officer of the said lunatic asylum. Upon the determination of such period or extended period the said C. D. shall deliver the lunatic at the said lunatic asylum.

[3. Subsequent to the provisions of "The Lunatics Ordinance, 1877," the chief medical officer of the said lunatic asylum shall pay the said C. D. at the rate of _____ a month for the time during

which the said lunatic shall remain in the charge of the said C. D. under this agreement.]

In witness whereof the said A. B. and C. D. have hereunto set their hands the day and year first above written.
A. B.
C. D.

Signed by the said A. B. and C. D. in the presence of X. Y., of, &c.

Approved,
H. T. I.,
Governor.

When the period is extended a memorandum to the following effect may be endorsed upon the agreement:—

It is hereby agreed between G. H., chief medical officer of the lunatic asylum, and the within-mentioned C. D., with the sanction of the Governor, that the within-mentioned period of _____ be extended till the _____ day of _____

G. H.
C. D.

Approved,
H. T. I.,
Governor.

9.—NOTICE BY LICENSEE DESIRING TO BE DISCHARGED.

The Lunatics Ordinance, 1877.

TRINIDAD.

To T. M., Esquire, Stipendiary Justice of the Peace for the district of _____

I, E. F., to whom on the _____ day of _____ a license was granted by you to receive into my house, situate in the said district, one A. B., a lunatic, and there to take care and custody of the said A. B., do hereby give you notice that I desire to be discharged of the care and custody of the said A. B.

E. F.

Witness: G. H., of, &c.

10.—ORDER FOR REMOVAL OF LUNATIC FROM LICENSED HOUSE AT REQUEST OF FRIENDS.

The Lunatics Ordinance, 1877.

TRINIDAD:

County of _____

[Date.] _____

Whereas by an order made on the _____ day of _____ by H. P. H., then the Acting-Stipendiary Justice of the Peace in

and for the district of _____, a license was granted to E. F., of _____, in the said district of _____, to receive one A. B., a lunatic, into his house, situate in the said district, and there to take the care and custody of the said A. B.: And whereas it appears to me, G. H. C., the Stipendiary Justice of the Peace in and for the said district, that the said A. B. is maintained in the said licensed house of the said E. F. at the expense of J. H. and K. L., and that the said J. H. and K. L. are desirous that the said A. B. should be removed from the licensed house of the said E. F. to the house of one Q. R., situate within the said district: And whereas the said Q. R. has applied to me for a license to enable him to receive the said A. B. at his said house, and there to take the care and custody of the said A. B.: And whereas I am of opinion that the said Q. R. is a proper person to have the care and custody of the said A. B., and that his said house is suitable for the reception of the said A. B.: Now, therefore, I, the said G. H. C., Stipendiary Justice of the Peace in and for the said district of _____, do hereby discharge the said E. F. of the care and custody of the said A. B., and do hereby order that the said A. B. be removed from the licensed house of the said E. F. to the said house of the said Q. R. And I do hereby grant to the said Q. R. a license to receive the said A. B. into his said house, and there to take the care and custody of him the said A. B. And I do hereby order that the said A. B. be detained as a lunatic in the said house of the said Q. R. in the care and custody of the said Q. R., subject to the provisions of "The Lunatics Ordinance, 1877."

Signature of Stipendiary Justice.

G. H. C.

11.-- COMPLAINT OF ILL-TREATMENT [OR NEGLECT] OF A LUNATIC IN A LICENSED HOUSE.

The Lunatics Ordinance, 1877.

TRINIDAD.

County of _____

L. M. F., of _____, informs R. D. M., Stipendiary Justice of the Peace in and for _____, that A. B., a lunatic confined in the licensed house of E. F., situate at _____ is ill-treated [or neglected].

Taken and sworn }
this _____ day of _____

Signature of Informant.

L. M. F.

before me

Signature of Justice.

R. D. M.

12.—ORDER FOR REMOVAL ON GROUND OF ILL-TREATMENT [OR NEGLECT] OF A LUNATIC FROM A LICENSED HOUSE.

The Lunatics Ordinance, 1877.

TRINIDAD.

On this day of , at , complaint was made to me for that A. B., a lunatic confined in the licensed house of E. F., situate at , within my district as Stipendiary Justice of the Peace, is ill-treated [or neglected], and I, having heard the said complaint, do hereby order that the said E. F. be discharged from the care and custody of the said A. B., and the consent in writing of S. L. C., the chief medical officer of the Colonial Lunatic Asylum , having been produced to me, do order that the said A. B. be removed from the said licensed house of the said E. F. to the said Colonial Lunatic Asylum at , there to be detained as a lunatic, subject to the rules and regulations of the said asylum and to the provisions of "The Lunatics Ordinance, 1877."

Signature of Stipendiary Justice.

R. D. M.

13.—WARRANT FOR THE REMOVAL OF A LUNATIC FROM A LICENSED HOUSE.

The Lunatics Ordinance, 1877.

TRINIDAD.

County of

To T. S., W. V., Y. Z., and
To Q. R.

Whereas by an order made on the day of by me the undersigned Stipendiary Justice of the Peace in and for , I did order that A. B., a lunatic confined in the licensed house of E. F., situate at , be removed from the said licensed house of the said E. F. to the house of you the above-named Q. R., situate at , in the said district of : These are, therefore, to authorise you the said T. S., W. V., and Y. Z., or any or either of you, to remove the said A. B. from the said licensed house of the said E. F., and him to deliver to you the said Q. R. at the said house of you the said Q. R., where you the said Q. R. are to receive and take the care and custody of the said A. B.: And for so doing this shall be your warrant: And if required in this behalf by you, or any of you, all constables, peace officers, and all other Her Majesty's subjects are to be aiding and assisting in the execution of this warrant.

Given under my hand this day of

Signature of Stipendiary Justice.

R. D. M.

did order that C. D., a criminal lunatic confined in the Criminal Lunatic Asylum at _____, should be discharged from such asylum, subject to the condition that before the _____ day of _____ the said C. D. should not at any time be within the borough of Port of Spain or within three miles of any part of the boundaries thereof: and whereas information upon oath has been laid before me by A. D. O., chief officer of police in the district of _____, that the above-mentioned condition has been broken: Now, I, R. D. M., Stipendiary Justice of the Peace in and for _____, having heard the said information, do adjudge that the said condition has been broken, and do order that the said D. E. be conveyed to the said Criminal Lunatic Asylum at _____, and there detained as if he had not been discharged therefrom.

Signature of Stipendiary Justice.

R. D. M.

17.—WARRANT FOR RECOMMITTAL OF A CRIMINAL LUNATIC.

The Lunatics Ordinance, 1877.

TRINIDAD.

County of _____

A. B., Informant, D. E., Respondent.

[Date.]

To all constables and to W. P., keeper of the Criminal Lunatic Asylum at _____

Whereas by an order dated the _____ day of _____, and made by R. D. M., Esquire, Stipendiary Justice of the Peace in and for _____, it is ordered that D. E. be conveyed to the Criminal Lunatic Asylum at _____, and there detained as if he had not been discharged therefrom: These are, therefore, to authorise and require you the said constables, or any of you, to arrest the said D. E. and convey him to the said Criminal Lunatic Asylum at _____, and there to deliver him to W. P., the superintendent of the said asylum. And for so doing, this shall be your warrant. And you the said W. P. are to receive the said D. E. into your custody, and him safely to keep in the said Criminal Lunatic Asylum at _____ as if he had not been discharged therefrom.

Given under my hand this _____ day of _____

C. F.

A Justice of the Peace in
and for _____

18.—ORDER OF STIPENDIARY JUSTICE FOR APPLI-
CATION OF INCOME OF LUNATIC'S REAL
ESTATE TOWARDS HIS MAINTENANCE.

The Lunatics Ordinance, 1877.

TRINIDAD.

In the matter of A. B., a Lunatic.

County of

[Date.]

Upon the application of S. L. C., chief medical officer of the Colonial Lunatic Asylum at _____, it appearing to me that A. B. has since the _____ day of _____ been maintained, and that he is still maintained at the said Colonial Lunatic Asylum as a lunatic, and that he is entitled to certain houses situate at _____ in the ward of _____, and now let to _____ at rents amounting in the aggregate to the sums of £9 per annum, and that the total annual value of such houses is less than £10, and that the said A. B. is possessed of no other property; and it also appearing to me that the expenses of the past maintenance and support of the said A. B., in the said Colonial Lunatic Asylum at _____, exceed the amount of the rents in arrear of the said houses, and that the yearly expenses of his future maintenance and support will exceed the yearly rents which will accrue to the said A. B.: Now, therefore, I, R. D. M., Stipendiary Justice of the Peace in and for _____, do order that the said rents in arrear be applied in discharge of the past maintenance and support of him the said A. B., and that the said rents hereafter to accrue be applied in payment of the expenses of the future maintenance and support of the said A. B. so long as he lives and continues to be an inmate of the said Colonial Lunatic Asylum at _____, and I do declare that the said A. B. holds the said property and the right to receive the said rents accrued, or hereafter to accrue, on trust to obey this order, and accordingly I do order that the right to sue for and recover the said rents in arrear and the rents that shall accrue, vest in the said S. L. C., and any unapplied surplus in the hands of the said S. L. C. upon the discharge of the said _____ from the said asylum or upon his death is to be held upon trust for the said A. B., his executors, administrators and assigns.

Signature of Stipendiary Justice.

R. D. M.

19.—ORDER FOR SALE OF LUNATIC'S REAL ESTATE
AND APPLICATION OF PROCEEDS FOR HIS
MAINTENANCE.

The Lunatics Ordinance, 1877.

TRINIDAD.

In the matter of A. B., a Lunatic.

County of

[Date.]

Upon the application of S. L. C., chief medical officer of the Colonial Lunatic Asylum, , it appearing to me, R. D. M., Stipendiary Justice of the Peace in and for , that A. B. has since the day of been maintained and that he still is maintained in the Colonial Lunatic Asylum at as a [pauper] lunatic, and that he is seised for an estate in fee simple in possession of one undivided moiety of and in a certain cottage, premises and cocoa plantation with the appurtenances situate at to the other undivided moiety of which E. F., of , is entitled for an estate in fee simple in possession, and that the value of the said undivided moiety of the said A. B. is less than the sum of £100, and that the said A. B. is possessed of no other property; and it also appearing to me that the expenses of the past maintenance and support of the said A. B. in the said asylum from the said day of to the day of amount to the sum of [Forty-five pounds]. And the said E. F. offering to purchase the said undivided moiety of the said A. B. for the sum of [Eighty pounds]. And I being of opinion that the said offer of the said E. F. is fair and reasonable, and that it is expedient to accept the same, do order that the same be accepted and carried into effect, and do declare that the said A. B. holds the said undivided moiety upon trust to obey this order. And the said E. F. having paid the said sum of [Eighty pounds] to the said S. L. C., and the said S. L. C. undertaking to apply the sum of [Forty-five pounds], part thereof in payment of the expenses of the past maintenance and support of the said A. B. from the said day of to the said day of , and from time to time to apply the sum of [Thirty-five pounds] residue of the said sum of [Eighty pounds] in or towards the expenses of the maintenance and support of the said A. B. from the last-mentioned day, and upon the discharge from the said asylum or death of the said A. B., to hold any unapplied surplus in his hands upon trust for the said A. B., his executors, administrators or assigns, I do order that the said undivided moiety of the said A. B., of and in the said cottage, premises and cocoa plantation, with the appurtenances, do vest in the said E. F. his

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heirs and assigns, for all the estate and interest which the said A. B, hath therein.

Signature of Stipendiary Justice.

R. D. M.

THE SECOND SCHEDULE.

No. of Ordinance.	Title or Short Title.	Extent of Repeal.
10 of 1844	For the safe custody of insane persons charged with offences	The whole.
14 of 1858	To authorise the confinement of lunatics in the Trinidad Lunatic Asylum	The whole.
36 of 1859	To make provision for the confinement in the Royal Gaol of certain lunatics	The whole.
23 of 1875	The Lunatics Ordinance, 1875	The whole.

No. 7.—1877.

1st May.

AN ORDINANCE to provide for the more convenient administration of "The Extradition Acts, 1870 and 1873."

(L.S.) G. WILLIAM DES VŒUX.

7th May, 1877.

Preamble.

WHEREAS by the Act of the Imperial Parliament known as "The Extradition Act, 1870," it is amongst other things enacted that the said Act when applied by Order in Council, shall, unless it is otherwise provided by such order, extend to every British possession, but with the following among other modifications, namely:—

No warrant of a Secretary of State shall be required and all powers vested in, or Acts authorised or