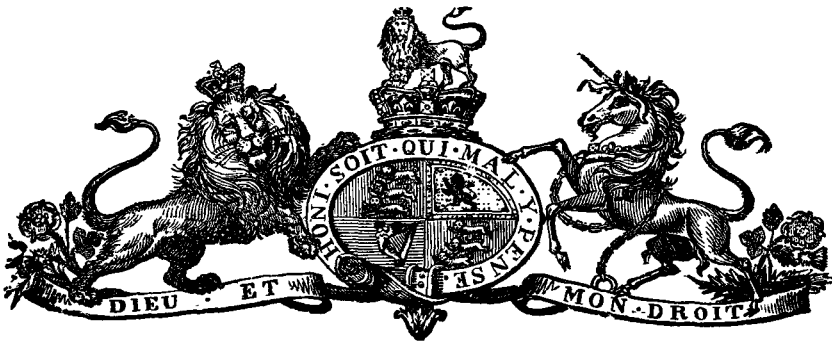


NEW ZEALAND.



ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 61.

ANALYSIS:

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| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. Resident Magistrate or two Justices may, on being satisfied by information on Oath, apprehend a person believed to be suffering from mental derangement. 2. Resident Magistrate or two Justices being satisfied by declaration on Oath of Medical Practitioners, may forthwith commit to some place of safe custody. 3. Resident Magistrate or two Justices may on being satisfied by declaration on Oath of Medical Practitioners order person of un- | <p>sound mind to be received in some public Lunatic Asylum or Hospital.</p> <ol style="list-style-type: none"> 4. Person committed may be handed over to the custody of his friends, on their entering into surety that he shall receive proper treatment and keep the peace. 5. Superintendents may visit and inspect Lunatic Asylums. 6. Legally qualified Medical Practitioners defined. 7. Section ix. of Ordinance xxi. of Session vii. repealed. 8. Short Title. |
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AN ACT to amend an Ordinance to make provision for the safe custody of and prevention of offences by Persons dangerously insane, and for the care and maintenance of Persons of unsound mind. Title.
[19th August, 1858.]

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, Sess. VII., No. 21, intituled "An Ordinance to make provision for the safe custody of and prevention of offences by persons dangerously insane, and for the care and maintenance of persons of unsound mind," it is enacted that dangerous lunatics and persons of unsound mind may be apprehended and kept in custody in the manner therein provided: And whereas it is expedient that further provision be made for the apprehension and safe custody of persons Preamble.

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suffering under mental derangement, by whatever cause produced, and for the prevention of mischief of any kind whatever, at the hands of persons liable at various and uncertain times or periods to attacks of mental alienation, whether temporary or permanent :

BE IT THEREFORE ENACTED by the General Assembly of New Zealand, in Parliament assembled, and by the authority of the same, as follows :—

Resident Magistrate or two Justices may, on being satisfied by information on Oath, apprehend a person believed to be suffering from mental derangement.

I. It shall be lawful for any Resident Magistrate or any two Justices of the Peace on being satisfied by information upon Oath that there is reasonable ground to believe that any person is suffering from mental derangement, either permanently or temporarily as aforesaid, which is likely to endanger the safety of any person whomsoever, or to result in any injury to property, to issue by warrant under his hand and seal, or their hands and seals as the case may be, an order for the apprehension of the person so believed to be suffering from such mental derangement as aforesaid, and for his detention in a place of safe custody in such convenient manner as the said Magistrate or Justices shall direct, and such persons so apprehended shall forthwith be brought before the same or other Resident Magistrate or Justices of the Peace, at some convenient place to be named in the warrant of apprehension to be further dealt with as hereinafter provided.

Resident Magistrate or two Justices being satisfied by declaration on Oath of Medical Practitioners may forthwith commit to some place of safe custody.

II. The Resident Magistrate, or Justices before whom such person shall be brought as aforesaid, shall, without any unnecessary delay, direct two or more legally qualified medical practitioners forthwith to examine the person so apprehended, and if upon view and examination of the person so detained in custody, the said medical practitioners shall declare upon Oath that in their opinion the person so detained in custody is, at that time, or is likely shortly to become, dangerous to himself or others, or is in any way disposed to violence, it shall be lawful for such Resident Magistrate or Justices of the Peace, by warrant under his hand and seal, or their hands and seals, as the case may be, to commit such person to some public Lunatic Asylum, or in the event of none such being available, to some public Hospital, Gaol, or other place of safe custody, there to be kept in safe custody until such person shall be discharged by order of a Resident Magistrate or any two Justices of the Peace ; and if any medical practitioner, not being on full pay in Her Majesty's land or sea forces, shall refuse to visit, examine and report upon the condition of any lunatic as above provided, he shall be liable to a penalty of not more than Fifty Pounds for each offence, to be recovered in a summary way.

Resident Magistrate or two Justices may, on being satisfied by declaration on Oath of Medical Practitioners order person of unsound mind to be received in some public Lunatic Asylum or Hospital.

III. And whereas it is also desirable to provide for the care and maintenance of persons who are of unsound mind who may not have shown a disposition to violence, be it enacted that it shall be lawful for any Resident Magistrate or any two Justices of the Peace, on application of one or more of the relatives or friends of any person of unsound mind, and on receiving a declaration on

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Oath from two or more legally qualified medical practitioners that they have examined and found such person to be of unsound mind, to direct and order, if he or they think proper so to do, that such person be received in such public Lunatic Asylum or Hospital, as such Resident Magistrate or Justices may appoint. Provided always that no such direction or order shall be acted upon unless and until the same shall have been endorsed with the signature of a Judge of the Supreme Court, or the Superintendent of the Province in which such Lunatic Asylum or Hospital is situate, after a proper enquiry by him, if he shall think fit, as to the propriety of carrying out such order or direction.

IV. Provided always that the person so committed to any Lunatic Asylum or other place of safe custody as aforesaid, may at any time be handed over to the care of any of his relatives or friends, upon their making application to that effect, and entering into such sureties as may be deemed sufficient by any Resident Magistrate or any two Justices of the Peace, that the person so proposed to be enlarged shall receive proper treatment while in their custody, and shall keep the peace towards himself and all Her Majesty's subjects, and such sureties shall only be discharged by two Justices of the Peace.

Person committed may be handed over to the custody of his friends on their entering into surety that he shall receive proper treatment, and keep the peace.

V. It shall be lawful for the Superintendent of any Province to visit and inspect any Lunatic Asylum or Hospital situated within the Province of which he is Superintendent, at such times as he may deem convenient.

Superintendents may visit and inspect Lunatic Asylums.

VI. Every person holding a degree, or diploma, or license in Medicine or Surgery, from any University or College, or other corporate Body duly authorised to grant the same, in Great Britain or Ireland, or who is a member of the Company of Apothecaries of London or Dublin, or who is or has been a medical officer in Her Majesty's Land or Sea Service, shall be deemed a legally qualified Medical Practitioner, for the purposes of this Act.

Legally qualified Medical Practitioners defined.

VII. Section IX of the said recited Ordinance No. XXI of Session VII of the Legislative Council, and all other provisions contained in the said Ordinance which are repugnant to any provisions of this Act, are hereby repealed.

Section ix of Ord. xxi of Sess. vii repealed.

VIII. The Short Title of this Act shall be "The Lunatics' Ordinance Amendment Act, 1858."

Short Title.