

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,  
21st July, 1898.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

*Mr. Joyce.*

### INEBRIATES INSTITUTIONS.

#### ANALYSIS.

<p><b>Title.</b></p> <p style="text-align: center;"><b>PART I.</b></p> <p style="text-align: center;"><b>PRELIMINARY.</b></p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p style="text-align: center;"><b>PART II.</b></p> <p style="text-align: center;"><b>INSTITUTIONS.</b></p> <p>3. Governor in Council may proclaim institution for inebriates.</p> <p>4. Appointment of Superintendent and officers.</p> <p>5. The Governor in Council may make regulations for management of an institution for inebriates.</p> <p>6. Inebriates may apply for admission. First Schedule.</p> <p>7. Inebriates may be summoned to appear before Judge of Supreme or District Courts or Stipendiary Magistrate. Second Schedule. Third Schedule.</p>	<p>8. Inebriates may be committed. Fourth Schedule. Fifth Schedule.</p> <p>9. Compulsory committal.</p> <p>10. Duration and effect of orders.</p> <p>11. Inebriates may be retaken during continuance of order after escape.</p> <p>12. Rate of payment.</p> <p>13. Superintendent may take collateral security for maintenance and treatment of inebriate.</p> <p>14. Second or subsequent orders may be made.</p> <p>15. Penalties for improper treatment of patients or supplying intoxicating drinks, &amp;c.</p> <p>16. Penalty on patient misconducting himself.</p> <p>17. Summary jurisdiction Acts.</p> <p>18. Appeals.</p> <p style="text-align: center;"><i>Miscellaneous.</i></p> <p>19. Limitation of actions.</p> <p>20. Fees to be prescribed. Schedules.</p>
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### A BILL INTITULED

AN ACT to provide for the Treatment of Inebriates.

Title.

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

#### PART I.

##### PRELIMINARY.

1. The Short Title of this Act is "The Inebriates Institutions Act, 1897." Short Title.
2. In this Act, unless inconsistent with the context,— Interpretation.  
 "Institution" means a house or building proclaimed under this Act for the reception, control, care, and curative treatment of inebriates:

No. 46—3.—1897.

- “Inebriate” means any person who, not being amenable to any jurisdiction in lunacy, is notwithstanding, by reason of the habitual use in excess of intoxicating liquor or drugs, at times dangerous to himself or to others, or incapable of managing himself and his affairs : 5
- “Intoxicating liquor” means wines, spirits, beer, porter, ale, cider, perry, or any other spirituous or fermented fluid capable of producing intoxication :
- “Drugs” means opium, morphia, chloral, cocaine, and any other drug capable of producing mental aberration : 10

## PART II.

## INSTITUTIONS.

Governor in Council may proclaim institution for inebriates.

3. The Governor in Council may, so soon after the passing of this Act as he shall see fit, and may from time to time by order in Council, which shall be published in the *New Zealand Gazette*, direct 15 that any establishment, or any part of any establishment, or any other building the property of the Crown named in such order, shall be an institution for inebriates, and he may from time to time alter or revoke any such order.

Appointment of Superintendent and officers.

4. The Governor in Council may from time to time appoint 20 for every institution for inebriates a Superintendent, and such other officers as he thinks necessary.

The Governor in Council may make regulations for management of an institution for inebriates.

5. The Governor in Council may from time to time make, alter, and repeal regulations, which shall be published in the *New Zealand Gazette*, for the management, supervision, inspection, and regulation 25 of institutions for inebriates, and for the care and treatment and release of, and for the discipline and conduct to be observed by, patients and residents therein, and for the fees payable by patients and residents therein, and for the admission and treatment of patients who are unable to pay fees. Such regulations shall, if the Governor 30 think fit, provide for the separation of the said institution into two divisions, with a different scale of accommodation and of fees to be paid by patients and residents in each division, and such regulations may provide generally for the better carrying-out the purposes of this Act as it affects the said institutions for inebriates, and the officers, 35 patients, and residents therein.

Inebriates may apply for admission.

6. Any person desirous of being committed to an institution or retreat for inebriates may make application to any Judge of Supreme or District Courts, or to a Stipendiary Magistrate, and such Judge of Supreme or District Courts, or Stipendiary Magistrate, if he be 40 satisfied that the applicant has habitually used excessive quantities of intoxicating drinks or drugs, and that he is at the time of his application sober, and that he fully understands the nature of his application, may make in the form in the *First Schedule* hereto, or to the like effect, an order authorising the conveyance of such 45

First Schedule.

person to some institution for inebriates, and his delivery to the Superintendent or other proper officer thereof, and his reception, detention, and curative treatment therein for any term not exceeding twelve months.

5 7. Upon the application in the form or to the effect in the *Second*  
 Schedule hereto of the husband or wife, or any relation or friend of  
 any person addicted to the habitual use in excess of intoxicating  
 drinks or drugs, any Judge of Supreme or District Courts, or any  
 Stipendiary Magistrate, may, upon proof to him of the reasonableness  
 10 of the application, summon such person to appear before him on a day  
 named at his chambers, to show cause why such person should not be  
 committed to an institution for inebriates, and such summons may  
 be in the form or to the effect in the *Third* Schedule.

Inebriates may be  
 summoned to  
 appear before  
 Judge of Supreme  
 or District Courts  
 or Stipendiary  
 Magistrate.  
 Second Schedule.

Third Schedule.

15 8. If, upon the hearing of such summons in the presence or the  
 absence of the inebriate, it appears that by reason of the excessive  
 use by him of intoxicating drinks or drugs the person summoned is  
 unable to control himself and incapable of managing his affairs,  
 or is dangerous to himself or to others, or is suffering under  
 or recovering from *delirium tremens* or chronic alcoholism,  
 20 or is in imminent danger of death from the continuous use of  
 such drinks or drugs; and if two medical practitioners certify,  
 by statutory declaration in the form or to the effect in the *Fourth*  
 Schedule hereto in writing, that such person requires curative treat-  
 ment in an institution for inebriates, the Judge or Stipendiary  
 25 Magistrate before whom such application is made may make an order  
 in the form or to the effect in the *Fifth* Schedule hereto authorising  
 the apprehension of such person, his conveyance to some institution  
 for inebriates, and his delivery to the Superintendent or other proper  
 officer thereof, and his reception, detention, and curative treatment  
 30 therein for any term not exceeding *twelve* months, or such summons  
 may be dismissed with costs against the applicant.

Inebriates may be  
 committed.

Fourth Schedule.

Fifth Schedule.

9. Upon proof being made to any Stipendiary Magistrate that  
 any person is addicted to the habitual use, in excess, of intoxicating  
 liquor or drugs, such Stipendiary Magistrate shall summon such  
 35 person to appear before him on a day named, or, if such person be  
 present on the occasion when such proof is made, may thereupon  
 call upon him to show cause why he should not be committed to an  
 institution for inebriates, and such summons may be in the form or  
 to the effect in the *Third* Schedule hereto :

Compulsory  
 committal.

40 Provided that, in cases where a prohibition order has been issued  
 against any person as provided by section one hundred and sixty-seven  
 of "The Licensing Act, 1881," such Stipendiary Magistrate may  
 thereupon, without any further proof whatsoever, make an order com-  
 mitting such person to an institution for inebriates for any period  
 45 not exceeding *twelve* months.

10. Every order made in pursuance of this Act, until and unless  
 the same be rescinded by a Judge of the Supreme Court, or any Judge  
 of District Courts, or any Stipendiary Magistrate, upon application  
 made to him in chambers for that purpose, shall be a sufficient  
 50 authority to all persons acting under and in conformity to such order ;  
 and any Judge of the Supreme Court or District Court, or Stipendiary  
 Magistrate, as aforesaid, is hereby authorised, upon application in

Duration and effect  
 of orders.

chambers by or on behalf of the person named in such order, to rescind the same order if he see fit to do so, and the Judge or Stipendiary Magistrate as aforesaid, upon such application, shall make such order as to costs as in each case he thinks fit.

Inebriates may be retaken during continuance of order after escape.

11. Any person received into any institution for inebriates under any such order as is required by this Act may be detained until the expiration of the time named in such order, or until such order be rescinded, and in case of escape before the expiration of the time limited in such order, may by virtue of such order be retaken at any time after his escape and before the expiration of the time limited in such order by any officer or servant belonging to such institution for inebriates, or by any constable or by any person authorised in writing in that behalf by the Superintendent or other manager of the institution for inebriates, and be conveyed to such institution for inebriates and received and detained therein until the expiration or rescission of the said order.

Rate of payment.

12. (1.) In fixing the rate of payment for maintenance and treatment to be made by the inebriate, the Judge of Supreme or District Courts or Stipendiary Magistrate (as the case may be) making the order shall fix the scale of fees for maintenance and treatment to be paid by the inebriate in accordance with the scales fixed by the regulations made by the Governor in Council under this Act; and in the case of any inebriate desiring to receive and being willing to pay for the higher scale of accommodation, if such be provided for in the regulations, if the Judge of Supreme or District Courts or Stipendiary Magistrate making the order be satisfied of the ability of the inebriate to pay for the same, the order for payment for maintenance and treatment shall be upon the higher scale, and in all other cases upon the lower.

(2.) All fees payable pursuant to any such order shall be deemed to be money owing to Her Majesty, and may be recovered accordingly.

Superintendent may take collateral security for maintenance and treatment of inebriate.

13. In any case in which a relative or friend of the inebriate is willing to enter into a security for the due payment by the inebriate of the whole or of any part of the expenses of his maintenance or treatment, it shall be lawful for the Superintendent to accept such security as he deems advisable, and enforce the same by action in which the Superintendent shall be plaintiff.

Second or subsequent orders may be made.

14. In all cases in which, in the opinion of the Superintendent or of any Judge of the Supreme or District Court or Stipendiary Magistrate, it is necessary or desirable for the curative treatment or care of a patient that a second or other subsequent order for detention or treatment, and costs, charges, and expenses, should be made, the Superintendent or any Judge of the Supreme or District Court or Stipendiary Magistrate may make such second or any subsequent order either before or after the determination of the period of detention under any previous order made under similar circumstances and upon like evidence as are hereinbefore provided for in the case of an original order, and no recital of an original or any other order shall be necessary; and every such second or subsequent order shall be in the same form or to the like effect, and shall be dealt with in the same manner and shall confer the same powers as an original order under this Act.

15. If any person illtreats, or, being an officer, servant, or other person employed in or about an institution for inebriates, wilfully neglects any inebriate detained in such institution, or if any person induces or knowingly assists an inebriate detained in an institution  
 5 for inebriates to escape therefrom, or if any person without the authority of the Superintendent of the institution for inebriates brings into an institution for inebriates, or without the authority of the Superintendent of such institution, except in case of urgent necessity, gives or supplies to any person detained therein any intoxicating  
 10 liquor or drug, the person so offending shall, on conviction *in a summary way* before a Stipendiary Magistrate, be liable to a penalty not exceeding *twenty* pounds, or at the discretion of the Court to be imprisoned for any term not exceeding *three* months with or without hard labour.

Penalties for improper treatment of patients or supplying intoxicating drinks, &c.

16. If any inebriate who, in the opinion of the medical officer, is *compos mentis*, while detained in any institution, neglects or wilfully refuses to conform to the regulations for the time being in force therein, or is wilfully guilty of any violent, unruly, or destructive conduct, either while detained in any institution or in attempting to  
 20 escape therefrom, he shall, on conviction *in a summary way* before a Stipendiary Magistrate, be liable to a penalty not exceeding *five* pounds, or, at the discretion of the convicting Magistrate, to be detained for a period not exceeding *one fortnight* in the institution after the expiration of the original term of his detention, for the  
 25 same purposes and on the same conditions as those on which he was originally detained, and shall also be liable to make good or pay for any damage which he may have caused to property or furniture; and in reckoning the period of his detention, whether original or under this section, the time during which such person has been absent  
 30 without leave of the Superintendent from the institution shall be excluded from computation.

Penalty on patient misconducting himself.

*Struck out.*

17. "The Justices of the Peace Act, 1882," shall apply to all offences in respect of which jurisdiction is given to any Court of  
 35 summary jurisdiction by this Act, or which are directed to be prosecuted, enforced, or made before a Court of summary jurisdiction, or in a summary manner or upon summary conviction.

Summary jurisdiction Acts.

18. If any person thinks himself aggrieved by any conviction or order of a ~~Court of summary jurisdiction~~, *Stipendiary Magistrate under this Act* he may appeal therefrom, subject to the conditions and provisions with regard to appeal contained in "The Justices of the Peace Act, 1882."

Appeals.

*Miscellaneous.*

19. Any action against any person for anything done in pursuance or execution or intended execution of this Act shall be  
 45 commenced within two years after the thing done, and not otherwise.

Limitation of actions.

Notice in writing of every such action, and of the cause thereof, shall be given to the intended defendant one month at least before the commencement of the action.

*Struck out.*

20. The Colonial Secretary may, subject as herein mentioned, prescribe the fees to be paid in carrying out the provisions of this Act.

Fees to be prescribed.



THIRD SCHEDULE.

FORM OF SUMMONS.

Section 7.

"*The Inebriates Institutions Act, 1897.*"

In the matter of an application of A.B., of \_\_\_\_\_, in the Colony of New Zealand [here state relationship of A.B to the patient, as in the application] of C.D., charged with the habitual use in excess of intoxicating drinks [or drugs].

To C.D., of \_\_\_\_\_, in the Colony of New Zealand.

You are hereby required to appear before [the Judge of the \_\_\_\_\_ Court at \_\_\_\_\_ at his chambers, in the \_\_\_\_\_ Courthouse, \_\_\_\_\_ Street [or E.F., Stipendiary Magistrate, at his chambers, at the place appointed for the holding of Stipendiary Magistrates' Courts at \_\_\_\_\_] on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, to show cause why you should not be committed under the provisions of "The Inebriates Institutions Act, 1897," to an institution for inebriates, as being addicted to the habitual use in excess of intoxicating drinks [or drugs.]

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_, Court at \_\_\_\_\_ [or Stipendiary Magistrate].

FOURTH SCHEDULE.

FORM OF DECLARATION OF MEDICAL PRACTITIONER.

Section

I, M.N., in the Colony of New Zealand, do solemnly and sincerely declare: (1) That I am a legally-qualified medical practitioner; (2) that I have seen and examined C.D., of \_\_\_\_\_, who is at present suffering from the habitual use in excess of intoxicating drinks [or drugs]; (3) that I am of opinion that the said C.D. requires curative treatment in an inebriate institution as defined in "The Inebriates Institutions Act, 1897."

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of the General Assembly of New Zealand intituled "The Justices of the Peace Act, 1882."

Declared before me at \_\_\_\_\_, in the Colony of New Zealand, this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

FIFTH SCHEDULE.

FORM OF ORDER.

Section 8.

"*The Inebriates Institutions Act, 1897.*"

To L.M., \_\_\_\_\_, and all constables and peace officers, and to the Superintendent or other proper officer of the institution for inebriates at \_\_\_\_\_

WHEREAS upon the application to me, \_\_\_\_\_, a Judge of \_\_\_\_\_ Court of [or Stipendiary Magistrate] \_\_\_\_\_, of \_\_\_\_\_, being a relation or friend of \_\_\_\_\_, of \_\_\_\_\_, a person addicted to the habitual use in excess of intoxicating drinks [or drugs], and upon proof to me by the said applicant of the reasonableness of \_\_\_\_\_ application, I did summon the said \_\_\_\_\_ to appear before me on the \_\_\_\_\_ day of \_\_\_\_\_, at my chambers [or at the Courthouse in the \_\_\_\_\_], to show cause why \_\_\_\_\_ should not be committed to an institution: And whereas the said \_\_\_\_\_ appeared [or failed to appear] at the time and place specified in the said summons: And whereas upon the hearing of such summons in the presence of the said \_\_\_\_\_ [or in the absence of the said \_\_\_\_\_, and upon proof of the service upon \_\_\_\_\_ of the said summons], it appears to me that by reason of \_\_\_\_\_ abuse of intoxicating drinks [or drugs] the said \_\_\_\_\_ is unable to control self, and is incapable of managing \_\_\_\_\_ affairs [or is dangerous to self or to others, or is suffering from *delirium tremens* or chronic alcoholism, or is recovering from *delirium tremens* or chronic alcoholism, or is in immediate danger of death from the continuous use of intoxicating drinks] [or drugs]: And whereas \_\_\_\_\_, and \_\_\_\_\_, being two medical practitioners, have certified by a statutory declaration in writing that the said \_\_\_\_\_ requires curative treatment in an institution.

Now I, the said \_\_\_\_\_, Judge of \_\_\_\_\_ Court [or Stipendiary Magistrate], do, in the pursuance of the "The Inebriates Institutions Act, 1897," and by the authority on me thereby conferred, hereby order that you the said \_\_\_\_\_, and all constables and peace officers to whom this warrant may be shown, apprehend the said \_\_\_\_\_, and convey \_\_\_\_\_ to the said institution for inebriates at \_\_\_\_\_, and deliver \_\_\_\_\_ to the said Superintendent or other proper officer thereof; and that you the said Superintendent or other proper officer receive \_\_\_\_\_ into your custody in the said institution, and \_\_\_\_\_ there safely keep and submit to curative treatment for the term of \_\_\_\_\_ months, unless \_\_\_\_\_ be sooner discharged according to law. And I hereby by this order direct that the said \_\_\_\_\_ shall pay to \_\_\_\_\_ the sum of \_\_\_\_\_ pounds \_\_\_\_\_ shillings and \_\_\_\_\_ pence for the expenses of conveyance to the said institution, and to the said Superintendent the sum of \_\_\_\_\_ pounds \_\_\_\_\_ shillings and \_\_\_\_\_ pence for every month of stay therein, and a proportionate part of such sum for any fraction of a month, being the amount of the fees in that behalf ordered to be paid by the regulations made by the Governor in Council in pursuance of "The Inebriates Institutions Act, 1897." And for these this shall be a sufficient warrant.

Given under my hand and the seal of the Court, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18 \_\_\_\_\_.

[L.S.]

A.B.C.,  
Judge of the \_\_\_\_\_ Court at \_\_\_\_\_  
[or Stipendiary Magistrate \_\_\_\_\_].

*Struck out.*

SIXTH SCHEDULE.

Section 12.

JUDGMENT UNDER "THE INEBRIATES INSTITUTIONS ACT, 1897."

In the Supreme Court of New Zealand }

*To Wit.*

BE it remembered that A.B., Esquire, Attorney- [or Solicitor-] General of our Lady the Queen, for and on behalf of our said Lady the Queen, gives the Court here to understand and be informed that Y.Z. is indebted to Her Majesty under the provisions of "The Inebriates Institutions Act, 1897," in the sum of \_\_\_\_\_ as has been made to appear to the said A.B. as a law officer by the certificate of C.D., the Superintendent of the institution for inebriates at \_\_\_\_\_, and the said A.B. craves judgment for Her Majesty under the said Act for the said sum: Therefore on the day of \_\_\_\_\_ it is considered by the Court here that our said Lady the Queen do recover against the said Y.Z. the said sum of \_\_\_\_\_, and also the sum of \_\_\_\_\_ for costs, making together the sum of \_\_\_\_\_.