

Hon. Mr. Hall-Jones.

MENTAL HOSPITALS.

ANALYSIS.

- Title.
- 1. Short Title. Act not to apply to certain persons.
- 2. Interpretation.

PART I.

THE CONTROL OF PERSONS OF UNSOUND MIND.

- 3. Notice of person being of unsound mind to be given.
- 4. Inquiry by Magistrate.
- 5. Where person examined is too ill to be removed.
- 6. No order need be made for the custody of the person in certain cases.
- 7. Urgency orders for safe keeping pending examination.

Certificates of Medical Practitioners.

- 8. Contents of certificate.
- 9. Interested practitioners not to give certificates.
- 10. Amendment of certificates.
Duration of Reception-orders.
- 11. Duration of reception-orders.

PART II.

HOSPITALS FOR MENTAL DISEASES.

- 12. Appointment of hospitals.
- 13. Superintendent, medical officer, &c., to be appointed.
- 14. Registers to be kept.
- 15. Medical Journal. Case Book. Prescription Book. Register of Restraint and Seclusion. *Post-mortem* Book.
- 16. Notices of admission, discharge, transfer, death, &c., of patient.
- 17. Suppression of material fact a crime.
- 18. Accommodation required.

Temporary Accommodation at Public Hospitals.

- 19. Public hospitals to provide certain accommodation.
- Licensed Hospitals.*
- 20. License to keep hospital. Existing licensed hospitals.
- 21. Notice of intention to revoke license.
- 22. Particulars on application for license.
- 23. One license may include more than one house.
- 24. Plans of alterations, &c., to be submitted to Inspector-General.

- 25. Renewal of license.
- 26. Transfer of license on death or illness of licensee.
- 27. Temporary license in case of fire, &c.
- 28. Medical officer and staff.
- 29. Notice of employment and discharge of attendants.
- 30. Certain provisions to apply to licensed hospitals.

Voluntary Boarders.

- 31. Voluntary boarders may be received into hospital. Notice of admission. Powers of Minister. Superintendent may refuse admission. Where boarder becomes worse. Application for inquiry.
- 32. Discharge of boarder.

Boarding out and in Private Families.

- 33. Patient may be boarded out.
- 34. Duties of householder receiving patient.
- 35. Medical Visitation Book.
- 36. Notices to be sent as in hospitals.
- 37. Penalty for neglect by householder.

Unlawful Detention of Persons of Unsound Mind.

- 38. Unlawful detention a crime.
- 39. Only one patient to be received in house.
- 40. Burden of proof on accused.

PART III.

VISITATION, DISCHARGE, ETC., OF PERSONS OF UNSOUND MIND.

Visitation of Hospitals.

- 41. Appointment of Inspector-General and Inspectors.
- 42. Appointment of official visitors.
- 43. Hospitals, &c., to be visited.
- 44. Inspector and official visitor to see every patient.
- 45. Nature of inquiry on visit.
- 46. Information required to be given on visit.
- 47. Inspector may examine on oath.
- 48. Inspectors' Book.
- 49. Patients' Book.
- 50. Order for admission to patient of friend, &c.

51. Dealings with patients' letters.
 52. Reports of Inspector and official visitors.
 53. Annual report of Inspector-General.
- Escapes.*
54. Where patient escapes. Conniving at escape.
- Absence by Leave.*
55. Patient may be allowed out on leave.
 56. Patient absent on leave to be visited.
 57. Inspector may cancel leave.
- Transfer of Patients.*
58. Inspector-General may order patient to be transferred.
 59. Transfer to be made promptly.
 60. Reception-order to remain in force on transfer.
 61. Patient may be allowed to leave New Zealand.
- Discharge of Patients.*
62. Discharge on patient becoming of sound mind.
 63. Judge may direct inquiry as to person's sanity. And may order discharge.
- PART IV.
 CRIMINALS OF UNSOUND MIND.
64. Detention of criminals of unsound mind.
 65. Removal.
 66. Discharge or return to custody.
 67. Certain provisions of the Act not to apply.
 68. Inmates at the passing of the Act.
- PART V.
 ADMINISTRATION OF ESTATES OF PERSONS OF UNSOUND MIND.
69. Estate to vest in Public Trustee.
70. Application of moneys by Public Trustee.
 71. Notice of reception-order to be sent to Public Trustee.
 72. Information as to estate to be communicated by certain persons.
 73. Court may order certain inquiries to be made.
 74. Public Trustee may examine on oath.
 75. Where partner is of unsound mind.
 76. Powers of Public Trustee to recover property of patient.
 77. Certificate of Public Trustee.
 78. Account to be rendered on discharge of patient.
 79. Administration on death of patient.
 80. Where deceased patient leaves a will.
 81. Expenses and commissions of Public Trustee.
 82. Rules of Court.
- PART VI.
 MISCELLANEOUS PROVISIONS.
83. Regulations.
 84. Maintenance of persons having no estate.
 85. Fees for medical certificates.
 86. Penalty for giving improper certificate.
 87. Penalty for illtreating patients.
 88. Immorality with female patient.
 89. General penalty.
 90. Punishment of crimes.
 91. Recovery of fines.
 92. When Justices may act instead of Magistrate.
 93. Entry in Register of Admissions proof of admission, &c.
 94. Name of patient not to be made public.
 95. When telegram sufficient authority.
 96. Protection of person acting under this Act.
 97. Repeals.
 Schedule.

A BILL INTITULED

Title. AN ACT to consolidate and amend the Law relating to Persons of Unsound Mind.

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

Short Title. 1. The Short Title of this Act is "The Mental Hospitals Act, 1905," and it shall come into operation on the first day of January, one thousand nine hundred and six.

Interpretation. 2. In this Act, if not inconsistent with the context,—

"Boarder" means a voluntary boarder detained under section thirty-one hereof in any hospital for mental diseases: 10

"Court" means the Supreme Court, and includes a Judge thereof:

"Estate" means real and personal property of every kind, 15 and every interest therein:

- 5 “Hospital for mental diseases” or “hospital” means any house, building, or place erected or provided for the reception and detention of persons under this Act, and proclaimed a hospital or licensed as a hospital as hereinafter provided :
- “Licensed hospital” means any house in respect of which a license is granted under this Act for the reception of persons of unsound mind :
- 10 “Mechanical restraint” means the restriction of the free movements of the body, or any part thereof, by any contrivance used for that purpose, and does not include such restriction where it is strictly limited to such ordinary surgical usage as would be employed in the case of a person of sound mind :
- 15 “Medical certificate” means a certificate signed by a medical practitioner :
- “Medical practitioner” means a legally qualified medical practitioner in actual practice within the meaning of any law in force relating to the qualification of medical practitioners :
- 20 “Minister” means the Minister of the Crown for the time being having the administration of this Act :
- “Patient” means a person of unsound mind detained under this Act in any hospital or house, but does not include a voluntary boarder :
- 25 “Person of unsound mind” means any insane person or person labouring under mental disorder and incapable either of managing himself or of managing his affairs, and includes any person detained as such in any public or private establishment or house in New Zealand authorised or used for the reception of persons of unsound mind under this Act :
- 30 “Prescribed” means prescribed by this Act or by regulations made under this Act :
- 35 “Reception-house” means a hospital or part of a hospital used for the reception and separate treatment of suitable patients and boarders :
- “Relative,” of any person, means a lineal ancestor or lineal descendant, or a lineal descendant of an ancestor not more remote than grandfather or grandmother, and includes the husband or wife of a relative and of such person :
- 40 “Seclusion” means the detention of any person of or believed to be of unsound mind at any time between the hours of eight in the forenoon and six in the afternoon within any apartment or enclosure the outlets from which are so secured as to prevent the egress of such person when a responsible person is not in charge within such apartment or enclosure :
- 45 “Superintendent” means the superintendent of a hospital.

PART I.

THE CONTROL OF PERSONS OF UNSOUND MIND.

Notice of person
being of unsound
mind to be given.

3. (1.) Where any person is believed to be of unsound mind, or is treated as of unsound mind in a house the occupier of which pays all expenses for the care, maintenance, and treatment of such person, it shall be the duty of such occupier and of the medical practitioner attending such person, not later than three months from the date when he first believed such person to be of unsound mind or treated him as of unsound mind, to send notice of the facts of the case to the Inspector-General. 5 10

(2.) Where any person is believed to be of unsound mind, or is treated as of unsound mind in a house the occupier of which is paid, directly or indirectly, for the care, maintenance, or treatment of such person, it shall be the duty of such occupier and of the medical practitioner attending such person, not later than forty-eight hours from the date when he first believed such person to be of unsound mind or treated him as of unsound mind in such house, to send notice as aforesaid to the Inspector-General. 15

(3.) Every medical practitioner or such occupier as aforesaid who fails to send notice as aforesaid is liable to a fine not exceeding *fifty* pounds. 20

(4.) Where any such person is kept in seclusion, or is subjected to mechanical restraint, notice of the facts of the case shall, within twenty-four hours after the first putting of such person into seclusion or under mechanical restraint, be sent to the Inspector-General by the medical practitioner and such occupier as aforesaid. 25

(5.) Every medical practitioner or such occupier as aforesaid who fails to send such last-mentioned notice is liable to a fine not exceeding *two* hundred pounds.

(6.) Where, within the respective periods aforesaid, application is made to a Magistrate under the *next succeeding* section it shall not be necessary to send notice to the Inspector-General. 30

(7.) Where the person of unsound mind or treated as of unsound mind is himself the occupier, then, for the purposes of this section, the person for the time being having the care of such person shall be deemed to be the occupier. 35

(8.) Nothing in this section shall be deemed to authorise the detention of any person except in the manner hereinafter provided; and the Inspector-General may, the occupier or medical practitioner holding himself responsible, permit, under conditions given in writing under his hand, any such person to travel without renotification as required by subsections *one* and *two* of this section; and the Inspector-General may at any time cause application to be made under the *next succeeding* section in respect of any person believed to be of unsound mind or treated as of unsound mind who in his opinion is not under proper care and control. 40 45

(9.) Upon the statement of any person holding himself responsible therefor, or as a result of his own observations, any constable

may take under his protection any person who by his speech or conduct may reasonably lead others to suspect that he is of unsound mind and is a danger to himself or others, or whose acts are offensive to public decency :

5 Provided that as soon as possible thereafter such constable shall make or cause application to be made in respect of such person under the *next succeeding* section.

10 (10.) The Inspector-General shall enter in a private register the particulars so notified to him, and shall take precautions for preventing the name of any person entered in such private register from becoming publicly known unless there is some good reason why the name of any such person should be made public.

15 4. (1.) On the application in the prescribed form of the husband or wife or any relative of any person believed to be of unsound mind, or of any Inspector, constable, or other person, showing good cause why he should so act to the Magistrate to have such person placed under proper care and control, the Magistrate shall examine the person believed to be or treated as of unsound mind at his abode or elsewhere ; and, if he thinks there is reasonable cause for further examination, shall call to his assistance two medical practitioners, who shall separately examine such person.

Inquiry by
Magistrate.

20 (2.) Wherever practicable one of such medical practitioners shall be the usual medical attendant of such person.

25 (3.) Where practicable such application shall be verified by the statutory declaration of the applicant or of some person able to verify the same.

(4.) The Magistrate may also summon as witnesses such persons as are likely to be able to give evidence touching the mental condition of the person believed to be of unsound mind.

30 (5.) On such medical examination each of the medical practitioners shall sign a certificate in the prescribed form, stating—

(a.) Whether or not in his opinion the said person is of unsound mind ; and

(b.) Whether or not he requires detention under this Act.

35 (6.) If the Magistrate is satisfied that the said person is of unsound mind and requires detention, and that each of the said certificates contains direct evidence of mental disorder as shown by facts observed during the examination by the certifying medical practitioner, and is otherwise in due form, he may, by order under his hand in the prescribed form, direct such person to be received into a hospital named in the order, and may make provision for his temporary control until he is so received ; and some person (who shall be named in the order) shall forthwith convey such person to the place appointed, and deliver him, together with the said order and certificates and a copy of the application, to the superintendent of the hospital.

40 (7.) No order shall be made under the *last preceding* subsection after the expiration of seven days from the date of the said certificates, or, where such certificates do not bear the same date, then after the expiration of seven days from the date of the certificate bearing the earlier date.

45 (8.) Except as provided in the *next succeeding* section, the order of the Magistrate (hereinafter referred to as a “reception-

order") shall cease to be of any force unless the person of unsound mind named therein is received thereunder as directed upon the day of the date of the order, or within the seven days immediately following that date.

(9.) The Magistrate may from time to time adjourn any such inquiry, and order the removal in the meantime of the person believed to be of unsound mind to a hospital or other place for safe keeping, but not, except as a matter of urgency, to a place used for the detention of criminals. 5

(10.) The Magistrate shall in the prescribed form and manner report the result of every such inquiry to the Inspector-General. 10

Where person
examined is too ill
to be removed.

5. Where the medical practitioners by whom any person of unsound mind is examined as aforesaid certify in writing that he is of unsound mind and requires detention under this Act but is not in a fit state to be removed, the Magistrate shall make such order for his temporary care and control as he thinks fit, and his removal shall be suspended until the same or any two medical practitioners called to his assistance by the Magistrate certify in writing whether or not he is still of unsound mind and requires detention as aforesaid and is fit to be removed; and such medical practitioners are hereby required to give such last-mentioned certificate as soon as, in their judgment, it ought to be given, and the Magistrate shall thereupon confirm or revoke the reception-order by indorsement under his hand. 15 20

No order need be
made for the
custody of the
person in certain
cases.

6. Where on any inquiry under section *four* hereof it appears to the Magistrate, upon the evidence of the medical practitioners called to his assistance, that any person is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself, and is not suicidal or dangerous or offensive to public decency, it may be specially so found and certified; and it shall not be necessary, unless in the discretion of the Magistrate it appears proper so to do, to make any order as to the care or custody of the person. 25 30

Urgency orders
for safe keeping
pending examina-
tion.

7. (1.) In urgent cases any person believed to be of unsound mind may be temporarily received into a hospital for treatment and safe-keeping, on the superintendent receiving an application in the prescribed form by a responsible person, together with a valid medical certificate in the prescribed form showing the urgency of the case, either for the welfare of the person believed to be of unsound mind or for the public safety. 35 40

(2.) Where possible, such application shall be made by a near relation, and such certificate given by the medical practitioner usually attending the person believed to be of unsound mind.

(3.) No person shall be received into a hospital under this section after the expiration of seven days from the date of the certificate, and such application shall be signed and dated within the same period. 45

(4.) Within twenty-four hours after the reception under this section of any person the superintendent shall send or cause to be sent to the Inspector-General a notice of such reception, together with a copy of the application and certificate on which such person was received. 50

(5.) Unless within three days after the reception of any person under this section application for an inquiry respecting such person

is made under section *four* hereof, the superintendent shall himself make application forthwith.

(6.) On such inquiry the Magistrate may, if he thinks fit, accept the certificate accompanying the application as if the medical practitioner signing the same had been called to his assistance as provided in section *four* hereof.

(7.) The superintendent of the hospital shall not deem such person to be duly admitted as a patient until the receipt of the reception-order, when the name of the medical practitioner signing the urgency certificate, and of the applicant, and the date of the certificate and application, and of the reception of such person thereunder, shall be entered in their proper place in the Register of Admissions.

(8.) If on any such inquiry the Magistrate refuses to make a reception-order, the person so temporarily received shall immediately be set at liberty, and notice thereof shall be forthwith sent to the Inspector-General by the superintendent.

(9.) No person shall be detained under this section for a longer period than the seven days immediately following the day of his reception, and it shall not be lawful, by repeating the procedure of presenting an application and certificate, to extend such period of detention.

Certificates of Medical Practitioners.

8. (1.) Every medical practitioner who signs a certificate as required by the foregoing provisions of this Act shall specify therein the facts upon which he has formed his opinion that the person to whom the certificate relates is of unsound mind, distinguishing in such certificate facts observed by himself from facts communicated to him by others, and stating the names and addresses of the persons who have communicated the facts.

Contents of
certificate.

(2.) In no case shall a reception-order be made on any certificate that purports to be founded only upon facts communicated by others.

(3.) In such certificate the medical practitioner shall state his opinion whether such person is suicidal or dangerous, and whether on consideration of all the facts he is—

(a.) Able to look after himself, but because of unsoundness of mind is unable to manage his affairs; or

(b.) Unable to look after himself, not because of unsoundness of mind, but because of age or bodily infirmity; or

(c.) Unable to look after himself because of unsoundness of mind, and is a fit and proper person to be put under care and treatment, either in a hospital or in a private house, as the case may be.

(4.) In such certificate the medical practitioner shall, so far as is known to him, make a statement—

(d.) Of the treatment employed for such person during the present illness, with special reference to the use of seclusion, mechanical restraint, and sedative drugs; and

(e.) As to the bodily health and condition of such person, with special reference to the presence or absence of epilepsy, communicable disease, and recent injury.

(5.) Every such certificate shall bear date of the day when his last examination of the person believed to be of unsound mind took place.

Interested practitioners not to give certificates.

9. Such certificate shall not be valid if the practitioner is—

- (a.) The superintendent, or a medical officer, or a licensee, or the sole or part proprietor of the hospital to which it is proposed to send the person believed to be of unsound mind; or 5
- (b.) The medical practitioner who is to visit such person in a house or the householder of such house; or 10
- (c.) A relative or a guardian, or a partner, principal, or assistant in medical practice of any of the foregoing persons or of the person believed to be of unsound mind; or
- (d.) A partner, principal, or assistant of any other medical practitioner called to the assistance of the Magistrate as aforesaid; or 15
- (e.) Receiving salary, fee, or percentage, or otherwise interested in any payments to be made on account of the care, maintenance, or medical treatment of such person; or
- (f.) An inspector or official visitor under this Act, or a Justice exercising any of the powers of a Justice under this Act with respect to such person believed to be of unsound mind. 20

Amendment of certificates.

10. (1.) If any reception-order or certificate is at any time deemed by the Inspector-General to be incorrect or defective, and the same is not amended to his satisfaction by the person who signed the same within twenty-one days after the receipt by the superintendent of the hospital or the householder of the house in which the patient in respect of whom the order or certificate was given is detained of a direction in writing from the Inspector-General requiring amendment of the same, the Inspector-General may, if he thinks fit, make an order for the patient's discharge, and he shall be discharged accordingly. 25 30

(2.) Every order and certificate amended under this section shall take effect as if the amendment had been contained therein when it was signed. 35

Duration of Reception-orders.

Duration of reception-orders.

11. (1.) The reception-order shall lapse upon the patient detained thereunder being discharged as authorised by this Act or dying. 40

(2.) It shall also lapse, and the patient shall be deemed to be discharged, upon the thirty-first day of December in the year following that in which it was first made, and on the thirty-first day of December in each year thereafter, unless before each such date the medical officer of the hospital or the medical practitioner attending the patient in a house certifies in writing to the Inspector-General that during such month of December he has considered the case of the patient to whom the order refers, and is of opinion that he continues to be a proper person to be detained under this Act either for the patient's own good or for the public safety. 45 50

(3.) If during any such month of December any patient has escaped before his case has been so considered, but is retaken within the period mentioned in section fifty-four hereof, or if the case of any patient has not been so considered owing to his absence from the hospital or house on leave or as otherwise permitted under this Act, the reception-order shall continue in force for the seven days immediately following the day on which the patient returns, and shall then lapse unless within that time the medical officer or medical practitioner, as the case may be, certifies in the manner aforesaid that he has within that time considered the case of the patient and is of opinion that he continues to be a proper person to be detained as aforesaid.

(4.) Except in the case of a person being discharged as of sound mind the lapsing of a reception-order shall not of itself entitle him to resume the management of his estate.

(5.) All reception-orders in force at the coming into operation of this Act shall, for the purposes of this section, be deemed to have been made in the year immediately before such coming into operation.

PART II.

HOSPITALS FOR MENTAL DISEASES.

12. (1.) The Governor may from time to time, by Order in Council gazetted, declare that any house or building wholly or in part supported out of moneys appropriated for the purpose by Parliament, or wholly or in part supported by or at the cost of any local body having authority to apply any of its funds for that purpose, or by donation or bequest made for that purpose, shall be a "hospital for mental diseases" within the meaning of this Act, and may in like manner revoke any such Order.

(2.) All places and buildings occupied and used as public lunatic asylums under "The Lunatics Act, 1882," and so continuing at the commencement of this Act, shall be deemed to be hospitals under this Act.

13. (1.) The Governor may from time to time appoint for each hospital supported wholly or partly out of public revenue a superintendent (who need not necessarily be a medical practitioner) and a medical officer, who shall be a legally qualified medical practitioner; and every such superintendent and medical officer shall perform such duties as from time to time are appointed for them respectively by the Governor.

(2.) The same person may be appointed superintendent and medical officer, in which case he shall be designated as "medical superintendent."

(3.) The Governor may from time to time appoint to a hospital having a medical superintendent one or more assistant medical officers, the senior of whom shall act temporarily as medical superintendent pending the appointment by the Minister as provided in subsection *five* of this section.

(4.) Where the offices of superintendent and medical officer are held by different persons, such person as the Minister appoints, or, pending such appointment, the medical officer, shall act as

Appointment of hospitals.

Superintendent, medical officer, &c., to be appointed.

temporary superintendent of the hospital in case of the death, illness, or absence of the superintendent.

(5.) Any medical practitioner appointed by the Minister may act temporarily in the place of the medical superintendent, medical officer, or assistant medical officer of a hospital in case of his death, illness, or absence. 5

Registers to be kept.

14. (1.) In every hospital the superintendent shall enter or cause to be entered, at the time and in the manner prescribed by regulations, such particulars as may be prescribed in the following books, which shall be kept in the prescribed form :— 10

A Register of Admissions ;

A Register of Discharges (including transfers) ;

A Register of Absence on Leave (including returns from leave) ;

A Register of Escapes (including returns from escape) ;

A Register of Deaths ; and 15

such other books as may from time to time be prescribed.

(2.) The superintendent shall be held responsible for the proper keeping of all such books, except when the entries therein refer to the mental or bodily condition of the patient or boarder, in which case the medical officer shall be held responsible. 20

Medical Journal.

15. (1.) In every hospital the medical officer shall, once in every week, enter or cause to be entered in a book to be kept for that purpose, to be called the " Medical Journal," a statement in the prescribed form, showing—

The date of such statement ; 25

The number of patients and boarders of each sex then in the hospital, including the reception-house ;

The condition of each ward or division of the hospital with regard to accommodation and the number of patients and boarders therein ; 30

The full name of every patient or boarder who is then or has been since the last entry under mechanical restraint or in seclusion therein ;

The full name of every patient or boarder receiving sedative drugs or under special medical or surgical treatment therein, and for what mental or bodily disorder or for what injury ; 35

Every death, injury, and violence that has happened to or affected any patient or boarder since the then last preceding entry ; 40

And such additional information as may be prescribed or as the Inspector-General from time to time requires.

(2.) A copy of the Medical Journal shall, in the prescribed manner and at the prescribed times, be sent to the Inspector-General. 45

(3.) The medical officer shall keep or cause to be kept in the prescribed form the following books :—

Case Book.

(a.) A " Case Book," in which shall be entered—

As soon as may be after admission the mental state and bodily condition of every patient or boarder at the time of his admission ; 50

The history from time to time of his case while he continues in the hospital ; and

A correct description of the medicine and other remedies prescribed for the treatment of his disorder.

(b.) A "Prescription Book," in which shall be entered, on the date on which any drug is dispensed for the treatment of any patient or boarder, correct particulars of such drug, and the name of the patient or boarder. Prescription Book.

(c.) A "Register of Restraint and Seclusion," in which shall be entered daily and signed by the medical officer— Register of Restraint and Seclusion.

The name of every patient or boarder under mechanical restraint or in seclusion ;

For what period and reasons he was so restrained or secluded ; and

In case of mechanical restraint, by what means he was restrained.

(d.) A "*Post-mortem* Book," in which shall be entered an exact account of the autopsy (if any) made in the event of the death of any patient or boarder. Post-mortem Book.

16. (1.) Within twenty-four hours after the admission of a patient or boarder the superintendent shall transmit or cause to be transmitted to the Inspector-General a notice of such admission in the prescribed form, with a copy of the order, certificates, and application, or other documents on which such person was received, together with a preliminary statement as to the bodily condition of the patient or boarder on his admission, to be made in the prescribed form and signed by the medical officer. Notices of admission, discharge, transfer, death, &c., of patient.

(2.) After the second and before the end of the fourteenth day from such admission the superintendent shall transmit or cause to be transmitted to the Inspector-General a statement in the prescribed form as to the mental and bodily condition of the patient or boarder, to be made and signed by the medical officer of the hospital.

(3.) Within twenty-four hours after the discharge or transfer, absence on leave and return from leave, or escape, retaking and return after escape of any patient or boarder, the superintendent shall transmit or cause to be transmitted a written notice thereof in the prescribed form to the Inspector-General, and also, in the case of the discharge or transfer of any patient having an estate, to the Public Trustee.

(4.) In case of the death of any patient or boarder in a hospital the superintendent shall (in addition to any notice respecting such death required by any law in force relating to the registration of deaths) transmit or cause to be transmitted to the Inspector-General, within twenty-four hours after such death, a notice and statement in the prescribed form signed by the medical officer of the death and apparent cause of death, and the name or names of any person or persons present at the death.

(5.) A copy of such notice and statement, signed as aforesaid, shall also, within the same twenty-four hours, be sent to the Coroner whose residence is nearest to the hospital, and to the relative named in the Register of Admissions or to the person who made the last payment on account of such patient or boarder, and also, where such patient had an estate, to the Public Trustee.

Suppression of material fact a crime.

17. Every superintendent or medical officer who knowingly suppresses any material fact, or sets forth in any such notice or in any entry required to be made in any such book as aforesaid any particulars that are untrue, commits a crime.

Accommodation required.

18. In every hospital in which any person of unsound mind is detained the sleeping-rooms shall be of such size as will admit of not less than six hundred cubic feet of measurement, effective for air-space, for each person occupying the same, and the day-rooms shall be of such size as will admit of not less than forty square feet of floor-space for each person occupying the same.

Temporary Accommodation at Public Hospitals.

Public hospitals to provide certain accommodation.

19. (1.) The Board or other body, or the persons in whom is vested the management of any public hospital under "The Hospitals and Charitable Institutions Act, 1885," receiving subsidies under that Act out of the Consolidated Fund shall, when required so to do by notice in writing under the hand of the Minister, provide separate accommodation for the temporary reception of persons of unsound mind or for the examination of persons believed to be of unsound mind.

(2.) The principal officer in charge of such separate accommodation shall be deemed to be the Superintendent thereof, and shall be subject to such regulations defining his duties under this Act as may from time to time be prescribed.

(3.) In default of compliance with such requisition the Governor may order that no further payments of subsidies shall be made in any year in aid of such public hospital, or that such deduction shall be made therefrom as the Governor deems just and reasonable; and the Minister shall cause a copy of every such order to be sent to the Audit Office.

Licensed Hospitals.

License to keep hospital.

20. (1.) On payment of such fee as the Governor may prescribe, and subject to the provisions hereinafter contained, and to such other provisions and conditions as he thinks fit, the Governor may, by writing under his hand in the prescribed form, grant to any person, or to two or more persons jointly, a license for any period not exceeding twelve months to keep a hospital for the reception under this Act of a certain specified number of persons of unsound mind, whether patients or boarders, of either sex, and from time to time may renew or revoke such license.

Existing licensed hospitals.

(2.) All houses licensed under "The Lunatics Act, 1882," at the commencement of this Act shall be deemed to have been licensed under this Act.

Notice of intention to revoke license.

21. Any such license may at any time be revoked by the Governor:

Provided that not less than twenty-eight days' notice of the intention so to do shall be given to the person whose license is to be revoked, or to the superintendent of the licensed hospital, or shall be left at the licensed hospital.

22. (1.) The person or persons desiring to obtain a license to keep a hospital for the reception and detention of persons under this Act shall give notice to the Minister, stating the full name, place of abode, and occupation of such person or of each of such persons

Particulars on application for license.

5 desiring to be licensed, and a true and full description of his or of each of their estate or interest in such house, and the full name and qualification of some medical practitioner who is to be the medical officer of such hospital.

(2.) Such notice, when given for any house not previously

10 licensed, shall be accompanied by—

(a.) A statement of the number of persons proposed to be received under this Act :

(b.) A statement whether the license so applied for is for the reception of persons of the male or female sex, or both ; and, if for the reception of both, a statement of the number of each sex proposed to be received, and a statement of the means by which one sex may be kept distinct and apart from the other :

(c.) A plan of the buildings, to be drawn upon a scale of not less than eight feet to the inch :

(d.) A description of the situation thereof, and the length and breadth and height of, and a reference by a figure or letter to, every room and apartment therein :

(e.) A full description of the drainage and other sanitary arrangements :

(f.) A statement of the quantity of land not covered by any building annexed to the house, and to be appropriated to the exclusive use, exercise, and recreation of the patients or borders proposed to be received therein :

(g.) A plan, to be drawn upon a scale of not less than twenty chains to the inch, of the lands intended to be included in any license, showing the position of the buildings and of the land appropriated to the use of the patients and boarders as aforesaid.

(3.) No license shall be granted in respect of a house not previously licensed situate within three miles of the principal post-office of any borough having a population of five thousand or upwards, nor until the house, and the buildings annexed thereto, have been examined and approved by the Inspector-General.

23. Any one license may, in the discretion of the Governor, include two or more houses belonging to one licensed proprietor or lessee, or to two or more joint licensed proprietors or lessees.

One license may include more than one house.

24. (1.) No addition or alteration shall be made to, in, or about any licensed hospital, or the appurtenances thereof, unless previous notice in writing of such proposed addition or alteration, accompanied by a plan of such addition or alteration to be drawn upon the scale aforesaid, and accompanied by such description as aforesaid, has been given by the superintendent to the Inspector-General, who shall report thereon to the Minister, and the consent in writing of the Minister has been previously given.

Plans of alterations, &c., to be submitted to Inspector-General.

(2.) Every person who wilfully gives an untrue or incorrect notice, plan, statement, or description of any of the things required to be included in any notice, plan, statement, or description commits a crime.

Renewal of license.

25. (1.) Every application to the Minister for the renewal of a license shall be made not later than twenty-eight days before the expiry of the existing license, and shall be accompanied with a statement, signed by the applicant, containing the names and number of the patients and boarders of either sex then detained in the hospital, or who at the date of the application have not been discharged from the hospital, in respect of which the application is made. 5

(2.) Every person who in his application for the renewal of a license knowingly either suppresses any material fact or makes any statement which is untrue commits a crime. 10

Transfer of license on death or illness of licensee.

26. (1.) If any licensee becomes by sickness or for other sufficient reason incapable of keeping the licensed hospital, or dies before the expiration of the license, the Minister may, if he thinks fit, by writing indorsed on such license under his hand, transfer the license, with all the privileges and obligations annexed thereto, for the term then unexpired to such person as the Minister approves. 15

(2.) In the meantime such license shall remain in force and have the same effect as if granted to such person.

(3.) In case a license has been granted to two or more persons, and before the expiration thereof any of such persons dies leaving the other or others surviving, such license shall remain in force and have the same effect as if granted to such survivor or survivors. 20

Temporary license in case of fire, &c.

27. (1.) If any licensed hospital is pulled down, or taken for public purposes under the provisions of any Act, or if the licensee desires to transfer the patients to another house, the Minister may grant to the licensee a license to keep such other house for the reception of patients and boarders for such time as the Minister thinks fit within the currency of the license then in force. 25

(2.) The like notice, accompanied by the like plan, statement, and description, shall be given as to such intended new house as is hereby required when application is first made for a license for any house, and shall be accompanied by a statement in writing of the cause of such change of house; and seven clear days' previous notice of the intended removal shall be sent by the licensee or by the superintendent to the person who applied for the order for the reception of each patient, or by whom the last payment on account of such patient was made. 30 35

(3.) Where a licensed hospital is rendered unfit for the accommodation of patients or boarders by fire, tempest, earthquake, or other accident the superintendent may provide temporary accommodation for the patients and boarders, and it shall not be necessary in such case to give the notice required by the *last preceding* subsection: Provided that the superintendent shall, as soon as possible after such accident, notify the Inspector-General thereof, and of the temporary accommodation provided as aforesaid. 40 45

Medical officer and staff.

28. (1.) Every licensed hospital containing one hundred patients and boarders or upwards shall have resident therein a medical officer, and also an assistant medical officer.

(2.) Every such hospital containing less than one hundred patients and boarders shall have resident therein a medical officer. 50

(3.) Every such medical officer and assistant medical officer shall from time to time be appointed by the person to whom the license is granted, subject to the approval of the Minister.

(4.) It shall be lawful for any person to whom a license is granted to remove any medical officer or assistant medical officer appointed under this section, and, subject as aforesaid, to appoint another medical practitioner in his place.

(5.) The superintendent of a licensed hospital shall reside on the licensed premises, and shall be either the licensee or the medical officer of the hospital, or both.

(6.) No license shall be of any validity unless the provisions of this section are duly complied with.

29. The superintendent shall, within seven days after the first employment in the hospital of any nurse or attendant, send notice thereof to the Inspector-General, and shall also send a like notice within seven days after any such nurse or attendant ceases to be employed in the hospital, and stating the reason therefor.

Notice of employment and discharge of attendants.

30. The provisions of sections *fourteen to eighteen* hereof shall, *mutatis mutandis*, apply to licensed hospitals under this Act.

Certain provisions to apply to licensed hospitals.

20

Voluntary Boarders.

31. (1.) Notwithstanding anything in this Act, it shall be lawful for the superintendent of any hospital, subject to regulations, to admit and detain any person in such hospital for care and treatment as a voluntary boarder upon such person signing a request and making a statement in the prescribed form.

Voluntary boarders may be received into hospital.

(2.) Within twenty-four hours of such admission the medical officer shall sign a certificate setting forth his opinion of the case and any recommendation he may wish to make.

Notice of admission.

(3.) The superintendent shall within the same time transmit or cause to be transmitted to the Inspector-General such certificate, together with a notice of admission, a copy of the request and statement aforesaid, and (unless the boarder has been received into a licensed hospital) a note of what provision has been made by or on behalf of such person for his maintenance while a boarder in the hospital, and the Inspector-General shall place the same before the Minister.

(4.) The Minister shall in his discretion make an order concerning such person—

Powers of Minister.

(a.) Requiring him to be discharged forthwith ; or
 (b.) Consenting to his further detention, and leaving open the period of such detention ; or
 (c.) Consenting to his detention until a specified date, on which he shall be discharged, unless the Minister extends the period mentioned in the order on the written request of the boarder addressed to the Inspector-General.

(5.) The superintendent shall refuse to admit any person under this section if the medical officer is of opinion that the case is not a proper one for care and treatment in a hospital for mental diseases, or if such person ought more properly to be received under an order of a Magistrate.

Superintendent may refuse admission.

Where boarder becomes worse.

(6.) If, in the opinion of the Inspector-General or the medical officer, a boarder becomes mentally unsound in degree sufficiently pronounced and sustained to render it improper for him to reside in the hospital under this section, the medical officer shall communicate such fact in writing (or by telegram if necessary) to some relative or friend of the boarder named in the Register of Admissions. 5

Application for inquiry.

(7.) Unless, within three days after the despatch of such communication, application for an inquiry respecting such boarder is made under section *four* hereof by such relative or friend, the superintendent shall himself make application forthwith. 10

Discharge of boarder.

32. A voluntary boarder shall be discharged—

- (a.) On the order of the Minister, or the Inspector-General, or medical officer of the hospital; or
- (b.) On his own application in writing to the superintendent, in which case it shall not be lawful to detain such boarder beyond seven days, exclusive of the day upon which such application was received; or 15
- (c.) On the Magistrate making an order for his detention under section *four* hereof. 20

Boarding out and in Private Families.

Patient may be boarded out.

33. (1.) In any case where a Magistrate is authorised by this Act to make an order for the reception of a person of unsound mind into a hospital, he may, if the medical practitioners signing the certificates certify that it would be safe and convenient that any such person should be boarded in a house in lieu of being sent to a hospital, examine any householder willing to receive such person into his house (herein referred to as "the householder"), and, on being satisfied of the suitability of such householder's house, grounds, and surroundings, either by inspection or by approval of any plans thereof, and that the said householder is a proper person to receive and take charge of such person of unsound mind, order that such person shall be received into and detained in the house of such householder, such house being specially described in the order. 25

(2.) The provisions of section *eighteen* hereof as to the amount of accommodation to be provided in hospitals shall, *mutatis mutandis*, extend and apply to houses into which persons of unsound mind may be received under this section, and no order shall be made under this section unless the Magistrate is satisfied that such provisions are complied with. 30 40

Duties of householder receiving patient.

34. Every person who receives to board or lodge in his house, or takes the care or charge of any person of unsound mind, under the *last preceding* section shall,—

- (a.) Within twenty-four hours after so receiving or taking such person, transmit to the Inspector-General a notice of such admission in the prescribed form, together with copies of the application, order, and medical certificates on which such person was so received; and 45
- (b.) After the second and before the end of the fourteenth day from such admission, transmit to the Inspector-General a statement in the prescribed form, to be made and signed 50

by the medical practitioner visiting the patient during such period.

35. (1.) Every such patient shall, in accordance with regulations, be visited by a medical practitioner. Medical Visitation Book.

5 (2.) Such medical practitioner shall enter and sign in a book to be kept by the householder for that purpose, to be called the "Medical Visitation Book," in the form and containing such particulars as are prescribed, the date of each of his visits, and a statement of the condition of the patient's health, both mental and
10 bodily, and of the cleanliness and general sanitary condition of the house in which the patient is.

(3.) Such book shall be produced to the Inspector or official visitor visiting such house on every visit, and shall be signed by him as having been so produced.

15 (4.) Every medical practitioner who wilfully suppresses any material fact or makes an untrue entry in such Medical Visitation Book commits a crime.

20 36. The householder into whose house the patient is received shall transmit to the same persons the same notices and statements of the death, discharge, transfer, leave of absence and return from leave, escape, retaking and return after escape of the patient, and within the same periods as are hereinbefore required in the case of a patient in a hospital. Notices to be sent as in hospitals.

25 37. Every householder receiving any person of unsound mind to board or lodge in his house, or taking the care or charge of any such person, is liable to a fine not exceeding *twenty* pounds who does not within the several periods aforesaid transmit to the persons aforesaid the copies, statements, and notices required by section *thirty-four* or by section *thirty-six* hereof, or fails to cause the person
30 of unsound mind to be visited by a medical practitioner as aforesaid, or fails to comply with the regulations made as aforesaid; and if he knowingly suppresses any material fact, or sets forth in any such notice any particulars that are untrue, he commits a crime. Penalty for neglect by householder.

Unlawful Detention of Persons of Unsound Mind.

35 38. Every superintendent or householder commits a crime who— Unlawful detention a crime.

(a.) Receives any person into a hospital or house and detains him therein without the proper authority prescribed by this Act; or

40 (b.) Detains or permits any person received into a hospital under section *seven* hereof to remain in the hospital for a longer period than is prescribed by that section; or

(c.) Receives into a hospital or detains or permits any voluntary boarder to remain in the hospital contrary to the provisions of section *thirty-one* or *thirty-two* hereof; or

45 (d.) Detains any person in a hospital or house under a reception-order that has lapsed.

39. (1.) Except with the express permission in writing of the Inspector-General, no householder or occupier shall have the care in his house at one and the same time of more than one person of Only one patient to be received in house.

unsound mind or treated as of unsound mind, whether under section thirty-three or not.

(2.) Such permission shall be for the keeping of two or three or four such persons, and in no case for more than four; and any permission given as aforesaid may at any time be revoked wholly or in part. 5

(3.) Every person commits a crime who has in his house more persons of unsound mind, or treated as of unsound mind, than is allowed under this section.

Burden of proof on accused.

40. The burden of proof that any person received, detained, or permitted to remain in any hospital or house was lawfully received, detained, or permitted to remain therein shall be on the accused. 10

PART III.

VISITATION, DISCHARGE, ETC., OF PERSONS OF UNSOUND MIND.

Visitation of Hospitals.

Appointment of Inspector-General and Inspectors.

41. (1.) The Governor may from time to time appoint— 15
- (a.) An Inspector-General of Hospitals for Mental Diseases and a Deputy Inspector-General, who shall be medical practitioners;
- (b.) One or more Assistant Inspectors-General; and
- (c.) Such Inspectors for each provincial district as he deems necessary, one of whom in each such district shall be a qualified legal practitioner. 20
- (2.) The Inspector-General shall have the general administration of this Act under the direction of the Minister.
- (3.) The Deputy Inspector-General and Assistant Inspectors-General shall exercise all the functions of the Inspector, and shall, under the control of the Inspector-General, perform such general official duties as they are severally called upon to perform under this Act or by the Inspector-General; and the Deputy Inspector-General shall, in case of the illness, absence, or other temporary incapacity, or of the death, of the Inspector-General, act in his name and on his behalf, and while so acting shall have and may exercise all the powers, duties, and functions of the Inspector-General. 25 30
- (4.) The Inspector-General, his Deputy and Assistants, and so many of the Inspectors as the Governor thinks fit, shall be paid salaries out of such moneys as are appropriated for the purpose by Parliament. 35
- (5.) No person appointed under this section shall, during the continuance of his office, if he receives any salary in respect of his office, himself carry on in New Zealand, or be the partner of any person carrying on in New Zealand, the profession or business of a medical practitioner. 40
- (6.) Every person who commits a breach of the *last preceding* subsection commits a crime. 45
- (7.) The persons appointed under section one hundred and twenty-eight of "The Lunatics Act, 1882," to be Inspector of asylums, hospitals, and licensed houses, and Deputy Inspectors, and in office at the commencement of this Act, shall be deemed to be

appointed under this Act as Inspector-General and Inspectors respectively—the latter to have been appointed for the provincial district in which they reside.

42. The Governor may also from time to time appoint such 5 official visitors as he thinks fit, and may by notice in the *Gazette* define the area within which each official visitor shall exercise the functions of his office. Appointment of official visitors.

43. (1.) Every hospital and house in which any patient or 10 boarder is kept or detained under this Act shall, without any previous notice, be visited by an Inspector or an official visitor as often as he thinks fit : Hospitals, &c., to be visited.

Provided that every hospital shall be visited by an Inspector and an official visitor respectively once at least in every three months.

15 (2.) Where there is reason to believe that any person of unsound mind, or believed to be or treated as of unsound mind, is kept or detained in any house without a reception-order, the Inspector-General may either himself visit such house or by writing under his 20 report to him on such matter, with or without the assistance of a medical practitioner.

(3.) Every such visit shall be made on such days, and at such hours of the day or night, and for such length of time as the Inspector or official visitor respectively thinks fit, and also at such 25 other times (if any) as the Minister directs.

44. (1.) Such Inspector and official visitor, when making a 30 general inspection of a hospital or house, may inspect every part thereof, and every part of the ground or appurtenances held, used, or occupied therewith; and shall see every person then detained therein, and inquire whether any such person is secluded or is under mechanical restraint, and why; and shall inspect the order, certificates, and other documents for the reception of every patient and boarder received into the hospital or house since the last visit of the Inspector or official visitor thereto. Inspector and official visitor to see every patient.

35 (2.) The superintendent of a hospital or the householder or occupier of any house wherein a patient or boarder is detained, or a person believed to be or treated as of unsound mind is thought to be detained, and every servant in any such hospital or house, 40 commits a crime who conceals or attempts to conceal, or refuses or wilfully neglects to show, any part of such hospital or house, or any part of the ground or appurtenances held, used, or occupied there-with, or any person detained or being therein, from or to the Inspector or official visitor, or from or to any person authorised under any power or provision of this Act to visit and inspect such 45 hospital or house, or the patients or boarders detained therein or any of them, or any person believed to be or treated as of unsound mind therein, or who in any manner impedes the Inspector, official visitor, or other person in any visit by this Act authorised to be made by them or him.

50 45. (1.) The Inspector and official visitors respectively, on their several visitations under this Act to a hospital or house, shall inquire — Nature of inquiry visit.

- (a.) As to the care, treatment, and mental and bodily health of the persons detained therein, and the arrangements for their maintenance and comfort;
- (b.) At what times divine service is performed, and to what number of such persons, and the apparent effect thereof; 5
- (c.) What occupations or amusements are provided for such persons, and the result thereof;
- (d.) Whether there has been tried or adopted any special system of treatment to combat violence, destructiveness, loss of sleep, or other symptom of mental disorder, and, if so, the result thereof; 10
- (e.) As to the classification and the dietary of persons detained therein; and
- (f.) Such other matters as the Inspector or official visitor deems expedient. 15

(2.) Every such superintendent or householder who does not give full and true answers, to the best of his knowledge and belief, to all questions which the Inspector or official visitor asks in reference to the matters aforesaid commits a crime.

Information
required to be given
on visit.

46. (1.) Upon every visit of the Inspector or official visitor to any hospital or house there shall be laid before him by the superintendent or householder thereof— 20

- (a.) A list of all the persons then detained in such hospital or house, distinguishing males from females and patients from boarders, and specifying such as are deemed curable; 25
- (b.) The several registers and books required by this Act to be kept;
- (c.) All orders and certificates relating to patients admitted since the last visitation of an Inspector or official visitor, and also such other orders, certificates, documents, and papers relating to any of the patients or boarders at any time received into such hospital or house as the Inspector or official visitor from time to time requires to be produced to him; and 30 35
- (d.) All letters written by patients or boarders that, pursuant to section fifty-one hereof, have not been forwarded.

(2.) The Inspector or official visitor shall sign the said books as having been produced to him, and shall enter in the Inspectors' Book hereinafter mentioned a statement that such books, orders, certificates, documents, and papers have been so produced. 40

Inspector may
examine on oath.

47. (1.) An Inspector visiting any hospital or house in which a person of unsound mind is detained may, by summons under his hand in the prescribed form, require any person to appear before him to testify on oath the truth touching any of the matters respecting which such Inspector is by this Act authorised to inquire (which oath such Inspector is hereby empowered to administer). 45

(2.) Every person who does not appear before such Inspector pursuant to such summons, or does not assign some reasonable excuse for not so appearing, or appears and refuses to be sworn or examined, is liable for every such neglect or refusal to a fine not exceeding fifty pounds. 50

(3.) Any such Inspector may examine on oath any person appearing before him as a witness, or present at the time of any such inquiry, touching any of the matters aforesaid, although no such summons as aforesaid may have been served upon him.

5 48. (1.) There shall be kept in every hospital and house in Inspectors' Book.
which any person of unsound mind is detained under this Act a
book, to be called the "Inspectors' Book," and the Inspector or
official visitor shall enter therein the result of his or their inspection,
and inquiries hereinbefore directed or authorised to be made by him,
10 with such observations (if any) as he thinks proper.

(2.) The Inspector or official visitor shall enter in the Inspectors' Book of each hospital or house a minute of the then condition of the same respectively, and of the persons detained therein, and the number of such persons under restraint, with the reasons therefor as stated, and any irregularity that may exist in the order or certificates produced to him as aforesaid, and also whether the previous suggestions (if any) of the Inspector or official visitor have or have not been attended to, and any observations he may deem proper as to any of the matters aforesaid or otherwise.

20 (3.) A copy of every entry made in the Inspectors' Book under this section shall be made by or by direction of the superintendent or householder, and transmitted by him to the Inspector-General within forty-eight hours after such entry was made.

(4.) Every superintendent or householder who makes default in
25 the requirements of this section is liable to a fine not exceeding *twenty* pounds.

49. There shall also be kept in every hospital and house where Patients' Book.
a person of unsound mind is detained under this Act a book, to be
called the "Patients' Book," and the Inspector shall enter therein
30 such observations as he thinks fit respecting the state of mind or
body of any patient or boarder in the hospital or house.

50. (1.) The Minister or any Inspector may give an order Order for admission
to patient of friend,
&c.
in writing for the admission to any patient or boarder detained
in a hospital or house of any relation or friend of such patient
35 or boarder, or of any medical practitioner or other person whom
any relation or friend of such patient or boarder desires to be admitted to him; and such order of admission may be either for a single admission, or for an admission for any limited number of times, or for admission generally at all reasonable times, and either
40 with or without any restriction as to such admission or admissions
being in the presence of the superintendent, or any member of the staff of the hospital, or of the householder or any of his servants, or the medical practitioner attending the patient, as the case may be.

(2.) Every such superintendent or householder who refuses
45 admission to or prevents or obstructs the admission to any patient or
boarder of any relation, friend, or other person who produces such
order of admission, is liable for every such offence to a fine not
exceeding *fifty* pounds, unless he so acted upon a written instruction from the medical officer of such hospital or the medical
50 practitioner visiting the patient in such house, in which case a copy
of such written instruction, and a statement of the reason therefor,
shall, within twenty-four hours after such refusal, be sent to the
Minister or to the Inspector who gave the order.

Dealings with
patients' letters.

51. (1.) Every letter written by a patient or boarder in any hospital or house in which any person of unsound mind is detained, and addressed to any Minister of the Crown, Judge of the Supreme Court, Inspector or official visitor to the hospital or house, shall be forwarded unopened. 5

(2.) Every letter written by a patient or boarder and addressed to any person other than those above-mentioned shall be forwarded to the person to whom it is addressed, unless the superintendent or householder prohibits the forwarding of such letter by indorsement to that effect under his hand on the letter; in which case 10 he shall lay the letter so indorsed before the Inspector or official visitor next thereafter visiting such hospital or house, on such visit, or he may before such visit forward the letter by post to an Inspector or official visitor, and in either case the Inspector or official visitor shall deal with and dispose of such letter as he 15 thinks fit.

(3.) Every superintendent or householder who fails so to forward such letters, or to lay before such Inspector or official visitor any letter not forwarded to the address of the person to whom it is directed, or is privy to the detention by any other person of any letter detained in contravention of this section without reporting the same to the Inspector or official visitor at such next visit as aforesaid, is liable to a fine not exceeding *twenty* pounds in respect of each offence; and any person detaining any letter in contravention of this section is liable in respect of each letter so 20 detained to a fine not exceeding *twenty* pounds. 25

Reports of Inspector
and official visitors.

52. (1.) The official visitors shall report to the Inspector-General as occasion requires or as he directs.

(2.) Each Inspector shall, at the expiration of every six months, report to the Inspector-General the number of official visits he has made and the number of patients and boarders he has seen, and shall, early in the succeeding year, make to the Inspector-General a report of the state and condition of the several hospitals and other places visited by him during the previous year under this Act, and of the care of the persons detained therein, and of such other particulars as he thinks deserving of notice; and the result of every inquiry hereby directed to be made by an Inspector shall be stated to the Inspector-General in a report, to be drawn up in such manner and form as the Inspector-General directs. 30 35

(3.) All such reports shall be laid before the Minister. 40

Annual report of
Inspector-General.

53. (1.) The Inspector-General shall prepare an annual report for each year ending the thirty-first day of December, showing the number of persons of each sex detained under this Act, and the condition of the several hospitals and other places in which such persons are detained, and of the inmates thereof; and, if Parliament is not then in session, shall add a brief report on such hospitals and other places and the persons detained therein from such thirty-first day of December to the first day of the month in which the next ensuing session commences. 45

(2.) Such report shall forthwith be laid before Parliament if in 50 session, or, if not, then within forty days after the commencement of the next ensuing session.

Escapes.

54. (1.) Any patient or boarder who escapes from the hospital or house wherein he is detained may, on the day of his escape or at any time within twenty-eight days immediately following that day, be retaken by the superintendent of the hospital or householder of the house, or by any officer or servant acting under such superintendent or householder, or by any constable, or by any person authorised in that behalf by such superintendent or householder, or by any other person acting in good faith although not so authorised, and conveyed to and received and detained in such hospital or house.

Where patient escapes.

(2.) If any such patient or boarder is not retaken within the period aforesaid, he shall thereupon be deemed to be discharged, and an entry to that effect shall be made in the proper register, and notice of the same shall forthwith be given by the superintendent or householder to the Inspector-General.

(3.) Every superintendent, officer, nurse, attendant, servant, or other person having the care of any patient or boarder, or employed in any hospital, and every householder or other person having the care of any patient, or employed in any house, who wilfully permits, or assists, or connives at the escape or attempted escape of a patient or boarder, and every person, whether so employed or not, who knowingly secretes, or abets, or connives at the escape of any patient or boarder, commits a crime.

Conniving at escape.

Absence by Leave.

55. (1.) The superintendent of a hospital may, with the consent in writing of the medical officer, permit any patient or boarder to be absent, under proper control, from the hospital for a period not exceeding twenty-eight days, exclusive of the days of departure and return.

Patient may be allowed out on leave.

(2.) A superintendent or the householder of any house in which a person of unsound mind is detained, on the certificate in writing of the medical officer or the medical practitioner who is attendant on any patient, and with the consent in writing of the Inspector, may send or take, under proper control, such patient to any specified place for any definite time for the benefit of his health, and also permit him to be absent from any such hospital or house upon trial for such period not exceeding twelve months as may be thought fit.

(3.) The Inspector-General may of his own authority permit any patient to be absent from any hospital or house, upon trial, for such period, not exceeding twelve months, as he thinks fit.

(4.) If the conditions under which such absence is permitted are altered without the written sanction of the Inspector, or the Superintendent authorising such absence, or the Inspector-General, the patient so absent shall be deemed to be not under proper care and control.

56. (1.) Any patient so allowed to be absent for any period shall be subject to visitation under this Act, and may at any time within such period be returned to the hospital or house without a fresh reception-order being obtained.

Patient absent on leave to be visited

(2.) If the patient does not return at the expiration of such period he shall be deemed to be discharged from the hospital or house, but shall be subject to visitation under this Act until it appears from the certificate of a medical practitioner addressed to the Inspector-General that the patient is no longer of unsound mind. 5

Inspector may
cancel leave.

57. If it appears to an Inspector that any person of unsound mind removed or permitted to be absent for any period under the foregoing provisions is during that period not properly cared for, or that it will be advantageous to him that he should return to the hospital or house, the Inspector may order him to be either returned 10
to the hospital or house or to be transferred in the manner herein-
after mentioned.

Transfer of Patients.

Inspector-General
may order patient
to be transferred.

58. (1.) The Inspector-General may, by writing under his hand in duplicate, order and direct the transfer of any patient from any 15
hospital or house to any other hospital or house.

(2.) One duplicate shall be delivered and left with the superintendent of the hospital or the householder of the house from which the patient is to be transferred, and the other shall be delivered to and left with the superintendent of the hospital or householder of the 20
house to which the patient is to be transferred.

(3.) Such order shall be a sufficient authority for the transfer of such patient, and also for his reception into the hospital or house to which he is ordered to be transferred.

Transfer to be made
promptly.

59. (1.) Such order shall be complied with on the day of its 25
receipt, or within the seven days immediately following:

Provided that if the patient is not in a fit state to be removed within that period the superintendent or householder shall forward to the Inspector-General a certificate to that effect under the hand of the medical officer of the hospital, or of the medical practitioner visit- 30
ing the patient at such house, but shall in such case remove the patient within seven days after he has become fit to be removed.

(2.) The transfer of a patient shall not be deemed to be completed until he is actually received into the hospital or house to which he is transferred, and the responsibility for his care and control 35
shall be determined accordingly.

(3.) Every superintendent or householder who fails to comply with the provisions of this section is liable to a fine not exceeding *twenty* pounds for every day on which such failure continues.

Reception-order to
remain in force on
transfer.

60. (1.) Where a patient is, under the provisions of this Act, 40
transferred from the hospital or house for his reception into which an order was given, the order for his reception, and the certificates and a copy of the application on which the order was made, shall be delivered to the superintendent or householder of the hospital or house to which the patient is transferred, together with a certificate 45
in the prescribed form under the hand of the medical officer or medical practitioner, as the case may be, as to the mental and bodily condition of the patient immediately before his transfer.

(2.) Such reception-order shall remain in force in the same manner as if such patient had been ordered to be received in the 50
hospital or house to which he is so transferred.

61. (1.) If it appears to the Minister that any person of unsound mind has relations or friends in any place beyond New Zealand who are willing to undertake the care and charge of such person, and that it would be for his benefit if he were to be removed to such place, the Minister may declare that such person may be removed from New Zealand, and make such further or other order authorising or directing his removal, and touching his safe custody and maintenance, as he deems fit and proper.

Patient may be allowed to leave New Zealand.

(2.) The Minister may, if he thinks fit, direct that security shall be given for the safe custody and maintenance of such person in any place beyond New Zealand.

(3.) The estate of such person within New Zealand in the possession or under the control of the Public Trustee shall continue to be subject to the provisions of this Act, notwithstanding his removal from New Zealand.

(4.) All or any moneys in any way derived from any such estate may, subject to any order made in that behalf under this Act, be applied by the Public Trustee in or towards the maintenance of such person in any place to which he is removed; and the Public Trustee may deal with and transmit any such moneys accordingly.

Discharge of Patients.

62. (1.) Where the medical officer of a hospital, or the medical practitioner in attendance on any patient detained under this Act in any house, is of opinion that any patient in such hospital or house is fit to be discharged, he shall, in the prescribed form, give his opinion in writing to the superintendent or householder, who shall thereupon discharge such patient accordingly.

Discharge on patient becoming of sound mind.

(2.) Where such medical officer or medical practitioner is of opinion that any such patient is not fit to be discharged, but an Inspector or official visitor or any relative or friend of the patient is of a contrary opinion, such Inspector or official visitor shall, and such relative or friend may, report the matter to the Minister.

(3.) If, after consideration of such report, the Minister is of opinion that further inquiry is necessary, he shall direct a Magistrate to hold an inquiry as to whether or not such person is fit to be discharged.

(4.) Such inquiry shall be held in the manner prescribed by section *four* hereof.

(5.) Notice of such inquiry shall be given to the medical officer or medical practitioner, who shall be entitled to be present at the inquiry and to give evidence thereat.

(6.) If on such inquiry the Magistrate is satisfied that such person is fit to be discharged he shall by order under his hand direct him to be discharged, and such person shall be immediately discharged accordingly.

(7.) A patient shall be deemed to be fit to be discharged when his detention as a person of unsound mind is no longer necessary either for his own good or for the public safety.

63. (1.) A Judge of the Supreme Court may, whenever he thinks fit, by order under his hand, direct an Inspector or any one or more persons he may select in that behalf to visit any person

Judge may direct inquiry as to person's sanity.

of unsound mind or believed to be of unsound mind in any hospital, house, or other place, and inquire whether such person is properly detained therein, or inquire into and report on such matters relating to the person so detained as such Judge thinks fit.

(2.) The Judge thereupon, or without any such order having previously been made, may cause the superintendent of the hospital, or the householder or occupier of such house, by order to be issued by him directed to such superintendent, householder, or occupier, to bring the person so detained before him in open Court or in chambers for examination at a time to be specified in such order. 5 10

And may order discharge.

(3.) If, on the examination of such person, and of any medical and other witness, it appears to the satisfaction of the Judge that such person is fit to be discharged as aforesaid, or is otherwise improperly detained, he shall direct such person to be immediately discharged from the control of such superintendent, householder, or occupier, unless he is legally confined for some other cause. 15

PART IV.

CRIMINALS OF UNSOUND MIND.

Detention of criminals of unsound mind.

64. (1.) Where any person detained in any prison, reformatory, industrial school, or other place of confinement is believed to be of unsound mind the gaoler or other person in whose charge he is detained shall forthwith give notice thereof in the prescribed form to the Minister. 20

(2.) The Minister shall thereupon direct a Magistrate to make inquiry under section *four* hereof, and if such person is found to be of unsound mind he shall be removed from the place in which he is detained to some hospital under this Act. 25

(3.) If such person is detained under sentence for any crime, he shall be removed to a special hospital set apart for the care and control of criminals of unsound mind, and in any other case he shall be removed either to a hospital for mental diseases or to a special hospital as aforesaid. 30

Removal.

65. The Minister may from time to time direct the removal of such person from any hospital or special hospital to any other hospital or special hospital, and the provisions of this Act relating to transfers of persons of unsound mind shall, *mutatis mutandis*, apply. 35

Discharge or return to custody.

66. (1.) Where in the opinion of the medical officer any such person is fit to be discharged he shall report accordingly to the Minister, and thereupon the Minister may, by warrant under his hand, direct the Superintendent to remit such person to the place of confinement whence he was removed to undergo his sentence or otherwise be dealt with according to law as if no order for his removal to a hospital or special hospital had been made; or, if the period of his imprisonment or custody has expired, that he shall be discharged. 40 45

(2.) Such discharge may be either absolute or on such conditions as the Minister thinks fit, and if any of the conditions of such discharge appear to the Minister to be broken he may by warrant direct the person discharged to be taken and conveyed to some

hospital named in the warrant, and such person may thereupon be taken in the like manner as if he had escaped from such hospital, and shall be received and detained therein as if he had been transferred thereto in pursuance of this Act.

5 67. Subject to the provisions of this Part of this Act, the provisions of this Act relating to absence on leave and the discharge of patients shall not apply to persons to whom this Part of this Act applies. Certain provisions of the Act not to apply.

10 68. Every person detained in any hospital under sections six to eleven of "The Lunatics Act, 1882," shall be deemed to be detained under this Part of this Act, and may be dealt with accordingly. Inmates at the passing of the Act.

PART V.

ADMINISTRATION OF ESTATES OF PERSONS OF UNSOUND MIND.

15 69. The estate, wherever situate, of every person hereafter found under this Act to be of unsound mind shall vest in and be administered by the Public Trustee, who, subject to the provisions of this Act and the general orders of the Court, or any special order or direction of the Court, shall deal with the same as directed by "The Public Trust Office Consolidation Act, 1894," and the provisions of that Act shall where applicable, and subject as aforesaid, apply to such estate : Estate to vest in Public Trustee.

20 Provided that on the application of any near relation or friend of any person of unsound mind the Court may, if it thinks it to be for the benefit of the estate of such person of unsound mind, direct that
25 the management of such estate shall vest in some person other than the Public Trustee, and thereupon such person shall be entitled to the management of the estate subject to the general rules of the Court and to any special order or direction of the Court.

30 70. (1.) After providing for the debts, obligations, costs, and expenses to which the person of unsound mind or his property is liable, the Public Trustee shall apply any of the moneys coming to his hands, whether income or capital, for the maintenance or for the benefit of such person, or of such person and his family, or of his family alone, including therein the education or advancement of a
35 child or issue of a child of such person. Application of moneys by Public Trustee.

(2.) After payment of debts and expenses, the cost of the suitable maintenance of the family and education of the children of such person year by year shall be a first charge on the estate of such person.

40 71. Where a Magistrate makes an order under section *four* hereof for the reception of any person of unsound mind in a hospital or house, or gives a certificate under section *six* hereof, he shall at the same time cause a notice in the prescribed form concerning such person to be sent to the Public Trustee. Notice of reception order to be sent to Public Trustee.

45 72. Every superintendent and medical officer of a hospital, and every householder or occupier of a house, and every medical practitioner visiting a patient in a house, and every Inspector and official visitor, and every Magistrate and Justice shall, as soon as practicable, communicate to the Public Trustee all particulars Information as to estate to be communicated by certain person.

that may from time to time come to his knowledge respecting the estate of any person of unsound mind or believed to be of unsound mind.

Court may order certain inquiries to be made.

73. At any time during the detention of a person of unsound mind the Court may, on the report of the Public Trustee, or on the application of any relative, friend, or creditor of such person, direct that such inquiries be made and notices given as are deemed advisable, and may make such order in the matter as it thinks proper. 5

Public Trustee may examine on oath.

74. (1.) The Public Trustee shall have power, in the execution of his powers and duties under this Act, to summon persons before him and to administer oaths and take evidence, and to require the production of books and documents. 10

(2.) Every person on whom any such summons is served by the delivery thereof to him, or by the leaving thereof at his usual place of abode, who fails to appear according to the exigency of the summons, or, being present, refuses to be sworn or to give evidence or to answer such questions as are put to him by the Public Trustee, or fails to produce any books or other documents required by the summons to be produced, is liable to a fine not exceeding twenty pounds. 15

Where partner is of unsound mind.

75. Where a member of a copartnership firm becomes of unsound mind the Court, on the application of the partner or partners of the person of unsound mind, or of such other person or persons as it thinks entitled to require the same, may dissolve the partnership; and thereupon, or upon a dissolution of the partnership by decree of the Court, or otherwise by due course of law, the Public Trustee may join and concur with such other persons in disposing of the whole or any portion of the partnership estate to such persons, upon such terms, and in such manner, and may and shall execute and do such conveyances and things for effectuating this provision, and apply the moneys payable to the person of unsound mind in respect of his share and interest in the copartnership in such manner as the Court orders. 20 25 30

Powers of Public Trustee to recover property of patient.

76. (1.) Where any property of a person of unsound mind is wrongfully held, converted, or injured, or any sum of money is due and owing to him, the Public Trustee may recover possession of such property or damages for the conversion or injury thereof, or payment of the said sum by summary proceeding on complaint before a Judge of the Court, or, where the value of the property or sum of money does not exceed one hundred pounds, then before a Magistrate. 35 40

(2.) The Judge or Magistrate shall, on proof to his satisfaction of the cause of complaint, order the defendant to give up possession of the property, or to pay reasonable damages, to be fixed by the order, for the conversion or injury thereof, or to pay the sum owing, together with such costs, if any, as the Judge or Magistrate fixes by the order. 45

(3.) In default of compliance with such order the defendant shall be liable to imprisonment for any period not exceeding six months.

Certificate of Public Trustee.

77. (1.) A certificate under the hand of the Public Trustee, and sealed with his corporate seal, certifying that he is administering the estate of any person under this Act, and the name, residence, 50

and occupation of such person, shall be accepted as sufficient proof that the Public Trustee is authorised so to act, without production of any other proof.

(2.) Upon production of such certificate the District Land Registrar or Registrar of Deeds, as the case may be, shall register the Public Trustee as the proprietor of the estate and interest of such person in any property in respect of which the Public Trustee may apply to be so registered.

78. (1.) Where a person who is or has been detained in a hospital or house as of unsound mind under this Act is discharged as of sound mind, the Public Trustee shall render to him an account of the estate of such person in the possession or custody or under the control of the Public Trustee, and shall pay over to such person any money in his hands, and relinquish possession of any property of such person.

Account to be rendered on discharge of patient.

(2.) If such person is dissatisfied with such account he may apply to the Court, and the Court, if satisfied that he has *prima facie* cause of complaint, may make such orders in the matter as it deems proper.

79. (1.) Upon the death of a person of unsound mind, whether testate or intestate, the Public Trustee shall be *ad interim* administrator of the property of such person until probate or administration of his estate is granted to the Public Trustee or any other person.

Administration on death of patient.

(2.) All acts and things done or omitted by the Public Trustee before he receives notice in writing that probate or administration has been granted shall be as valid and effectual as they would have been if the person of unsound mind had died intestate and the Public Trustee had taken out letters of administration to his estate, or elected to administer the same.

(3.) Where the Public Trustee has actual personal notice that any deceased person of unsound mind has left a will, he shall not administer the property of such deceased person further than is necessary for the then conservation of the deceased person's property.

(4.) Notice to the Public Trustee that any person of unsound mind has left a will, or that probate or administration has been granted to some person other than the Public Trustee, shall not affect any person *bona fide* dealing with the Public Trustee without actual notice that the person of unsound mind has left a will, or that such probate or administration has been granted; and all acts and things done or omitted by the Public Trustee shall, as regards such last-mentioned person, be valid and effectual.

80. (1.) The Public Trustee may, on being satisfied of the death of a person of unsound mind, open and read, without order, any writing deposited with him and purporting or alleged to be the will of such person, for the purpose of ascertaining who is therein nominated executor thereof, and also whether or not there is any and what direction therein contained concerning his funeral or place of interment.

Where deceased patient leaves a will

(2.) He shall then deliver the same to the executor or one of the executors therein named, or other proper person, to the intent

that the same may be proved in the usual course, and dealt with according to law.

Expenses and
commissions of
Public Trustee.

81. (1.) All expenses incurred by the Public Trustee or the Public Trust Office for or on account of the maintenance of any person of unsound mind, or in the care, protection, and management of his estate, shall be charged against and paid out of and recoverable from such estate, and in addition there shall be payable on all moneys collected by or paid to or coming under the control of the Public Trustee, and upon all payments made by the Public Trustee, for or on behalf of any person of unsound mind or his estate, the same commissions and other charges as the Governor in Council from time to time directs, under section fifty-five of "The Public Trust Office Consolidation Act, 1894," to be charged upon estates placed in the Public Trust Office. 5 10

(2.) The amount of all deductions for expenses, commissions, and other charges shall be paid to the Public Trust Office Expenses Account. 15

(3.) The commissions and other charges aforesaid, or a proper proportionate part thereof (as the case may require), shall be chargeable and charged upon the estate of a person of unsound mind, and be payable thereout, although he dies or is discharged as of sound mind before payment thereof; and the payment thereof shall be enforced in such manner and under such regulations as the Governor in Council from time to time directs. 20

Rules of Court.

82. Any two or more of the Judges of the Supreme Court, of whom the Chief Justice shall be one, may from time to time make such rules fixing the Court fees to be charged and paid in all or any proceedings under this Part of this Act, and regulating in all cases the form and mode of proceeding before the Court and in Chambers, and before and by the Public Trustee, for summoning and enforcing the attendance of witnesses, for carrying into effect the several objects of this Act, so far as the same relate to the judicial powers or duties of the Court or a Judge thereof, or of the Public Trustee, and for regulating the practice and forms in all matters under this Part of this Act. 25 30 35

PART VI.

MISCELLANEOUS PROVISIONS.

Regulations.

83. The Governor may from time to time, by Order in Council gazetted, make regulations for carrying into effect the purposes of this Act in all respects other than those provided for by the *last preceding* section, and for regulating the form and mode of proceeding in all cases other than as aforesaid under this Act, and for prescribing the administrative duties of the Public Trustee in connection with the management of the estates of persons of unsound mind, and for the due protection, care, and management of such persons and their estates, and for defraying the general charges incident to the administration of such estates; and may impose fines, not exceeding *five* pounds, in respect of the breach of any such regulation. 40 45

84. (1.) Where, on the application for a reception-order in respect of any person of unsound mind, it appears that he has no estate applicable and sufficient for his maintenance, he shall be deemed to be a destitute person within the meaning of "The Destitute Persons Act, 1894," and the Magistrate, either before making a reception-order or as soon thereafter as is practicable, shall cause such inquiry as he thinks fit to be made as to the ability of any person liable under that Act to defray or contribute towards the cost of his maintenance during detention, and shall, by order under his hand, fix the amount (not exceeding in the whole the sum of twenty-one shillings per week) payable for such maintenance by the persons named therein.
- (2.) A like order may be made at any time during the detention of any person under a reception-order.
- (3.) A copy of every such order shall be sent by the Clerk to the Magistrate to the superintendent of the hospital to which the person is removed.
- (4.) Every such order shall be complied with by the persons named therein, and may, on the application of the Inspector-General or of such other person as the Minister from time to time appoints, be enforced in like manner as orders made under the said Act are enforced.
- (5.) Any such order may from time to time be varied or revoked on the application of the superintendent or of any person liable thereunder.
- (6.) Where the application is for the removal of any person to a licensed hospital or house, and a reception-order is made in accordance with such application, it shall not be necessary to make any inquiry or order under this section.
85. (1.) There shall be payable to medical practitioners, in respect of any certificate given by them on the direction of a Magistrate, such fees as the Magistrate directs in accordance with any scale from time to time prescribed by the Governor in Council.
- (2.) Such fees shall be payable out of the estate of the person in respect of whom the certificate was given; but if he has no estate, then the near relatives liable under "The Destitute Persons Act, 1894," shall pay such fees; and, if there are no such relatives liable and able to pay, then the Colonial Treasurer is hereby authorised and required to pay the same out of the Consolidated Fund.
86. Every medical practitioner who falsely certifies anything in any certificate under this Act, and every person who signs any certificate under this Act in which he describes himself as a medical practitioner, not being such within the meaning of this Act, commits a crime.
87. Every superintendent, licensee, officer, nurse, attendant, servant, householder, occupier, or other person having the care of a person of unsound mind or treated as of unsound mind, or employed in any hospital, house, or other place in which such last-mentioned person is resident, who strikes, wounds, or ill-treats, or wilfully neglects any such person commits a crime.
88. Every person knowing or having reason to believe that any female is of unsound mind or is treated as of unsound mind who,

Maintenance of persons having no estate.

Fees for medical certificates.

Penalty for giving improper certificate.

Penalty for ill-treating patients.

Immorality with female patient.

- under circumstances which do not amount to rape, unlawfully has or attempts to have carnal knowledge of such female is liable to *two* years' imprisonment with or without hard labour, and the consent or alleged consent of such female shall not be a defence to an indictment or prosecution for such offence. 5
- General penalty. 89. Every person who commits any breach of this Act that is not declared to be a crime, and for which no other penalty is provided, is liable to a fine not exceeding *fifty* pounds, or, at the discretion of the convicting Magistrate, to *six* months' imprisonment.
- Punishment of crimes. 90. (1.) Every act or omission declared by this Act to be a crime, and not made liable to a specified punishment, is punishable by a fine not exceeding *one* hundred pounds, or *two* years' imprisonment with or without hard labour. 10
- (2.) But if the Magistrate before whom a person charged with any such offence is brought considers that such offence is not of a grave nature, he may, with the consent of the person so charged, instead of committing him for trial to the Supreme Court, deal with him summarily, and inflict a fine not exceeding *fifty* pounds, or *six* months' imprisonment. 15
- Recovery of fines. 91. All proceedings for the recovery of any fine imposed by this Act for any act or omission not herein declared to be a crime may be recovered summarily on the information of the Inspector-General, or of such other person as may be authorised in that behalf by the Minister, and shall be heard and determined before a Magistrate sitting alone. 20
- When Justices may act instead of Magistrate. 92. Subject to the provisions of sections *eighty-nine* to *ninety-one* hereof the powers and authorities conferred by this Act on a Magistrate may be exercised by any two Justices— 25
- (a.) During the temporary absence of the Magistrate; or
- (b.) At any place more than ten miles by the nearest practicable road from a place where a Magistrate usually sits,— 30
- and in either case all references in this Act to a Magistrate shall extend and apply to such two Justices.
- Entry in Register of Admissions proof of admission, &c. 93. An entry in the Register of Admissions made in accordance with this Act or in the register kept in the Inspector-General's Office is *prima facie* proof of the fact that the person in relation to whom the entry was made was an inmate of the hospital or house during the time elapsing from the date of his admission thereto to the date of his discharge therefrom or his death therein. 35
- Name of patient not to be made public. 94. The superintendent of a hospital, and every person employed in or about the hospital, shall take such precautions as may be necessary for preventing the name of any patient or boarder from becoming publicly known, unless there is some good reason why the name of any such patient or boarder should be made public. 40
- When telegram sufficient authority. 95. The receipt of a telegram from the Minister, Inspector-General, or his deputy, or from any superintendent or medical officer, or from any Magistrate, stating that such telegram was despatched at the same time as or after any written instruction, notice, order, or other document under this Act in terms sufficient for the proper identification of the same, shall, upon the date of its receipt and within 45
- the seven days immediately following, confer upon the person to whom such telegram is addressed the same authority as such written instruction, notice, order, or other document in proper form. 50

96. (1.) A person who signs, or carries out, or does any act with a view to sign or carry out, an order purporting to be a reception-order, or any report or certificate purporting to be a report or certificate under this Act, or does anything in pursuance of this Act, shall not be liable to any civil or criminal proceedings, whether on the ground of want of jurisdiction or on any other ground, if such person has acted in good faith and with reasonable care.

Protection of
person acting
under this Act.

(2.) Any proceedings taken against any person for doing any act as mentioned in this section may, upon summary application to a Judge, be stayed upon such terms as to costs and otherwise as the Judge thinks fit, if he is satisfied that there is no reasonable ground for alleging want of good faith or reasonable care.

(3.) No such proceedings shall be commenced unless within three months after the cause of action or complaint arose :

Provided that where any such proceedings are taken by any person who at the time the cause of action or complaint arose was detained as of unsound mind such proceedings shall be commenced not later than three months next after the date when he was no longer so detained.

97. (1.) The Acts referred to in the Schedule hereto are hereby repealed to the extent therein mentioned :

Repeals.

Provided that such repeal shall not affect the administration by any person other than the Public Trustee of the estate of any person found under any repealed Act to be of unsound mind, and all such estates shall continue to be administered as if such Acts had remained in force and unrepealed.

(2.) All appointments made under any Act hereby repealed, and all Orders in Council, licenses, or authorities, rules and regulations, orders, and certificates made and issued thereunder, and in force at the commencement of this Act, shall respectively be deemed to have been made and issued under this Act.

SCHEDULE.

Schedule.

ACTS REPEALED.

- 1882, No. 34.—“ The Lunatics Act, 1882 ” : Except sections 7 to 9.
 1891, No. 22.—“ The Lunatics Act Amendment Act, 1891.”
 1894, No. 9.—“ The Lunatics Act Amendment Act, 1894.”
 1895, No. 56.—“ The Lunatics Act Amendment Act, 1895.”
 1900, No. 4.—“ The Lunatics Act Amendment Act, 1900.”