

New Zealand.

ANNO TRICESIMO

V I C T O R I Æ R E G I N Æ .

No. 74.

ANALYSIS.

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| <p>Title.
Preamble.
1. Short Title.
2. Where person on arraignment is found to be insane the Court to order him to be kept in custody till the Governor's pleasure be known. The like on trial. The like on discharge.</p> | <p>3. Prisoners becoming insane two Justices may inquire with medical aid respecting such insanity if certified to be insane Governor to grant warrant for removal to lunatic asylum. If afterwards sane how to be dealt with. Warrant for removal back to prison or to discharge.</p> |
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AN ACT to amend an Ordinance of the Lieutenant Governor and Legislative Council of New Zealand intituled "An Ordinance to make provision for the safe custody of and prevention of offences by persons dangerously insane and for the care and maintenance of persons of unsound mind." Title.
[8th October 1866.]

WHEREAS it is expedient to amend the Ordinance of the Lieutenant Governor and Legislative Council of New Zealand Session VII. No. XXI. intituled "An Ordinance to make provision for the safe custody of and prevention of offences by persons dangerously insane and for the care and maintenance of persons of unsound mind" Preamble.

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

I. The Short Title of this Act shall be "The Lunatics Act 1866." Short Title.

II. If any person indicted for any indictable offence shall be insane and shall upon arraignment be found so to be by a Jury lawfully impanelled for that purpose so that such person cannot be tried upon such indictment it shall be lawful for the Court before whom any such person shall be brought to be arraigned as aforesaid to direct such finding to be recorded and thereupon to order such person to be kept in strict custody until the Governor's pleasure shall be known and if any person charged with any indictable offence shall be brought before any Court to be discharged for want of prosecution and such person shall appear to be insane it shall be lawful for such Court to order a Jury to be impanelled to try the sanity of such person and if the Jury so impanelled shall find such person to be insane it shall be lawful for the Court to order such person to be kept in strict custody in such place and in such manner as to such Court shall seem fit until Where person on arraignment is found to be insane the Court to order him to be kept in custody till the Governor's pleasure be known.
The like on trial.
The like on discharge.

Lunatics.

the Governor's pleasure shall be known and in all cases of insanity so found it shall be lawful for the Governor to give such order for the safe custody of such person so found to be insane during the Governor's pleasure in such place and in such manner as to him shall seem fit.

Prisoners becoming insane two Justices may inquire with medical aid respecting such insanity.

If certified to be insane Governor to grant warrant for removal to lunatic asylum.

If afterwards sane how to be dealt with.

Warrant for removal back to prison or to discharge.

III. If any person while imprisoned in any prison or other place of confinement under any sentence of death transportation or imprisonment or under a charge of any offence or for not finding bail for good behaviour or to keep the peace or to answer a criminal charge or in consequence of any summary conviction or order by any Justice or Justices of the Peace or under any other than civil process shall appear to be insane it shall be lawful for any two Justices of the Peace to inquire with the aid of two physicians or surgeons as to the insanity of such person and if it shall be duly certified by such Justices and such physicians or surgeons that such person is insane it shall be lawful for the Governor upon receipt of such certificate to direct by warrant under his hand that such person shall be removed to such lunatic asylum or other proper receptacle for insane persons as the Governor may judge proper and appoint and every person so removed under this Act shall remain under confinement in such asylum or other proper receptacle as aforesaid or in any other lunatic asylum or other proper receptacle to which such person may be removed until it shall be duly certified to the Governor by two physicians or surgeons that such person has become of sound mind whereupon the Governor is hereby authorized if such person shall still remain subject to be continued in custody to issue his warrant to the keeper or other person having the care of any such asylum or receptacle as aforesaid directing that such person shall be removed back from thence to the prison or other place of confinement from whence he or she shall have been taken or if the period of imprisonment or custody of such person shall have expired that he or she shall be discharged.

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