

**LUNACY.**

Ordinance No. 4 of 1894.

*As amended by No. 2 of 1895.*

[13th June, 1894.]

Be it enacted by the Governor of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof, as follows :—

1. Every officer who has knowledge that any person wandering at large within any district is deemed to be a lunatic shall immediately apprehend and take such person before the Police Magistrate or before a Justice of the Peace, which Justice is hereby empowered to issue all necessary orders for detaining such person in some secure place until he or she can be brought before the Police Magistrate.

Constable to arrest supposed lunatic wandering at large.

2. The Police Magistrate upon an alleged lunatic being brought before him as having been found wandering at large, shall call in and examine upon oath the Colonial Surgeon or any medical practitioner, and shall also examine the alleged lunatic and make such inquiries as may be thought advisable, and if satisfied that the alleged lunatic is a lunatic and a proper person to be detained, may issue his warrant directing such person to be received and detained in the gaol, or in any institution or place which may be approved of by the Governor in Council as a proper place for the care and safe custody of lunatics.

Procedure by Police Magistrate when wandering lunatic is brought before him.

3. Every officer who has knowledge that any person not wandering at large is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected by any relative, or other person having the care or charge of such lunatic, shall, as soon as practicable after obtaining such knowledge, give information upon oath, to the Police Magistrate, or a Justice of the Peace, which Justice upon this information being made to him,

Constable to report case of a supposed lunatic not under proper care and control.

shall visit and examine the alleged lunatic, and if satisfied that he is a lunatic, and that further inquiry should be made by the Police Magistrate, shall issue all necessary orders for keeping and detaining the alleged lunatic in some fit and proper place until he or she can be brought before the Police Magistrate.

Procedure of  
Police Magis-  
trate on lunatic  
not under  
proper care  
being brought  
before him.

4. (1) The Police Magistrate upon information being laid before him under Section 3 of this Ordinance, shall visit the alleged lunatic and shall direct the Colonial Surgeon or any medical practitioner to visit and examine the alleged lunatic and to certify an opinion as to his mental state.

(2) The Police Magistrate shall, upon an alleged lunatic being brought before him by order of a Justice of the Peace under Section 3, direct the Colonial Surgeon or any medical practitioner to examine the alleged lunatic and to certify an opinion as to his mental state.

(3) If upon this certificate or after such further inquiry as the Police Magistrate thinks necessary, he is satisfied that the alleged lunatic is a lunatic and is not under proper care and control, or is cruelly treated or neglected by the person having care or charge of him or her, and that the lunatic is a proper person to be taken charge of and detained under care and treatment, the Police Magistrate may, by order, direct the lunatic to be received and detained in the gaol or in any institution or place which may be approved by the Governor in Council as a fit and proper place for the care and custody of lunatics.

Power to  
remand.

5. If during the examination into the lunacy of any person brought before the Police Magistrate, it should be thought proper by the said Magistrate to remand the said person to gaol for the purpose of his being subjected to careful watch and examination, the Police Magistrate is hereby empowered to remand the alleged lunatic by warrant to gaol for a period not exceeding eight days.

Lunatics to be  
confined when  
charged with  
offence triable  
summarily.

6. When it shall appear to the Police Magistrate that a person brought before him charged with any offence punishable summarily is a lunatic he

shall make similar inquiry to that directed by Section 2 of this Ordinance, and if satisfied that the prisoner is a lunatic shall issue his warrant directing that such person shall be received and detained in the public gaol or in any institution which may be approved by the Governor in Council as a proper place for the care and custody of lunatics.

7. (1) If it shall be made to appear to the Police Magistrate that the father, mother, husband, wife, child or children of any lunatic confined in accordance with this Ordinance in any place within this Colony or elsewhere as hereinafter provided for is or are possessed of sufficient means to support or contribute to the support of such lunatic, it shall be lawful for the said Police Magistrate to summon such relative or relatives, and if satisfied by evidence upon oath that he, she or they are able to maintain or assist in the maintenance of the lunatic to issue an order requiring such relative or relatives to pay to the Colonial Treasurer for the maintenance or as contribution to the maintenance of the lunatic such sum of money weekly or otherwise as the said Police Magistrate shall think reasonable according to the circumstances of the parties.

Relatives of lunatics to contribute to their support.

Order of Magistrate thereon.

(2) The Police Magistrate shall have power from time to time to vary his order upon proof that the means of such relative or relatives have become altered in amount since the original order or any subsequent order varying it shall have been made.

Power to vary order.

8. Should the party upon whom such order of maintenance is made fail to obey the same a warrant of distress shall issue by the Police Magistrate for the purpose of levying the amount due under the order and all costs incurred therein, and if return shall be made by the officer executing the warrant of distress that he could find no, or not sufficient, goods and chattels whereon to levy, it shall be lawful for the Police Magistrate to issue his warrant for the commitment of the party making default in payment of the order to gaol, there to be kept with or without hard labour for a period not exceeding twenty days, unless the sum of money ordered to be paid and all costs and charges of levy and commitment and con-

Relatives to be committed to gaol on failure to obey Order of Maintenance after issue of Warrant of Distress without result.

veying of the defendant to gaol (the amount thereof being stated in the commitment) shall be sooner paid.

Governor in Council may order release of lunatics on proper surety being given.

9. It may be lawful for the Governor in Council upon the petition of any relative or friend of a lunatic confined within the Colony under the provisions of any of the preceding sections of this Ordinance, and on the certificate of the Colonial Surgeon that such lunatic is not a dangerous lunatic, to grant an order for the discharge of the lunatic upon such relative or friends entering into recognisances with approved sureties to be taken before the Police Magistrate for the safe custody, due maintenance, proper care, treatment and supervision of such lunatic, as well as for his peaceable behaviour.

Colonial Surgeon to report when person imprisoned has recovered his reason.

10. It shall be the duty of the Colonial Surgeon to report immediately to the Governor whenever, in the opinion of the said surgeon, any person confined in gaol under the provisions of any of the preceding sections of this Ordinance has recovered his reason and may with propriety and safety to the public peace be discharged, and the Governor in Council upon the receipt of such report may order the immediate release of such person from custody.

Governor in Council may order release thereon.

Visiting Justice empowered to allow lunatic when ill to take exercise outside of gaol under proper control.

11. Any Visiting Justice of the gaol shall have authority upon the same being recommended by the Colonial Surgeon as being desirable and necessary to direct and permit any lunatic confined in gaol, when his state of health requires it, to take exercise without the grounds of the gaol under the control of an officer or officers in such manner as the Colonial Surgeon may direct. Lunatics whilst being allowed this privilege shall be deemed to be in custody under the warrant by virtue of which they were originally detained and may be taken back to gaol and there again kept without any further or other authority than the original warrant.

Lunatics when charged with offence in Supreme Court to be committed to safe custody.

12. If upon the trial of any person charged with any offence not punishable summarily it shall appear that such person was a lunatic at the time of the commission of the offence and such person shall be acquitted on that ground, or if, during the trial of any person upon the charge of any offence not punishable summarily it shall be found that such person is



a lunatic, such verdict and finding shall be recorded and the Judge of the Supreme Court shall order such person to be conveyed to the gaol or to any institution which may be approved by the Governor in Council as a proper place for the care and custody of lunatics there to be kept until discharged or removed by order of the Governor in Council.

13. The Judge of the Supreme Court may, whenever he deems it expedient, make inquiries as to the property of any person detained as a lunatic and summon and examine such parties as he may think proper; and require all statements which he may consider necessary, in order to discover particulars of the property of the lunatic, and generally exercise all powers necessary for the proper discovery, application and protection of this property. The Judge of the Supreme Court may also order any property of the lunatic to be sold or dealt with as the Judge thinks most expedient for the purpose of raising or securing money for the payment of or provision for the expenses of the lunatic's future maintenance or for any purpose which, in the opinion of the Judge, is for the benefit and interest of the said lunatic.

Judge of Supreme Court may issue orders for discovery and protection of property of lunatics.

14. Whenever any person shall be confined as a lunatic in the gaol, it may be lawful for the Governor in Council upon being satisfied that adequate arrangements have been made for the safety and care of the lunatic while on board ship and for his reception at the port of landing, in order to secure his or her proper and legal disposal in the care of his friends or in an institution for lunatics in the United Kingdom, to order the said lunatic to be removed from the Colony in a ship bound for a port in the United Kingdom.

Lunatics may be sent to United Kingdom under certain circumstances.

This section shall not apply, however, to criminal lunatics, the removal of whom is regulated by the Colonial Prisoners Removal Act, 1884 (Imperial).

Exception thereto.

15. In all cases when a lunatic is removed from the Colony under this Ordinance a transcript of the proceedings in the matter of the lunacy of such person shall be transmitted by the Governor to Her Majesty's Secretary of State for the Colonies.

Copy of proceedings to be sent to Secretary of State.

Governor in Council to make rules and orders and defray expenses.

16. It shall be lawful for the Governor in Council from time to time to make rules and orders for the purpose of carrying this Ordinance into effect, and it shall also be lawful for the Governor to authorise the payment by warrant in the usual manner from the general revenues of the Colony of all expenses which may be incurred under this Ordinance within the Colony, or which may be incurred for the removal of lunatics under this Ordinance to the United Kingdom and for their maintenance therein; and in all cases when a lunatic has been so removed to the United Kingdom the father, mother, husband, wife, child or children of the said lunatic, if possessed of sufficient means to pay or assist in paying the same, shall be liable to pay or contribute to the payment of the cost of passage of the said lunatic to the United Kingdom and the cost of his or her maintenance in a suitable asylum therein.

Relatives liable to pay or assist in paying expenses.

Proceedings against relatives of lunatics for contribution to expenses.

17. It shall be lawful for the Police Magistrate in such cases to summon such relative or relatives, and if satisfied upon oath that he, she or they are possessed of sufficient means to pay or assist in paying the expenses of passage and maintenance referred to in the preceding section, to make such order requiring the relative or relatives aforesaid to pay to the Colonial Treasurer the whole or such portion of the said expenses as to the said Police Magistrate shall seem reasonable and proper. Should the party or parties upon whom such order is made fail to obey, the same similar proceedings shall be taken as are directed for the enforcement of orders made under Section 8 of this Ordinance.

Right of appeal.

18. All parties to proceedings under the immediately preceding section or under Section 7 of this Ordinance, shall have the right of appeal against any order made by the Police Magistrate to the Supreme Court of the Falkland Islands.

Legalising proceedings and laws.

19. All proceedings, inquiries, warrants and orders which have been at any time begun, made and issued by the officials of this Government for the custody, care and control of lunatics are hereby recognised as good and valid as if begun, made and issued under the authority of this Ordinance.

20. The following words and expressions in this Ordinance shall have the meaning hereby assigned to them unless there be something in the subject or context repugnant thereto:—

Interpretation  
clause.

“Lunatic” shall mean every person of unsound mind and every person being an idiot.

“Gaol” shall mean any place within the walls of the gaol or gaol yard which may be set apart for the custody of lunatics.

“Officer” shall mean any police constable or special constable.

“Medical practitioner” shall mean a medical practitioner duly registered under the Medical Act, 1858, the Acts amending the same and the Medical Act, 1886, of the Imperial Parliament.

“Governor” shall mean the officer administering the Government of the Falkland Islands for the time being.

21. This Ordinance may be cited as “The Lunacy Ordinance, 1894.”

Short title.

---

## PUBLIC HEALTH.

---

Ordinance No. 5 of 1894.

*As amended by No. 4 of 1897.*

[11th August, 1894.]

Be it enacted by the Governor of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof, as follows:—

1. There shall be a Board of Health for the East Falkland Island composed of the following members:—

Constitution of  
Board.

The Colonial Surgeon, who shall be President of the Board; the Colonial Secretary, and