

## No. IV.

An Act to alter and amend an Act intituled “*An Act 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.*” [11th September, 1845.]

DANGEROUS  
LUNATICS.  
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WHEREAS by an Act of the Governor and Legislative Council of Preamble. the Colony of New South Wales passed in the seventh year of Her Majesty’s reign intituled “*An Act to make provision for the safe custody of and prevention of offences by persons dangerously insane and for the care and maintenance of persons of unsound mind*” it was amongst other things enacted that it should be lawful for the Governor

*Sydney Building.*

Visitors to Lunatic Asylums to be appointed by the Governor.

Judges may order persons confined as lunatics to be brought before them for examination

and if found to be of sound mind may discharge them from confinement.

Governor of said Colony to nominate and appoint some fit and proper persons not exceeding five in number to be Visitors of each Lunatic Asylum within the said Colony and that in addition to the said five Visitors two others should be annually appointed by the Legislative Council of New South Wales and whereas it is fit and expedient to repeal so much of the same as relates to the appointment of such Visitors by the said Legislative Council Be it enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That all persons to be the Visitors of each Lunatic Asylum within the said Colony under the provisions of said recited Act shall only be nominated and appointed by the Governor of said Colony for the time being and that the number of Visitors so to be appointed shall not exceed five for each such Lunatic Asylum.

2. Provided always and be it enacted That if any Judge of the Supreme Court shall receive any information upon oath or otherwise or shall have any reason or cause to suspect that any person of sound mind is confined in any Lunatic Asylum within the said Colony such Judge shall have full power and authority to cause the Superintendent or Keeper of such Lunatic Asylum by any warrant or order to be issued by him directed to such Superintendent or Keeper to bring such confined person before him for examination at a time to be specified in such warrant or order and if upon the examination of such confined person or of any medical or other witness who may be called to testify before such Judge as to the supposed sanity or insanity of such confined person it shall be made to appear to the satisfaction of such Judge that such confined person is of sound mind it shall be thereupon lawful for such Judge upon the oath or affirmation of such witness (which oath or affirmation such Judge is hereby authorized and empowered to administer and he is hereby required to direct such confined person to be immediately discharged from the custody of the Superintendent or Keeper of such Lunatic Asylum unless he or she shall be detained therein for some other cause by due process of law.