

No. XXXIV.

An Act to 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.* ” [13th June, 1846.]

DANGEROUS
LUNATICS.
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WHEREAS by an Act of the Governor and Legislative Council of New South Wales passed in the seventh year of the reign of Her present Majesty 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 among other things enacted that no person should for the purposes of that Act be deemed a legally qualified medical practitioner unless such person should have obtained a certificate of his being a legally qualified medical practitioner from the New South Wales Medical Board established under an Act of Council passed in the second year of the reign of Her present Majesty And whereas it is expedient to alter and extend the same 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 who have been or shall be declared to be legally qualified medical practitioners either by the Medical Board of New South Wales or by that of the District of Port Phillip shall be held and taken to be legally qualified medical practitioners within the intent and for the purposes of the said recited Act.

Preamble.

7 Vict. No. 14.

2 Vict. No. 22.

Who are to be
deemed medical
practitioners.

Dangerous Lunatics.

What persons may
be removed from
Lunatic Asylum by
warrant of the
Governor.

2. And whereas it may occasionally become necessary to remove persons who now are or may hereafter be confined in the Lunatic Asylum at Tarban Creek as persons of unsound mind to the Hospital at Liverpool the Female Factory at Parramatta or some other such establishment within the said Colony as may be appointed for such purpose by the Governor for the time being Be it enacted that it shall be lawful for the Governor of the said Colony as often as the crowded state of the Asylum at Tarban Creek or any other cause which to him shall appear to render the same necessary to order and direct by warrant under his hand the removal of any person or persons who now are or who hereafter may be confined in the said Asylum at Tarban Creek as persons of unsound mind to the Hospital at Liverpool the Female Factory at Parramatta or some other such establishment within the said Colony as to him shall appear expedient and the persons so removed shall there be subject to the same rules and regulations as if they were confined in the said Asylum at Tarban Creek Provided however that no person shall be so removed who was not at the time he (or she) was first confined in the Lunatic Asylum at Tarban Creek in the condition of a convict serving a sentence of transportation.

Or may be dis-
charged to the cus-
tody of their friends.

3. And whereas doubts have arisen whether it be lawful for the Governor to order any person still laboring under insanity to be discharged from a Lunatic Asylum to the custody of any friend or friends who may be able and willing to support such lunatic Be it declared and enacted That it shall be lawful for the Governor if he think it fit so to do to order the discharge of such lunatic to such friend or friends Provided however that no person who may have been committed to such Asylum as a dangerous lunatic or dangerous idiot shall be so discharged unless the friend or friends shall enter into sufficient recognizances for the peaceable behaviour of such dangerous lunatic or idiot before two Justices of the Peace or the Court of Quarter Sessions or one of the Judges of the Supreme Court of New South Wales.

Act may be altered
or amended.

4. And be it enacted That this Act may be altered amended or repealed during the present Session.