

No. III.

An Act to amend the Law in respect to the safe custody of persons dangerously insane and the care and maintenance of persons of unsound mind. [12th July, 1849.]

Preamble.

7 Vic. No. 14.

9 Vic. No. 4.

9 Vic. No. 34.

Vesting in the Superintendent of Port Phillip the same power with respect to idiots and lunatics in that district as are now vested in the Governor.

WHEREAS an Act was passed by the Governor and Legislative Council of New South Wales in the seventh year of the reign of Her Majesty Queen Victoria 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" which Act was amended by two several Acts passed in the ninth year of Her said Majesty's reign intituled respectively "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'" and "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'" And whereas by the said recited Acts His Excellency the Governor of New South Wales is empowered and authorized to use and exercise certain powers and authority with respect to dangerous idiots and dangerous lunatics and with respect to persons of unsound mind within the said Colony And whereas it is expedient that His Honor the Superintendent of Port Phillip should have the like powers and authority vested in him with respect to dangerous idiots and lunatics and persons of unsound mind within the District of Port Phillip Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That from and after the passing of this Act it shall be lawful for His Honor the Superintendent of Port Phillip to have use and exercise and he is hereby empowered and authorized to have use and exercise all the like powers and authority with respect to dangerous idiots and dangerous lunatics and with respect to persons of unsound mind within the District of Port Phillip as His Excellency the Governor of New South Wales was and is by the provisions of the said recited Acts or any one of them empowered and authorized to have use and exercise.

Where no relative or guardian persons in care of lunatics shall be deemed guardians.

2. And be it enacted That for the purposes of the eleventh section of the said first recited Act in every case where it shall appear to the Judge that an insane person has no relative or guardian within the said Colony or none accessible without inconvenient delay any person or society under whose protection and care such insane person shall actually be for the time being shall be deemed the guardian of such insane person and it shall be lawful for the Judge to whom any application shall be made under the said eleventh section to cause the applicant and any other person or persons in his discretion to be examined

Stage Carriages.

examined as to the facts in every case on oath and any wilfully false answer by any such applicant or person thereupon given shall be deemed perjury and be punishable accordingly.

3. And be it enacted That the several powers and authorities which by the said recited Acts or either of them or by this Act are vested in the Judges or any one Judge of the Supreme Court of New South Wales shall within the District of Port Phillip be and the same are hereby vested in the Resident Judge of that district.

Powers vested in
Judges of New South
Wales to be also
vested in Resident
Judge of Port
Phillip.