

Legislative Council.

24^o VICTORIAE, 1860.

A BILL

To simplify Proceedings under Commissions of Lunacy.

(Presented by Mr. JOHNSON, 17 October, 1860.)

WHEREAS it is expedient to empower the Supreme Court in certain cases to simplify the Inquiry under Commissions of Lunacy Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. In every case of a Petition to the Supreme Court for Inquiry respecting the alleged Lunacy of any person such person shall be personally served with a notice of the presentation thereof and may by a notice signed by him and attested by his Solicitor and filed with the Master in Equity within seven days after such service or at or within such other time as the Court shall in the particular case order demand an Inquiry before a Jury.

Alleged Lunatic may demand Inquiry by Jury.

2. Whenever such demand is made the Commission if any be issued shall contain a direction that the Inquiry shall be by a Jury consisting of so many Jurors not exceeding twelve nor fewer than four as the Court shall determine Provided that three-fourths of such number whatever it may be shall concur in the verdict and the verdict of such three-fourths shall be sufficient.

Court to fix number of Jurors if Jury demanded.

3. Whenever the alleged Lunatic has not demanded an Inquiry before a Jury the Commission if any be issued shall be framed accordingly and the Commissioner shall without a Jury personally examine the alleged Lunatic and take such evidence upon oath or otherwise and call for such information as he may think fit or as the Court may by any Special Order direct in order to ascertain whether or not the alleged Lunatic is of unsound mind and incapable of managing himself and his affairs and shall certify his finding thereon to the Court.

Otherwise Commissioner to inquire without Jury.

Certificate to be equivalent to an Inquisition.

4. The Certificate of the Commissioner whether it be that the alleged Lunatic is of unsound mind and incapable of managing himself and his affairs or that he is of sound mind shall be and be held to be of the same force and effect to all intents and purposes and be proceeded on in the same manner in all respects as an Inquisition taken upon the oath 5 of a Jury.

Judges to make Rules.

5. The Judges of the said Court or any two of them shall and may from time to time make all such Rules as such Court or Judges may think necessary or proper for carrying this Act into execution and revoke repeal alter and amend the same when and as they shall think fit 10 Provided always that all such Rules shall be laid before both Houses of Parliament within one month from the making thereof if Parliament be then sitting or if Parliament be not then sitting within one month from the commencement of the then next Session of Parliament.

Rules to be laid before Parliament.

Not to affect Lunacy matters except as enacted.

6. This Act shall not affect the Law or Practice in matters of 15 Lunacy except as is herein expressly enacted.

Short Title.

7. This Act shall be styled and may be cited as the "Lunacy " Jurisdiction Amendment Act of 1860."

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[Price, 6d.]