

A BILL

To make better provision for the Custody and Care of Criminal Lunatics.

(Presented by THE ATTORNEY GENERAL, 6 February, 1861.)

WHEREAS it is expedient to make better provision for the Custody and Care of Criminal Lunatics 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. It shall be lawful for the Governor with the advice of the Executive Council by Warrant under his hand published in the *Gazette* to declare that any Asylum or place in the Colony provided or appropriated to or suitable for that purpose shall be an Asylum for Criminal Lunatics and thereupon this Act shall apply to such Asylum. Governor may appoint Asylum for Criminal Lunatics.
2. The Colonial Secretary may by Warrant under his hand direct to be conveyed to and kept in any such Asylum any person for whose safe custody during the pleasure of the Governor in such place and in such manner as to him shall seem fit the Governor is by the fourth section of the Act seventh Victoria number fourteen authorized to give order and any person sentenced and ordered to be kept in any Gaol Prison or Penal Establishment who may be shewn to the satisfaction of the Colonial Secretary to be insane or to be unfit from imbecility of mind for penal discipline and also any person who before this Act passes shall have been under any order of the Governor conveyed to and shall still remain in any Lunatic Asylum in the Colony And every such person as aforesaid shall be removed accordingly and with him shall be transmitted a certificate in the form of the Schedule hereto duly filled up and authenticated And the contents of every such certificate shall be transcribed into a General Register which shall be kept in every Asylum for Criminal Lunatics under this Act. Colonial Secretary may order Criminal Lunatics to be conveyed to Asylum.
3. When by reason of the expiration of his term of imprisonment or penal servitude or otherwise any person confined in any such Asylum would be entitled to his discharge if duly certified to have become of sound mind the Colonial Secretary may by his Warrant order the discharge of such person although he may not have been so certified to the intent that he may be placed in some other Asylum or otherwise subjected to the like care and treatment as Lunatics not being criminals. When sentence expires Colonial Secretary may order his discharge.

Colonial Secretary
may give leave of
absence on condi-
tions.

4. The Colonial Secretary may by his Warrant permit any person so confined in any such Asylum to be absent therefrom upon trial for such period and upon such conditions as he may think fit And if such person do not return within such period or if any of such conditions be broken such person if thereafter remaining absent may be retaken and dealt with 5 as hereinafter enacted in case of an escape.

Escaped Lunatics
may be recaptured.

5. In case of the escape of any person so confined in any such Asylum he may be retaken at any time by the Superintendent of such Asylum or any officer or servant belonging thereto or any person assisting such Superintendent officer or servant in this behalf or any other person 10 authorized in this behalf in writing under the hand of the Colonial Secretary or such Superintendent and shall be conveyed to and received and detained in such Asylum.

Penalties for aiding
or permitting escape.

6. Any person who rescues any person ordered as aforesaid to be conveyed to any such Asylum during his conveyance thereto or his confine- 15 ment therein and any officer or servant in any such Asylum who through wilful neglect or connivance permits any person so confined therein to escape therefrom or secretes or abets or connives at any such escape shall be deemed guilty of felony and be liable on conviction to be kept to hard labor on the roads of the Colony for any term not exceeding years And 20 any such officer or servant who carelessly allows any such person to escape shall on summary conviction before two Justices be liable to a penalty not exceeding pounds nor less than pounds.

Penalty for ill-treat-
ment or neglect.

7. Any Superintendent officer nurse attendant servant or other person employed in any such Asylum who strikes wounds illtreats or 25 wilfully neglects any person so confined therein shall be deemed guilty of a misdemeanor and be liable on conviction to fine or imprisonment with or without hard labor at the discretion of the Court or Judge.

Visitors to visit
Asylums and report.

8. Two or more of the Visitors appointed under the said recited Act shall once or oftener in each year on such day or days and at such 30 hours and for such length of time as they think fit or as the Colonial Secretary shall in writing under his hand direct visit every such Asylum for Criminal Lunatics and shall inquire into the condition as well mental as bodily of the persons confined therein under this Act and shall make such other inquiries respecting every such Asylum 35 as the Colonial Secretary shall direct and shall report to him the results of all such inquiries.

Short Title.

9. This Act shall be styled and may be cited as the "Criminal Lunatics Act of 1861."

SCHEDULE A.

STATEMENT respecting Criminal Lunatics to be filled up and transmitted to the Medical Superintendent with every Criminal Lunatic:—

| | | | | | |
|---|-----|-----|-----|-----|-----|
| Name | ... | ... | ... | ... | ... |
| Age | ... | ... | ... | ... | ... |
| Date of Admission | ... | ... | ... | ... | ... |
| Former Occupation | ... | ... | ... | ... | ... |
| From whence brought | ... | ... | ... | ... | ... |
| Married Single or Widowed | ... | ... | ... | ... | ... |
| How many Children | .. | ... | ... | ... | ... |
| Age of Youngest | ... | ... | ... | ... | ... |
| Whether First Attack | ... | ... | ... | ... | ... |
| When any previous Attack occurred... .. | ... | ... | ... | ... | ... |
| Duration of existing Attack | ... | ... | ... | ... | ... |
| State of Bodily Health | ... | ... | ... | ... | ... |
| Whether suicidal or dangerous to others | ... | ... | ... | ... | ... |
| Supposed Cause | ... | ... | ... | ... | ... |
| Chief Delusions or Indications of Insanity | ... | ... | ... | ... | ... |
| Whether subject to Epilepsy... .. | ... | ... | ... | ... | ... |
| Whether of Temperate Habits | ... | ... | ... | ... | ... |
| Degree of Education | ... | ... | ... | ... | ... |
| Religious Persuasion | ... | ... | ... | ... | ... |
| Crime or Offence | ... | ... | ... | ... | ... |
| When and where tried | ... | ... | ... | ... | ... |
| Verdict of Jury | ... | ... | ... | .. | .. |
| Sentence | ... | ... | ... | ... | ... |

[Price, 1d.]

Sydney: Thomas Richards, Government Printer.—1861.

REPORTS

Reports of the various committees appointed by the Council of the Society for the purpose of investigating the various subjects mentioned in the following list:

- 1. The Committee on the Proposed Amendment of the Rules of the Society.
- 2. The Committee on the Proposed Amendment of the Rules of the Society.
- 3. The Committee on the Proposed Amendment of the Rules of the Society.
- 4. The Committee on the Proposed Amendment of the Rules of the Society.
- 5. The Committee on the Proposed Amendment of the Rules of the Society.
- 6. The Committee on the Proposed Amendment of the Rules of the Society.
- 7. The Committee on the Proposed Amendment of the Rules of the Society.
- 8. The Committee on the Proposed Amendment of the Rules of the Society.
- 9. The Committee on the Proposed Amendment of the Rules of the Society.
- 10. The Committee on the Proposed Amendment of the Rules of the Society.
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- 12. The Committee on the Proposed Amendment of the Rules of the Society.
- 13. The Committee on the Proposed Amendment of the Rules of the Society.
- 14. The Committee on the Proposed Amendment of the Rules of the Society.
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- 16. The Committee on the Proposed Amendment of the Rules of the Society.
- 17. The Committee on the Proposed Amendment of the Rules of the Society.
- 18. The Committee on the Proposed Amendment of the Rules of the Society.
- 19. The Committee on the Proposed Amendment of the Rules of the Society.
- 20. The Committee on the Proposed Amendment of the Rules of the Society.

Legislative Council.

24^o VICTORIÆ, 1861.

A BILL

(As amended in Committee of the Whole.)

To make better provision for the Custody and Care of Criminal Lunatics.

WHEREAS it is expedient to make better provision for the Custody and Care of Criminal Lunatics 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. It shall be lawful for the Governor with the advice of the Executive Council by Warrant under his hand published in the *Gazette* to declare that any Asylum or place in the Colony provided or appropriated to or suitable for that purpose shall be an Asylum for Criminal Lunatics and thereupon this Act shall apply to such Asylum. Governor may appoint Asylum for Criminal Lunatics.
2. The Colonial Secretary may by Warrant under his hand direct to be conveyed to and kept in any such Asylum during the pleasure of the Governor in such place and in such manner as to him shall seem fit any person for whose safe custody the Governor is by the fourth section of the Act seventh Victoria number fourteen authorized to give order and any person sentenced and ordered to be kept in any Gaol Prison or Penal Establishment who may be shewn to the satisfaction of the Colonial Secretary to be insane or to be unfit from imbecility of mind for penal discipline and also any person who before this Act passes shall have been under any order of the Governor conveyed to and shall still remain in any Lunatic Asylum in the Colony And every such person as aforesaid shall be removed accordingly and with him shall be transmitted a certificate in the form of the Schedule hereto duly filled up and authenticated And the contents of every such certificate shall be transcribed into a General Register which shall be kept in every Asylum for Criminal Lunatics under this Act. Colonial Secretary may order Criminal Lunatics to be conveyed to Asylum.

When sentence expires Colonial Secretary may order his discharge.

3. When by reason of the expiration of his term of imprisonment or penal servitude or otherwise any person confined in any such Asylum would be entitled to his discharge if duly certified to have become of sound mind the Colonial Secretary may by his Warrant order the discharge of such person although he may not have been so certified to the intent that he may be placed in some other Asylum or otherwise subjected to the like care and treatment as Lunatics not being criminals. 5

Colonial Secretary may give leave of absence on conditions.

4. The Governor with the advice of the Executive Council may by his Warrant permit any person so confined in any such Asylum to be absent therefrom upon trial for such period and upon such conditions as he may think fit And if such person do not return within such period or if any of such conditions be broken such person if thereafter remaining absent may be retaken and dealt with as hereinafter enacted in case of an escape. 10

Escaped Lunatics may be recaptured.

5. In case of the escape of any person so confined in any such Asylum he may be retaken at any time by the Superintendent of such Asylum or any officer or servant belonging thereto or any person assisting such Superintendent officer or servant in this behalf or any other person authorized in this behalf in writing under the hand of the Colonial Secretary or such Superintendent and shall be conveyed to and received and detained in such Asylum. 15 20

Penalties for aiding or permitting escape.

6. Any person who rescues any person ordered as aforesaid to be conveyed to any such Asylum during his conveyance thereto or his confinement therein and any officer or servant in any such Asylum who through wilful neglect or connivance permits any person so confined therein to escape therefrom or secretes or abets or connives at any such escape shall be deemed guilty of felony and be liable on conviction to be kept to hard labor on the roads of the Colony for any term not exceeding three years And any such officer or servant who carelessly allows any such person to escape shall on summary conviction before two Justices be liable to a penalty not exceeding Twenty pounds nor less than Two pounds. 25 30

Penalty for ill-treatment or neglect.

7. Any Superintendent officer nurse attendant servant or other person employed in any such Asylum who illtreats or wilfully neglects any person so confined therein shall be deemed guilty of a misdemeanor and be liable on conviction to fine or imprisonment with or without hard labor at the discretion of the Court or Judge or to forfeit for every such offence on a summary conviction thereof before two Justices any sum not exceeding Twenty pounds nor less than Two pounds. 35

Visitors to visit Asylums and report.

8. Two or more of the Visitors appointed under the said recited Act shall once or oftener in each year on such day or days and at such hours and for such length of time as they think fit or as the Colonial Secretary shall in writing under his hand direct visit every such Asylum for Criminal Lunatics and shall inquire into the condition as well mental as bodily of the persons confined therein under this Act and shall make such other inquiries respecting every such Asylum as the Colonial Secretary shall direct and shall report to him the results of all such inquiries. 40 45

Short Title.

9. This Act shall be styled and may be cited as the "Criminal Lunatics Act of 1861."

SCHEDULE A.

STATEMENT respecting Criminal Lunatics to be filled up and transmitted to the Medical Superintendent with every Criminal Lunatic :—

| | |
|----|---|
| | Name |
| 5 | Age |
| | Date of Admission |
| | Former Occupation |
| | From whence brought |
| | Married Single or Widowed |
| 10 | How many Children |
| | Age of Youngest |
| | Whether First Attack |
| | When any previous Attack occurred... .. |
| | Duration of existing Attack |
| 15 | State of Bodily Health |
| | Whether suicidal or dangerous to others |
| | Supposed Cause |
| | Chief Delusions or Indications of Insanity |
| | Whether subject to Epilepsy... .. |
| 20 | Whether of Temperate Habits |
| | Degree of Education |
| | Religious Persuasion |
| | Crime or Offence |
| | When and where tried |
| 25 | Verdict of Jury |
| | Sentence |

CHAPTER I

The first part of the history of the world is the history of the creation of the world.

| | | |
|----|-----------------------------------|----|
| 1 | The Creation of the World | 1 |
| 2 | The Creation of Man | 2 |
| 3 | The Fall of Man | 3 |
| 4 | The Flood | 4 |
| 5 | The Tower of Babel | 5 |
| 6 | The Call of Abraham | 6 |
| 7 | The Birth of Isaac | 7 |
| 8 | The Birth of Jacob | 8 |
| 9 | The Journey to Egypt | 9 |
| 10 | The Birth of Moses | 10 |
| 11 | The Exodus from Egypt | 11 |
| 12 | The Giving of the Law | 12 |
| 13 | The Building of the Temple | 13 |
| 14 | The Return from Exile | 14 |
| 15 | The Birth of Jesus | 15 |
| 16 | The Ministry of Jesus | 16 |
| 17 | The Crucifixion of Jesus | 17 |
| 18 | The Resurrection of Jesus | 18 |
| 19 | The Ascension of Jesus | 19 |
| 20 | The Pentecost | 20 |
| 21 | The Birth of the Church | 21 |
| 22 | The Growth of the Church | 22 |
| 23 | The Council of Nicea | 23 |
| 24 | The Council of Chalcedon | 24 |
| 25 | The Council of Constantinople | 25 |
| 26 | The Council of Ephesus | 26 |
| 27 | The Council of Nicaea II | 27 |
| 28 | The Council of Constantinople II | 28 |
| 29 | The Council of Chalcedon II | 29 |
| 30 | The Council of Ephesus II | 30 |
| 31 | The Council of Nicaea III | 31 |
| 32 | The Council of Constantinople III | 32 |
| 33 | The Council of Chalcedon III | 33 |
| 34 | The Council of Ephesus III | 34 |
| 35 | The Council of Nicaea IV | 35 |
| 36 | The Council of Constantinople IV | 36 |
| 37 | The Council of Chalcedon IV | 37 |
| 38 | The Council of Ephesus IV | 38 |
| 39 | The Council of Nicaea V | 39 |
| 40 | The Council of Constantinople V | 40 |
| 41 | The Council of Chalcedon V | 41 |
| 42 | The Council of Ephesus V | 42 |
| 43 | The Council of Nicaea VI | 43 |
| 44 | The Council of Constantinople VI | 44 |
| 45 | The Council of Chalcedon VI | 45 |
| 46 | The Council of Ephesus VI | 46 |
| 47 | The Council of Nicaea VII | 47 |
| 48 | The Council of Constantinople VII | 48 |
| 49 | The Council of Chalcedon VII | 49 |
| 50 | The Council of Ephesus VII | 50 |

Legislative Council.

24^o VICTORIÆ, 1861.

A BILL

(As amended and agreed to in Select Committee.)

To make better provision for the Custody and Care of Criminal Lunatics.

WHEREAS it is expedient to make better provision for the Custody and Care of Criminal Lunatics 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. It shall be lawful for the Governor with the advice of the Executive Council by Warrant under his hand published in the *Gazette* to declare that any Asylum or place in the Colony provided or appropriated to or ~~or~~ **and deemed** suitable for that purpose shall be an Asylum for Criminal Lunatics and thereupon this Act shall apply to such Asylum.

2. The Colonial Secretary may by Warrant under his hand direct to be conveyed to and kept in any such Asylum ~~during the pleasure of the Governor in such place and in such manner as to him shall seem fit~~ any person for whose safe custody the Governor is by the fourth section of the Act seventh Victoria number fourteen authorized to give order and any person sentenced and ordered to be kept in any Gaol Prison or Penal Establishment who may be shewn to the satisfaction of the Colonial Secretary **Governor and Executive Council** to be insane or to be unfit from imbecility of mind for penal discipline ~~and also any person who before this Act passes shall have been under any order of the Governor conveyed to and shall still remain in any Lunatic Asylum in the Colony~~ And every such person as aforesaid shall be removed accordingly and with him shall be transmitted a certificate in the form of the Schedule hereto duly filled up and authenticated And the contents of every such certificate shall be transcribed into a General Register which shall be kept in every Asylum for Criminal Lunatics under this Act.

c 14—

3.

NOTE.—The words to be omitted are ruled through; the words to be inserted are printed in black letter.

When sentence expires Colonial Secretary may order his discharge.

3. When by reason of the expiration of his term of imprisonment or penal servitude or otherwise any person confined in any such Asylum would be entitled to his discharge if duly certified to have become of sound mind the Colonial Secretary may by his Warrant order the discharge of such person although he may not have been so certified to the intent that he may be placed in some other Asylum or otherwise subjected to the like care and treatment as Lunatics not being criminals if duly certified to be of sound mind be entitled to his discharge it shall be lawful for the Governor with the advice of the Executive Council upon a certificate from two legally qualified Medical practitioners that such person continues to be of unsound mind by Warrant under his hand to order his discharge and removal to some other Asylum or to be otherwise subjected to the same care and treatment and to be dealt with in all respects as Lunatics not being Criminals.

Colonial Secretary may give leave of absence on conditions.

4. The Governor with the advice of the Executive Council may by his Warrant permit any person so confined in any such Asylum to be absent therefrom upon trial for such period and upon such conditions as he may think fit And if such person do not return within such period or if any of such conditions be broken such person if thereafter remaining absent may be retaken and dealt with as hereinafter enacted in case of an escape.

Escaped Lunatics may be recaptured.

5. In case of the escape of any person so confined in any such Asylum he may be retaken at any time by the Superintendent of such Asylum or any officer or servant belonging thereto or any person assisting such Superintendent officer or servant in this behalf or any other person authorized in this behalf in writing under the hand of the Colonial Secretary or such Superintendent and shall be conveyed to and received and detained in such Asylum.

Penalties for aiding or permitting escape.

6. Any person who rescues any person ordered as aforesaid to be conveyed to any such Asylum during his conveyance thereto or his confinement therein and any officer or servant in any such Asylum who through wilful neglect or connivance permits any person so confined therein to escape therefrom or secretes or abets or connives at any such escape shall be deemed guilty of felony and be liable on conviction at the discretion of the Court to be kept to hard labor on the roads or other public works of the Colony or to be imprisoned with or without hard labor for any term not exceeding three years And any such officer or servant who carelessly allows any such person to escape shall on summary conviction before two Justices be liable to a penalty not exceeding Twenty pounds nor less than Two pounds.

Penalty for ill-treatment or neglect.

7. Any Superintendent officer nurse attendant servant or other person employed in any such Asylum who illtreats or wilfully neglects any person so confined therein shall be deemed guilty of a misdemeanor and be liable on conviction to fine or imprisonment with or without hard labor at the discretion of the Court or Judge or to forfeit for every such offence on a summary conviction thereof before two Justices any sum not exceeding Twenty pounds nor less than Two pounds.

Visitors to visit Asylums and report.

8. Two or more of the Visitors appointed under the said recited Act or the Act ninth Victoria number four or any other Act in that behalf shall once or oftener in each year on such day or days and at such hours and for such length of time as they think fit or as the Colonial Secretary shall in writing under his hand direct visit every such Asylum for Criminal Lunatics and shall inquire into the condition as well mental as bodily of the persons confined therein under this Act and shall make such other inquiries respecting every such Asylum as the Colonial Secretary shall direct and shall report to him the results of all such inquiries.

Short Title.

9. This Act shall be styled and may be cited as the "Criminal Lunatics Act of 1861."

SCHEDULE A.

STATEMENT respecting Criminal Lunatics to be filled up and transmitted to the Medical Superintendent with every Criminal Lunatic:—

| | | | | | |
|----|---|-----|-----|-----|-----|
| | Name | ... | ... | ... | ... |
| 5 | Age | ... | ... | ... | ... |
| | Date of Admission | ... | ... | ... | ... |
| | Former Occupation | ... | ... | ... | ... |
| | From whence brought | ... | ... | ... | ... |
| | Married Single or Widowed | ... | ... | ... | ... |
| 10 | How many Children | .. | ... | ... | ... |
| | Age of Youngest | ... | ... | ... | ... |
| | Whether First Attack | ... | ... | ... | ... |
| | When any previous Attack occurred... .. | ... | ... | ... | ... |
| | Duration of existing Attack | ... | ... | ... | ... |
| 15 | State of Bodily Health | ... | ... | ... | ... |
| | Whether suicidal or dangerous to others | ... | ... | ... | ... |
| | Supposed Cause | ... | ... | ... | ... |
| | Chief Delusions or Indications of Insanity | ... | ... | ... | ... |
| | Whether subject to Epilepsy... .. | ... | ... | ... | ... |
| 20 | Whether of Temperate Habits | ... | ... | ... | ... |
| | Degree of Education | ... | ... | ... | ... |
| | Religious Persuasion | ... | .. | ... | ... |
| | Crime or Offence | ... | ... | ... | ... |
| | When and where tried | ... | ... | ... | ... |
| 25 | Verdict of Jury | ... | ... | .. | .. |
| | Sentence | ... | ... | ... | ... |

TABLE

Showing the amount of business done in the several departments of the State during the year 1871-1872.

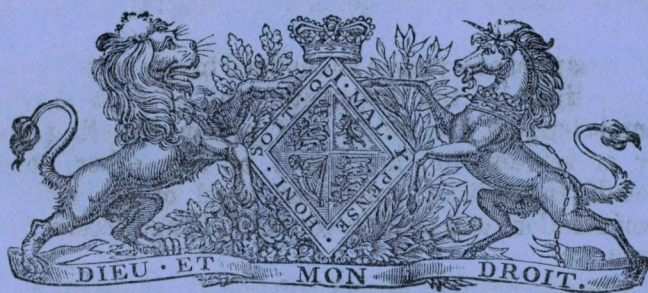
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This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council Chamber. }
Sydney, 18 April, 1861. }

R. O'CONNOR,
Clerk of the Legislative Council.

New South Wales.



ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

No. .

An Act to make better provision for the Custody and Care of Criminal Lunatics.

WHEREAS it is expedient to make better provision for the Custody and Care of Criminal Lunatics 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. It shall be lawful for the Governor with the advice of the Executive Council by Warrant under his hand published in the *Gazette* to declare that any Asylum or place in the Colony provided or appropriated to and deemed suitable for that purpose shall be an Asylum for Criminal Lunatics and thereupon this Act shall apply to such Asylum.

2. The Colonial Secretary may by Warrant under his hand direct to be conveyed to and kept in any such Asylum any person whose safe custody the Governor is by the fourth section of the Act seventh Victoria number fourteen authorized to give order and any person sentenced and ordered to be kept in any Gaol Prison or Penal Establishment who may be shewn to the satisfaction of the Governor and Executive Council to be insane or to be unfit from imbecility of mind for penal discipline And every such person as aforesaid shall be removed accordingly and with him shall be transmitted a certificate in the form of the Schedule hereto duly filled up and authenticated And the contents of every such certificate shall be transcribed into a General Register which shall be kept in every Asylum for Criminal Lunatics under this Act.

Criminal Lunatics Act.—1861.

3. When by reason of the expiration of his term of imprisonment or penal servitude or otherwise any person confined in any such Asylum would if duly certified to be of sound mind be entitled to his discharge it shall be lawful for the Governor with the advice of the Executive Council upon a certificate from two legally qualified Medical Practitioners that such person continues to be of unsound mind by Warrant under his hand to order his discharge and removal to some other Asylum or to be otherwise subjected to the same care and treatment and to be dealt with in all respects as Lunatics not being Criminals. When sentence expires Governor may order his discharge.
- 10 4. The Governor with the advice of the Executive Council may by his Warrant permit any person so confined in any such Asylum to be absent therefrom upon trial for such period and upon such conditions as he may think fit And if such person do not return within such period or if any of such conditions be broken such person if thereafter remaining 15 absent may be retaken and dealt with as hereinafter enacted in case of an escape. Governor may give leave of absence on conditions.
- 20 5. In case of the escape of any person so confined in any such Asylum he may be retaken at any time by the Superintendent of such Asylum or any officer or servant belonging thereto or any person assisting such Superintendent officer or servant in this behalf or any other person authorized in this behalf in writing under the hand of the Colonial Secretary or such Superintendent and shall be conveyed to and received and detained in such Asylum. Escaped Lunatics may be recaptured.
- 25 6. Any person who rescues any person ordered as aforesaid to be conveyed to any such Asylum during his conveyance thereto or his confinement therein and any officer or servant in any such Asylum who through wilful neglect or connivance permits any person so confined therein to escape therefrom or secretes or abets or connives at any such escape shall be deemed guilty of felony and be liable on conviction at the discretion 30 of the Court to be kept to hard labor on the roads or other public works of the Colony or to be imprisoned with or without hard labor for any term not exceeding three years And any such officer or servant who carelessly allows any such person to escape shall on summary conviction before two Justices be liable to a penalty not exceeding Twenty 35 pounds nor less than Two pounds. Penalties for aiding or permitting escape.
- 40 7. Any Superintendent officer nurse attendant servant or other person employed in any such Asylum who illtreats or wilfully neglects any person so confined therein shall be deemed guilty of a misdemeanor and be liable on conviction to fine or imprisonment with or without 45 hard labor at the discretion of the Court or to forfeit for every such offence on a summary conviction thereof before two Justices any sum not exceeding Twenty pounds nor less than Two pounds. Penalty for ill-treatment or neglect.
- 50 8. Two or more of the Visitors appointed under the said recited Act or the Act ninth Victoria number four or any other Act in that behalf shall once or oftener in each year on such day or days and at such hours and for such length of time as they think fit or as the Colonial Secretary shall in writing under his hand direct visit every such Asylum for Criminal Lunatics and shall inquire into the condition as well mental as bodily of the persons confined therein under this Act and shall make such other inquiries respecting every such Asylum as the Colonial Secretary shall direct and shall report to him the results of all such inquiries. Visitors to visit Asylums and report.
9. This Act shall be styled and may be cited as the "Criminal Lunatics Act of 1861." Short Title

Criminal Lunatics Act.—1861.

SCHEDULE A.

STATEMENT respecting Criminal Lunatics to be filled up and transmitted to the Medical Superintendent with every Criminal Lunatic:—

| | | | | | |
|----|---|-----|-----|-----|-----|
| | Name | ... | ... | ... | ... |
| 5 | Age | ... | ... | ... | ... |
| | Date of Admission | ... | ... | ... | ... |
| | Former Occupation | ... | ... | ... | ... |
| | From whence brought | ... | ... | ... | ... |
| | Married Single or Widowed | ... | ... | ... | ... |
| 10 | How many Children | ... | ... | ... | ... |
| | Age of Youngest | ... | ... | ... | ... |
| | Whether First Attack | ... | ... | ... | ... |
| | When any previous Attack occurred... .. | ... | ... | ... | ... |
| | Duration of existing Attack | ... | ... | ... | ... |
| 15 | State of Bodily Health | ... | ... | ... | ... |
| | Whether suicidal or dangerous to others | ... | ... | ... | ... |
| | Supposed Cause | ... | ... | ... | ... |
| | Chief Delusions or Indications of Insanity | ... | ... | ... | ... |
| | Whether subject to Epilepsy... .. | ... | ... | ... | ... |
| 20 | Whether of Temperate Habits | ... | ... | ... | ... |
| | Degree of Education | ... | ... | ... | ... |
| | Religious Persuasion | ... | ... | ... | ... |
| | Crime or Offence | ... | ... | ... | ... |
| | When and where tried | ... | ... | ... | ... |
| 25 | Verdict of Jury | ... | ... | ... | ... |
| | Sentence | ... | ... | ... | ... |

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CRIMINAL LUNATICS BILL OF 1861.

*SCHEDULE of the Amendment made by the Legislative Assembly in the Bill, intituled
" An Act to make better provision for the Custody and Care of Criminal Lunatics, "
returned to the Legislative Council with Message of 25 April, 1861.*

CHA. TOMPSON,
Clerk of the Legislative Assembly.

Page 2, Clause 7, line 39. *After " imprisonment" insert " for any period not exceeding
" twelve calendar months."*

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber, }
Sydney, 18 April, 1861. }*

*R. O'CONNOR,
Clerk of the Legislative Council.*

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill, with an Amendment.

*Legislative Assembly Chamber, }
Sydney, 25 April, 1861. }*

*CHA. TOMPSON,
Clerk of Legislative Assembly.*

New South Wales.



ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

No. .

An Act to make better provision for the Custody and Care of Criminal Lunatics.

WHEREAS it is expedient to make better provision for the Custody and Care of Criminal Lunatics 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. It shall be lawful for the Governor with the advice of the Executive Council by Warrant under his hand published in the *Gazette* to declare that any Asylum or place in the Colony provided or appropriated to and deemed suitable for that purpose shall be an Asylum for Criminal Lunatics and thereupon this Act shall apply to such Asylum. Governor may appoint Asylum for Criminal Lunatics.
2. The Colonial Secretary may by Warrant under his hand direct to be conveyed to and kept in any such Asylum any person whose safe custody the Governor is by the fourth section of the Act seventh Victoria number fourteen authorized to give order and any person sentenced and ordered to be kept in any Gaol Prison or Penal Establishment who may be shewn to the satisfaction of the Governor and Executive Council to be insane or to be unfit from imbecility of mind for penal discipline And every such person as aforesaid shall be removed accordingly and with him shall be transmitted a certificate in the form of the Schedule hereto duly filled up and authenticated And the contents of every such certificate shall be transcribed into a General Register which shall be kept in every Asylum for Criminal Lunatics under this Act. Colonial Secretary may order Criminal Lunatics to be conveyed to Asylum.
- 3.

NOTE :—The words to be inserted are printed in black letter.

Criminal Lunatics Act.—1861.

3. When by reason of the expiration of his term of imprisonment or penal servitude or otherwise any person confined in any such Asylum would if duly certified to be of sound mind be entitled to his discharge it shall be lawful for the Governor with the advice of the Executive Council 5 upon a certificate from two legally qualified Medical Practitioners that such person continues to be of unsound mind by Warrant under his hand to order his discharge and removal to some other Asylum or to be otherwise subjected to the same care and treatment and to be dealt with in all respects as Lunatics not being Criminals.
- 10 4. The Governor with the advice of the Executive Council may by his Warrant permit any person so confined in any such Asylum to be absent therefrom upon trial for such period and upon such conditions as he may think fit And if such person do not return within such period or if any of such conditions be broken such person if thereafter remaining 15 absent may be retaken and dealt with as hereinafter enacted in case of an escape.
5. In case of the escape of any person so confined in any such Asylum he may be retaken at any time by the Superintendent of such Asylum or any officer or servant belonging thereto or any person assisting such 20 Superintendent officer or servant in this behalf or any other person authorized in this behalf in writing under the hand of the Colonial Secretary or such Superintendent and shall be conveyed to and received and detained in such Asylum.
6. Any person who rescues any person ordered as aforesaid to be 25 conveyed to any such Asylum during his conveyance thereto or his confinement therein and any officer or servant in any such Asylum who through wilful neglect or connivance permits any person so confined therein to escape therefrom or secretes or abets or connives at any such escape shall be deemed guilty of felony and be liable on conviction at the discretion 30 of the Court to be kept to hard labor on the roads or other public works of the Colony or to be imprisoned with or without hard labor for any term not exceeding three years And any such officer or servant who carelessly allows any such person to escape shall on summary conviction before two Justices be liable to a penalty not exceeding Twenty 35 pounds nor less than Two pounds.
7. Any Superintendent officer nurse attendant servant or other person employed in any such Asylum who illtreats or wilfully neglects any person so confined therein shall be deemed guilty of a misdemeanor and be liable on conviction to fine or imprisonment for any period not 40 exceeding twelve calendar months with or without hard labor at the discretion of the Court or to forfeit for every such offence on a summary conviction thereof before two Justices any sum not exceeding Twenty pounds nor less than Two pounds.
8. Two or more of the Visitors appointed under the said recited 45 Act or the Act ninth Victoria number four or any other Act in that behalf shall once or oftener in each year on such day or days and at such hours and for such length of time as they think fit or as the Colonial Secretary shall in writing under his hand direct visit every such Asylum for Criminal Lunatics and shall inquire into the condition 50 as well mental as bodily of the persons confined therein under this Act and shall make such other inquiries respecting every such Asylum as the Colonial Secretary shall direct and shall report to him the results of all such inquiries.
9. This Act shall be styled and may be cited as the "Criminal 55 Lunatics Act of 1861."

When sentence expires Governor may order his discharge.

Governor may give leave of absence on conditions.

Escaped Lunatics may be recaptured.

Penalties for aiding or permitting escape.

Penalty for ill-treatment or neglect.

Visitors to visit Asylums and report.

Short Title

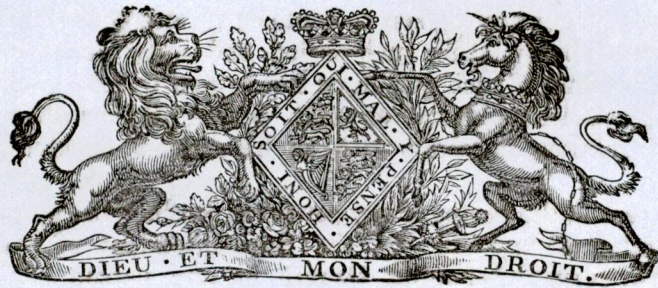
Criminal Lunatics Act.—1861.

SCHEDULE A.

STATEMENT respecting Criminal Lunatics to be filled up and transmitted to the Medical Superintendent with every Criminal Lunatic :—

| | | | | | |
|----|---|-----|-----|-----|-----|
| | Name | ... | ... | ... | ... |
| 5 | Age | ... | ... | ... | ... |
| | Date of Admission | ... | ... | ... | ... |
| | Former Occupation | ... | ... | ... | ... |
| | From whence brought | ... | ... | ... | ... |
| | Married Single or Widowed | ... | ... | ... | ... |
| 10 | How many Children | ... | ... | ... | ... |
| | Age of Youngest | ... | ... | ... | ... |
| | Whether First Attack | ... | ... | ... | ... |
| | When any previous Attack occurred... .. | ... | ... | ... | ... |
| | Duration of existing Attack | ... | ... | ... | ... |
| 15 | State of Bodily Health | ... | ... | ... | ... |
| | Whether suicidal or dangerous to others | ... | ... | ... | ... |
| | Supposed Cause | ... | ... | ... | ... |
| | Chief Delusions or Indications of Insanity | ... | ... | ... | ... |
| | Whether subject to Epilepsy... .. | ... | ... | ... | ... |
| 20 | Whether of Temperate Habits | ... | ... | ... | ... |
| | Degree of Education | ... | ... | ... | ... |
| | Religious Persuasion | ... | ... | ... | ... |
| | Crime or Offence | ... | ... | ... | ... |
| | When and where tried | ... | ... | ... | ... |
| 25 | Verdict of Jury | ... | ... | ... | ... |
| | Sentence | ... | ... | ... | ... |

New South Wales.



ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

No. XIX.

An Act to make better provision for the Custody and Care of Criminal Lunatics. [Assented to, 7th May, 1861.]

WHEREAS it is expedient to make better provision for the Custody Preamble. and Care of Criminal Lunatics 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. It shall be lawful for the Governor with the advice of the Executive Council by Warrant under his hand published in the *Gazette* to declare that any Asylum or place in the Colony provided or appropriated to and deemed suitable for that purpose shall be an Asylum for Criminal Lunatics and thereupon this Act shall apply to such Asylum. Governor may appoint Asylum for Criminal Lunatics.

2. The Colonial Secretary may by Warrant under his hand direct to be conveyed to and kept in any such Asylum any person for whose safe custody the Governor is by the fourth section of the Act seventh Victoria number fourteen authorized to give order and any person sentenced and ordered to be kept in any Gaol Prison or Penal Establishment who may be shewn to the satisfaction of the Governor and Executive Council to be insane or to be unfit from imbecility of mind for penal discipline And every such person as aforesaid shall be removed accordingly and with him shall be transmitted a certificate in the form of the Schedule hereto duly filled up and authenticated And the contents of every such certificate shall be transcribed into a General Register which shall be kept in every Asylum for Criminal Lunatics under this Act. Colonial Secretary may order Criminal Lunatics to be conveyed to Asylum.

3.

Criminal Lunatics Act.—1861.

When sentence expires Governor may order his discharge.

3. When by reason of the expiration of his term of imprisonment or penal servitude or otherwise any person confined in any such Asylum would if duly certified to be of sound mind be entitled to his discharge it shall be lawful for the Governor with the advice of the Executive Council upon a certificate from two legally qualified Medical Practitioners that such person continues to be of unsound mind by Warrant under his hand to order his discharge and removal to some other Asylum or to be otherwise subjected to the same care and treatment and to be dealt with in all respects as Lunatics not being Criminals.

Governor may give leave of absence on conditions.

4. The Governor with the advice of the Executive Council may by his Warrant permit any person so confined in any such Asylum to be absent therefrom upon trial for such period and upon such conditions as he may think fit And if such person do not return within such period or if any of such conditions be broken such person if thereafter remaining absent may be retaken and dealt with as hereinafter enacted in case of an escape.

Escaped Lunatics may be recaptured.

5. In case of the escape of any person so confined in any such Asylum he may be retaken at any time by the Superintendent of such Asylum or any officer or servant belonging thereto or any person assisting such Superintendent officer or servant in this behalf or any other person authorized in this behalf in writing under the hand of the Colonial Secretary or such Superintendent and shall be conveyed to and received and detained in such Asylum.

Penalties for aiding or permitting escape.

6. Any person who rescues any person ordered as aforesaid to be conveyed to any such Asylum during his conveyance thereto or his confinement therein and any officer or servant in any such Asylum who through wilful neglect or connivance permits any person so confined therein to escape therefrom or secretes or abets or connives at any such escape shall be deemed guilty of felony and be liable on conviction at the discretion of the Court to be kept to hard labor on the roads or other public works of the Colony or to be imprisoned with or without hard labor for any term not exceeding three years And any such officer or servant who carelessly allows any such person to escape shall on summary conviction before two Justices be liable to a penalty not exceeding Twenty pounds nor less than Two pounds.

Penalty for ill-treatment or neglect.

7. Any Superintendent officer nurse attendant servant or other person employed in any such Asylum who illtreats or wilfully neglects any person so confined therein shall be deemed guilty of a misdemeanor and be liable on conviction to fine or imprisonment for any period not exceeding twelve calendar months with or without hard labor at the discretion of the Court or to forfeit for every such offence on a summary conviction thereof before two Justices any sum not exceeding Twenty pounds nor less than Two pounds.

Visitors to visit Asylums and report.

8. Two or more of the Visitors appointed under the said recited Act or the Act ninth Victoria number four or any other Act in that behalf shall once or oftener in each year on such day or days and at such hours and for such length of time as they think fit or as the Colonial Secretary shall in writing under his hand direct visit every such Asylum for Criminal Lunatics and shall inquire into the condition as well mental as bodily of the persons confined therein under this Act and shall make such other inquiries respecting every such Asylum as the Colonial Secretary shall direct and shall report to him the results of all such inquiries.

Short Title.

9. This Act shall be styled and may be cited as the "Criminal Lunatics Act of 1861."

Criminal Lunatics Act.—1861.

SCHEDULE A.

STATEMENT respecting Criminal Lunatics to be filled up and transmitted to the Medical Superintendent with every Criminal Lunatic :—

| | | | | |
|---|-----|-----|-----|-----|
| Name | ... | ... | ... | ... |
| Age | ... | ... | ... | ... |
| Date of Admission | ... | ... | ... | ... |
| Former Occupation | ... | ... | ... | ... |
| From whence brought | ... | ... | ... | ... |
| Married Single or Widowed | ... | ... | ... | ... |
| How many Children | ... | ... | ... | ... |
| Age of Youngest | ... | ... | ... | ... |
| Whether First Attack | ... | ... | ... | ... |
| When any previous Attack occurred... .. | ... | ... | ... | ... |
| Duration of existing Attack | ... | ... | ... | ... |
| State of Bodily Health | ... | ... | ... | ... |
| Whether suicidal or dangerous to others | ... | ... | ... | ... |
| Supposed Cause | ... | ... | ... | ... |
| Chief Delusions or Indications of Insanity | ... | ... | ... | ... |
| Whether subject to Epilepsy... .. | ... | ... | ... | ... |
| Whether of Temperate Habits | ... | ... | ... | ... |
| Degree of Education | ... | ... | ... | ... |
| Religious Persuasion | ... | ... | ... | ... |
| Crime or Offence | ... | ... | ... | ... |
| When and where tried | ... | ... | ... | ... |
| Verdict of Jury | ... | ... | ... | ... |
| Sentence | ... | ... | ... | ... |

By Authority : THOMAS RICHARDS, Government Printer, Sydney, 1861.

[Price, 1d.]

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