

No. XIX.

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

Preamble.

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:—

Governor may appoint Asylum for Criminal Lunatics.

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.

Colonial Secretary may order Criminal Lunatics to be conveyed to Asylum.

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

Criminal Lunatics.

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.

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.

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 herein after enacted in case of an escape.

Governor may give leave of absence on conditions.

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.

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.

Penalties for aiding or permitting escape.

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.

Penalty for ill-treatment or neglect.

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

Visitors to visit Asylums and report.

Insolvency Commissioner.

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	...	...	...	...	...
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	...	...	...	...	...
