



ANNO DECIMO

VICTORIÆ REGINÆ,

No. 9.

By His Excellency SIR JOHN EARDLEY EARDLEY-WILMOT, Baronet, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the Advice of the Legislative Council.

AN ACT to regulate the Treatment of Insane Persons in certain Cases.

WHEREAS there are no Lunatic Asylums constituted by law in this Island for the treatment and confinement of poor and Insane Persons and it is expedient that some provision should by law be made for the care and maintenance of such poor persons—**BE IT THEREFORE ENACTED** by His Excellency SIR JOHN EARDLEY-EARDLEY WILMOT Baronet Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies by and with the advice of the Legislative Council that it shall be lawful for His Excellency the Lieutenant-Governor of this Island by any Proclamation or Proclamations to be by him issued for that purpose from time to time as occasion shall require to appoint such places as to him shall seem fit as and to be Lunatic Asylums for the confinement care and maintenance of poor Insane Persons and in like manner to revoke any such appointment as aforesaid.

PREAMBLE.

Governor in Council may appoint places for Lunatic Asylums.

II. AND BE IT ENACTED that the control and management of such Lunatic Asylums and of the Insane confined therein shall be under such person or persons as His Excellency the Lieutenant-Governor with the advice of the Executive Council shall from time to time think fit.

And persons for managing same.

III. AND BE IT ENACTED that it shall be lawful for any Justice of the Peace of this Island at all times to enter and inspect such Lunatic Asylums and the treatment of the Insane confined therein subject to such regulations as shall be in that behalf approved by the Lieutenant-Governor of this Island.

Justices may inspect Asylums.

Removal and confinement of Lunatics to and in such Asylums.

IV. AND BE IT ENACTED that it shall be lawful for the Lieutenant-Governor of this Island by any order under his hand which shall be countersigned by the Colonial Secretary for the time being to direct the removal of any poor Insane person who shall be found to be insane as hereinafter mentioned to and his confinement in any such Lunatic Asylum as aforesaid and all persons acting in obedience to such order shall be and are hereby indemnified for so doing and no action suit or other proceeding shall be brought or taken against any person by reason of his obedience to any such order or by or against any person or persons assisting in the removal or confinement of any such person who shall be named in such order of removal.

Enquiry of lunacy.

V. AND WHEREAS there are many poor persons of unsound mind whose estate and friends are unable to bear the expense of a commission or writ *de lunatico inquirendo* and it is expedient that in such cases provision should be made for the more easy declaring such persons to be insane—BE IT THEREFORE ENACTED that wheresoever it shall be made to appear to the satisfaction of any Justice of the Peace of this Island upon the oath of any duly qualified medical practitioner or upon the oaths of any three householders in this Island which oath or oaths such Justice is hereby authorised to administer that any person is of unsound mind and unfit to be at large and incapable of maintaining himself it shall be lawful for such Justice to cause such person to be brought before him and some other Justice of the Peace one of which Justices shall be the Police or Assistant Police Magistrate of the District in which such Insane person shall be or who shall reside nearest thereto and such Justices are hereby required to call to their assistance some duly qualified Medical Practitioner and if such Justices of the Peace shall upon view and examination of the said person and upon the evidence of the said Medical Practitioner and such other evidence as they shall think fit to take be of opinion that such person is of unsound mind and unfit to be at large and incapable of maintaining himself it shall be lawful for such Justices to order and direct such person to be confined in such place as they shall think fit and such Justices shall within two days after they shall have made such order as last aforesaid forward to His Excellency the Lieutenant-Governor a certificate of their said opinion together with the evidence which they shall have taken and such certificate shall be deemed and taken to be a finding of such person to be insane and thereupon it shall be lawful for the Lieutenant-Governor of this Island if in his discretion he shall see fit to make such order as in the Fourth Section of this Act is mentioned or to order that such person shall be forthwith discharged from confinement under any order of such Justices as aforesaid and no action suit or other proceeding whatsoever shall be had or taken against any person acting in obedience to any such order of such Justices as hereinbefore mentioned.

Permitting Lunatic to escape from confinement.

VI. AND BE IT ENACTED that every person ordered to be confined in any such Lunatic Asylum shall be safely kept therein and no such person shall be suffered to quit the Asylum or be at large until discharged therefrom as hereinafter provided for and if any officer

servant or assistant in any such Lunatic Asylum shall notwithstanding through neglect or connivance permit such person in any case to escape or be at large except as hereinafter provided he or she for every such offence shall forfeit and pay a sum not exceeding Forty Pounds nor less than Forty Shillings.

VII. AND BE IT ENACTED that it shall be lawful for the Lieutenant-Governor of this Island from time to time as occasion may require to appoint such and so many duly qualified Medical Practitioners together with such or so many Justice or Justices of the Peace as to him shall seem fit as and to be Commissioners for the custody care and treatment of Lunatics under this Act who shall have the power of making all such rules regulations and practice for the care confinement and treatment of Lunatics in any such Lunatic Asylum as aforesaid as shall be necessary which Commissioners shall jointly and severally at all times have full power and authority of visiting such Lunatic Asylums and every person who shall have the control and management of any such Lunatic Asylum and all persons employed therein shall be subject to the orders of such Commissioners and shall be removed from their several situations and appointments as and when the Lieutenant-Governor shall think fit to direct.

Certain Commissioners to superintend Asylums.

VIII. AND BE IT ENACTED that the Principal Medical Officer for the time being of this Island shall be the chief of the said Commissioners any five of whom two thereof being Medical Practitioners duly qualified shall be a quorum and be capable of acting in all respects as the Commissioners.

Chief Commissioner and quorum.

IX. AND BE IT ENACTED that it shall be lawful for any Justices of the Peace who under the authority of this Act shall direct the temporary confinement of any Insane person to contract with any person for the custody and maintenance of such Insane person at such reasonable rate as to them shall appear fit and the certificate in writing of such Justices of the expense of the custody and maintenance of such Insane person shall upon presentation thereof to the Colonial Secretary entitle the person in whose favour the same is made to obtain a warrant in the usual form for payment of the amount out of the public monies not then otherwise appropriated.

Temporary confinement of Lunatic.

X. AND BE IT ENACTED that the sum of Two Pounds shall be paid to every duly qualified Medical Practitioner for each day's attendance before any Justices of the Peace who are by this Act authorized to require the attendance of such duly qualified Medical Practitioner by the Clerk of the Peace of the District in which such Practitioner shall attend upon the certificate in writing of the attendance of such Practitioner which certificate shall be signed by such Justices.

Remuneration to Medical Practitioners.

XI. AND BE IT ENACTED that where any penalty is by this Act imposed the same shall be raised and levied in a summary manner as provided by the Act of this Island intituled *An Act to regulate Summary Proceedings before Justices of the Peace* and shall go and be

Recovery and appropriation of penalties.

applied in the maintenance of Lunatic Asylums to be established under this Act.

Construction of terms.

XII. AND BE IT ENACTED that the term Lieutenant-Governor in this Act used shall be construed to mean the person for the time being lawfully administering the Government of this Colony and that the singular number shall be deemed to include the plural and the masculine gender to import the feminine in this Act in all cases where such construction is not repugnant to the context.

E. EARDLEY-WILMOT.

Passed the Legislative Council, this
eleventh day of August, one thousand
eight hundred and forty-six,

ADAM TURNBULL, *Clerk of the Council.*