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All Official Notifications appearing in this Paper, duly authenticated, are to be received as such by the persons whom they may concern

ANNO DECIMO VICTORIÆ REGINÆ.

CAP. XLI.

An Act for the safe custody of Insane persons charged with offences, and for the confinement of Insane Prisoners.

Passed 7th April 1847.

‘WHEREAS persons charged with high treason, murder, felony, or misdemeanors, may have been or may be of unsound mind at the time of committing the offence wherewith they may have been or shall be charged, and by reason of such insanity may have been or may be found not guilty of such offence, and it may be dangerous to permit persons so acquitted to go at large;’

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That in all cases where it shall be given in evidence upon the trial of any person charged with treason, murder, felony, or any misdemeanor, that such person was insane at the time of the commission of such offence, and such person shall be acquitted, the Jury shall be required to find specially whether such person was insane at the time of the commission of such offence, the Court, before whom such trial shall be had, shall order such person to be kept in strict custody, in such place and in such manner as to the Court shall seem fit, until the pleasure of the Lieutenant Governor or Administrator of the Government for the time being shall be made known; and it shall thereupon be lawful for the said Lieutenant Governor or Administrator of the Government to give such order for the safe custody of such person, during his pleasure, in such place and in such manner as to the said Lieutenant Governor or Administrator of the Government for the time being shall seem fit; and in all cases where any person, before the passing of this Act, has been acquitted of any such offences on the ground of insanity at the time of the commission thereof, and has been detained in custody as a dangerous person by order of the Court before whom such person has been tried, and still remains in custody, it shall be lawful for the said Lieutenant Governor or Administrator of the Government to give the like order for the safe custody of such person during his pleasure, as the said Lieutenant Governor or Administrator of the Government is hereby enabled to give in the cases of persons who shall hereafter be acquitted on the ground of insanity.

The Court to order any person charged with Treason, &c. and proved to be insane, to be kept in custody till the Lieutenant Governor's pleasure be known, &c.

II. And be it enacted, That if any person indicted for any offence shall be insane, and shall, upon arraignment, be found to be so by a Jury lawfully impannelled for that purpose, so that such person cannot be tried upon such indictment, or if upon the trial of any person so indicted, such person shall appear to the Jury charged with such indictment to be insane, it shall be lawful for the Court before whom any such person shall be brought to be arraigned or tried as aforesaid, to direct such finding to be recorded, and thereupon to order such person to be kept in strict custody until the pleasure of the said Lieutenant Governor or Administrator of the Government shall be known; and if any person charged with any offence shall be brought before any Court to be discharged for want of prosecution, and such person shall appear to be insane, it shall be lawful for such Court to order a Jury to be impannelled to try the sanity of such person, and if the Jury so impannelled shall find such person to be insane, it shall be lawful for such Court to order such person to be kept in strict custody in such place and in such manner as to such Court shall seem fit, until the pleasure of the said Lieutenant Governor or Administrator of the Government shall be known; and in all cases of insanity so found, it shall be lawful for the said Lieutenant Governor or Ad-

Persons indicted for any offence, and upon arraignment found to be insane, or if upon trial they shall be so found, &c., the Court shall order them to be kept in custody till the Lieutenant Governor's pleasure be known.