

complaints, and inquiries, and to make, and to join in making, all such convictions, acquittals, orders, and adjudications, and to prevent, repress, and punish, and join in preventing, repressing, and punishing, all such violations of any law or laws, and to grant, make, and issue, and to join in granting, making, and issuing, all such commitments, warrants, summonses, and process, and to do, execute, exercise, and perform, and to join in doing, executing, exercising, and performing, all such acts, matters, and things, which may be necessary to carry into full effect any of the matters aforesaid, as every such Justice of the Peace for the said City could have taken, received, heard, determined, or adjudicated upon, or joined in taking, receiving, hearing, determining, or adjudicating upon, or could have made, or joined in making, or could have prevented, repressed, or punished, or joined in preventing, repressing, or punishing, or could have granted, made, or issued, or joined in granting, making, or issuing, or could have done, executed, exercised, or performed, or joined in doing, executing, exercising, or performing, and in such and the same manner in all respects to all intents and purposes whatsoever, as if every such Justice of the Peace for the said City had been and was duly appointed to perform the duties of a Police Magistrate, under and by virtue of the said recited Act.

Justices of the Peace for the City of Sydney, not authorised to act in any matter from which they are now prohibited from acting in by reason of any other cause than not being a Police Magistrate.

II. Provided always and be it further enacted, That nothing herein contained shall authorise any such Justice of the Peace to act or take part in, or to do, perform, or execute, any matter or thing, which any such Justice of the Peace is or may be prohibited from acting or taking part in, or doing, performing, or executing, by reason of any other cause than not having been, or not being, so appointed to perform the duties of a Police Magistrate as aforesaid, but that every such Justice of the Peace shall be subject to such and the same punishment, penalties, and liabilities, for acting, or taking part in, or doing, performing, or executing, any matter or thing which any such Justice of the Peace is or may be prohibited from acting, or taking part in, or doing, performing, or executing, by reason of any other cause than not having been, or not being, so appointed to perform the duties of a Police Magistrate as aforesaid, as if this Act had not been passed.

CHARLES NICHOLSON,  
Speaker.

*Passed the Legislative Council, this eighth day of June, One thousand eight hundred and forty-nine.* } *In the name and on the behalf of Her Majesty, I assent to this Act.*

WM. MACPHERSON,  
CLERK OF THE COUNCIL.

CH<sup>S</sup>. A. FITZ ROY,  
GOVERNOR.

*Govt. House, Sydney, 12th July, 1849.*

## No. II.

### An Act for the better protection of Works of Art, and Scientific and Literary Collections. [Assented to, 12th July, 1849.]

Preamble.

Punishment for malicious injury to Works of Art, &c.

WHEREAS it is expedient to provide for the better protection of Works of Art, and of Scientific and Literary Collections, and also of Public Statues and Monuments and other things, from wanton injury: Be it therefore enacted by His Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, That from and after the passing of this Act, every person who shall unlawfully and maliciously destroy or damage anything kept for the purposes of Art, Science, or Literature, or as an object of curiosity, in any Museum, Gallery, Cabinet, Library, or other Repository, which Museum, Gallery, Cabinet, Library, or other Repository, is either at all times or from time to time

time open for the admission of the public, or of any considerable number of persons, to view the same, either by permission of the proprietor thereof, or by the payment of money before entering the same; or any Picture, Statue, Monument, or Painted Glass in any Church or Chapel or other place of religious worship, or any Tombstone in any Burial Ground, or any Statue or Monument exposed to public view, or any Mile Stone or Mile Post, on, or near any Public Highway, shall be guilty of a misdemeanor, and being duly convicted thereof, shall be liable to be imprisoned for any period not exceeding six months, with or without hard labor; or if a male, be privately whipped, in such manner as the Court before which such person shall be tried shall direct.

II. And be it enacted, That every punishment imposed on any person for an offence against any of the provisions of this Act, shall apply and be enforced, whether the offence shall be committed from malice conceived against the owner of the thing damaged, or destroyed, or not. Malice to be implied.

III. And be it enacted, That any person found committing any offence against any of the provisions of this Act, may be immediately apprehended, without a warrant, by any other person, and forthwith taken before some neighbouring Justice of the Peace, to be dealt with according to law. Apprehension of offenders.

IV. Provided always, and be it enacted, That nothing herein contained shall be deemed to affect the right of any person to recover by action at law damages for any injury so committed. Not to affect the right to recover damages.

V. And be it enacted, That every person who shall abet, counsel, or procure the commission of any offence against any of the provisions of this Act shall be punished as a principal offender. Accessories punishable as principals.

CHARLES NICHOLSON,

Speaker.

*Passed the Legislative Council, this twelfth day of June, one thousand eight hundred and forty-nine.* } *In the name and on the behalf of Her Majesty, I assent to this Act.*

WM. MACPHERSON,

CLERK OF THE COUNCIL.

CH<sup>S</sup> A. FITZ ROY,

GOVERNOR.

*Govt. House, Sydney, 12th July, 1849.*

### No. III.

**An Act to amend the Law in respect to the safe custody of persons dangerously insane; and the care and maintenance of persons of unsound mind. [Assented to, 12th July, 1849.]**

**W**HEREAS an Act was passed by the Governor and Legislative Council of New South Wales, in the seventh year of the reign of Her Majesty Queen Victoria, intituled, "*An Act to make provision for the safe custody of, and prevention of offences by, persons dangerously insane; and for the care and maintenance of persons of unsound mind.*" Preamble. which Act was amended by two several Acts, passed in the ninth year of Her said Majesty's reign, intituled respectively, "*An Act to alter and amend an Act, intituled, 'An Act to make provision for the safe custody of, and prevention of offences by, persons dangerously insane; and for the care and maintenance of persons of unsound mind.'*" and "*An Act to amend an Act, intituled, 'An Act to make provision for the safe custody of, and prevention of offences by, persons dangerously insane; and for the care and maintenance of persons of unsound mind.'*" Victoria, No. 14. Victoria, No. 4. Victoria, No. 34. And whereas by the said recited Acts His Excellency the Governor of New South Wales is empowered and authorised to use and exercise certain powers and authority