

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^S 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.]

WHEREAS 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

Vesting in the Superintendent of Port Phillip the same power with respect to Idiots and Lunatics in that District, as are now vested in the Governor.

authority with respect to dangerous idiots, and dangerous lunatics, and with respect to persons of unsound mind, within the said Colony: And whereas it is expedient that His Honor the Superintendent of Port Phillip should have the like powers and authority vested in him with respect to dangerous idiots and lunatics, and persons of unsound mind, within the District of Port Phillip: 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, it shall be lawful for His Honor the Superintendent of Port Phillip to have, use, and exercise, and he is hereby empowered and authorised to have, use, and exercise all the like powers and authority with respect to dangerous idiots, and dangerous lunatics, and with respect to persons of unsound mind, within the District of Port Phillip, as His Excellency the Governor of New South Wales was and is by the provisions of the said recited Acts, or any one of them, empowered and authorised to have, use, and exercise.

Where no relative or guardian, persons in care of lunatics shall be deemed guardians.

II. And be it enacted, That for the purposes of the eleventh section of the said first recited Act, in every case where it shall appear to the Judge that an insane person has no relative or guardian within the said Colony, or none accessible without inconvenient delay, any person or society under whose protection and care such insane person shall actually be for the time being, shall be deemed the guardian of such insane person; and it shall be lawful for the Judge to whom any application shall be made under the said eleventh section to cause the applicant, and any other person or persons in his discretion, to be examined as to the facts, in every case on oath; and any wilfully false answer by any such applicant or person thereupon given, shall be deemed perjury and be punishable accordingly.

Powers vested in Judges of New South Wales to be also vested in Resident Judge of Port Phillip.

III. And be it enacted, That the several powers and authorities which by the said recited Acts, or either of them, or by this Act, are vested in the Judges, or any one Judge of the Supreme Court of New South Wales, shall, within the District of Port Phillip, be, and the same are hereby, vested in the Resident Judge of that District.

CHARLES NICHOLSON,

Speaker.

Passed the Legislative Council, this thirteenth 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^s A. FITZ ROY,
GOVERNOR.

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

No. IV.

An Act to continue for a further limited time, an Act, intituled, "An Act to regulate, for a limited time, the exportation of Gunpowder and Warlike Stores from the Colony of New South Wales." [Assented to, 12th July, 1849.]

Preamble.

9 Vict., No. 6.

WHEREAS an Act was passed by the Governor and Legislative Council of New South Wales, in the ninth year of the reign of Her present Majesty, intituled, "An Act to regulate, for a limited time, the exportation of Gunpowder and Warlike Stores from the Colony of New South Wales," which Act was continued until the thirty-first day of December now next ensuing, by a certain other Act passed in the eleventh

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