ANNO PRIMO

VICTORIÆ REGINÆ.

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C A P. XXVII.

An Act to make more effectual Provision for the Prevention of Offences by insane Persons in *Ireland*. [11th *June* 1838.]

WHEREAS it is expedient to make Provision for the better Prevention of Crime being committed by Persons insane in *Ireland;* be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person shall be discovered and apprehended in *Ireland* under Circumstances denoting a Derangement of Mind, and a Purpose of committing some Crime, for which, if committed, such Person would be liable to be indicted, it shall be lawful for any Two Justices of the Peace of the County, County of a City, County of a Town, City or Town, and Liberties, before whom such Person may be brought, to call to their Assistance any legally qualified Physician, Surgeon, or Apothecary; and if upon View and Examination of the said Person so apprehended, or from other Proof, the said Justices shall be satisfied that such Person is a dangerous Lunatic or a dangerous Idiot, it shall be lawful for the said Justices, by Warrant under their Hands and Seals, to commit such Person to the Gaol of such County, County of a Town, City or Town, and Liberties, there to be kept in strict Custody until or unless such

Justices to commit dangerous Lunatics.

 Person

Person shall be discharged by the Order of Two Justices of the Peace, One whereof shall be One of the Justices who has signed such Warrant, or by the Assistant Barrister presiding at the County General Quarter Sessions, or by One of the Judges of Her Majesty's Superior Courts in *Dublin*, or by the Lord Chancellor or Lords Commissioners of the Great Seal, or until such Person shall be removed to the proper Lunatic Asylum by Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* as herein-after provided.

Lord Lieutenant may direct Persons under Sentence of Imprisonment or Transportation to be removed to a Lunatic Asylum.

II. And be it enacted, That it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors, if he or they shall so think fit, to direct, by Warrant under his or their Hand or Hands, that any Person who may be detained in Custody in any Gaol by virtue of any such Warrant as aforesaid, or any Person who may be, under any Sentence of Imprisonment or Transportation, or under any Warrant in default of Surety to keep the Peace, in any Gaol or Place of Confinement, and in respect of whom it shall be certified by Two Physicians or Surgeons or a Surgeon and Physician that such Person is or has become insane, shall be removed to the Lunatic Asylum established either wholly or in part for the County, County of a City, or County of a Town in which such Person shall be in Custody; and every such Person so removed shall remain under Confinement in every such Asylum to which such Person may be removed until it shall be duly certified to the said Lord Lieutenant or other Chief Governor or Governors, by Two Physicians or Surgeons or a Surgeon and Physician, that such Person has become of sound Mind; whereupon the said Lord Lieutenant or other Chief Governor or Governors is hereby authorized, if such Person shall remain subject to be continued in Custody, to issue his or their Warrant to the Keeper or other Person having the Care of any such Asylum, directing that such Person be remitted to the Prison or other Place of Confinement from which he or she shall have been taken, or, if the Period of Imprisonment or Custody of such Person shall have expired, or if such Person shall not be under any Sentence of Imprisonment, that such Person shall be discharged.

Lord Lieutenant may direct insane Persons committed for Trial to be removed to a Lunatic Asylum.

III. And be it enacted, That if it shall be certified to the said Lord Lieutenant or other Chief Governor or Governors, by Two Physicians or Surgeons or a Physician and Surgeon, that any Person committed to Prison for Trial for any Offence is or has become insane, or is an Idiot, it shall be lawful for such Lord Lieutenant or other Chief Governor or Governors, if he or they shall think fit, by Warrant under his or their Hand or Hands, to order that such Person shall be removed to the Lunatic Asylum established wholly or in part for the County, County of a City, or County of a Town in which such Person shall be in Custody, and detained in such Asylum, unless in the meantime admitted to Bail by some legal Authority, until the Assizes, Sessions, or Commission at which such Person should be brought to Trial or indicted according to the due Course of Law, and that such Person shall then be remitted to the Custody of the Keeper or Governor of the Gaol, or other Person in whose Custody such Person may have been under the Terms of the original Committal, in order to his or her being indicted and tried

for such Offence, or otherwise disposed of according to Law: Provided always, that every such Person, while so detained in such Lunatic Asylum, shall have the same Liberty and Privilege of seeing his or her Friends and legal Advisers, at all reasonable Times, which he or she would have had in the Gaol or other Prison from which he or she may have been removed.

IV. And be it enacted, That this Act shall not extend to *England* or *Scotland;* and that it may be altered or amended by any Act to be passed in the present Session of Parliament. Act not to extend to England or Scotland.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1838.