

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1849.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1849.

12 Victoria – Chapter 28

**An Act to provide for the management of the Provincial Lunatic Asylum. Passed 27th March 1849.**

Whereas under the provisions of an Act made and passed in the tenth year of the Reign of Her present Majesty, intituled *An Act to provide for the erection of a Building for a Provincial Lunatic Asylum*, Commissioners appointed under the said Act have proceeded to the erection of a Provincial Lunatic Asylum upon a certain piece or parcel of Land, being the site mentioned in the said Act, and purchased by the said Commissioners from the Mayor, Aldermen and Commonalty of the City of Saint John, and the Trustees of the said Corporation appointed by a Deed executed by the said Corporation, and bearing date the twenty first day of September in the year one thousand eight hundred and forty two; which said piece or parcel of Land is bounded and described as follows, that is to say: All that, certain tract or parcel of Land and premises situate in the Parish of Lancaster, in the City and County of Saint John, consisting of the Lots numbered and distinguished in the plan of lots laid out by the said Mayor, Aldermen and Commonalty of the said City, on file in the Office of the Common Clerk of the City, by the Numbers (1 and 2,) One and Two, being butted and bounded as follows, to wit: Beginning at the northwest corner of Land laid out on the River Saint John, included in the Ten Acre Grant (so called); thence following the westerly line of the said Lands south fifty one degrees west, to the old Manawagonish Road; thence running the course of the said old Manawagonish Road to the easterly line of a Road reserved leading to lot Number (3,) Three; thence following the said easterly line of the said reserved Road, north thirty six degrees west, about twenty two chains, to the rear line of the said lot Number (3,) Three; thence on the rear line of the said lot Number (3,) Three, south forty eight degrees east, to the River Saint John; thence following the course of the said River Saint John down Stream to the place of beginning, containing forty acres more or less: And whereas it is necessary to make provision by Law for the management of the said Provincial Lunatic Asylum, and for vesting the said tract of Land and Building in the Queen's Majesty, Her Heirs and Successors;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That upon the payment by the Lieutenant Governor or Administrator of the Government for the time being, of the sum of two thousand pounds to the said Mayor, Aldermen and Commonalty of the City of Saint John, and the said Trustees, as provided in and by the third section of the said recited Act, and on the registering in the Office of Register of Deeds for the City and County of Saint John, of a Certificate under the Seal of the said Corporation, and the hand of the Chairman of the said Trustees, (such Certificate being duly proved,) that the said sum of money has been paid as aforesaid, the said lot, piece or parcel of Land hereinbefore described, and all Buildings now erected or hereafter to be erected thereon, shall be deemed and taken, to be vested in the Queen's Majesty, Her Heirs and Successors, forever, without any further act or any deed or conveyance whatsoever, for the purposes of this Act, and that the same, and the said Buildings

and erections thereon, shall be known and distinguished by the name of The Provincial Lunatic Asylum.

II. And be it enacted, That the control, management and superintendence of the said Provincial Lunatic Asylum, shall be vested in a Board of not less than five nor more than nine Commissioners, to be appointed by the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, which said Commissioners shall be sworn to the faithful discharge of their duty before any Justice of the Peace, and that the said Board of Commissioners shall meet from time to time at such place in the City and County of Saint John as may be by them appointed; and then and there, by a majority of votes of those then present, decide all questions and manage all business then and there brought before them, touching the said Asylum and the affairs thereof; and that three of the said Board shall form a quorum for business, and that the person first named in the Commission shall be Chairman of the Board, and in case of his absence at any meeting the senior Commissioner present shall be Chairman and that the said Chairman, or in case of his sickness or absence, any two of the said Commissioners, shall have power to summon a meeting of the said Commissioners for the transacting of business, by causing a notice to be left at the usual place of abode of each of the said Commissioners of the time and place of such meeting.

III. And be it enacted, That it shall and may be lawful for the said Board of Commissioners to make bye laws, rules and regulations, for the internal government, discipline and management of the said Establishment, for fixing the conditions of admission and discharge of patients, and for conducting in a proper manner the affairs and business of the institution, and from time to time to repeal, alter and amend the same; a copy of all which bye laws, rules and regulations, shall be transmitted by the said Board of Commissioners to the Lieutenant Governor or Administrator of the Government for the time being; and it shall and may be lawful for the said Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council, to confirm, disallow, amend or annul the same, or any part or parts thereof.

IV. And be it enacted, That copies of all such bye laws, rules and regulations, shall be annually laid before both Branches of the Legislature.

V. And be it enacted, That the said Commissioners shall have full power and authority at any and at all times to nominate and appoint all requisite officers, servants and keepers in and about the said Lunatic Asylum, and them and every of them to remove, and also shall and may provide and furnish all such provisions, materials and things as may be judged necessary for the support and maintenance of the inmates of the said Lunatic Asylum, and also shall have full power and authority to enforce and carry into effect the rules, orders and regulations which may from time to time be made as hereinbefore mentioned for the government and management of the said Establishment; provided always, that at any meeting of the said Commissioners at which any officer, keeper or servant may be appointed or removed, there shall not be less than five Commissioners present; and the said Commissioners shall keep in a bound Book, to be provided for that purpose, a fair and full record of all their proceedings, which shall be open at all times to

the inspection of the Lieutenant Governor or Administrator of the Government for-the time being, and the Executive Council, and such person as may be appointed by either House of the Legislature to examine the same.

VI. And be it enacted, That neither of the said Commissioners, shall receive any compensation or allowance directly or indirectly for his services as such, nor shall either of them be capable of holding any office, place or employment in, about, connected with, or arising from the said Provincial Lunatic Asylum, for or by means of which any salary, fee, emolument, compensation or perquisite can be derived, nor shall any Commissioner be engaged or interested in any way whatever, either as security or otherwise in any contract for or on account of the Provincial Lunatic Asylum.

VII. And be it enacted, That there shall be a monthly visitation of the said Asylum by one or more of the said Commissioners, and a semi-annual visitation by a majority of the said Board, and annually by the whole Board; and a Report of each such visitation be made in writing, and be transmitted by the Secretary of the said Board to the Lieutenant Governor or Administrator of the Government for the time being, in Council, for their information.

VIII. And be it enacted, That the said Board of Commissioners shall annually before the first day of January in each and every year, cause a full, complete and perfect statement of the state and condition of the said Provincial Lunatic Asylum, and also a just and detailed account of all receipts and expenditures for and on account of the said Provincial Lunatic Asylum, to be transmitted in triplicate to the Lieutenant Governor or Administrator of the Government for the time being, for his information and for the information of the Legislature; which statement and accounts shall be certified by the said Commissioners that the same are correct and true according to the best of their knowledge and belief.

IX. And be it enacted, That the Medical Officer, Keeper, Under Keeper and Servants employed in the said Lunatic Asylum, shall be exempt from Militia Duty and from serving on Juries.