

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1852. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1852.

15 Victoria – Chapter 4

An Act to amend the Law relating to Lunatics and Insane Persons. Passed 18th February 1852.

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:—

1. Any person furiously mad, or so far disordered in his senses as to be dangerous when at large, may, on evidence of the fact, be apprehended and conveyed to the Provincial Lunatic Asylum as a lunatic or insane person, on a Warrant issued by any two Justices of the Peace of the County in which the lunatic or insane person may be, and directed to any Constable of the same County.
2. It shall be the duty of the Justices to issue the Warrant, and of the Constable to execute the same, whether or not the Asylum be in the County where such Justices or Constable have jurisdiction.
3. The Commissioners of the Asylum, and the persons in charge of the same, shall receive and keep any lunatic or insane person so committed, and deal with him as other inmates are by law to be dealt with.
4. The reasonable expenses of removing the lunatic or insane person to the Asylum, after being proved on oath before any two Justices, shall be borne and paid in the first instance by the party applying for the apprehension, if of ability to pay the same; and when so paid, or in case such party shall be unable to pay, such Justices or any other two Justices shall, by Warrant directed to any Constable of the County, order the amount to be levied of the goods and chattels, or lands and tenements, if there be no personal property of the lunatic or insane person, with the costs of levying, and if there be no such property then the amount shall be paid, or repaid, out of the contingent fund of the County, by order of the Justices of any General or Special Sessions of the County in which such lunatic or insane person may have been apprehended.
5. The Warrants mentioned in section one and four of this Act, shall respectively be as near as may be in the forms in the Schedule.
6. This Act shall not be construed to extend to abridge the prerogative of Her Majesty, or of the Chancellor, concerning such lunatics or insane persons, nor to restrain or prevent any friend or relation of such lunatics or insane persons from taking them under their own care and protection.

SCHEDULE.

Warrant to apprehend a Lunatic or Insane Person.

To any Constable of the County of _____

You are hereby required to apprehend A. B., a lunatic, or an insane person, and convey him to the Provincial Lunatic Asylum, there to be kept and dealt with as other inmates of such Asylum, and for so doing this shall be your sufficient Warrant. Dated at _____ the _____ day of 185____.

C. D. } Justices of the Peace for
E. F. } the County of _____

Warrant to levy expenses of removal.

To any Constable of the County of _____
You are hereby required to levy the sum of _____, being the expenses of removing A. B., a lunatic, or insane person, from the County of _____, [or from the place at which he may have been apprehended,] to the Provincial Lunatic Asylum, of the goods and chattels [or if necessary, the lands and tenements, or both goods and lands] of the said A. B., and the same to sell at public auction after fourteen days notice, to be posted up in three or more of the most public places where such property may be found; and the money arising from such sale to return to us, after deducting the expenses of the sale, together with this Warrant and your doings therein. Dated at _____ the _____ day of 185__.

C. D. } Justices of the Peace for
E. F. } the County of _____