

Laws of Her Majesty's Province of Upper Canada, passed in the year 1839. Toronto: Robert Stanton, 1839.

2 Victoria – Chapter 11

An Act to authorise the erection of an Asylum within this Province, for the reception of Insane and Lunatic persons. Passed 11th May, 1839.

Whereas the establishment of an Asylum in this Province for the reception of Insane persons has become necessary, and it is therefore expedient to authorise His Excellency the Lieutenant-Governor to appoint Commissioners for superintending the erection of a suitable building to be appropriated for the purpose aforesaid, and to provide for the appointment of Officers for the government thereof, and to frame regulations for the management of the said Asylum, and to authorise the Court of Quarter Sessions in each District in the Province to levy an additional assessment of one-eighth of a penny in the pound, to be annually appropriated to the erection of the said Asylum, and in the purchasing of land sufficient for a site, and maintaining and supporting the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,*" and by the authority of the same, That an Asylum for the reception of Insane and Lunatic persons shall be erected on such plot of ground as shall be appropriated by the Lieutenant-Governor, or purchased by Commissioners appointed under the authority of this Act for the purpose.

II. And be it Further enacted by the authority aforesaid, That His Excellency the Lieutenant-Governor shall be and is hereby authorised to appoint Commissioners, of whom one shall be an experienced Medical Practitioner, for superintending the erection of said building, with full power and authority to employ a skilful Architect to procure plans and elevations, and to adopt such plan as to them may seem best suited for the purpose intended.

III. And be it further enacted by the authority aforesaid, That so soon as the said building shall be reported to the Lieutenant-Governor by the said Commissioners as sufficiently completed and furnished for the reception of patients, it shall and may be lawful for the Lieutenant-Governor to appoint to such Institution a Board of Directors, to consist of not less than twelve persons resident within the Province; and it shall be the duty of the said Board, or of any two Members thereof, at least once in each month to visit the said Institution to inspect the same, and annually on the first Tuesday in November, after the passing of this Act, to make a Report of the state thereof and of the patients therein, and the times of their admission or discharge, to the Lieutenant-Governor, for the information of the Legislature.

IV. And be it further enacted by the authority aforesaid, That the said Board of Directors to be appointed as aforesaid, shall have power to make such prudential rules and regulations for the internal arrangement and management of the said Institution, as to them may seem fit and proper; and may change, alter, annul, or renew the same from time to time as occasion may require; and the said Board of Directors shall appoint a Superintendent, who shall always reside at the Asylum, and whose duty it shall be to act as Physician to the said Establishment, and to watch over the internal management thereof, and carry into effect in so far as appertains to his Office the provisions of this Act and the By-Laws of the said Institution; and the said Board shall have the appointment of all other Officers and Servants to the said Institution, and have power to remove them at pleasure, and appoint others and fix the amount of their salaries, subject to the confirmation or disallowance of the Lieutenant-Governor; provided that the salary of the said Superintendent shall not exceed the sum of three hundred pounds per annum.

V. And be it further enacted by the authority aforesaid, That it shall be the duty of the said Board to meet at least once in each month, and oftener if they shall see occasion, in some convenient room at the Institution to be selected by them for holding the meetings of the said Board; and a minute of all such business as shall be transacted at any such meeting shall be recorded in a book to be kept for that purpose at the said meeting-room, and to be on no account removed therefrom, except by the special order or consent of the Board, and at any such meeting a plurality of votes shall be binding and conclusive upon any matter before the Board: Provided always, that there shall be at least three Directors present at such meetings; who shall for the purposes of this Act constitute a quorum for the despatch of business; and in case of an equality of votes at any such meeting, the Chairman shall have a casting vote.

VI. And be it further enacted by the authority aforesaid, That any Insane or Lunatic person or persons, being Subject or Subjects of Her Majesty, and a resident of this Province, may be received into the said Asylum, upon proof to the satisfaction of the said Board of Directors, or any one Member thereof in case the Board shall not be then sitting, of the said person being such Subject and resident as aforesaid, and upon the production of a certificate signed by at least three resident practising Physicians in this Province, that such person has been examined by them collectively, and that he is Insane or a Lunatic; and in case the Superintendent of the said Asylum, or any officer or servant belonging thereto, shall admit any person into the said Institution charged with Insanity or Lunacy, without first requiring and receiving such certificate, together with an order from the Board signed by at least one Member thereof, he or they so offending shall forfeit and pay the sum of one hundred pounds for each and every offence, to be recovered by action of debt in any of Her Majesty's Courts of Record in this Province, by any person or persons who shall sue in his, her, or their name or names, and one moiety of such penalty when recovered shall go to the use of the said Institution, and the other moiety to the party or parties who shall sue for the same; and the onus of proving that such order and certificate were duly given, shall be upon the Defendant or Defendants.

VII. And be it further enacted by the authority aforesaid, That the said Board shall establish the sum per diem to be paid by the person or persons so admitted into the said Asylum, towards defraying the expense incurred for the maintenance, attendance and support, of such person or persons; which sum shall be paid quarterly in advance, and security shall be given by bond to the Treasurer of the said Institution, for the future payments according to the terms of the Establishment.

VIII. And be it further enacted by the authority aforesaid, That so often as application shall be made to the said Board for admission into the Asylum of any destitute Insane or Lunatic person, the said Board may admit such person to the benefit and advantages of such Institution, upon proof to their satisfaction, or if not then sitting to the satisfaction of any one Member of the said Board, of such person being an inhabitant of this Province, and a Subject of Her Majesty, and without, the means of paying the expenses to be incurred for his maintenance and support.

IX. And be it further enacted by the authority aforesaid, That the expenses that may be incurred in removing such destitute Insane or Lunatic person, from his usual place of abode, shall be borne by the District in which such person was last resident, and shall be ascertained and paid as the other ordinary or incidental expensed of the District, and upon the recovery of the person so admitted, such District shall also bear the expense of his removal from the said Asylum to the place from whence such person was brought.

X. And be it further enacted by the authority aforesaid, That if any Insane or Lunatic person upon or at any time after his admission into the said Asylum, shall possess or become possessed of or entitled to any goods or chattels, lands or tenements, or any estate or property whereby or by which the expenses to be incurred for his maintenance and support in the said Asylum can be raised, and shall have no relatives or guardians or protectors, willing or capable of the care or management of the same, for the benefit of the said Insane or Lunatic person, and of giving the necessary security to the Institution for the payments as required by this Act, then and in such case it shall be lawful for Her Majesty's Court of King's Bench in this Province, upon the application of the next of kin or nearest friend of such Insane or Lunatic person, and upon sufficient proof being adduced to the satisfaction of the said Court in Term time, to appoint one or more persons, in the discretion of the said Court, to be a Committee of the person and property of the said Lunatic or Insane person; and the Committee so to be appointed of the said Lunatic or Insane person shall, during the continuance of his Insanity or Lunacy, and until a supersedeas of his or their authority shall have been issued by the said Court, have full power over and be competent to manage and appropriate, recover, lease, mortgage, sell or convey, all or any part of the real or personal estate, chattels and credits, of the said Insane or Lunatic person, in the name of such Insane or Lunatic person, or as his Committee, and as fully and effectually to all intents and purposes, as such Insane or Lunatic person could or might have done the same in a sound disposing mind; and such Committee shall obey the order and direction of the said Court to be from time to time made in the matter and affairs of such Lunatic or Insane person.

XI. And be it further enacted by the authority aforesaid, That the Accounts of the said Institution shall be made up and ascertained by the Superintendant quarterly; on the first Tuesday in January, April, July and October, in each year, and be audited by the Board, and a true copy thereof transmitted by the said Board, as soon as may be after the first Tuesday in November in each year, to the Lieutenant-Governor, to be laid before the Legislature; which copy of said accounts shall specify the amount of salary paid to the different officers and servants of the Institution, and also the ordinary and incidental expenses incurred in carrying on its operations; also the sums received or due for the support or maintenance of the persons admitted, (if any there be) who have means for the payment thereof.

XII. And be it further enacted by the authority aforesaid, That whenever any vacancy shall occur among the Members of the said Board, by death, resignation or departure from the Province or otherwise, it shall be lawful for the Lieutenant-Governor to fill such vacancies, by the appointment of other fit and proper persons, as often as need shall require.

XIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the Justices of the Peace of each and every District of this Province, at their General Court of Quarter Sessions next holden after the passing of this Act, to levy by assessment, to be made on each and every inhabitant householder within their said several Districts, in the same manner and form as by law any assessment may now or hereafter be levied for any public purpose within the same, an additional rate or assessment of one-eighth of a penny in the pound, which additional rate of assessment of one-eighth of a penny in the pound, after deducting the expenses allowed by law for levying and collecting the same, shall be paid by the several District Treasurers into the hands of Her Majesty's Receiver-General of this Province, for the purposes of this Act.

XIV. And be it further enacted by the authority aforesaid, That it shall be lawful for the Lieutenant-Governor to issue his Warrant or Warrants on the Receiver-General of the Province, in favour of the Commissioners appointed under the authority of this Act for the amount paid into his hands as aforesaid, to be by them expended in the erection of a Provincial Asylum, and in paying for the land requisite as a site for such building.

XV. And be it further enacted by the authority aforesaid, That the assessment of one-eighth of a penny in the pound additional, authorised by this Act to be levied on all ratable property in the several Districts, shall be levied and collected annually in each and, every year, (with the exception of the first assessment, to be levied as directed by the thirteenth clause of this Act,) at such times and in the same manner as other rates are now by law levied and collected.