

hereby authorized and empowered to hear and determine, in the same manner as other appeals to Courts of Quarter Sessions are now heard and determined in Upper or in Lower Canada respectively.

VIII. And be it enacted, That every person of full age who, after the passing of this Act, shall be a resident and inhabitant of any City, Town, Village, Township, Parish or place for one year, and the members of his family who shall not have gained a separate settlement, shall, for the purposes of this Act, be deemed settled in such City, Town, Village, Township or place; and that a minor may be emancipated from his or her father, and may gain a settlement in one or more of the following ways, viz: First, If a female, by being married, and living for one year with her husband, in which case the husband's settlement shall determine that of the wife. Second, If a male, by being married, and residing for one year separately from the family of his father. Third, By being bound as an apprentice, and serving one year as such under indentures of apprenticeship. Fourth, By being hired and actually serving for one year for wages to be paid to such minor; and that a woman of full age, by marrying, shall acquire the settlement of her husband, if he have any; and until a person shall have gained a settlement in his own right, his settlement shall be deemed that of his father or mother; but no child born in any Hospital, Lunatic or other Asylum, Gaol, or House of Correction, or other like place of reception or involuntary residence, and no child born while its mother is restrained of her liberty in virtue of this Act, shall gain any settlement, merely by reason of the place of such birth; nor shall any residence of any person as a lunatic in any such place as aforesaid of reception or involuntary residence, operate to give such lunatic a settlement in the City, Town, Village, Township, Parish or place where such actual residence may be had.

Settlement what and how gained,

C A P . L X X X I V .

An Act for the regulation of Private Lunatic Asylums.

[30th August, 1851.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Justices assigned to keep the peace in any District in Lower Canada, or County in Upper Canada, assembled in General or Quarter Sessions, (if and when they shall think fit) to grant a license to any person to keep a house for the reception of Lunatics, or of any sex or class of Lunatics within such District or County; and that the said Justices shall at the first General or Quarter Sessions in every year, after they shall have granted any such license or licenses, and while one or more of those granted by them remains in force, appoint three or more Justices, and also one Physician or more, to act as Visitors of every or any house or houses licensed for the reception of Lunatics within such District or County; and such Visitors shall at their first meeting take an oath to the following effect, that is to say:

Justices of the Peace to grant license for reception of lunatics, and to appoint Visitors of houses so licenced.

" I, A. B., do swear that I will discreetly, impartially and faithfully execute all the trusts and powers committed unto me by virtue of an Act of the Parliament of this Province, made in the Session thereof held in the fourteenth and fifteenth years of the Reign of Her Majesty Queen Victoria, intituled, *An Act for the regulation of Private Lunatic Asylums*; and that I will keep secret all such matters as shall come to my knowledge in the execution of my office, (except when required to divulge the same by legal authority, or so far as I shall feel myself called upon to do so for the better execution of the duty imposed upon me by the said Act). So help me God." Such oath to be administered by a Justice.

Visitors to take an oath.

The Oath.

Appointment of Visitors in place of any one dying, &c.

II. And be it enacted, That in case at any time of the death, inability, disqualification, resignation, or refusal to act, of any person so appointed Visitor as aforesaid, it shall be lawful for the Justices of the District or County, as the case may be, at any General or Quarter Sessions, to appoint a Visitor in the room of the person who shall die, or be unable, or be disqualified, or resign, or refuse to act as aforesaid.

Lists of Visitors to be published and forwarded to the Governor.

III. And be it enacted, That a list of the names, places of abode, and occupations or professions of all Visitors appointed as herereinbefore directed, shall, within fourteen days from the date of their respective appointments, be published by the Clerk of the Peace for the District or County for which they shall be respectively appointed, in some newspaper commonly circulated within the same District or County, and shall within three days from the date of their respective appointments, be sent by such Clerk of the Peace to the Governor of this Province; and every Clerk of the Peace making default in either of the respects aforesaid, shall for every such default forfeit a sum not exceeding Two Pounds Ten Shillings.

Clerk of the Peace or some other person to be Clerk to Visitors.

IV. And be it enacted, That the Clerk of the Peace, or some other person to be appointed by the Justices for the District or County in General Quarter Sessions, shall act as Clerk to the Visitors so appointed as aforesaid, and such Clerk shall summon the Visitors to meet at such time and place, for the purpose of executing the duties of this Act, as the said Justices in General or Quarter Sessions shall appoint: and every such appointment, summons and meeting shall be made and held as privately as may be, and in such manner that no proprietor, Superintendent or person interested in, or employed about or connected with any house to be visited, shall have notice of such intended visitation; and such Clerk to the Visitors shall, at their first meeting, take the following oath, to be administered by any one of the Visitors being a Justice, viz:

"I, A. B., do swear that I will faithfully execute all such trusts and duties as shall be committed to my charge, as Clerk to the Visitors appointed for the District (or County, as the case may be,) of _____, by virtue of an Act of the Parliament of this Province, passed in the Session thereof held in the fourteenth and fifteenth years of the Reign of Her Majesty Queen Victoria, intituled, *An Act for the regulation of Private Lunatic Asylums*; and that I will keep secret all such matters as shall come to my knowledge in the execution of my office, (except when required to divulge the same by legal authority). So help me God."

And the name, place of abode, occupation and profession of the Clerk to the Visitors, (whether the same shall be the Clerk of the Peace or any other person), shall, within fourteen days after the appointment, be published by the Clerk of the Peace of the District or County, in some newspaper commonly circulated therein, and within three days from the date of the appointment be communicated by the said Clerk of the Peace to the Governor of this Province; and every Clerk of the Peace making default in either of the respects aforesaid, shall for every such default forfeit a sum not exceeding Two Pounds Ten Shillings, and every such Clerk to the Visitors shall be allowed such salary or remuneration for his services (to be paid out of the moneys or funds hereinafter mentioned) as the Justices of the District or County shall in General or Quarter Sessions direct.

Name, &c. of Clerk to be published, and sent to the Governor.

Clerk to Visitors to be paid for his services.

Clerk to Visitors may have an Assistant.

Who shall also take an oath.

V. And be it enacted, That if the Clerk of any Visitors, shall at any time desire to employ an Assistant in the execution of the duties of his office, such Clerk shall certify such desire, and the name of such proposed Assistant to one of the Visitors, being a Justice; and if such Visitor shall approve thereof, he shall administer the following oath to such Assistant:

"I, A. B., do solemnly swear that I will faithfully keep secret all such matters and things as shall come to my knowledge in consequence of my employment as Assistant to the Clerk of the Visitors appointed for the District (or County) of _____ by virtue of an Act of Parliament of this Province passed in the Session thereof held in the fourteenth and fifteenth years of the Reign of Her Majesty

Queen

“ Queen Victoria, intituled, *An Act for the regulation of Private Lunatic Asylums*,
 “ unless required to divulge the same by legal authority. So help me God.”
 And such Clerk may thereafter, at his own cost, employ such Assistant.

VI. And be it enacted, That no person shall be or act as a Visitor or Clerk or Assistant-Clerk to any Visitors, or act in granting any License, who shall then be or shall within one year then next preceding have been, directly or indirectly, interested in any house licensed for the reception of Lunatics, or the profits of such reception; and no Physician being a Visitor shall sign any Certificate for the admission of any patient into any licensed house or hospital, or shall professionally attend upon any patient in any licensed house or hospitals unless he be directed to visit such patient by the person upon whose order such patient has been received into such licensed house or hospital, or by the Provincial Secretary for the time being, or by the Chancellor or one of the Vice-Chancellors, or by a Committee appointed by them or one of them in Upper Canada, or by a Judge of the Superior or Circuit Court, or by a Curator duly appointed to the interdiction of such patient in Lower Canada; and if any Visitor, or Clerk or Assistant-Clerk to any Visitors, shall after his appointment be or become so interested in any house licensed for the reception of Lunatics, or the profits of such reception, such Visitor, Clerk or Assistant-Clerk, as the case may be, shall immediately thereupon be disqualified from acting, and shall cease to act in such capacity; and if any person, being disqualified as aforesaid, shall take the office of Visitor, Clerk, or Assistant-Clerk, or, being a Visitor, Clerk or Assistant-Clerk, shall become disqualified, as aforesaid, and shall afterwards continue to act in such capacity, such person shall be guilty of a misdemeanor; and if any Physician being a Visitor, shall sign any Certificate for the admission of any patient into any licensed house or hospital, or shall professionally attend any patient in any licensed house or hospital (except as aforesaid), such Physician shall for each offence against this provision forfeit the sum of Fifty Pounds.

VII. And be it enacted, That every person who shall desire to have a house licensed for the reception of Lunatics, shall give a notice to the Clerk of the Peace for the District or County in which such house is situate, fourteen clear days at the least prior to some General or Quarter Sessions for such District or County; and such notice shall contain the true christian and surname, place of abode, and occupation of the person to whom the license is desired to be granted, and a true and full description of his estate or interest in such house; and in case the person to whom the license is desired to be granted, does not propose to reside himself in the licensed house, the true christian and surname, place of abode and occupation of the Superintendent who is to reside therein; and such notice shall be accompanied by a plan of such house, to be drawn upon a scale of not less than one-eighth of an inch to a foot, with a description of the situation thereof, and the length, breadth and height of, and a reference by a figure or letter to every room and apartment therein, and a statement of the quantity of land, not covered by any building, annexed to such house, and appropriated to the exclusive use, exercise and recreation of the patients proposed to be received therein,—and also a statement of the number of patients proposed to be received into such house, and whether the license so applied for is for the reception of male or female patients, or of both, and if for the reception of both, of the number of each sex proposed to be received in such house, and of the means by which the one sex may be kept distinct and apart from the other; and such notice, plan and statement, when sent to the Clerk of the Peace, shall be laid by him before the Justices of the District or County, at such time as they shall take into their consideration the application for such license; Provided always that it shall be lawful for any person to whom a license shall be granted, to remove the Superintendent named in the notice, and at any time or times to appoint another Superintendent, upon giving a notice containing the true christian name and surname, place of abode and occupation of the new Superintendent, to the Visitors of the house.

Persons interested in any licensed house, or professionally attending any patient therein, not to act as Visitor, Clerk or Assistant-Clerk.

Notice of application with statements, and plan of house to be given to Clerk of Peace.

Proviso.

No license to include more than one house—detached buildings to be considered in certain cases as part of the house.

Notice of additions or alterations to be given to Clerk of the Peace.

Giving an untrue statement: a misdemeanor.

A copy of every license granted to be sent to the Provincial Secretary.

Statement of number and class of patients in house to be furnished by person applying for renewal of license.

Form and limit of duration of license.

Persons obtaining licenses to give security.

Rates to be charged for licenses.

Proviso.

VIII. And be it enacted, That no one license shall include or extend to more than one house; but if there be any place or building detached from a house to be licensed, but not separated therefrom by ground belonging to any other person, and if such place or building be specified, delineated and described in the notice, plan and statement hereinbefore required to be given, in the same manner in all particulars as if the same had formed part of such house, then such detached place or building may be included in the license for the house, if the Justices shall think fit, and if so included, shall be considered part of such house for the purposes of this Act.

IX. And be it enacted, That no addition or alteration shall be made to, in or about any licensed house, or the appurtenances, unless previous notice in writing of such proposed addition or alteration, accompanied with a plan of such addition or alteration, to be drawn upon the scale aforesaid, and to be accompanied by such description as aforesaid, shall have been given by the person to whom the license shall have been granted, to the Clerk of the Peace, and the consent in writing of two of the Visitors shall have been previously given.

X. And be it enacted, That if any person shall wilfully give an untrue or incorrect notice, plan, statement or description of any of the things hereinbefore required to be included in any notice, plan or statement, he shall be guilty of a misdemeanor.

XI. And be it enacted, That in every case in which a license for the reception of Lunatics shall be granted by any Justices, the Clerk of the Peace for the District or County shall, within fourteen days after such license shall have been granted, send a copy thereof to the Provincial Secretary; and any Clerk of the Peace omitting to send such copy within such time, shall for every such omission forfeit a sum not exceeding Twenty Pounds.

XII. And be it enacted, That in every case in which any person shall apply for the renewal of a license, such person shall with such application transmit to the Clerk of the Peace for the District or County, a statement signed by the person so applying, containing the names and numbers of the patients of each or either sex then detained in the house to which such license relates; and any person who shall obtain the renewal of a license without making such statement, shall for every such offence forfeit the sum of Ten Pounds, and any person who shall make any such statement untruly, shall be guilty of a misdemeanor.

XIII. And be it enacted, That every license shall, as nearly as conveniently may be, be according to the form in the Schedule (A) annexed to this Act, and shall be under the Hands and Seals of three or more Justices of the Peace for the District or County in General or Quarter Sessions assembled, of whom the Chairman or other presiding Officer of such General or Quarter Sessions for the time being, shall be one, and shall be granted for such period, not exceeding thirteen months, as the Justices shall think fit.

XIV. And be it enacted, That no such license shall be granted or renewed as aforesaid, unless, upon granting or renewing such license, the person to whom such license is granted or renewed, shall enter into a Bond to Her Majesty in the sum of One Hundred Pounds, with two sufficient sureties, each in the sum of Fifty Pounds, or one sufficient surety in the sum of One Hundred Pounds, under the usual conditions for the good behaviour of such person during the time for which such license shall be granted or renewed.

XV. And be it enacted, That for every license to be granted under this Act, there shall be paid to the Clerk of the Peace the sum of Ten Shillings and no more for every patient proposed to be received into such house, and if the total amount of such sum of Ten Shillings shall not amount to Fifteen Pounds, then so much more as shall make up the sum of Fifteen Pounds, and no such license shall be delivered until the sum payable for the same shall be paid: Provided always, that if the period for which a license shall be granted be less than thirteen months, it shall be lawful for the Justices to reduce the payment to be made on such license to any sum not less than Five Pounds.

XVI. And be it enacted, That all moneys to be received for licenses granted by any Justices under this Act, shall be applied by the Clerk of the Peace for the District or County in or towards the payment of the salary or remuneration of the Clerk to the Visitors for such District or County, and in or towards the payment or discharge of all costs, charges and expenses incurred by or under the authority of the same Justices or Visitors, in the execution of or under or by virtue of this Act.

Application of moneys received for licenses.

XVII. And be it enacted, That the Clerk of the Peace for every District or County as aforesaid, shall keep an account of all moneys received and paid by him as aforesaid, and all moneys otherwise received or paid by him under or by virtue of or in the execution of this Act, and such accounts shall be made up to the last day of December in each year inclusively, and shall be signed by two at least of the Visitors for the District or County, and every such account shall be laid by the Clerk of the Peace before the Justices at the first General or Quarter Sessions in the ensuing year.

Annual account of receipts and payments to be laid by Clerk of the Peace before the Justices.

XVIII. And be it enacted, That if any person to whom a license shall have been granted under this Act, shall by sickness, or other sufficient reason, become incapable of keeping the licensed house, or shall die before the expiration of the license, it shall be lawful for any three Justices for the District or County of whom a Circuit Judge, if in Lower Canada, or the Chairman of the Quarter Sessions for the County, if in Upper Canada, shall be one, if they shall think fit, by writing endorsed on such license under the Hands of such three Justices, to transfer the said license, with all the privileges and obligations annexed thereto, for the term then unexpired, to such persons as shall at the time of such incapacity or death be the Superintendent of such house, or have the care of the patients therein, or to such other person as such Justices shall approve, and in the meantime such license shall remain in force, and have the same effect as if granted to the Superintendent of the house; and in case a license has been or shall be granted to two or more persons, and before the expiration thereof, any or either of such persons shall die leaving the other or others surviving, such license shall remain in force and have the same effect as if granted to such survivor or survivors.

Provision in case of incapacity or death of person licensed.

XIX. And be it enacted, That if any licensed house shall be pulled down or occupied under the provisions of any Act of Parliament, or by any *vis major*, or shall by fire, tempest or other accident, be rendered unfit for the accommodation of Lunatics, or if the person keeping any such house shall desire to transfer the patients to another house, it shall be lawful for any two or more of the Visiting Justices for the District or County within which the new house is situate, upon the payment to the Clerk of the Peace of not less than One Pound, to grant to the person whose house has been so pulled down, occupied or rendered unfit as aforesaid, or who shall desire to transfer his patients as aforesaid, to keep such other house for the reception of Lunatics, for such time as the said Justices shall think fit: Provided always, that the same notice of such intended change of house, and the same plans and statements and descriptions of and as to such intended new house, shall be given as are required when application is first made for license for any house, and shall be accompanied by a statement in writing of the cause of such change of house, and that, except in cases in which the change of house is occasioned by fire or tempest, seven clear days' previous notice of the intended removal, shall be sent by the person to whom the license for keeping the original house shall have been granted to the person who signed the Order for the reception of each patient, or the person by whom the last payment on account of each patient shall have been made.

Provision for transfer of patients to new house in certain cases &c.

Proviso: Description of new house, &c. to be filed.

XX. And be it enacted, That if a majority of the Justices of any District or County, in General or Quarter Sessions assembled, shall recommend to the Governor of this Province that any license granted by the Justices for such District or County under this Act, shall be revoked, or shall not be renewed, it shall be lawful for the Governor, by an Instrument under his Hand and Seal, to revoke or prohibit the renewal of such license; and in the case of a revocation, the same shall take effect at a period to be named in such Instrument, not exceeding two months from the time a copy or notice thereof shall have been published in the *Canada Gazette*; and a copy or notice

Power to Governor to revoke or prohibit the renewal of license on recommendation of Justices.

of such Instrument of revocation shall be published in the *Canada Gazette*, and shall before such publication be transmitted to the person to whom such license shall have been granted, or to the resident Superintendent of the licensed house, or shall be left at the licensed house: Provided always, that in case of any such revocation or prohibition to renew being recommended to the Governor, notice thereof in writing shall, seven clear days previously to the transmission of such recommendation to the Governor, be given to the person the revocation or prohibition of the renewal of whose license shall be recommended, or to the resident Superintendent of the licensed house, or shall be left at the licensed house.

Proviso.

No person to be received in a licensed house without an Order and Medical Certificate.

XXI. And be it enacted, That no person, whether being or represented to be a Lunatic, or only a boarder or lodger, in respect of whom any money shall be received or agreed to be received for board, lodging or any other accommodation, shall be received into or detained in any licensed house without an Order under the Land of some person according to the form, and stating the particulars required in Schedule B, annexed to this Act, nor without the Medical Certificates, according to the form in Schedule C, annexed to this Act, of two Physicians who shall not be in partnership nor brothers, nor father and son, and each of whom shall, separately from the other, have personally examined the person to whom it relates not more than seven clear days previously to the reception of such person into such house, and shall have signed and dated the same on the day on which such person shall have been so examined; and every person who shall receive or detain any such person as aforesaid in any such house as aforesaid without such Order and Medical Certificates as aforesaid, and any Physician who shall knowingly sign any such Medical Certificate as aforesaid which shall untruly state any of the particulars required by this Act, shall be guilty of a misdemeanor.

Physician to specify facts upon which his opinion is formed.

XXII. Provided always, and be it enacted, That every Physician signing any such Certificate shall specify therein any fact or facts (whether arising from his own observation or from the information of any other person) upon which he has formed his opinion that the person to whom such Certificate relates is a Lunatic, or an insane person, or an idiot, or a person of unsound mind.

Certificate required for the admission of insane persons into houses not licensed under this act.

XXIII. And be it enacted, That from and after the first day of May, which will be in the year one thousand eight hundred and fifty-two, no person shall receive to board and lodge in any house not licensed under this Act, or take the charge or care of any insane person without first having obtained the Medical Certificates required by this Act for the admission of an insane person into a licensed house; and every person who shall receive to board or lodge in any house not licensed under this Act, or take the care or charge of any insane person, shall within three calendar months next after receiving into his house, or under his care, such insane person, transmit to the Clerk of the Visitors of the District, a copy of such Medical Certificates, sealed and endorsed "Private Return," and every such person shall also (if such insane person shall continue in his house or under his care) on the first day of January of every succeeding year, or within seven clear days after, transmit to such Clerk a Certificate, signed by two Physicians describing the then actual state of mind of such insane person, and to be endorsed "Private Return," and all such private Returns shall be preserved by the said Clerk, and shall be open to the inspection of the said Visitors only; and every person who shall fail to conform to the provisions of this section shall be deemed guilty of a misdemeanor.

Notice to be given and return made in the above case.

Penalty.

XXIV. Provided always, nevertheless, and be it enacted, That any person may, under special circumstances, be received into any such house as aforesaid, upon such Order as aforesaid with the Certificate of one Physician alone, provided that such Order state the special circumstances which have prevented the person from being examined by two Physicians; but in every such case another such Certificate shall be signed by some other Physician, not being connected with any house licensed as aforesaid, who shall have specially examined such person within three days after his reception into such house, and every person who, having received any person into any house licensed as aforesaid upon the Certificate of one Physician alone, as aforesaid, shall keep such person

Proviso: that in certain cases a person may be received on a certificate signed by one Physician only.

or permit such person to remain in such house beyond the said period of three days without such further Certificate as aforesaid, shall be guilty of a misdemeanor.

XXV. And be it enacted, That no Physician who, or whose father, brother, son or partner, is wholly or partly the proprietor of or a regular Professional Attendant in a licensed house, shall sign any Certificate for the reception of a patient into such house; and no Physician who, or whose father, brother, son or partner, shall sign the Order hereinbefore required for the reception of a patient, shall sign any Certificate for the reception of the same patient; and any Physician who shall sign any Certificate contrary to any of the provisions hereinbefore contained, or without having complied with all the provisions hereby required in the case of the patient to whom the same shall relate, or who shall in such Certificate describe his medical qualification untruly, or shall untruly state any thing therein, shall be guilty of a misdemeanor.

XXVI. And be it enacted, That every proprietor or Superintendent who shall receive any patient into any licensed house, shall, within two days after the reception of such patient, make an entry with respect to such patient in a Book to be kept for that purpose, to be called "the Book of Admissions," according to the form and containing the particulars required in Schedule (D), annexed to this Act, so far as he can ascertain the same, except as to the form of the mental disorder, and except also, as to the discharge or death of the patient, which shall be made when the same shall happen; and every person who shall so receive any such patient and shall not, within two days thereafter, make such entry as aforesaid, (except as aforesaid), shall forfeit a sum not exceeding Two Pounds Ten Shillings; and every person who shall, knowingly and willingly in any such entry, untruly set forth any of the particulars, shall be guilty of a misdemeanor.

XXVII. And be it enacted, That the form of the mental disorder of every patient received into any licensed house, shall, within seven days after the reception, be entered in the said Book of Admissions by the Medical Attendant of such house; and every such Medical Attendant who shall omit to make any such entry within the time aforesaid, shall, for every such offence, forfeit a sum not exceeding Two Pounds Ten Shillings.

XXVIII. And be it enacted, That the proprietor or resident Superintendent of every licensed house, shall, after two clear days, and before the expiration of seven clear days from the day on which any patient shall have been received into such house, transmit a copy of the Order and Medical Certificates or Certificate on which such person shall have been received, and also, a notice and statement according to the form in Schedule E, annexed to this Act, to the Clerk of the Visitors within whose jurisdiction such house is situate; and every proprietor or resident Superintendent of any such house, who shall neglect to transmit such copy, notice or statement, to the Clerk of the Visitors, shall be guilty of a misdemeanor.

XXIX. And be it enacted, That whenever any patient shall escape from any licensed house, the proprietor or Superintendent of such house shall, within two clear days next after such escape, transmit a written notice thereof to the Clerk of the Visitors within whose jurisdiction such house shall be; and such notice shall state the christian and surname of the patient who has so escaped, and his or her then state of mind, and also the circumstances connected with such escape; and if such patient shall be brought back to such house, such proprietor or resident Superintendent shall, within two clear days after such person shall have been brought back, transmit a written notice thereof to the Clerk of the said Visitors; and such notice shall state when such person was so brought back, and the circumstances connected therewith, and whether with or without a fresh Order and Certificates or Certificate; and every proprietor or resident Superintendent omitting to transmit such notice, whether of escape or of return, shall, for every such omission, forfeit a sum of Ten Pounds.

XXX. And be it enacted, That whenever any patient shall be removed or discharged from any licensed house, or shall die therein, the proprietor or Superintendent of such house shall, within two clear days next after such removal, discharge or death, make an entry thereof in a Book to be kept for that purpose, according to the form,

No Physician who is interested in or attends a licensed house, to sign a certificate for the admission of a patient therein.

Every proprietor or Superintendent receiving a lunatic into a licensed house, to make an entry thereof in a certain form.

Form of patient's mental disorder to be entered in the "Book of Admissions."

Persons receiving a patient into a licensed house to transmit a notice thereof to the Clerk of the Visitors.

Notice to be given to Clerk of Visitors in case of escape of any patient and of his being brought back.

Entry to be made, and notice given, in case of the death, discharge or removal of any patient.

and stating the particulars in Schedule F, annexed to this Act, and shall also within the same two days transmit a written notice thereof, and also of the cause of the death, removal or discharge of such patient, if known, to the Clerk of the Visitors in whose jurisdiction such house shall be, according to the form, and containing the particulars in Schedule G, annexed to this Act; and every proprietor or Superintendent of any such house, who shall neglect to make such entry, or transmit such notice, or shall therein knowingly set forth any thing untruly, shall be guilty of a misdemeanor.

Statement of cause of death of patient to be transmitted to Coroner and Clerk of Visitors.

XXXI. And be it enacted, That in case of the death of any patient in any licensed house, a statement of the cause of the death of such patient, with the name of any person present at the death, shall be drawn up and signed by the Medical Attendant of such house, and a copy thereof, duly certified by the proprietor or Superintendent of such house, shall by him be transmitted to the nearest Coroner, and also to the Clerk of the Visitors, in whose jurisdiction such house shall be, and also to the person who signed the Order for such patient's confinement, or if such person be dead, or absent from the Province, then to the person who made the last payment on account of such patient, within forty-eight hours after the death of such patient; and every Medical Attendant, proprietor or Superintendent who shall neglect or omit to draw up, sign, certify, or transmit such statement as aforesaid, shall, for every such neglect or omission, forfeit and pay a sum not exceeding Fifty Pounds.

Abuse, ill-treatment or wilful neglect of a patient, to be a misdemeanor.—Offender to be prosecuted on behalf of the Crown.

XXXII. And be it enacted, That if any Superintendent, Officer, Nurse, Attendant, Servant, or other person employed in any licensed house, shall in any way abuse or ill treat any patient confined therein, or shall wilfully neglect any such patient, he shall be deemed guilty of a misdemeanor; and that in the event of the release from confinement in any licensed house of any person who shall consider himself to have been unjustly confined, a copy of the Certificates and Order upon which he has been confined shall, at his request, be furnished to him, or to his Attorney, by the Clerk of the Visitors, within whose jurisdiction the said house shall be, without any fee or reward for the same; and it shall be lawful for the Governor of this Province to cause to be prosecuted on the part of the Crown, any person who shall have been concerned in the unlawful taking of any of Her Majesty's subjects as an insane patient, and likewise any person who shall have been concerned in the neglect or ill-treatment of any patient or persons so confined.

Provision for due medical attendance in licensed houses.

XXXIII. And be it enacted, That in every house licensed for one hundred patients or more, there shall be a Physician resident as the Superintendent or Medical Attendant thereof; and that every house licensed for less than one hundred, and more than fifty patients, (in case such house shall not be kept by, or have a resident Physician,) shall be visited daily by a Physician, and that every house licensed for less than fifty patients (in case such house shall not be kept by, or have a resident Physician) shall be visited twice in every week by a Physician; Provided always, that it shall be lawful for the Visitors of any house to direct that such house shall be visited by a Physician at any other time or times, not being oftener than once in every day.

Proviso.

Number of medical visits may be reduced in houses licensed for less than eleven patients.

XXXIV. Provided always, and be it enacted, That when any house is licensed to receive less than eleven lunatics, it shall be lawful for any two of the Visitors of such house, if they shall respectively so think fit, by any writing under their hands, to permit that such house shall be visited by a Physician at such intervals more distant than twice every week as such Visitors shall appoint, but not at a greater interval than once in every two weeks.

Condition of house and patients to be entered weekly in "The Medical Visitation Book."

XXXV. And be it enacted, That every Physician, where there shall be only one, keeping or residing in or visiting any licensed house, and where there shall be two or more Physicians keeping or residing in or visiting any licensed house, then one at least of such Physicians, shall once in every week, (or, in the case of any house at which visits at more distant intervals than once a week are permitted on every visit), enter and sign in a Book to be kept at such house for that purpose, to be called "The Medical Visitation Book," a Report shewing the date thereof, and also the number, sex, and state of health of all the patients then in such house, the christian and surname of

of every patient who shall have been under restraint, or in seclusion, or under Medical treatment, since the date of the last preceding Report, the condition of the house, and every death, injury, and act of violence which shall have happened to or affected any patient since the then last preceding Report, according to the form in Schedule H, annexed to this Act, and every such Physician who shall omit to enter or sign such Report as aforesaid, shall for every such omission forfeit and pay the sum of Twenty Pounds, and every such Physician who shall in any such Report as aforesaid, enter any thing untruly, shall be guilty of a misdemeanor.

XXXVI. And be it enacted, That there shall be kept in every licensed house, a Book to be called "The Case Book," in which the Physician keeping or residing in or visiting such house, shall from time to time make entries of the mental state and bodily condition of each patient, together with a correct description of the medicine and other remedies prescribed for the treatment of his disorder, and that it shall be lawful for the Visitors within whose jurisdiction any licensed house may be situate, (whenever they shall see fit,) to require, by an Order in writing, the Physician keeping or residing in or visiting such house, to transmit to them a correct copy of the entries or entry in any Case Book kept under the provisions of this Act relative to the case of any Lunatic who is or may have been confined in such house, and every such Physician who shall neglect to keep the said Case Book, or to enter therein the particulars of each patient's case as aforesaid, or to transmit a copy of any entries or entry, pursuant to any such Order as aforesaid, shall for every such neglect forfeit a sum not exceeding Ten Pounds.

Mental state, bodily condition and medical treatment of patients to be noted in "The Case Book"—copies of entries therein to be transmitted to Visitors on demand.

XXXVII. And be it enacted, That every licensed house within the jurisdiction of any Visitors appointed under this Act, shall be visited by two at least of the said Visitors, (one of whom shall be a Physician,) four times at the least in every year, on such days and at such hours in the day, and for such length of time as the Justices by whom such house shall have been licensed shall direct, and such Visitors when visiting any such house, may and shall inspect every part of such house, and every house, out-house, place and building communicating therewith, or detached therefrom, but not separated by ground belonging to any other person, and every part of the ground or appurtenances held, used or occupied therewith, and see every patient then confined therein, and enquire whether any patient is under restraint, and why, and inspect the Order and Certificates or Certificate for the reception of every patient who shall have been received into such house since the last visit of the Visitors, and enter in the Visitors' Book a Minute of the then condition of the house, and of the patients therein, and the number of patients under restraint, with the reasons thereof as stated, and such irregularity (if any) as may exist in any such Order or Certificate as aforesaid, and also whether the previous suggestions (if any) of the Visitors, have or have not been attended to, and any observations which they may deem proper as to any of the matters aforesaid, or otherwise.

Every licensed house to be inspected four times a year at least by the Visitors thereof.

XXXVIII. And be it enacted, That the proprietor or Superintendent of every licensed house shall show to the Visitors visiting the same, every part thereof and every person detained therein as a Lunatic; and every proprietor or Superintendent of any licensed house who shall conceal or attempt to conceal, or shall refuse or wilfully neglect to shew any part of such house, or any house, out-house, place or building communicating therewith, or detached therefrom but not separated as aforesaid, or any part of the ground or appurtenances held, used or occupied therewith, or any person detained or being therein, from or to any Visitors, or from any person authorized under any power or jurisdiction of this Act to visit and inspect such house, or the patients confined therein, or any of them, shall be guilty of a misdemeanor.

Every part of house and every patient to be shewn to Visitors.

XXXIX. And be it enacted, That the Visitors upon their several visitations to every licensed house, shall inquire where Divine Service is performed therein, and to what number of the patients, and the effect thereof; and also what occupations or amusements are provided for the patients, and the result thereof; and whether there has been adopted any system of non-coercion, and if so, the result thereof; and also as

Inquiries to be made by Visitors on their several visitations.

to the classification of patients; and shall also make such other inquiries as to such Visitors shall seem expedient; and every proprietor or Superintendent of a licensed house who shall not give full and true answers to the best of his knowledge to all questions which the Visitors shall ask in reference to the matters aforesaid, shall be guilty of a misdemeanor.

List of patients and certain books and documents to be produced to Visitors.

XL. And be it enacted, That upon every visit of the Visitors to any licensed house, there shall be laid before such Visitors by the proprietor or Superintendent of such house, a list of all the patients then in such house, (distinguishing males from females, and specifying such as are deemed curable,) and also the several Books by this Act required to be kept by the proprietor or Superintendent, and by the Medical Attendant of a licensed house, and also all Orders and Certificates relating to patients admitted since the last visitation of the Visitors, and the license then in force for such house, and also all such other Orders, Certificates, Documents and Papers relating to any of the patients at any time received into such house, as the said Visitors shall from time to time require to be produced to them; and the said Visitors shall sign the said Books as having been produced to them.

Plan of house to be exhibited—Result of inspection and inquiries to be entered in "The Visitors' Book"—Observations on state of mind or body of patients to be entered in "The Patients' Book."

XLI. And be it enacted, That there shall be hung up in some conspicuous part of every licensed house, a copy of the plan given to the Justices on applying for the license for such house; and that there shall be kept in every such house a Queen's Printer's copy of this Act, bound up in a Book, to be called "The Visitors' Book," and that the Visitors shall at the time of their visitations enter therein the result of the inspections and inquiries herein before directed or authorized to be made by them, with such observations (if any) as they shall think proper; and that there shall also be kept in every such house, a Book to be called "The Patients' Book," and that the Visitors shall, at the times of their visitations, enter therein such observations as they may think fit respecting the state of mind or body of any patient in such house.

Copies of entries by Visitors to be duly transmitted to Clerk of Visitors, and laid before Justices when renewal of license is applied for.

XLII. And be it enacted, That the proprietor or resident Superintendent of every licensed house, shall, within three days after every such visit by the Visitors as aforesaid, transmit a true and perfect copy of the entries made by them in "The Visitors' Book," "The Patients' Book," and "The Medical Visitation Book," respectively, (distinguishing the entries in the several Books,) to the Clerk of the Visitors; and the copies so transmitted to the Clerk of the Visitors of all such entries, relating to any licensed house, and made since the grant or last renewal of the license thereof, shall be laid before the Justices, on taking into consideration the renewal of the license to the house to which such entries shall relate; and every such proprietor or Superintendent as aforesaid, who shall omit to transmit to the Clerk of the Visitors, a true and perfect copy of every or any such entry as aforesaid, shall, for every such omission, forfeit a sum not exceeding Ten Pounds.

Visitors may inspect house by night.

XLIII. And be it enacted, That it shall be lawful for any two Visitors to visit and to inspect any licensed house within their jurisdiction at such hour of the night as they shall think fit.

Patient may be discharged on written order from person who authorized his reception.

XLIV. And be it enacted, That if and when any person who signed the Order on which any patient was received into any licensed house, shall, by writing, under his hand, direct that such patient shall be removed or discharged, then, and in such case, such patient shall forthwith be removed or discharged, as the person who signed the Order for his reception shall direct.

Provision for discharge of patient when the person who ordered his reception is dead or incapable.

XLV. And be it enacted, That if the person who signed the Order upon which any patient was received into any licensed house be incapable by reason of insanity or absence from the Province, or otherwise, of giving an Order for the discharge or removal of such patient, or if such person be dead, then, and in any of such cases, the husband or wife of such patient, or if there be no such husband or wife, the father of such patient, or if there be no father, the mother of such patient, or if there be no mother, then any one of the nearest of kin for the time being of such patient, or the person who made the last payment on account of such patient, may, by any writing under his or her hand, give such direction as aforesaid, for the discharge or removal of such patient,

patient, and thereupon such patient shall be forthwith discharged or removed, as the person giving such direction shall direct.

XLVI. Provided always, nevertheless, and be it enacted, That no patient shall be discharged or removed under any of the powers hereinbefore contained from any licensed house, if the Physician by whom the same shall be kept, or who shall be the regular Medical Attendant thereof, shall, by writing under his Hand, certify that in his opinion such patient is dangerous and unfit to be at large, together with the grounds on which such opinion is founded, unless the Visitors of such house shall, after such Certificate shall have been produced to them, give their consent, in writing, that such patient shall be discharged or removed: Provided that nothing herein contained shall prevent any patient from being transferred from any licensed house to any other licensed house, or to any Asylum, but in such case every such patient shall be placed under the control of an Attendant belonging to the licensed house to or from which he shall be about to be removed for the purpose of such removal, and shall remain under such control until such time as such removal shall be duly effected.

XLVII. And be it enacted, That it shall be lawful for any two or more of the Visitors of any licensed house, of whom one shall be a Physician, to make special visits to any patient detained in such house, on such days and at such hours as they shall think fit, and if after two distinct and separate visits so made, it shall appear to such Visitors that such patient is detained without sufficient cause, they may make such Order as to them shall seem meet for the discharge of such patient, and such patient shall be discharged accordingly.

XLVIII. Provided always, and be it enacted, That every such Order by any Visitors for the discharge of a patient from any licensed house shall be signed by them, and that each of such special visits shall be by the same Visitors, and that it shall not be lawful for such Visitors to order the discharge of any patient from any such house without having previously, if the Medical Attendant of such house shall have tendered himself for that purpose, examined him as to his opinion respecting the fitness of such patient to be discharged; and if such Visitors shall, after so examining such Medical Attendant, discharge such patient, and such Medical Attendant shall furnish them with any statement, in writing, containing his reasons against the discharge of such patient, they shall forthwith transmit such statement to the Clerk of the Visitors, to be kept and registered in a Book for that purpose.

XLIX. Provided also, and be it enacted, That not less than seven days shall intervene between the first and second of such special visits, and that such Visitors shall, seven days previously to the second of such special visits, give notice thereof, either by post, or by an entry in the Patients' Book, to the proprietor or Superintendent of the licensed house in which the patient intended to be visited is detained, and that such proprietor or Superintendent shall forthwith, if possible, transmit by post a copy of such notice to the person by whose authority such patient was received into such house, or by whom the last payment on account of such patient was made, and also to the Clerk of the Visitors of such house.

L. Provided always, nevertheless, and be it enacted, That none of the powers of discharge herein before contained, shall extend to any Lunatic confined under any Order or Authority of the Governor of this Province, or under the Order of any Court of Criminal Jurisdiction.

LI. And be it enacted, That if any person shall apply to any Visitor in order to be informed whether any particular person is confined in any licensed house within the jurisdiction of such Visitor, the said Visitor, if he shall think it reasonable to permit such inquiry to be made, shall sign an Order to the Clerk of the Visitors, and the said Clerk shall, on receipt of such Order, and on payment to him of a sum not exceeding One Shilling for his trouble, make search amongst the returns made to him in pursuance of this Act, whether the person inquired after is or has been, within the then last twelve months, confined in any licensed house within the jurisdiction of such Visitor; and if it shall appear that such person is or has been so confined, the said Clerk shall deliver

Consent of Visitors requisite for removal of patient certified to be dangerous, in certain cases.

Proviso.

Special visits for discharge of patient may be made by two Visitors.

Proviso: Visitors to sign order for discharge—opinion of Physician to be taken if offered.

Interval and notice between first and second special visits.

Preceding powers of discharge not to extend to lunatics confined by order of Governor or of a Criminal Court.

Visitor may authorize Clerk to search for and give information as to patients confined in licensed houses.

deliver to the person so applying a statement in writing, specifying the situation of the house in which the person so inquired after appears to be or to have been confined, and the name of the proprietor or resident Superintendent thereof, and also the date of the admission of such person into such licensed house, and (in case of his having been removed or discharged) the date of his removal on discharge therefrom.

Sic.

Visitor may give an order for admission to patient of any friend or relation, or person named by friend or relation.

LII. And be it enacted, That it shall be lawful for any one of the Visitors of any licensed house at any time to give an Order in writing under his Hand for the admission to any patient confined in such house of any relation or friend of such patient (or of any medical or other person whom any relation or friend of such patient shall desire to be admitted to him) and such Order of Admission may be either for a single admission, or for an admission for any limited number of times, or for admission generally at all reasonable times, and either with or without any restriction as to such admission or admissions being in the presence of a Keeper or not, or otherwise; and if the proprietor or Superintendent of any such house shall refuse admission to, or shall prevent or obstruct the admission to any patient of any relation, friend or other person who shall produce such Order of Admission as aforesaid, he shall for every such refusal, prevention or obstruction, forfeit a sum not exceeding Twenty Pounds.

Proprietor, &c. with consent of Visitors, may send any patient to any place for his health.
Proviso.

LIII. And be it enacted, That it shall be lawful for the proprietor or Superintendent of any licensed house, with the consent in writing of any two of the Visitors of such house, to send or take, under proper control, any patient to any specified place for any definite time for the benefit of his health: Provided always, nevertheless, that before any such consent as aforesaid shall be given by any Visitors, the approval in writing of the person who signed the Order for the reception of such patient, or by whom the last payment on account of such patient was made, shall be produced to such Visitors, unless they shall, on cause being shewn, dispense with the same.

In case of removal of patient or of his escape and recapture within 14 days, original order for his reception to remain in force.

Sic.

LIV. And be it enacted, That in every case in which any patient shall, under any of the powers or provisions of this Act, be removed temporarily from the licensed house into which the Order for this reception was given, or be transferred from such house into any new house, and also in every case in which any patient shall escape from any such house and shall be retaken within fourteen days next after such escape, the Certificate or Certificates relating to and the original Order for the reception of such patient shall respectively remain in force, in the same manner as the same would have done if such patient had not been so removed or transferred, or had not so escaped and been retaken.

Proprietor, &c. may plead order for receiving Lunatic in bar of certain legal proceedings.

LV. And be it enacted, That every proprietor or Superintendent of a licensed house, who shall receive a proper Order in pursuance of this Act, accompanied with the required Medical Certificates or Certificate for the reception or taking care of any person as a Lunatic, and the Assistants and servants of such proprietor or Superintendent shall have power and authority to take charge of, receive and detain such patient until he shall die or be removed, or discharged by due authority; and in case of the escape at any time or times of such patient, to retake him at any time within fourteen days after such escape, and again to detain him as aforesaid; and in every Writ, Indictment, Information, Action and other proceeding which shall be preferred or brought against any such proprietor or Superintendent so authorized as aforesaid, or against any Assistant or servant of any such proprietor or Superintendent, for taking, confining, detaining or retaking any person as a Lunatic, the party complained of may plead such Order and Certificates or Certificate in defence to any such Writ, Indictment, Information, Action or other proceeding as aforesaid, and such Order and Certificates or Certificate shall, as respects such party, be a justification for taking, confining, detaining or retaking such Lunatic or alleged Lunatic.

LVI. And be it enacted, That it shall be lawful for the Visitors of any licensed house, or any two of such Visitors, from time to time, as they shall see occasion, to require, by Summons under their Hands and Seals, (according to the form in Schedule (J) annexed to this Act, or as near thereto as the case will permit,) any person to appear before them to testify, on oath, the truth touching any matters respecting which

Visitors may summon and examine witnesses.

which such Visitors are by this Act authorized to inquire, (which oath such Visitors are hereby empowered to administer;) and every person who shall not appear before such Visitors pursuant to such Summons, or shall not assign some reasonable excuse for not so appearing, or shall appear and refuse to be sworn or examined, shall, on being convicted thereof before one of Her Majesty's Justices for the District or County within which the place at which such person shall have been by such Summons required to appear and give evidence is situate, for every such neglect or refusal, forfeit a sum not exceeding Fifty Pounds.

Penalty for non-compliance.

LVII. And be it enacted, That it shall be lawful for any Visitors who shall summon any person to appear and give evidence as aforesaid, to direct the Clerk of such Visitors to pay to such person all reasonable expenses of his appearance and attendance, in pursuance of such Summons; the same to be considered as expenses incurred by such Visitors, in the execution of this Act, and to be taken into account and paid accordingly.

Provision for the payment of the expenses of such witnesses.

LVIII. And be it enacted, That every complaint or information of or for any offence against this Act, where any pecuniary penalty is hereby imposed, may be made before one Justice; and when any person shall be charged upon oath, before a Justice, for any such offence against this Act, such Justice may summon the person charged to appear at a time and place to be named in such Summons, and if he shall not appear accordingly, and upon proof of due service of the Summons, (either personally or by leaving the same at his last or usual place of abode) any two Justices may either proceed to hear and determine the case, or may issue their Warrant for apprehending such person and bringing him before any two Justices; and any two Justices shall and may, upon the appearing of such person, pursuant to such Summons, or upon such person being apprehended with such Warrant, or upon the non-appearance of such person, hear the matter of every such complaint or information, and make any such determination thereon as such Justices shall think proper; and upon conviction of any person, such Justices may, if they shall think fit, reduce the amount of the penalty by this Act imposed for such offence, to any sum not less than one fourth of the amount thereof, and shall and may issue a Warrant under their Hands and Seals for levying such penalty, or reduced penalty, and all costs and charges of such Summons, Warrant and hearing, and all incidental costs and charges, by distress and sale of the goods and chattels of the person so convicted; and it shall be lawful for any such two Justices to order any person so convicted to be detained and kept in the custody of any Constable or other Peace Officer until return can be conveniently made to such Warrant of Distress, unless the said offender shall give security to the satisfaction of such Justices, by way of Recognizance or otherwise, for his appearance before such Justices on such day as shall be appointed for the return of such Warrant of Distress, such day not being more than seven days from the time of taking any such security: but if, upon the return of such Warrant of Distress, it shall appear that no sufficient distress can be had whereupon to levy the said penalty or reduced penalty, and such costs and charges as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Justices, either by the confession of the offender or otherwise, that the offender hath not sufficient goods and chattels whereupon the said penalty or reduced penalty, costs and charges may be levied, such Justices shall and may, by Warrant under their Hands and Seals, commit such offender to the Common Gaol or House of Correction of the District or County, as the case may be, for any term not exceeding three months, unless such penalty or reduced penalty, costs and charges as aforesaid, shall be sooner paid; and all such penalties and reduced penalties, when recovered, shall be paid to the Clerk of the Peace for the District or County in which the offence was committed, to be by him applied and accounted for as hereinbefore directed with respect to moneys received for licenses granted by the Justices of such District or County; and the overplus (if any) arising from such distress and sale, after payment of the penalty or reduced penalty, and all costs and charges as aforesaid, shall be paid, upon demand, to the owner of the goods and chattels so distrained.

Jurisdiction, mode of proceeding, and recovery and application of penalties in cases of complaint for offences against this Act.

Form of conviction.

LIX. And be it enacted, That the Justices before whom any person shall be convicted of any offence against this Act for which a pecuniary penalty is imposed, may cause the conviction to be drawn up in the following form, or in any other form to the same effect, as the case may require; and that no conviction under this Act shall be void through want of form:

“ Be it remembered, that on the _____ day of _____
 “ in the year of our Lord _____, at _____, in the District (or County) _____
 “ of _____, A. B. was convicted before us _____ of Her Majesty’s Justices
 “ of the Peace for the said District (or County,) for that he the said _____
 “ did _____ and we the said _____
 “ _____ adjudge the said _____
 “ _____ for his offence to pay the sum of _____

No conviction to be void for want of form.

Appeal to the Quarter Sessions.

LX. Provided always, and be it enacted, That any person who shall think himself aggrieved by any Order or Determination of any Justices under this Act, may, within four months after such Order made or given, appeal to the Justices at General or Quarter Sessions; the person appealing having first given at least fourteen clear days’ notice in writing of such appeal, and the nature and matter thereof, to the person appealed against, and forthwith after such notice entering into a Recognizance before some Justice with two sufficient sureties, conditioned to try such appeal and to abide the Order and Award of the said Court thereupon; and the said Justices at General or Quarter Sessions, upon the proof of such notice and Recognizance having been given and entered into, shall, in a summary way, hear and determine such appeal, or if they think proper, adjourn the hearing thereof until the next General or Quarter Sessions, and if they see cause, may mitigate any penalty to not less than one fourth of the amount imposed by this Act, and may order any money to be returned which shall have been levied in pursuance of such Order or Determination, and shall and may also award such further satisfaction to be made to the party injured, or such costs to either of the parties as they shall judge reasonable and proper; and all such determinations of the said Justices at General or Quarter Sessions shall be final, binding and conclusive upon all parties to all intents and purposes whatsoever.

Actions to be commenced within twelve months.

LXI. And be it enacted, That if any action or suit shall be brought against any person for any thing done in pursuance of this Act, the same shall be commenced within twelve months next after the release of the party bringing the action, and shall be laid or brought in the District or County where the cause of action shall have arisen, and not elsewhere: and the defendant in every such action or suit may, at his election, plead specially or plead the general issue not guilty, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if the same shall appear to be so done, or that such action or suit shall be brought in any other District or County than as aforesaid, or shall not have been commenced within the time before limited for bringing the same, then the Jury shall find a verdict for the defendant; and upon a verdict being so found, or if the plaintiff shall be non-suited or discontinue his action or suit after the defendant shall have appeared, or if upon demurrer judgment shall be given against the plaintiff, then the defendant shall recover double costs, and have such remedy for recovering the same as any defendant hath or may have in any other cases by law.

Offenders not to be prosecuted, nor penalties sued for by any person without authority of Visitors.

LXII. And be it enacted, That it shall be lawful for the Clerk of any Visitors on their Order, to prosecute any person for any offence against the provisions of this Act committed within the jurisdiction of such Visitors, and to sue for and recover any penalty to which any person within the jurisdiction of such Visitors is made liable by this Act, and all penalties sued for and recovered by any such Clerk shall be paid to him, and be by him paid to the Clerk of the Peace for such District or County, and be by such Clerk of the Peace applied and accounted for as hereinbefore directed with respect to moneys received for licenses by such Clerk of the Peace, and it shall not be lawful for any one to prosecute any person for any offence against the provisions of this Act, or to sue for any penalty to which any person is made liable by this Act, except by

by Order of Visitors having jurisdiction in the place where the cause of prosecution has arisen or the penalty been incurred, or with the consent of Her Majesty's Attorney General or Solicitor General for Lower or Upper Canada, as the case may require, for the time being.

LXIII. And be it enacted, That when any person shall be proceeded against, under the provisions of this Act, for omitting to transmit or send any copy, list, notice, statement or other document hereinbefore required to be transmitted by such person, and such person shall prove by the testimony of one person upon oath, that the copy, list, notice, statement, or other document in respect of which such proceeding is taken was put into the proper Post Office in due time, or (in case of documents required to be transmitted to a Clerk of the Peace), left at the office of such Clerk of the Peace, and was properly addressed, such proof shall be a bar to all further proceedings in respect of such omission.

No person to be punishable for omitting to send any notice, &c. if proved to have been put into the Post Office or left at the proper office.

LXIV. And be it enacted, That the costs, charges and expenses incurred by or under the Order of any Visitors in any proceedings under this Act, shall be paid by the Clerk of the Peace for the District or County in which such Visitors shall have been appointed, and included by him in the account of receipts and payments hereinbefore directed to be kept by him.

Costs incurred in proceedings under this Act by any Visitors to be paid by Clerk of the Peace.

LXV. And be it enacted, That in this Act and the Schedules thereto the words and expressions following shall have the several meanings hereby assigned to them, unless there shall be something in the subject or context repugnant to such construction, that is to say: "District," shall mean a District in Lower Canada; "County," shall mean a County or union of Counties, City or Town in Upper Canada, having a separate Commissioner of the Peace; "Lunatic," shall mean every insane person, and every person being an Idiot or Lunatic, or of unsound mind; "Patient," shall mean every person received or detained as a Lunatic, or taken care or charge of as a Lunatic; "Proprietor," shall mean every person to whom any license has been granted under the provisions of this Act, and every person keeping, owning, or having any interest, or exercising any duties or powers of a proprietor in any licensed house; "Clerk of the Peace," shall mean every Clerk of the Peace and person acting as such, and every Deputy duly appointed; "Justice," shall mean a Justice of the Peace; "Medical Attendant," shall mean every Physician who shall keep any licensed house, or shall in his medical capacity attend any licensed house; "Physician," shall mean every person of the male sex authorized to practise physic, surgery or midwifery in this Province; "Licensed house," shall mean a house licensed under the provisions of this Act.

Interpretation clause.

LXVI. And be it enacted, That nothing in this Act contained shall extend to the Provincial Lunatic Asylum at Toronto, or to the temporary Lunatic Asylum at Beauport, near Quebec.

Act not to extend to certain Public Lunatic Asylums.

LXVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Alteration of Act.

SCHEDULES REFERRED TO IN THE FOREGOING ACT.

SCHEDULE (A)—SECTION 13.

FORM OF LICENSE.

KNOW ALL MEN that we, the undersigned Justices of the Peace, acting in and for the of _____ in General (or Quarter, or Special) Sessions assembled, do hereby certify that A. B., of _____ in _____ a plan and description delivered to the Clerk of the Peace for the said _____ for the reception of Lunatics, situate of a house and premises proposed to be licensed _____ at _____ (or, in the case of a renewed license, hath delivered to the Clerk of the Peace for the said _____ a list of the number of patients now detained in a house and premises licensed on the _____ day of _____ last, for the reception of Lunatics, situated at _____ in the County of _____) and we, having considered and approved the same, do authorize and empower the said A. B. (he intending [or not intending] to reside therein) to use and employ the said house and premises for the reception of _____ male (or, _____ female, or, _____ male, and _____ female) Lunatics, for the space of _____ calendar months from this date.

Given under our Hands and Seals this _____ day of _____ in the year of our Lord, one thousand eight hundred and _____

Witness,
Y. Z.,
Clerk of the Peace.

SCHEDULE (B)—SECTION 22.

ORDER FOR THE RECEPTION OF A PATIENT.

I, the undersigned, hereby request you to receive A. B., a Lunatic (or, an insane person, or, an Idiot, or, a person of unsound mind) as a patient into your house.— Subjoined is a statement respecting the said A. B.

(Signed,) _____ Name.
Occupation (if any), place of abode, degree of relationship _____
(if any), or other circumstances of connection with the Patient.

- Name of Patient, with Christian name at length.
- Sex and age.
- Married, single, or widowed.
- Condition of life and previous occupation (if any).
- Previous place of abode.
- Religious persuasion, so far as known.
- Duration of existing attack.
- Whether first attack.
- Age (if known) on first attack.
- Whether subject to epilepsy.
- Whether suicidal or dangerous to others.
- Previous place of confinement (if any).

Whether

Whether found Lunatic by Commission or Interdicted, and date of Commission or Interdiction.

Special circumstances (if any) preventing the patient being examined, before admission, separately by two Physicians.

Special circumstances (if any) preventing the insertion of any of the above particulars.

Dated this day of one thousand eight hundred and

(Signed,)

Name.

To

Proprietor (*or*, Superintendent) of

(Describing house by situation and name, if any.)

SCHEDULE (C.)—SECTION 22.

FORM OF MEDICAL CERTIFICATE.

I, being a Physician duly authorized to practise as such, hereby certify that I have this day, separately from any other Medical Practitioner, visited and personally examined A. B., the person named in the accompanying Statement and Order, and that the said A. B. is a lunatic, (*or* an insane person, *or* an idiot, *or* a person of unsound mind,) and a proper person to be confined, and that I have formed this opinion from the following fact (*or* facts,) viz :

(Signed,)

Name.

Place of abode.

Dated this
and

day of

, one thousand eight hundred

SCHEDULE (E.)—SECTION 28.

NOTICE OF ADMISSION.

I hereby give you notice, that A. B. was received into this House as a Patient on the day of _____, and I hereby transmit a copy of the Order and Medical Certificates (*or* Certificate) on which he was received.

Subjoined is a statement with respect to the mental and bodily condition of the above named Patient.

(Signed,)

*Name.**Superintendent (or Proprietor) of*

Dated this _____ day of _____, one thousand eight hundred and _____

S T A T E M E N T .

I have this day seen and personally examined A. B., the Patient named in the above notice, and hereby certify that, with respect to mental state, he (*or* she), and that, with respect to bodily health and condition, he (*or* she)

(Signed,)

*Name.**Medical Proprietor (or Superintendent, or Attendant) of*

Dated this _____ day of _____, one thousand eight hundred and _____

SCHEDULE (F.)—SECTION 30.

REGISTER OF DISCHARGES AND DEATHS.

Date of Death or Discharge.	Date of last Admission.	No. in Register of Patients.	Name and Surname at Length.	Sex.		Discharged.						Assigned Cause of Death.	Age at Death.	OBSERVATIONS.		
				M.	F.	Recovered.	Relieved.	Not Improved.	Died.	Removed.	M.				F.	M.

SCHEDULE (G.)—SECTION 30.

FORM OF NOTICE OF DISCHARGE OR DEATH.

I hereby give you notice that _____ a patient received into this house
 on the _____ day of _____ was discharged therefrom, recovered (or relieved, or not
 improved) (or was removed therefrom) by the authority of _____ (or died therein)
 on the _____ day of _____

(Signed)

Name.

Superintendent (or Proprietor)
of house, at

Dated this _____ day of _____ one thousand eight hundred and _____

*In case of death, add—*and I further certify that A. B. was present at the death of
 the said _____ and that the apparent cause of the death of the said
 (ascertained by *post mortem* examination, if so) was _____

SCHEDULE (H.) SECTION 35.
FORM OF MEDICAL JOURNAL, AND WEEKLY REPORT.

Date of Report.	Number of Patients.		Names of Patients under restraint, (and by what means,) or in seclusion.		Names of Patients under Medical Treatment.		Report on state of health of Patients, and condition of House.	Deaths, injuries and violences to Patients.
	Males.	Females.	Males.	Females.	Males.	Females.		

SCHEDULE (J.)—SECTION 56.

FORM OF SUMMONS.

We, whose names are hereunto set and seals affixed, being two of the Visitors appointed under or by virtue of an Act passed in the Session held in the fourteenth and fifteenth years of the Reign of Her Majesty, Queen Victoria, intituled, *An Act for the regulation of private Lunatic Asylums*, do hereby summon and require you personally to appear before us at _____, in _____, on _____ the day of _____, at the hour of _____ in the _____ noon of the same day, and then and there to be examined, and to testify the truth touching certain matters relating to the execution of the said Act.

Given under our Hands and Seals, this _____ day of _____, in the year of our Lord one thousand eight hundred and _____

C A P. L X X X V.

An Act to exempt Firemen in Cities from the payment of Statute Labour Tax.

[30th August, 1851.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Municipal Corporation of any City within this Province, by any By-law, to enact and provide, that when any Member of any Company of Firemen which is or may be regularly enrolled in such City wherein the formation of Companies of Firemen is by law authorized and regulated, has regularly and faithfully served for the space and term of seven years consecutively in the same, the said Member shall be entitled to receive, upon producing due proof of his having served seven years consecutively as aforesaid, a Certificate from the Clerk of the Common Council of the City in which he resides, or the Clerk of the Corporate Body under whose authority the said Company shall have been established, that he has been regularly enrolled and served as a Member of the said Fire Company for the space of seven years, which Certificate shall exempt the individual named therein from the payment of any personal Statute Labour Tax thereafter, and from serving as a Juror on the trial of any cause in any Court of Law within this Province; any law, custom or usage to the contrary notwithstanding.

Firemen having served a certain time exempt from serving as Jurors.

C A P. L X X X V I.

An Act to provide for the incorporation and better Management of Library Associations and Mechanics' Institutes.

[30th August, 1851.]

WHEREAS it is expedient to encourage the establishment of Library Associations and Mechanics' Institutes, and for that purpose to provide for the incorporation of such Institutions, and to grant them certain powers enabling them better to protect their property and manage their affairs: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom

Preamble.