

*Laws of Her Majesty's Province of United Canada*, passed in the year 1851. Quebec: Stewart Derbshire and George Desbarts, 1852.

16 Victoria – Chapter 188

**An Act for the better management of the Provincial Lunatic Asylum at Toronto. Assented to 14th June, 1853.**

Whereas it is expedient to make better provision for the management of the Provincial Lunatic Asylum at Toronto: 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 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 the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth sections of the Act of the Legislature of Upper Canada, passed in the second year of Her Majesty's Reign, and intituled, *An Act to authorize the erection of an Asylum within this Province for the reception of Insane and Lunatic persons*, and so much of any other part of the said Act or of any other Act or Law, as may be inconsistent with the provisions of this Act, shall be and are hereby repealed.

II. That the Provincial Lunatic Asylum in Toronto, and all the property real and personal, and all effects belonging to it, shall be vested in the Crown.

III. That the financial business and affairs of the said Institution shall be managed by an officer to be appointed by the Governor during pleasure, and to be called "The Bursar of the Provincial Lunatic Asylum," who shall give Bonds in such sum as the Governor shall direct, for the due performance of the duties of his Office, and shall report the state of the income and expenditure to the Visiting Commissioners at each visit, and monthly to the Medical Super-intendent hereinafter mentioned, quarterly to the Governor, and annually to each House of the Provincial Parliament, within ten days after the opening of each Session thereof.

IV. That the Governor may appoint during pleasure a Medical Superintendent who shall reside in the Asylum, and who shall direct and control the medical and moral treatment of the patients, — hire and discharge from time to time the Keepers and Servants, — watch over the internal management, and maintain the discipline and due observance of the By-laws of the Institution, — report the condition thereof to the Visiting Commissioners at each visit and annually to the Governor, and to each House of the Provincial Parliament within ten days after the opening of each Session thereof.

V. That the Governor may appoint, at least, four times a year, a Commission consisting of not less than four persons, only two of whom shall be resident in Toronto, whose duty it shall be thoroughly to examine and report on the manner in which the Institution is conducted, and to examine and forward to the Governor, with their observations thereon, the reports respectively

made to them by the Medical Superintendent and Bursar, and further, to frame such By-laws as may seem to them advisable for the peace, welfare and good government of the Institution, which By-laws shall have effect in the Asylum when the Governor shall have signified his assent thereto.

VI. That the said Commissioners shall keep an exact record of all their proceedings, and transmit a copy thereof to the Governor signed by them or a majority of them.

VII. That no person shall be received into the Institution as a Lunatic without a Certificate from three Medical Licentiatees, signed and verified by the Reeve of the Township or incorporated Village, or the Mayor of the City or incorporated Town from which the Lunatic may have been sent, and in the absence of the Reeve or Mayor, by the Deputy or other person who shall for the time being be authorized to act in the place of the Reeve or Mayor, which Certificate shall state that, the subscribing Medical Licentiatees at the same time and in the presence of each other, examined the patient, and after due inquiry into all necessary facts relating to his case, found him to be a Lunatic; and such Certificate shall be sufficient authority

to any person to convey the Lunatic to the said Asylum, and to the authorities of the Asylum to detain him therein so long as he shall continue to be insane.

VIII. That when any Lunatic sent to the Asylum shall be under the age of twenty-one years, and shall have a Father or Mother able to pay for his maintenance, or shall have a Guardian or Committee, it shall be the duty of the Bursar and Medical Superintendent to send a copy of the Certificate mentioned in the last section attested under their hands, to the Father or Mother, Guardian or Committee, as the case may be, of such Lunatic, to which copy the said Medical Superintendent and Bursar, shall subscribe a Certificate of the admission of such Lunatic and of the amount which will become due for him per quarter to the Asylum by the By-laws thereof.

IX. That it shall be lawful for the Bursar, conjointly with the Medical Superintendent, on the first day of each of the months of January, April, July and October, and during the time the Lunatic shall remain in the Asylum, to demand from the Father or Mother, Guardian or Committee, as the case may be, of such Lunatic, such sum as may be due for such Lunatic to the Asylum, which sum shall be forthwith paid on such demand; and on the first of the said quarter days after the admission of the Lunatic, such demand shall be for a sum proportionate to the broken period elapsed since the admission of the Lunatic, and on the discharge of the Lunatic a like demand shall be made for the sum due for the broken period since the then last quarter day; and in case of refusal or neglect to pay the same, the said Bursar may apply to the County Judge of the County in which such Father or Mother, Guardian or Committee may reside, upon Affidavit, and the said Judge, on the return of a Rule, which he shall make upon the proper party, to shew cause, being satisfied that the Father or Mother of the Lunatic is able to pay for his maintenance as aforesaid, or that such Guardian or Committee is able to pay for the same out of property in his possession belonging to such Lunatic, the said Bursar shall be entitled to an order for the payment of the amount then due and the costs, and a Writ of Execution may issue thereon in like manner as upon a Judgment of the said Court for such amount: and the said Judge, after hearing the parties and their witnesses

under Oath, either orally or in writing by Affidavit, may make the order herein referred to, or, if he shall think fit, direct an issue to be made up and tried before a Jury previous to making such order.

X. That if any Lunatic upon or at any time after his admission into the Asylum, shall possess or become possessed of or entitled to any real or personal property whereby the expenses of his maintenance in the Asylum can be paid, and he shall have no Guardian or Committee lawfully appointed to take the care or management of the same for the benefit of the Lunatic, then if any such demand as aforesaid for the sum due for the maintenance of the Lunatic in the Asylum be not paid on demand, or there be no one of whom it can be demanded, and such property shall, in the opinion of the Bursar, be more than sufficient to maintain the family (if any) of such Lunatic, it shall be lawful for the said Bursar to take possession of such property, or so much thereof as he may think necessary to pay or to secure the payment of the sum due or to become due, for the support and maintenance of the Lunatic in the Asylum, and he shall have full power over and be competent to manage and appropriate, take or recover possession of, lease, mortgage, sell and convey all or any part of such property in the name of such Lunatic, or as his Committee under this Act, as fully and effectually to all intents and purposes as such Lunatic could or might do, if of full age and of sound and disposing mind: Provided, that before any sale and conveyance of any real property of such Lunatic, the Bursar shall report the case with the terms of the proposed sale to the County Judge of the County within which the property is situate for his approval, and such sale and conveyance so approved, shall be valid and binding upon the Lunatic and his heirs; And provided further, that such Bursar shall be liable to render an account as to the manner in which he shall have managed the property and effects of such Lunatic in the same way and subject to the same responsibilities as any Trustee, Guardian or Committee duly appointed for a similar purpose may be called upon to account.

XI. That in all cases mentioned in the next preceding Section, if doubt or opposition arise as to the right of property, it shall be lawful for the Bursar or the person claiming the property, to apply to the County Judge of the County in which such property shall be, to cause an inquisition to be held before such County Judge and to try and determine either by himself, or by a jury when required by either party but not otherwise, the right of property; which such Judge shall accordingly do.

XII. That the Governor of this Province may fix the salaries of the Medical Superintendent not to exceed Five Hundred Pounds, and of the Bursar not to exceed Three Hundred Pounds, and of the Commissioners not to exceed the rate of Twenty-Five Shillings per diem, and the same shall be payable out of any funds appropriated to the support of the said Asylum.

XIII. That the word "County" in this Act, shall include any Union of Counties for Municipal purposes; the word "Father" shall include any husband of the mother of a Lunatic, and the word "Mother" shall include any wife of the husband of a Lunatic: provided, in either case, that the birth of such Lunatic be legitimate.

XIV. That this Act shall apply only to Upper Canada, and shall come into force upon, from and after the Twentieth day of June, one thousand eight hundred and fifty-three, and not before.