



CHAPTER 80

An Act respecting the curatorship of non-interdicted insane persons

[Assented to, the 18th of March, 1938]

HIS MAJESTY, with the advice and the consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The Lieutenant-Governor in Council may appoint Appointing of *ex officio* curators. one or more persons to act as curators *ex officio* of non-interdicted insane persons placed in the insane asylums of the Province.

The Lieutenant-Governor in Council shall determine, Salary, etc., of such curators. at the time of the appointment of each of such curators, his territorial jurisdiction and salary which shall not exceed three thousand dollars per annum.

2. Every curator appointed in virtue of section 1 shall, Powers. in his territorial jurisdiction, have over the person and the property of any non-interdicted insane person placed in an asylum, the powers set forth in the first paragraph of article 343 of the Civil Code.

Such *ex officio* curator shall, moreover, be subject to the Receiving of instructions. instructions which the Attorney-General may give him, from time to time, respecting the property of the insane person.

He shall continue to exercise the same powers after the Continuing of powers. insane person has left the asylum and has been entrusted to the care of a person related or allied to him in virtue of the provisions of section 38 of the Lunatic Asylum Act.

- 3.** The powers of the curator shall cease *pleno jure* as soon as the person so detained in an asylum is no longer interned there, except in the case of the last paragraph of section 2 or when the curator is served with a judgment pronouncing the interdiction of the insane person and appointing a curator to him.
- 4.** After the death of the insane person, the administration by the curator shall continue until the heirs come forward to claim the property of the deceased.
- 5.** The provisions of Divisions III and IV of the Public Officers Act (Revised Statutes, 1925, chapter 9) shall apply, *mutatis mutandis*, to every person appointed in virtue of section 1.
- 6.** Every curator appointed in virtue of section 1 who, in such capacity, has received monies amounting to two hundred dollars or more must deposit them in trust in a bank or other monetary institution indicated to him by the Attorney-General and he must keep in his records a receipt for each deposit.
- Upon the recommendation of the curator, the Attorney-General may authorize the investing, in accordance with article 9810 of the Civil Code, of any amount in excess of two hundred dollars which the curator holds in trust.
- 7.** Every year, prior to the 31st of January, the curator must report to the Attorney-General upon his administration during the preceding year.
- The Attorney-General may, at any time, require from the curator a provisional report on his administration.
- 8.** The Attorney-General may appoint secretaries, accountants, clerks and other officials to assist the *ex officio* curators in their administration, and may determine their remuneration.
- 9.** The remuneration of the *ex officio* curators and of the persons appointed in virtue of section 8 shall be paid out of the consolidated revenue fund.
- 10.** The Lieutenant-Governor in Council may adopt regulations: to define the powers and duties of the employees contemplated under section 8; to protect the interest of the insane persons whose property is administered by curators appointed in virtue of this act and, in general, to assure the proper working of the said act.

11. The Attorney-General shall be charged with the carrying out of this act. Carrying out of act.

12. Section 19 of the Lunatic Asylum Act (Revised Statutes, 1925, chapter 190) is amended by striking out the figures and word: “, 70, 71 and 72”, in the first line of the first paragraph thereof. R.S., c. 190, s. 19, am.

13. Sections 1 and 2 of the act 19 George V, chapter 64, are repealed. 19 Geo. V, c. 64, ss. 1, 2, repealed.

14. The medical superintendents of the lunatic asylums of this Province shall, notwithstanding the provisions of sections 12 and 13, continue to act as curators *ex officio* to the non-interdicted insane persons now or hereafter placed in such asylums, until a curator or curators be appointed under this act to replace them. Medical superintendents as curators *ex officio*.

Every medical superintendent of a lunatic asylum must, within the fifteen days following the appointment of an *ex officio* curator replacing him under this act, render an account to the latter of his administration as curator of the insane persons in his custody. Rendering of accounts by such curators.

15. This act shall come into force on the day of its sanction. Coming into force.

