



## CHAPTER 64

### An Act to amend the Lunatic Asylum Act respecting insane prisoners

[Assented to, the 4th of April, 1929]

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

**1.** The Lunatic Asylum Act (Revised Statutes, 1925, R. S., c. 190, chapter 190) is amended by inserting therein, after section 84 thereof, the following sections:

**“84a.** Upon the application of the relatives, the husband or the wife, the judge of the place in which the insane prisoner is domiciled may, in chambers, appoint a provisional administrator of the property of any prisoner, not interdicted, who is placed in the Asylum for Insane Prisoners.

Appointment of provisional administrator.

Such appointment shall not be made except upon the advice of a family council, and shall not be subject to appeal.

Procedure.

The provisional administrator shall have, over the person and property of the insane prisoner, all the powers, and shall be, as to his administration, subject to all the obligations of an ordinary curator.

Power of such provisional administrator.

The person appointed as provisional administrator must immediately make known his appointment, by registered letter addressed to the medical superintendent of the Asylum for Insane Prisoners.

Notice to medical superintendent of Asylum.

**“84b.** If no provisional administrator has been appointed, or until he has been notified of the appointment of a provisional administrator pursuant to the provisions of section 84a, the medical superintendent shall have, over the person and the property of such insane prisoner, all the powers of an ordinary curator. He shall, moreover, be subject to the instructions which may be given him from

Medical superintendent to act as curator in certain cases.

Proviso

time to time by the Lieutenant-Governor in Council as to all property possessed by or belonging to such insane prisoner.

When powers cease.

“**84c.** The powers conferred under sections 84*a* and 84*q* shall cease *pleno jure* so soon as the person so confined in the Asylum for Insane Prisoners is no longer therein confined, or when a curator is appointed under the provisions of the Civil Code.”

R. S., c. 190, s. 85, am.

**2.** Section 85 of the said act is amended by inserting therein, after the word: “shall”, in the third line of the second paragraph thereof, the words: “contain a statement showing every prisoner with respect to whom the medical superintendent has exercised the powers of curatorship mentioned in section 84*b*, giving details of everything done in connection with the property of each such prisoner, and shall”.

Id., s. 88*a*, added.

**3.** The said act is amended by inserting therein, after section 88 thereof, as replaced by the act 16 George V, chapter 56, section 9, the following section:

Repayment to municipality.

“**88a.** Any municipality, which has paid any sum of money to the Government for the cost of the maintenance, custody and treatment of any insane prisoner in the Asylum for Insane Prisoners as well as for the costs of transport of such insane prisoner, may obtain the repayment thereof by suit and seizure, levied in the usual manner, on the property of the insane prisoner, or of those who are obliged by law to support or provide for him.

Recourse of municipality.

Any law to the contrary notwithstanding, such municipality may, when the insane prisoner was not domiciled within its territory at the time of his arrest, exercise its recourse for repayment against the municipality in which he then had his domicile; but such recourse by any municipality shall be prescribed after three years from the date of the payment to the Government.”

Coming into force.

**4.** This act shall come into force on the day of its sanction.