

Such deputy or deputies shall, in every respect, have Powers, etc. the same powers, duties and obligations as if appointed by the registrar.

The Lieutenant-Governor in Council shall alone have Power of the power to remove the deputy-registrar or deputy-regis- removal. trars, so appointed.

When any such appointment is made by the Lieutenant- Relief from Governor in Council, the registrar shall be relieved from certain obligation the obligation, imposed upon him by articles 7508 and 7509, and penalty. and shall not be liable to the penalty imposed by article 7510."

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

CHAP. 56

An Act to create certain agricultural and industrial schools

[Assented to, the 29th of December, 1922]

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

DIVISION I

PRELIMINARY PROVISIONS

1. This act may be cited as the "Agricultural and In-Title. dustrial Schools Act".

2. This act shall apply:—

1. to every minor of the age of less than eighteen years convicted of an offence against any law of this Province, punishable by imprisonment;

2. to every minor of the age of less than eighteen years liable to detention in any common gaol or in any reformatory or industrial school, by virtue of any law of the Parliament of Canada, provided such law contains provisions authorizing the application of this act in the case of any crime, offence or infringement for which a sentence may be imposed.

Applica-
tion of act.

DIVISION II

SCHOOLS FOR CERTAIN MINORS

§ 1.—*Organization*

Schools for
certain
minors.

3. The Lieutenant-Governor in Council may make, with any religious institution or corporation, Catholic or Protestant, any arrangement or agreement respecting the maintenance, in the cities of Quebec and Montreal, or within a radius of not more than fifty miles from one or other of such cities, of schools for boys to which shall be sent and in which shall be placed and supervised minors of less than eighteen years of age brought before any juvenile court, district magistrate, judge of the sessions or recorder, and found guilty of any crime or offence.

Agricultural
or industrial
instruction.

4. Such schools must be organized so as to give agricultural or industrial instruction, as the case may be, and to that end must be situated upon a farm of such dimensions as may be recognized by the Lieutenant-Governor in Council as suitable and sufficient for the number of pupils it may receive.

Publica-
tion of list
of schools.

5. The list of schools approved by the Lieutenant-Governor in Council shall be published in the *Quebec Official Gazette*.

Special
place to be
provided for
certain
children.

6. In every such school a special place shall be provided to receive, upon the instructions of the judge, such children as are found guilty of crime or offence, of escape from custody, or whose conduct in any of the above mentioned schools necessitates imprisonment; but in no case shall such imprisonment for misconduct be allowed without a special order of the court, with reasons therefor, rendered upon the application in writing of the school authorities, after summary investigation.

Special or-
der of court.

§ 2.—*Detention*

Detention of
certain
minors.

7. Any judge, magistrate or recorder, as above mentioned, may send to any such school any minor less than eighteen years of age, appearing before him for any offence punishable under the provisions of the Criminal Code, any other law of the Parliament of Canada, or any law of the Province of Quebec, and found guilty.

Measures of
tutorship,

8. Any minor less than thirteen years of age, accused of any offence, may be subjected, at the discretion of the judge,

magistrate or recorder before whom he appears, to any etc., for certain measures of tutorship, supervision, education, custody or ^{tain minors.} assistance, as the case may be, in accordance with law.

9. The judge, magistrate or recorder before whom any ^{Notifica-} minor is brought must immediately inform those in whose ^{tion to} care he is, and must keep him in safe custody, either by ^{those} placing him temporarily in the charge of some person ^{having care} of worthy of confidence or of a charitable institution, or ^{of minor and} decide that he shall be provisionally entrusted to the ^{provisions} keeping of his family. ^{for tempor-} ^{ary custody.}

10. The judge, magistrate or recorder shall then, after ^{Hearing.} having fixed the date of the hearing, inquire as to whether the minor has actually committed the offence of which he is accused. If it appear that the minor has actually com- ^{Investiga-} mitted an act constituting a crime or an offence, an in- ^{tion as to} vestigation must then be made as to the material and ^{family, etc.} moral situation of the family, the character and antecedents of the child, the conditions under which he has lived and been brought up, and the steps necessary to insure his improvement. Such investigation may be completed, if ^{Medical ex-} necessary, by a medical examination. ^{amination,} ^{if necessary.}

11. The judge, magistrate or recorder shall give his ^{Decision.} decision after having heard the child, the witnesses, the parents, the tutor or the guardian, if possible.

12. In case of a conviction, the judge, magistrate or ^{Order of} recorder, by a judgment giving the reasons, shall order one ^{judge, etc.,} of the following: ^{upon con-} ^{viction.}

1. The return of the child to his family;
2. That he be placed either with some person worthy of confidence or in a proper asylum or place of detention, or in an establishment for the abnormal, or in a charitable and religious institution, upon the conditions set forth in a written agreement, approved by the judge;
3. That he be placed in one of the schools mentioned in section 5 of this act.

13. When the judge, magistrate or recorder has ordered ^{Delegation} that the minor be returned to his family, or placed in the ^{of supervi-} care of any person or charitable institution, he may, more- ^{sion of} over, delegate to some person, whom he shall specify, the ^{minor.} duty, under his direction, of seeing to the supervision of the minor.

14. The judge, magistrate or recorder shall fix the ^{Fixing of} costs.

amount of costs for maintenance and detention of the child, and shall put the same insofar as possible, either wholly or in the proportion he may deem fit, at the charge of the family. Such costs shall be recovered in the same way as law costs.

How recoverable.

Hearings private, with certain exceptions.

15. Subject to the exceptions mentioned in section 16, the hearings for offences committed by minors shall not be public.

Separate hearings.

Persons allowed to attend hearings.

16. Each case must be heard separately by the judge, magistrate or recorder, in the absence of any other accused. Those allowed to attend shall be the witnesses in the case, the near relations of the minor, the tutor and subrogate tutor of the minor, members of the Bar, members of aid (*patronage*) societies or charitable and religious institutions taking an interest in children, the delegates and the representatives of the press admitted by the court. The publication of a report of the proceedings is forbidden.

Publication forbidden.

Reproduction of portrait or illustration forbidden. Penalty.

17. It is also forbidden to reproduce the portrait of any accused minor, or any illustration respecting him or the act of which he is accused. Any infringement of the provisions of this section shall be punishable by a fine of fifty to two hundred dollars.

Reading and publication of judgment.

18. The judgment, with reasons, shall be read at a public hearing and may be published, but without the name of the minor being indicated otherwise than by an initial.

Reprimand and warning

19. The judge, magistrate or recorder may, in every case, after having duly heard the case upon the offence of which the minor is accused, reprimand the minor or his relations, and warn them of the consequences of a repetition of the offence. Such reprimand shall then be entered in a special register.

Entry thereof in special register.

Notes of evidence.

20. The judge, magistrate or recorder, presiding at the trial of a child, liable to detention, shall either personally take notes of the evidence of each witness given before him, or shall require the clerk of the court to do so.

Transmission of notes, etc., to Provincial Secretary.

Such notes, signed by the judge, magistrate or recorder, shall, without delay, after the trial, be transmitted to the Provincial Secretary, with a baptismal certificate of the child, and a certified copy of the information or complaint, and a copy of the judgment, with reasons therefor.

Evidence of certain facts.

Such evidence shall show the age of the child, his residence, the names of his father and of his mother, their then place of residence, the child's place of birth, whether

he has always resided with his parents, and, if not, with whom and for how long he lived elsewhere, the habits and antecedents of the child, and lastly, precise details of the nature of the offence and of the circumstances under which it was committed.

When the witnesses produced are unable to establish all the facts mentioned in this section, the judge, magistrate or recorder, may order the child to be detained provisionally in one of the establishments mentioned in section 5, for a term not to exceed eight days, so as to allow of the production of the witnesses necessary for the completion of the proof required by this section. Provisional detention for completion of proof.

If the proof is then complete and satisfactory, the judge, magistrate or recorder shall give the order for definitive detention; if not, the complaint must be dismissed and the child liberated. Definitive detention or liberation.

The Government shall not, however, be responsible for the cost of the custody and maintenance of the child, unless the Provincial Secretary, from the documents submitted to him, informs the directors of the institution that they may keep the child. Responsibility of Government for cost.

21. Within eight days next after the final detention of a minor in one of the establishments mentioned in section 5, it shall be the duty of the directors of the establishment to forward a certified copy of the order of detention to the Provincial Secretary. Transmission of copy of order to Prov. Sec.

22. In any case where, by the order of the judge, magistrate or recorder, a minor is placed in one of the schools mentioned in this act for a term longer than one year, the judge, magistrate or recorder, after the expiration of one year, may, upon the application of the relations or tutors, place him in their custody, provided they show that he is improved, and that they are suitable persons to bring him up. In case such application is refused, no like application may be made until the expiration of another year. Application by relations or tutors for placing of child in their custody, after expiry of one year.

23. The directors of the establishments mentioned in this act, if thereto authorized by name by the Lieutenant-Governor in Council, shall exercise the powers granted by articles 3667 to 3673 of the Revised Statutes, 1909, to the director of reformatory prisons, *mutatis mutandis*. Power granted by certain provisions to be exercised.

24. Every officer of an establishment coming within the purview of this act, authorized by the manager thereof in a writing under his hand or the hand of the secretary, to take charge of any youthful offender sentenced to detention, for the purpose of conveying him to or from the Powers of officer in charge of child.

establishment, or of bringing him back to the establishment, in case of his escape or refusal to return, shall, for such purpose and while engaged in such duty, have all such powers, authorities, protection, and privileges, for the purpose of the execution of his duty as reformatory officer, as any constable, duly appointed, has by law.

Reception
of minors.

25. The managers of any establishment sheltering children shall receive any minor under the age of eighteen years sent to them, within the number to be fixed in the contract.

Duties con-
sequent
thereon.

When they have received any such minor they shall be deemed to have undertaken to educate, clothe, lodge, and feed him during the whole period for which he is liable to be detained in the establishment, or until the withdrawal or resignation of the certificate takes effect, or until the contribution out of moneys provided by the Legislature towards the custody and maintenance of the minors detained in the establishment is discontinued, whichever shall first happen.

Regulations.

26. The managers of any authorized establishment may, from time to time, make such regulations as may be necessary for the government and discipline of the establishment under their control, but no such regulation shall come into force until it has been submitted to the Lieutenant-Governor in Council and approved by him, nor can any such regulation be amended without such approval.

Approval.

Visit of ins-
titution.

27. Every authorized establishment shall be visited by the person designated by the Lieutenant-Governor in Council, from time to time, and at least once a year; and if the Lieutenant-Governor in Council is dissatisfied with the condition of such establishment as reported to him, he

Resiliation
of contract.

may order that the contract be resiliated; and such contract shall be deemed to have been resiliated after six months from notice to that effect sent by the Provincial Secretary to the manager.

§ 3.—*Cost of detention*

Cost of de-
tention.

28. The custody and maintenance of a child in an institution, shall be paid half by the Government and half by the county, city or town municipality, in which the child was at the time of his appearance, and, in the case of a child sent to any establishment mentioned in section 5, half shall be paid by the Government and half by the county, city or town municipality in which the said child was at the time he entered the establishment, saving, in both cases,

the recourse of such municipality, when the child was not then domiciled within its territory, against the county, city or town municipality where he had his domicile.

If, however, the county, city or town municipality ^{Direct re-} called upon to pay in virtue of this section, indicates clearly ^{course a-} to the Provincial Secretary, before the suit is taken, the ^{gainst muni-} county, city or town municipality in which the child had ^{cipality} his domicile, the Government shall cause such municipality ^{where child} to pay directly. ^{domiciled.}

The provisions of this section shall not apply when it ^{Provisions} concerns the case provided for by section 14. ^{not applica-}

29. During the first fifteen days of the month of ^{Transmis-} January of each year, the proprietors or managers of ^{sion of list to} every establishment shall transmit to the Provincial Secre- ^{Prov. Secre-} tary a list specially prepared for the purposes of this act, ^{tary.} Attested un- ^{der oath.} duly attested under oath before a justice of the peace, and containing:

- a. The names of the children in the establishment, accord- ^{Contents.} ing to the order of the judge, magistrate or recorder;
- b. Their residences at the time of their detention.

30. Immediately upon the receipt of such list, the ^{Preparation} Provincial Secretary shall prepare a detailed statement of ^{of state-} the amounts due by each county, city or town mu- ^{ment.} nicipality, under this act, and at once forward the same to ^{Forwarded} the collector of provincial revenue for the district in which ^{to collector} such county, city, or town municipality is situated. ^{of prov. re-} ^{venue.}

31. On receipt of this statement, the collector of ^{Certified} provincial revenue shall, without delay, transmit to the ^{extract} secretary-treasurer of the county municipality or to the ^{sent by col-} clerk of the corporation of the city or town concerned, as ^{lector.} the case may be, a duly certified extract from such state- ^{Contents.} ment, containing the names of the children to whose main- ^{tenance} the said municipality, town or city must con- ^{tribute,} as well as the amount due for the preceding year, ^{together} together with a notice calling upon it to pay to him, before ^{the first} the first day of May then next, the amount due for the ^{purpose.} purpose.

32. The amount is recoverable by an ordinary suit or ^{How recov-} action against each county, city or town municipality so ^{erable.} bound for the maintenance under the above provisions.

Such action shall be taken by the collector of revenue ^{By whom.} for the district, in his own name, against every such county, ^{city or town} city or town municipality before any competent court.

33. The amount paid by a county, city or town mun- ^{Amount}

paid considered as tax. municipality, in virtue of this act, shall be considered as a tax which may be imposed under the Municipal Code or the charter of the city or town, and it may be levied in the same manner as ordinary taxes.

Prima facie
proof.

34. In all suits or proceedings instituted for the recovery of amounts due for the maintenance of one or more children in an institution, a copy or extract, certified by the Provincial Secretary or his assistant, of the documents mentioned in sections 29, 30 and 31 of this act, shall be sufficient *prima facie* proof, without other proof, to obtain judgment for the amount demanded.

Privileged
debt.

35. All amounts due the Government, in virtue of this subdivision, shall constitute a privileged debt which shall rank immediately after law costs; and the articles of the Civil Code and Code of Civil Procedure respecting privileges are amended accordingly.

Recourse of
of municipi-
pality.

36. A county, city or town municipality, which has so paid a sum of money to the Government, may obtain the repayment of the same by suit and execution, in the ordinary manner, against the property of the child and against that of the persons who are bound by law to provide for his maintenance and support.

Idem.

37. Any law to the contrary notwithstanding, such municipality may obtain repayment by execution on the immoveables of the child, or of those who are obliged by law to support or provide for him, whatever may be the amount of the judgment it has obtained, or the municipality may, when the child was not domiciled within its territory at the time of his detention, exercise its recourse for repayment against the municipality in which the detained child then had his domicile; but such recourse by any municipality is prescribed after three years from the date of the payment to the Government.

Prescrip-
tion.

Alternative
recourse by
county mu-
nicipality.

38. Any county municipality which has paid a sum of money to the Government for the custody and maintenance of a child in an institution or for his transport to or from such institution may, instead of being reimbursed in the manner prescribed by sections 36 and 37, recover the sum which it has so paid, from the local municipality whence the patient was sent to the institution.

Reimburse-
ment by
local muni-
cipality.

The local municipality may afterwards be reimbursed, in conformity with the rules prescribed by the said sections 36 and 37, the amount which it has so paid to the county municipality.

Whenever a county municipality has paid a sum of money to the Government for a child detained in an institution, and cannot recover the amount from and out of the property of the said child or of those who are bound by law to provide for his maintenance, it shall, in the two following cases:

- a. when the said child has no known domicile in the Province, or
- b. when the municipality whence the said child comes is a poor municipality, and is recognized as such by the county council,—

levy the same from the local municipalities in the county in the same manner as any ordinary tax imposed under the Municipal Code and due by the said local municipalities.

§ 4.—*Supervised Liberty*

39. The judge, magistrate, or recorder may, of his own motion, choose, from among the accredited officers before the court, any person whom he may charge with looking after and controlling the supervised freedom mentioned in this act. Such delegates shall preferably be chosen from among the aid (*patronage*) societies, charitable and religious institutions or associations particularly interested in children. They may also be individuals chosen directly by the judge.

40. During the term fixed, the delegates shall visit the minors so set at liberty, as often as may be necessary, and shall make a report upon their conduct to the judge, magistrate, or recorder. In case of bad conduct or moral danger of any such minor at supervised liberty, as also in the case where there is systematic obstruction to such supervision, the judge, magistrate or recorder, whenever he deems it necessary, may either of his own motion, or on a mere application of the delegates, order that the minor and the persons in whose care he is, be summoned to the next sitting for the rendering of a new order.

41. In case of the death or inability to act of a delegate, he shall be replaced by some person appointed by order of the judge, magistrate, or recorder.

42. In case of death, serious illness, change of residence or unauthorized absence of the minor so set at supervised liberty, the relations, tutors and guardians must immediately notify the delegate, who shall inform the judge, magistrate or recorder thereof.

§ 5.—*Register*

Special re-
gister.

43. The clerk of the judge, magistrate or recorder shall keep a special register which shall not be public, and in which shall be entered all the decisions respecting minors less than eighteen years of age.

DIVISION III

EXPENSES

Contracts
authorized.

44. The Lieutenant-Governor in Council may make any contract or agreement fixing particularly the rates and conditions of the grants which may be made to the persons, institutions or schools to which minors may have been entrusted by the application of this act.

DIVISION IV

PROVISIONS SAFEGUARDED

Provisions
applicable.

45. Notwithstanding the provisions of this act, the provisions of section sixth of chapter first of title seventh of the Revised Statutes, 1909, (comprising articles 3674 to 3698), shall continue to apply to reformatory schools for girls.

Idem.

46. Notwithstanding the provisions of this act, the provisions of section second of chapter third of title eighth of the Revised Statutes, 1909, (comprising articles 4082 to 4087), shall continue to apply to reformatory schools for girls.

DIVISION V

FINAL PROVISIONS

Coming into
force.

47. This act shall come into force on the date which it may please the Lieutenant-Governor in Council to fix by proclamation.
