

## CAP. XXIX.

An Act respecting industrial schools.

[Assented to 24th June, 1892.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The act 52 Victoria, chapter 34, and the act 54 Victoria, chapter 28, are repealed. 52 V., c. 34, and 54 V., c. 28, repealed.

2. Article 3137 of the Revised Statutes, as replaced by 52 Victoria, chapter 34, section 1, is again replaced by the following : R. S. Q., art. 3137, and 52 V., c. 34, s. 1, replaced.

“ 3137. Any rate-payer of a municipality may cause to be brought, before two justices of the peace or a magistrate, any child, between the ages of seven and twelve years, who is fatherless or motherless, if the surviving parent is badly behaved or is condemned to the penitentiary, as also every child, who, owing to its being without a tutor or any relative in the direct line, in a position to take care of him, is liable to become a vagabond or to starve to death.” Certain children may be brought before magistrates.

3. Article 3138 of the said Revised Statutes is replaced by the following : R. S. Q., art. 3138, replaced.

“ 3138. The justices of the peace or the magistrate, before whom the child is brought, shall hear the evidence establishing the age of the child, its habits and antecedents, whether he has relatives, either in the direct or collateral line, or tutor, in a position to care of and to support him, the names and residences of such relatives or tutor and all the details respecting the bad conduct of the surviving parent, or the fact that the child has been abandoned and has no relatives, or is exposed to become a vagabond or to starve to death.” Duty of magistrate before whom child is brought.

The relatives, either in the direct or collateral line, the tutor or those who have charge of the child, shall be notified, and they have a right to be heard as witnesses and may cause other witnesses to be heard, as in all other cases. Relatives to be notified.

The proof of such notification may be made by parol testimony and the notice also may be verbal. Proof of notice.

The justices of the peace or the magistrate, if they are satisfied from the evidence that the child is within the conditions set forth in the preceding article, report to the Provincial Secretary, and shall, at the same time, transmit to him the notes of evidence taken by them, as well as a copy of the complaint and their report with their reasons for the same. Report to Provincial Secretary in certain cases.

Adjournment  
of trial.

The justices of the peace, or the magistrate, may, if they think proper, adjourn the examination of the witnesses to another hearing, for the purpose of examining new witnesses to meet the requirements of this article."

R. S. Q., art.  
3147, replaced.

4. Article 3147 of the said Revised Statutes is replaced by the following:

Order granted  
by Provincial  
Secretary.

"**3147.** When the Provincial Secretary decides, in accordance with the documents which have been sent to him, that a child should be admitted into a certified industrial school, under articles 3137 and 3138, and signs an order of admission to that effect, such order shall be forwarded to the justices of the peace, or to the magistrate before whom the cause was heard, and the order is then sent to the manager of the school, at the same time that the child is sent there.

Order equiv-  
alent to war-  
rant of com-  
mitment.

Such order shall be a sufficient warrant to authorize the transfer of the child to the school and his confinement therein for the time therein mentioned."

Cost of custo-  
dy, &c., by  
whom paid  
and in what  
proportion.

5. The care and maintenance of children, detained in the industrial schools under articles 3137, 3138 and 3147, shall be paid, one fourth by the Government of the Province, and three fourths by the local municipality, incorporated city or town, in which the parents of the child resided at the time of its confinement.

Art. added  
after R. S. Q.,  
art. 3138.

6. The following article is added after article 3138 of the said Revised Statutes :

List to be an-  
nually sent to  
Provincial  
Secretary by  
proprietors.

"**3138a.** During the first fifteen days of the month of January, in each year, the proprietors or managers of each industrial school shall transmit to the Provincial Secretary a list specially prepared for the purposes of this law, duly attested before a justice of the peace, and containing :

What to con-  
tain.

- (a.) The names of the children at the school, under articles 3137, 3138 and 3147 ;
- (b.) Their actual residence at the time of their confinement.

First list  
when to be  
sent and what  
names to con-  
tain.

The first of these lists, so prepared and attested, shall be transmitted in the month of January next; but it shall only contain the names of the children whose confinement has been ratified by the Provincial Secretary since the first of July, 1892.

Subsequent  
lists and what  
names to con-  
tain.

Neither shall the subsequent annual lists or statements contain the names of children the ratification of whose confinement shall have been given previous to the first of July, 1892.

List to be  
sent by Pro-

2. On the receipt of such list, the Provincial Secretary shall, immediately, prepare a detailed statement of the

sums of money due by each local municipality, city or town, under this law, and transmit the same without delay to the Collector of Provincial Revenue for the district in which such municipality, city or town is situated.

Provincial Secretary to collector.

3. On receipt of such statement, the collector of revenue shall, at once, transmit to the secretary-treasurer of the municipality, or to the clerk of the corporation of the town or city interested, as the case may be, a duly certified extract from this statement, containing the names of the children, to whose maintenance the local municipality, the incorporated town or city should contribute, as also the amount due for the year preceding, together with a notice, calling upon him to pay into his hands, on or before the first of May then next, the amount due for such purpose.

Duty of collector on receipt of list.

4. The amount due by any municipality, city or town bound to the maintenance of any child confined in an industrial school, in virtue of the preceding provisions, is recoverable by means of an ordinary action.

Suit to recover amount due.

Such action is taken by the collector of revenue for the district, in his own name, against every such municipality, city or town in any court of competent jurisdiction.

By whom and before what court taken.

5. The amount paid by any municipality, city or town, under this article, is considered as a debt which may be levied under the Municipal Code, or the charter of the city or town, and it may be levied and collected in the same manner as any ordinary taxes due by the rate-payers.

Amount paid by municipality to be a debt leviable by municipal taxation.

6. In all suits or proceedings instituted for the recovery of any sum of money that may be due for the maintenance of one or more children in an industrial school, the production of a copy or of an extract, certified by the Provincial Secretary or his assistant, of the documents under which the child was sent to the industrial school and of those mentioned in this article, shall be sufficient, without other proof, to obtain judgment for the amount demanded, but this evidence may be contradicted by legal evidence tending to destroy the same, saving the right of the collector of inland revenue to adduce evidence in rebuttal.

Documents that make proof in suits.

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

Privilege of amount due Crown. C. C. and C. C. P., amended.

8. Every local municipality, incorporated city or town, which may have so paid to the Government a sum of money for the board, lodging or treatment or transport of a child confined in an industrial school, may recover the amount so paid, by action and execution in the ordinary manner, either against the property of the child or against that of the persons by law held to his support or maintenance.

Recourse by municipalities against persons liable to pay for maintenance.

R. S. Q., art. 3139, amended.

The cost not a charge against Province.

Security may be required by managers.

7. The last two paragraphs of article 3139 of the said Revised Statutes are replaced by the following :

“ The costs of custody and maintenance of a child confined in a certified industrial school, under this article, shall in no case be a charge upon the Province.

The managers of a certified industrial school may demand security from the parties interested that the costs of custody and maintenance of these children will be regularly paid to them, and they shall not be bound to receive the child unless such security is given to their satisfaction.”

R. S. Q., art. 3140, replaced.

8. Article 3140 of the said Revised Statutes is replaced by the following :

Mayor, with certain authorization, may cause certain children to be brought before magistrate.

“ **3140.** The mayor of a local municipality, or of an incorporated city or town, may, with the authority of the council of his municipality, city or town, cause to be brought before two justices of the peace or a magistrate, every child under twelve years of age, which child, owing to the continued illness or poverty of its parents, or to their habitual drunkenness or vicious habits, or for any of the reasons mentioned in article 3137, is in need of protection and care, and may require that such child be sent to a certified industrial school.

Duty of magistrate in such case.

Whenever such demand is laid before them, the justices of the peace or the magistrate shall hear the evidence, enquire into the facts, and, if the proof is sufficient, order the child to be sent to a certified industrial school for the time mentioned in the petition, or for any shorter period, at their discretion.

Cost of custody not to be paid by Province.

2. In the case provided for in this article, the costs of custody and maintenance of the child, so sent to a certified industrial school, shall not be paid by the Province.

Mayor to treat with managers.

The mayor, authorized by the council, shall treat directly with the managers of the school under article 3162.

In cities, &c., certain persons have powers of mayor.

In cities or towns, two aldermen or councillors, or the clerk of the council or of the corporation have the same power as the mayor.

Recourse of municipality having so paid.

3. It shall be lawful for any municipality, having so paid any sum of money to the managers of an industrial school, for the custody, maintenance and transport of a child confined in an industrial school, to recover the amount, by action or execution in the usual manner, on the property of such child, or of those who are obliged by law to provide and care therefor.

Amount paid by municipality leviable by municipal taxation.

4. The amount, which a municipality is held to pay under this article, shall be considered as a debt which may be levied under the Municipal Code, and it may be levied and collected in the same manner as any ordinary tax due by the rate-payers of the municipality.”

**9.** Article 3142 of the said Revised Statutes is replaced by the following : R. S. Q., art. 3142, replaced.

“ **3142.** No order for the confinement of a child in a certified industrial school shall be given until it shall have attained the age of six years, and it can no longer be detained in such school at the cost of the Province and of local municipalities, cities or towns, after it has reached the age of twelve years, unless such child is prevented from leaving by sickness or bodily infirmity, or unless the local municipality, city or town or person interested consents and undertakes to pay the custody and maintenance of such child therein.” Children under and over certain ages not to be detained at charge of province, &c. Proviso.

**10.** The first paragraph of article 3144 of the said Revised Statutes is repealed. R. S. Q., art. 3144, amended.

2. The last paragraph of the same article is replaced by the following :

“ In their report to the Provincial Secretary, which they shall make under articles 3137 and 3138, the justices of the peace or the magistrate may suggest the choice of the school, and, after having used their best endeavours to assure themselves of the religious belief of the child, they shall suggest a school in accord with such religious belief.” Suggestion to be made by magistrate as to school, in report.

The child's certificate of baptism shall be annexed to the report, if it is possible to procure it.” Certificate to be annexed.

**11.** Article 3145 of the said Revised Statutes is repealed. R. S. Q., art. 3145, repealed.

**12.** Article 3146 of the said Revised Statutes is replaced by the following : R. S. Q., art. 3146, replaced.

“ **3146.** The father, the step-father or the tutor, or if there is no longer a father, step-father, or tutor, the god-father or the nearest relative of a child, who is about to be sent to a certified industrial school, may, in the case of articles 3137 and 3138, make application to the Provincial Secretary, and to the mayor, the justices or magistrate in the other cases, that the child may be sent to an industrial school which he shall indicate and which in his opinion is more suitable for the child, in consequence of its religious belief.” Father, &c., may suggest school to which child is to be sent.

**13.** Article 3148 of the said Revised Statutes is replaced by the following : R. S. Q., art. 3148, replaced.

“ **3148.** An instrument, purporting to be an order for confinement in a school, signed by the Provincial Secretary, or his assistant, or by two justices of the peace, or by a magistrate, or a document purporting to be a copy of such order, certified by the Provincial Secretary or his assistant, Documents that make proof of their contents.

or by the clerk of the justices of the peace or of the magistrate who issued it, shall make proof of its contents.

Cost of transport by whom to paid.

“**3148a.** The cost of transport of a child to an industrial school shall, in all cases, be borne by the municipality, city, town or relatives interested, and may, in the case of articles 3137, 3138 and 3147, be claimed from the local municipalities, cities or towns (saving their recourse), for the same reasons, in the same manner and on the same evidence as the amount due for the cost of custody and maintenance.

R. S. C., c. 178, to apply.

“**3148b.** The provisions of chapter 178 of the Revised Statutes of Canada apply to all proceedings before justices of the peace or magistrates under this law, save in so far as they are contrary thereto, or incompatible therewith.”

Coming into force.

**14.** This act shall come into force on the first of July, 1892.

## C A P. X X X.

An Act to amend the law respecting lunatic asylums.

[Assented to 24th June, 1892.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

R. S. Q., art. 3195, and 53 V., c. 41, s. 1, replaced.

**1.** Article 3195 of the Revised Statutes of the Province of Quebec, as amended by the act 53 Victoria, chapter 41, section 1, is replaced by the following:

Persons who may be admitted at charge of Government, &c.; The insane who are poor, &c.;

“**3195.** The following persons may be admitted to lunatic asylums at the charges of the Government and of municipalities of incorporated cities or towns, or of counties:

**1.** Insane persons who have not themselves, or through some person bound by law to provide and care for them, the means of paying, in whole or in part, the expense of their custody, maintenance and treatment, in one of such asylums;

Idiots and imbeciles who are poor, &c.

**2.** Idiots or imbecile persons, when they are dangerous, a source of scandal, subject to epileptic fits or afflicted with any monstrous deformity, and are unable, wholly or in part, to pay their custody, board, maintenance and treatment therein.

First six months' custody not to be paid by municipalities in certain event.

The municipalities of counties, of incorporated cities and towns, and persons bound by law to the support of an insane person, the cost of whose custody, maintenance and treatment, in any asylum, is at the charges of the Government