

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.]

HER 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

and of municipalities, do not contribute to the payment of such costs of custody, maintenance and treatment in an asylum, during the first six months of his confinement, if such patient enters the asylum in the forty days following the date on which the first symptoms of the disease have shown themselves ; provided, always, that, at the time of the confinement, a sworn declaration be forwarded, establishing, to the satisfaction of the Provincial Secretary, that the said first symptoms of the disease had shown themselves for less than forty days.”

2. Article 3196 of the said Revised Statutes and section 3 of the act 54 Victoria, chapter 29, are repealed, and the following articles are added after article 3195 of the said Statutes :

“ **3195a.** No asylum under the control and supervision of the Government can receive any patient at the cost of the Government and of the municipalities, if there be not handed to the medical superintendent of the asylum to which the admission of such patient is sought :

1. An application for admission made by a relative, friend or protector of the patient, containing the names, the profession, the age and the domicile, both of the person making it and of the person whose admission is sought, and a statement of the degree of relationship, or, in default of such, of the nature of the ties existing between them.

The application must be signed by the person making it, or, if he is unable to write, it must be attested before the mayor, or, in his absence, before a justice of the peace of the domicile of the patient ;

2. A physician's certificate (according to form C and the annex thereto), testifying as to the mental condition of the patient, indicating the particulars of his disease, the necessity of his being treated in an insane asylum, and of his being there detained.

In the case of idiocy or imbecility, the physician shall further declare whether the patient comes under the category of idiots or imbecile persons, who may be admitted to or detained in an asylum, and shall specially indicate the reasons upon which he bases his opinion.

Such certificate cannot be received, if the physician who signs the same is related or allied, to the third degree inclusively, to the proprietor of the asylum or to the person applying for the admission or to the insane person.

Every document which should, under this law, be signed by a physician, shall be null and of no avail, if such physician is not one, who, to the knowledge of the medical superintendent, or according to information which he has been able to obtain, habitually practises his profession ;

Proviso.

R. S. Q., art. 3196, 54 V., c. 29, s. 3, repealed and art. added after art. 3195.

Patient not to be received unless following documents are produced :

Application, which is to contain certain statements.

How to be signed and attested.

Physician's certificate.

In case of idiocy and imbecility.

Physicians not to be related to certain persons.

Physician to be known as a practising physician.

Certificate from priest or minister.

Certificate from mayor, &c.

Certificate from secretary-treasurer.

How certain forms are to be attested.

Provincial Secretary to decide amounts to be paid by certain persons, if certificates show that they have means of paying.

Suit for such amount.

Duty of medical superintendent on receipt of documents.

Patient not to be received without permission.

Proviso in case of urgency.

Physician, &c., to sign only in one capacity.

Certificates not to be received twenty days after date.

3. A certificate (according to form D), signed either by the parish priest, or his curate or by a minister ;

4. A certificate (according to form E), signed by the mayor or, in his absence, by any councillor, of the place of the patient's domicile ;

5. A certificate (according to form K or any other of a similar nature) signed by the secretary-treasurer, or, in his absence, by the mayor of the municipality from which the patient has come.

“ **3195b.** Form C and its annex, form D and form K shall be attested, under oath, and acknowledged before a justice of the peace, a commissioner of the Superior Court, or a recorder ;

“ **3195c.** In cases in which these certificates show that the patient, or one or more of his relatives obliged by law to support him, have the means of paying, in whole or in part, the cost of the custody, maintenance and treatment of a patient in an asylum, the Provincial Secretary shall decide, on the basis of these certificates, the amount to be paid by the patient or by the relatives and the proportion to be paid by each of them.

He may claim this amount by suit in the ordinary form, in Her Majesty's name.

“ **3195d.** On the receipt of the application for admission, of the certificates C, D, E, K, and, in the case provided for by article 3197, the certificate C and its annex, the medical superintendent decides whether he should admit the patient provisionally and makes his decision known to the interested parties.

The patient shall not be brought to the asylum nor there received without the production of this permit from the medical superintendent.

In case of urgency, however, the medical superintendent may dispense with requiring the physician's certificate ; but such certificate must be sent to him within eight days after the patient's confinement.

“ **3195e.** When a person is at the same time a physician, mayor or justice of the peace, related, allied to or a friend of the patient, whose confinement is applied for, such person can sign the above mentioned certificate only in one of these qualities, that is to say, either in his quality of physician or of mayor or as a justice of the peace, or as being related, allied to or as a friend of the patient, under pain of the nullity of all such certificates.

These certificates are equally null if they have been prepared more than twenty days before being sent to the medical superintendent.

“**3196.** On the report of the medical superintendent, the Lieutenant-Governor in Council may, when he thinks proper, modify the formalities required for the admission.”

Power of Lieutenant-Governor to modify formalities.

3. Article 3198 of the said Revised Statutes is replaced by the following :

R. S. Q., art. 3198, replaced.

“**3198.** In cases of absolute urgency, the medical superintendent may order the admission of a patient provisionally, even when all the formalities have not been fulfilled, provided that they be so subsequently”.

Provisional admission of patient.

4. Article 3199 of the said Revised Statutes is amended by replacing the words: “the medical board, through the medical superintendent,” in the first and second lines, by the words: “the medical superintendent”.

R. S. Q., art. 3199, amended.

5. Article 3200 of the said Revised Statutes is amended by replacing the word: “board,” in the second line, by the word: “superintendent”.

R. S. Q., art. 3200, amended.

6. Article 3212 of the said Revised Statutes, as replaced by the act 54 Victoria, chapter 29, section 8, is amended by adding thereto the following clauses :

R. S. Q., art. 3212, and 54 V., c. 29, s. 8, amended.

“Police magistrates, recorders or justices of the peace, before whom any patient is brought, shall, before giving the order mentioned in the preceding clause, require the production of a certificate drawn up according to form K, signed by the clerk or the secretary-treasurer of the municipality in which the patient resides, or, in his absence, by the mayor of such municipality, and compel to appear before them all persons who, they believe, may give any information respecting the fortune of the patient or of the relatives who are bound by law to his support, hear evidence under oath of such persons upon the antecedents of the patient, upon the state of his fortune, and upon that of his relatives bound by law to his support, and upon the names and residence of such relatives, and to take notes of the evidence adduced before him by each witness.

Duty of police magistrates, &c., when patients are brought before them.

Such notes, signed by the recorder, the magistrate or justice of the peace, shall be forwarded to the medical superintendent with the documents mentioned in article 3213.

Notes of evidence to be forwarded.

The recorder, magistrate or justice of the peace may adjourn the hearing of witnesses to another day, so as to permit of the hearing of other witnesses to meet the requirements of this article.”

Adjournment of hearing.

7. Article 3214 of the said Revised Statutes, as replaced by the act 54 Victoria, chapter 29, section 8, is further amended by adding thereto, after the words: “above men-

R. S. Q., art. 3214, and 54 V., c. 29, s. 8 amended.

Notes of
proof, &c.

tioned", in the fourth line, the words: "and notes of the proof forwarded to the medical superintendent by the recorder, magistrate or justice of the peace who ordered the detention", and by adding thereto the following paragraph:

Provincial
Secretary de-
termines
amount due
by patient,
&c., if certifi-
cates estab-
lish ability to
pay.

"In cases where the certificates, or the notes of evidence, establish that the patient, or one or more of his relatives bound by law for his support, have the means of paying, in whole or in part, the cost of the custody, board, maintenance and treatment of the patient, the Provincial Secretary shall, taking such certificates as a basis, determine the amount to be paid by the patient or by his relatives and the proportion to be paid by each.

Suit to recover
amount.

He may sue for the recovery of the amount by suit in the ordinary manner in the name of Her Majesty."

Arts. added
after R. S. Q.,
art. 3221.

8. The following articles are added after article 3221 of the said Revised Statutes:

Payment of
cost of main-
tenance, &c.

"**3222.** In every case where an insane person is detained in an asylum at the expense of the Province and of the municipalities, one half of the cost of the custody, maintenance and treatment of such insane person in the asylum is paid by the Government, and the other half by the incorporated city or town whence the patient comes, and, if the patient comes from any locality other than an incorporated city or town, the other half shall be paid by the county municipality within the limits of which the other locality is situated from which the patient was sent to the asylum.

List to be
sent to Pro-
vincial Secre-
tary duly at-
tested.

"**3223.** In the first fifteen days of the month of January of each year, the proprietors of each lunatic asylum shall transmit to the Provincial Secretary a list, specially prepared for the purposes of the present law, duly attested, under oath, before a justice of the peace, and containing:

Contents of
list.

- (a.) The names of the insane in the asylum;
- (b.) Their residence when admitted to the asylum.

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 shall only contain the names of such patients whose confinement has been ordered or ratified by the Provincial Secretary since the first of July, 1892.

Subsequent
lists, what
names to con-
tain.

Neither shall the lists or subsequent annual statements include the patients whose detention has been ordered or ratified by the Provincial Secretary before the first of July, 1892.

Statement to
be furnished
by proprietors
with quarterly
accounts.

2. The proprietors are also bound to furnish the Provincial Secretary, along with their quarterly accounts, a statement showing separately the names of the patients at the charges of the Government and of the municipalities of incorporated cities, towns or counties, the date of their

entry into, and temporary or final discharge from the asylum, and the number of days during which they have been in the asylum.

“ **3224.** On receiving such list, the Provincial Secretary shall, without delay, cause a detailed list to be prepared for each city, town or county municipality, showing the sums of money due by it, and forward it at once to the collector of provincial revenue of the district in which such city, town or county municipality, is situated. List to be prepared by Provincial Secretary and sent to collector.

On receipt of such list, the collector of provincial revenue shall forthwith send, to the secretary-treasurer or clerk of the municipality interested, a duly certified extract from such list, containing the names of the insane persons towards whose maintenance the municipality is bound to contribute, as well as the amount due by it for such insane persons, with a notice requiring him to pay into his hands, on or before the first day of June then next, the amount due for such contribution. Duty of collector on receipt of list.

“ **3225.** The amount due by any corporation, bound to support any insane person confined in any asylum under the preceding provisions, is recoverable by an ordinary suit. Suit for amount due.

2. In all suits or proceedings instituted for the recovery of the amount due for the support of one or more insane persons in an asylum, the production of a copy, certified by the Provincial Secretary or his assistant, of the letter or letters from the Secretary's Department ordering or ratifying the confinement, and copies or extracts, certified by the Provincial Secretary or his assistant, of the documents mentioned in articles 3223 and 3224, shall be sufficient to obtain judgment for the amount demanded, without other proof, but such proof may be contradicted by legal evidence tending to destroy it, saving the right of the collector of provincial revenue to adduce evidence in rebuttal. Documents that make proof in suits.

“ **3226.** Such suit is brought by the collector of provincial revenue for the district, in his own name, against every such city, town or county municipality, before any court of competent jurisdiction. Suits in whose name and before what court brought.

“ **3227.** The amount to be paid by any city, town or county municipality, under the provisions of this law, shall be considered as a debt, which may be levied under the Municipal Code or of the charter of the city or town, and may be collected in the same manner as any ordinary tax due by the local municipalities or the rate-payers, as the case may be. Amount paid to be leviable by municipal taxation.

If amount due by county municipalities.

“ **3228.** The same formalities are followed for the payment of all amounts claimed from a county municipality in virtue of this law, as for the payment of all other sums payable by a corporation or county council.

Ranking and privilege of amount due Crown.

“ **3228a.** Every amount due to the Government under this law constitutes a privileged debt, ranking immediately after law costs.

Penalty against secretary-treasurer, &c., for not filling up, &c., documents.

“ **3228b.** The secretary-treasurer, the clerk or his assistant and the mayor of every municipality, are bound, under a penalty of a fine of twenty dollars, honestly and to the best of their knowledge, to fill up, sign and attest the documents mentioned in the present law as requiring to be signed and attested by them.

Clerk of cities or towns, &c., to perform duties of secretary-treasurer.

“ **3228c.** In the case of a patient coming from an incorporated city or town, the clerk of the council or of the municipal corporation, and, in his absence, his deputy or assistant, are bound to fulfil the duties which the present law assigns to secretary-treasurers of local municipalities.”

Arts. added after R. S. Q., art. 3230.

9. The following articles are added after article 3230 of the said Revised Statutes :

Certain patients may be discharged.

“ **3230a.** The Provincial Secretary or the medical superintendent, under the written authority of the Provincial Secretary, may order that idiots, incurable lunatics, or those suffering from senile dementia, be discharged from the asylum in which they are confined and sent to their families or to the persons by law bound to support them, or to hospitals, where the old and sick are received; provided, always, that such patients so liberated are not a cause of scandal or danger.

Proviso.

Certain persons bound to remove patients when required.

“ **3230b.** Every person who has signed the application for the confinement of a patient in an asylum, or every person held to his support by law, shall remove such patient at his own cost, so soon as he shall be so required by the medical superintendent of such asylum or by the Provincial Secretary, under penalty of a fine of thirty dollars.”

Penalty.

Form D amended.

10. The form D above mentioned is amended by striking out the words: “justice of the peace”, after the words: “parish priest, vicar or minister”.

Cost of transport, by whom to be paid.

11. Notwithstanding any provision of law to the contrary, the cost of transporting a patient to an asylum shall, in all cases, be borne by the municipality of the city, town or

county interested, and may be claimed, for the same reasons, in the same manner and on the same evidence as the half of the expenses for custody and maintenance.

12. The present act shall come into force on the first day of July, one thousand eight hundred and ninety-two. ^{Coming into force.}

FORM K.

I, _____, the undersigned, mayor, or secretary-treasurer (as the case may be) of the parish of _____ in the county of _____ make oath and say:

1. That A. B. is an insane person, an idiot, or an imbecile (as the case may be), that he should be detained in an asylum for the insane, and that he has resided for four months or more in the municipality of _____;

2. That the said A. B. is entered (or not) upon the valuation roll of this municipality for property valued at a total sum of _____;

3. That the father or the mother or the grand-father or the grand-mother (as the case may be) of the said A. B. is or are entered upon the said valuation roll for a total amount of _____;

4. That the said A. B. has or has not (as the case may be) children or grand-children whose name or names are entered in the said valuation roll for a sum of _____, which is divided as follows amongst each:

- B. C..... \$
- C. D..... \$
- D. E..... \$
- E. F..... \$

5. That the said A. B. has, or has not (as the case may be), revenues, which yield him annually about _____;

6. That the father or the mother of the children (as the case may be) of the said A. B. have or have not (as the case may be) other sources of revenue yielding them annually together a total sum of about _____, which is divided as follows amongst each:

- A. B..... \$
- B. C..... \$
- C. D..... \$
- D. E..... \$

7. That it is or is not to my knowledge (as the case may be) that the said A. B., his father or his mother, his grand-

father or his grand-mother, or his children, or any of them, or any of his grand-children have property in any other locality in this Province.

(Signature)

A. B.

Sworn before me, at
 } this
 } day of 18
 } C. D.

CAP. XXXI.

An Act to amend the Notarial Code.

[Assented to 24th June, 1892.]

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

R. S. Q., art. 3723, replaced.

1. Article 3723 of the Revised Statutes of the Province of Quebec is replaced by the following :

If no election has been held, composition of Board.

“ **3723.** If, by the report of the secretaries of the Board of Notaries, it appears that in any district no election was held at the time fixed by law, the Board is, notwithstanding the provision of article 3710, then composed of the members elected in the other districts.”

R. S. Q., art. 3725, amended.

2. Article 3725 of the said Revised Statutes is amended by adding thereto the following paragraph :

Other vacancies in Board.

“ 7. There is also a vacancy in the Board when an election has been annulled by a final judgment of a competent court.”

R. S. Q., art. 3729, replaced.

3. Article 3729 of the said Revised Statutes is replaced by the following :

Time and place of general meetings of Board.

“ **3729.** General meetings of the Board of Notaries are opened at ten o'clock in the forenoon, at Quebec and at Montreal, alternatively, on the first Tuesday of September in each year.

If day fixed non-judicial.

If the day so fixed be a non-judicial day, the meeting opens on the next judicial day.”

R. S. Q., art. 3734, amended.

4. Article 3734 of the said Revised Statutes is amended by adding, at the end thereof, the following words :

Copy to be sent by mail and when.

“ The copy of such notice shall be sent by mail to each practising notary entered on the table, at least eight days before the holding of such meeting.”