

## CAP. XXVIII.

An Act to amend article 3142 of the Revised Statutes of the Province of Quebec, respecting industrial schools.

[Assented to 30th December, 1890.]

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

R. S. Q., art. 3142 amended.

1. Article 3142 of the Revised Statutes of the Province of Quebec, is amended by replacing the words "seven years," in the second line, by the word "four years," and by adding, at the end of the first paragraph thereof, the following provision :

Children of certain age may be sent to and detained in certain institution.

"Children between the ages of four and nine years may, however, be sent to and detained in the Agricultural Orphanage of Notre-Dame de Montfort."

Coming into force.

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

## CAP. XXIX.

An Act to amend the law respecting Lunatic Asylums.

[Assented to 30th December, 1890.]

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

R. S. Q., art. 3182 replaced.

1. Article 3182 of the Revised Statutes of the Province of Quebec is replaced by the following :

Control and supervision of subsidized asylums.

"3182. Lunatic asylums in the Province of Quebec, receiving grants from the Government, are under its control and supervision.

Supervision of other asylums.

Other asylums are under its supervision only."

Id. art. 3186 replaced.

2. Article 3186, of the said Revised Statutes is replaced by the following :

Yearly report of medical superintendent to Provincial Secretary and its contents

"3186. The medical superintendent shall, in the name of the medical board, make a general report, yearly, to the Provincial Secretary indicating the number of patients admitted during the year, the number of those who have been temporarily or permanently discharged, the date of each admission and of each discharge, the number and names of the paying patients, the number of those who have been cured, or whose health is improved,

as well as of those who died at the asylum or who have escaped ; and containing generally all improvements adopted or suggested either in the treatment or the care of the patients and all other information required by the Lieutenant Governor in Council. ”

**3.** Article 3196 of the said Revised Statutes is amended by adding the following at the end thereof: Id. art. 3196 amended.

When a person is at the same time physician, mayor, or justice of the peace, related or allied to or a friend of the patient whose admission is applied for on the ground of insanity, such person can sign the certificates above mentioned only in one of such capacities, to wit: either as physician, or mayor, or justice of the peace, or as related or allied to, or a friend of the patient, under pain of nullity of all such certificates. Signature to certificates of person in dual capacity not allowed.

Such certificates shall also be null if they are drawn up more than twenty days before they are sent in to the medical board. Certificates null if presented after twenty days.

The Lieutenant-Governor in Council may, on report of the medical board, modify the forms of admission, when he deems advisable. ” Forms of admission may be modified.

**4.** The said Revised Statutes are amended by adding the following article after 3196. Id. art. added after 3196.

“ **3196a.** Whosoever, with the view of relieving himself or relieving another or of having him confined in an asylum for lunatics or idiots, or other charitable institution subsidized by the Province, leaves or deserts, in any place whatsoever, a lunatic, an idiot, a demented person, an epileptic, deaf-mute, or any sick or infirm person whomsoever, without giving, in writing, to some person qualified to receive such declaration, his name, surname, quality, occupation and domicile, as well as <sup>s</sup>those of the person so left or deserted, is liable to a fine of one hundred dollars, and in default of payment thereof to an imprisonment of six months in the common gaol of the district where the offence was committed. Penalty for abandoning an insane person, &c.

Such fine is recovered before any court of justice having jurisdiction to that amount at the suit of any person suing for the same and belongs one half to the Crown and one half to the prosecutor.” Recovery and application of fine.

**5.** Article 3206 of the said Revised Statutes is replaced by the following: Id. art. 3206 replaced.

“ **3206.** Every person related or allied to, or being a friend of a patient in an asylum, or who has procured his confinement therein, his tutor or curator, as well as any person thereunto authorized by a family council, may ob- Release of patient on application of certain persons to medical superintendent.

tain such patient's release, by addressing to the medical superintendent a petition accompanied by a declaration, by which he binds himself to take care of the patient and to report upon his condition to the medical board whenever required.

Proviso.

Provided that the medical superintendent be of opinion that such patient may be set at liberty without danger, subject to appeal to the Provincial Secretary in the event of the decision of the medical superintendent being contested."

Id. art. 3208 replaced.

6. Article 3208 of the said Revised Statutes is replaced by the following :

Report to be given to medical superintendent when patient dies in an asylum and what to contain.

"3208. When an insane patient dies in an asylum, the proprietors of such asylum shall at once notify the medical superintendent of such death, and, at the same time, furnish him with full information as to the nature and duration of the illness of the deceased, or, if his death has been caused by accident, as to all the circumstances under which such accident occurred, and in default of supplying such information, the proprietors are liable in each case to a fine of fifty dollars.

Fine if not given. How recovered.

Such fine is retained out of the moneys payable to the proprietors of the asylum after conviction of the offence before the Circuit Court of the district.

Atty. Gen. to be notified, if medical superintendent thinks fit.

If the medical superintendent thinks fit, he may, after receiving the information above mentioned, as to the cause of a death, notify the Attorney General thereof, who decides whether a coroner's inquest is necessary."

Id. art. 3209 amended.

7. Article 3209 of the said Revised Statutes is amended by adding the following at the end thereof :

Transfer of criminal lunatics provided for.

"When a person, brought before a court of justice on a criminal charge, is declared by the court to be not responsible for his acts, either because he is a deaf-mute or on account of senile dementia, and is sent to an asylum for the insane, the Provincial Secretary may transfer such patient from the asylum to another establishment suited to his state of health, and, for that purpose, the Provincial Secretary may make such arrangements, as he may deem most advantageous, with any such institution."

Id. art. 3211 to 3219 replaced.

8. Articles 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218 and 3219 of the said Revised Statutes are replaced by the following :

Certain persons may grant warrants of commitment for confinement of lunatics.

"3211. In any city or town where there is a recorder, such recorder, a police magistrate in the cities of Quebec and Montreal, and in other sections of the Province, any justice of the peace, may, *ex-officio*, order by

warrant the confinement, in a lunatic asylum, of any person, whether interdicted or not, whose insanity, duly established by medical certificate, is dangerous to public safety, decency and peace, or to his own safety."

" **3212.** The warrant is given by the recorder, police magistrate or justice of the peace, upon a sworn complaint, accompanied by a medical certificate according to form C and its annex, establishing the insanity of such person, and that he endangers public safety, decency or peace. Warrant upon whose complaint granted.

" **3213.** The warrants of commitment so given by recorders, police magistrates, or justices of the peace, are drawn up in accordance with form G, and disclose the nature of the complaint; they must mention the circumstances which rendered them necessary and be accompanied, in each case, by the certificate of the physician and the sworn complaint on which the warrant was issued. Form and contents of warrants of commitment.

All these documents are forwarded without delay to the medical board which, after having examined the same, admits the patient into such asylum temporarily. Documents to be forwarded to medical board.

" **3214.** Within the fifteen days following such admission, the medical superintendent sends to the Provincial Secretary the report accompanied with the orders of admission above mentioned, of the medical board upon the mental condition of the patient, and on receipt of such report if it be established that the patient is insane, the Provincial Secretary immediately orders his detention in the asylum in which he was confined. Report to be sent by medical superintendent to Provincial Secretary who orders admission of patient if proof satisfactory.

If the report of the medical board establishes that the patient is not a person to be confined in a lunatic asylum, the Provincial Secretary at once orders him to be discharged. If not, patient ordered to be discharged.

" **3215.** The warrants mentioned in articles 3211, 3212 and 3213, which are not executed within twenty days of their date, cease to be in force." Certain warrants lapse after twenty days, if not executed.

9. Article 3229 of the said Revised Statutes is replaced by the following: Id. art. 3229 replaced.

" **3229.** The medical superintendent of an asylum may authorize the discharge of a patient on trial upon the written promise of a relative, the curator or a friend of the patient, to take care of him, to keep him with him and to bring him back to the asylum if it should become dangerous to leave him any longer out of the asylum. Discharge of patient on trial on certain promise.

Such written promise shall be drawn up according to form J. Form of promise.

Nothing to be charged by proprietors of asylum for such patients.

Nothing shall be charged for the patient by the proprietors of the asylum for the time during which he is absent therefrom."

Id. art. 3230 replaced.

**10.** Article 3230 of the said Revised Statutes is replaced by the following :

Patients to be discharged when cured.

**3230.** Every person placed in a lunatic asylum shall no longer be retained there as soon as his cure is established by the medical board, and the medical superintendent shall then order the proprietors to discharge him."

Coming into force.

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

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FORM G.

WARRANT OF COMMITMENT TO AN ASYLUM.

PROVINCE OF QUEBEC, }  
District of }

To all or any of the constables or peace officers in the district of \_\_\_\_\_ (or county of) \_\_\_\_\_ and to the proprietors of the \_\_\_\_\_ asylum :

Whereas on the \_\_\_\_\_ day of \_\_\_\_\_ information on oath has been laid before me \_\_\_\_\_ recorder of the city of \_\_\_\_\_ or police magistrate of the city of \_\_\_\_\_ or one of Her Majesty's justices of the peace in and for the district of \_\_\_\_\_ (or county of) \_\_\_\_\_ that C. D. is insane and dangerous to be at large ;

And whereas such information is corroborated by a certificate to the same effect by \_\_\_\_\_ Esquire, physician, of \_\_\_\_\_ dated the \_\_\_\_\_ 189 .

These are therefore to command you, the said constables or other peace officers or any of you in the name of Her Majesty, to convey the said \_\_\_\_\_ to the \_\_\_\_\_ lunatic asylum, and then and there deliver him into the hands of the proprietors or managers of the said asylum, together with this warrant and leave him in their charge.

And we command you the said proprietors or managers of the said asylum to keep the said

and care for him until instructions are received from the Provincial Secretary.

Given under my hand at  
 this \_\_\_\_\_ day of  
 in the year of Our Lord 189 .

Recorder of the city of  
*or* Police Magistrate  
*or* Justice of the Peace.

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 C A P. X X X .

An Act to amend the law respecting the construction and repair of churches, parsonages and cemeteries.

[Assented to 30th December, 1890.]

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

**1.** Article 3402 of the Revised Statutes of the Province of Quebec is amended by adding the following thereto : R. S. Q. art. 3402 amended.

“ At the same meeting, they appoint a secretary-treasurer whose duties are : Appointment and duties of secretary-treasurer.

1. To keep a register of the proceedings of the trustees, to countersign the minutes of their meetings, and to deliver copies certified by him ;

2. To make out all proceedings and acts of assessment or apportionments required or ordered by the trustees, to countersign the same, and to deliver copies certified by him ;

3. To levy all sums of money due to the trustees under any title and for any reason whatsoever, and to make all payments authorized by the trustees or their president ;

4. To keep books of account, of receipts and expenditure, in the form prescribed by the trustees or commissioners.

The secretary-treasurer is bound to make oath to well and faithfully perform his duties.” His oath of office.

**2.** Article 3413 of the said Revised Statutes is amended by adding the following paragraphs at the end of the said article : Id. art. 3413 amended.

“ 2. The secretary-treasurer of the trustees shall, in the month of November of each year, prepare a statement showing in as many columns : Statement to be prepared by secretary-treasurer and its contents.

1st. The names, quality and residence of the persons indebted to the trustees for assessments as set forth in the act of assessment if they are entered therein ;