

CAP. XXXIV.

An Act respecting Lunatic Asylums in the Province of Quebec.

[Assented to 9th May, 1885.]

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

PRELIMINARY.

CONTROL OF ASYLUMS.

1. Lunatic Asylums in the Province of Quebec are under the control and supervision of the government. Control of lunatic asylums.

PHYSICIANS OF ASYLUMS—THEIR APPOINTMENT AND SALARIES.

2. For each of the asylums of Longue Pointe (St. Jean de Dieu) and Beauport, the Lieutenant Governor in council appoints : Appointment of physicians.

1. A medical superintendent ;
2. A house physician, and
3. An assistant house physician.

The medical superintendent and house physician are paid by the province. By whom paid.

The assistant house physician may be appointed upon the recommendation of the respective proprietors of the said St. Jean de Dieu and Beauport asylums, subject to the approval of the Lieutenant-Governor in Council; and in that case the salary of such physician shall be paid by them; and in case the said proprietors do not think proper to take advantage of this provision the assistant physician shall then be appointed by the Lieutenant Governor in council and paid by the province. Special provision as to assistant house physicians of certain asylums.

The salary of the medical superintendent shall not exceed the sum of eighteen hundred dollars per annum. Salary of medical superintendent.

The salary of the house physician shall not exceed the sum of eighteen hundred dollars per annum. Salary of house physician.

The salary of the assistant house physician shall not exceed the sum of twelve hundred dollars per annum. Salary of assistant house physician.

MEDICAL BOARD.

3. The medical superintendent, the house physician and his assistant constitute a board called the "Medical Board of the (name) Lunatic Asylum." Medical Board constituted. Name.

The superintendent is chairman of the board and may convene it whenever he deems necessary. Chairman and convocation of board.

Quorum.

The quorum of the board is two.

Room for
meetings of
board.

2. The proprietors of each asylum are obliged to furnish the board for its meetings a room in the establishment suitably furnished and as near as possible to the place where the chemists' stores are kept, which they are also obliged to supply.

POWERS AND DUTIES OF THE MEDICAL BOARD RESPECTING THE TREATMENT OF PATIENTS.

Power of board
to supervise
admissions
and dis-
charges.

4. In accordance with the provisions of the law, the medical board supervises the admission of patients into the asylum and their temporary or final discharge therefrom.

To control the
medical ser-
vice.

The board has control over the medical service, the classification of patients and the treatment to be given to them, as mentioned in section 6 of this act.

House physi-
cians to devote
whole time
to patients and
their duties.

The house physician and his assistant must devote the whole of their time to the service of the patients and prescribe the treatment, medical or moral, approved by the board, which appears to it the most suitable to hasten or insure their cure.

Clinical lec-
tures on in sa-
nity to be
given.

The medical superintendent or the house physician of the said asylum shall, with the consent of the proprietors, if the government require it, give, without additional salary, clinical lectures upon mental alienation, the length and number of which shall be determined by the Lieutenant-Governor in Council.

REPORTS BY THE MEDICAL BOARD.

Monthly re-
ports by medi-
cal board.

5. The medical superintendent shall, in the name of the medical board, during the first days of each month, make a report to the provincial secretary.

Its contents.

Such report shall indicate the number of patients admitted during the preceding month, their status and condition, the names of those who escaped or died, the state and condition of the patients in general, the names of those who may be discharged; and the report shall further contain all requisite or necessary observations and suggestions touching the improvement and condition of the patients, and the good working of the asylum.

Annual gen-
eral report.

A complete general detailed report is also made each year, in the same manner, by the medical superintendent.

Its contents.

Such general report shall indicate the number of patients admitted during the year, the number of those who have been temporarily or permanently discharged, the date of the admissions and discharges, the number and names of paying patients, the number of those cured or whose con-

dition has been improved, as well as of those who have died in the asylum or who have escaped ; and such report shall mention in general all the improvements adopted or suggested either in the treatment or maintenance of the patients and all the information required by the Lieutenant Governor in council.

INTERNAL DISCIPLINE OF ASYLUMS.

6. Rules and regulations may be made by the Medical Board, subject to the approval of the Lieutenant-Governor in council, for the medical, moral and physical treatment of the patients which comprise medicines and prescriptions, restraint, classification, ventilation of buildings, regimen, diet, clothing and exercise.

Power of Medical Board to make rules, &c., for certain purposes.

The house physician is bound to reside near the asylum and the assistant house physician in the asylum itself or in its immediate neighborhood.

Residence of the house physicians.

They are intrusted with the execution of the rules and regulations made and approved of as aforesaid by the Lieutenant-Governor in Council ; the assistant shall help the house physician to carry out the orders given by him and replace him in case of absence or sickness.

Execution of rules, &c.

The proprietors of asylums, their superintendents, employees and servants are bound to carry out the orders of the house physician or his assistant, respecting everything that concerns the medical treatment as hereinbefore enacted.

Duties of proprietors, &c., to carry out orders of house physician.

The proprietors are further obliged to lodge the assistant house physician in a suitable manner.

Proprietor to lodge assistant house physician.

The house physician or his assistant may require the proprietors of the asylum to dismiss the keepers, nurses and guardians, for incompetence or insubordination.

Physicians may require dismissal of keepers.

In case of disagreement as to such dismissal, the decision rests with the inspector of asylums.

Inspector to decide in case of disagreement.

PART FIRST.

ADMISSION OF INSANE PATIENTS WHOSE MAINTENANCE IS AT THEIR OWN CHARGES.

7. Proprietors of lunatic asylums in the Province of Quebec may, if they have been authorized by the Lieutenant Governor in council, receive in their establishment the insane idiots and imbecile persons who, either by themselves, or their tutor, curator or the persons obliged by law to provide and care for them, are able to pay the expenses of their maintenance, sojourn and treatment.

Admission of private patients.

Province not responsible for such patients. The Province is not responsible for the payment of the sums due for such patients.

Formalities required for admission.

8. The persons above mentioned cannot be admitted, unless the proprietors of the asylum are furnished with an application, according to form A, annexed to this act, and a certificate in accordance with form B, signed by two medical men, who are neither partners, brothers, nor in the relation of father and son, and who have each, separately and personally, examined the patient before the application for his entry into the asylum.

Duties of physicians who sign certificate.

9. The physicians who sign the certificate B above mentioned shall specify the facts, from their own personal observation and from information obtained from any other person, upon which is based their opinion that the patient is insane, an idiot or imbecile person.

Release in case of cure, &c.

10. The patient shall be released in the case of a cure certified by two members of the medical board, or when the person signing the application for his admission requires in writing, over his signature, that such patient be released, except when the medical board declares that the patient is dangerous to society.

Release of patients, on order of certain persons.

11. In the case of the incapacity or absence from the Province of the person who made the application for admission, the wife or husband of such person, the father or mother of the patient, or one of the nearest relatives, or the person who made the last payment on account of the patient, may, subject to the preceding section, at all times give an order for his release.

Private patients' book and its contents.

12. In every asylum there shall be kept a book called "Private Patients' Book," in which shall be entered immediately :

1. The name, profession, age and domicile of the patients ;
2. The date of their entry into the asylum ;
3. The names and domiciles of the persons who applied for their admission ;
4. The names of the physicians who certified as to their condition ;
5. The changes that have arisen in such condition ;
6. The date of the escape of the patients, if any have escaped, and that of their discharge or death.

Application of certain sections of this act.

13. Sections 16, 17, 23, 24, 27, 38, 40, 50, 51, 52 and 53 of this act apply to the preceding sections.

SECOND PART.

ADMISSION OF THE INSANE WHEN THEIR MAINTENANCE IS
AT THE CHARGE OF THE GOVERNMENT
AND OF MUNICIPALITIES.

14. The following persons may be admitted to lunatic asylums at the charge of the government and of municipalities : Who may be admitted as public patients.

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 board, maintenance and treatment in one of these asylums ; Poor persons.

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 board, maintenance and treatment therein. Idiots, &c., also poor.

15. In every such asylum there shall be kept a register called "Public Patients' Books," in which shall be immediately entered : Public patients' book, and its contents.

1. The names and surnames, profession, age and domicile of the patients ;

2. The date of their entry into the asylum ;

3. The names and domiciles of the persons who applied for their admission ;

4. The name of the physician who certified as to their condition ;

5. The changes that have taken place in such condition ;

6. The date of the escape of the patients, if any have escaped, and that of their discharge or death.

16. The marked changes in the condition of the patients shall also, for the information of the members of the medical board, be daily entered in a book kept by the guardian in each ward of the asylum, with the names of the patients. Marked changes in condition of patients to be daily entered in a book kept by guardian in each ward.

17. The house physician of an asylum or his assistant may, at all times, give written authorization, over his signature, to admit any relation, friend or physician, or any other person whom the relatives or friends may designate to visit the patient. Admission of relatives, &c.

This authorization may be limited or general, and with or without restrictions as to the presence of a keeper during such visit. Authorization may be limited and conditional.

Formalities required for admission.

18. The medical board of an asylum cannot receive any of the above mentioned persons if there be not handed to it :

Application.

1. An application for admission containing the names, profession, age and 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.

Who must sign it.

The application must be signed by the person making it, or if he be 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.

Physician's certificate.

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.

Further declaration in certificate in cases of idiots, &c.

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.

Relationship of physician.

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

Certificate need not be exacted in certain cases.

In case of urgency, the medical board may dispense with requiring the physician's certificate, provided such certificate be sent to it within eight days after the patient's confinement.

Certificate of parish priest, &c.

3. A certificate (according to form D), signed by the parish priest, vicar or minister, or a justice of the peace.

Certificate of mayor, &c.

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.

Forms to be acknowledged under 37 V., C., c. 37.

The annex to form C and form D shall be attested and acknowledged before a justice of the peace, in conformity with the provisions of the Act of the Parliament of the Dominion of Canada, 37 Victoria, chapter 37, concerning the suppression of voluntary and extra-judicial oaths.

Formalities required on application for admission, in cases of idiots, &c., in hospitals.

19. In the case of idiots and imbecile persons, more than three months in a public hospital, whose condition has become such that they must be sent to a lunatic asylum, the application for admission shall be made in writing by the proprietor or superintendent of the hospital, —and the physician's certificate shall be given by one of the visiting physicians of the establishment.

The application for admission shall contain the names, ^{Contents of} profession, age and the municipality in which the patient ^{application.} had his last domicile before entering the hospital and also the date of his entry therein.

The physician's certificate shall set forth, in accordance ^{Physician's} with form C of this act, the mental condition of the patient ^{certificate.} and give particulars respecting his malady, and shew the necessity of his being confined and kept in an asylum.

20. On the receipt of the application and the certificates ^{Proceedings} C, D and E, in the case of section 18 of this act, and of the ^{by medical} application for admission and of the certificate C, in the ^{board upon} case of the preceding section, the medical board decides ^{receipt of ap-} whether the patient should be provisionally admitted, or ^{plication, &c.} his admission refused.

21. The medical board through the medical superin- ^{Report to pro-} tendent shall, during the fifteen days next after the ^{vincial secre-} admission of the patient, transmit to the provincial secre- ^{tary.} tary, with such application and certificates C or C, D, and E above mentioned, a special report as to the mental condition of the patient and stating whether he should be definitively admitted into the asylum or discharged.

22. On receipt of such documents, the provincial secre- ^{Order to be} tary shall address, to the medical board of the asylum, such ^{given by pro-} order as he deems expedient, either for the definitive admis- ^{vincial secre-} sion or discharge of the patient, which order shall be exe- ^{tary.} cuted without delay.

23. For the purposes of this act, the members of the ^{Power of mem-} medical board shall have access, at all times, to any part of ^{bers of board} the asylum, in which are confined the persons admitted to ^{to have access} and detained in the asylum, and may also, when they ^{to asylums.} deem it necessary, and at suitable hours, take communication of the registers in which the names of the patients are entered, as well as of all the books, registers or documents relating to the patients.

24. Every letter written by a patient, detained in any ^{Letters from} asylum and addressed to the members of the executive ^{patients to cer-} council, the inspectors of asylums, the family of such pa- ^{tain persons to} tient or to those who obtained his confinement, shall be ^{be forwarded} forwarded, unopened, to its address, by the proprietors ^{unopened.} of the said asylums or their officers.

25. Every person related or allied to or being a friend of ^{Patients may} a patient in an asylum or who has procured his confine- ^{be temporarily} ment therein, his tutor or curator, as well as any person ^{released on} application by

certain persons to provincial secretary, and complying with certain formalities and conditions. Report of medical board to accompany application.

thereunto authorized by a family council, may obtain such patient's release, by addressing to the provincial secretary 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; such petition shall be accompanied by a report of the medical board certifying that the patient may be liberated without danger, and the provincial secretary shall give an order in consequence, which shall be executed by and at the expense of the person making such petition.

If patient cured while absent, board may order his release, &c. Proviso.

If the patient is cured during such absence from the asylum, the medical board may order his release, if not cured he shall be returned to the asylum unless the authorization aforesaid be continued; subject always however to the last paragraph of section 48 of this act.

Insane persons confined under C. S. C. c. 109, and 32-33 V., C., c. 29, not affected by preceding provisions.

26. The above provisions shall not apply to insane patients who are detained under the provisions of chapter 109 of the Consolidated Statutes of Canada, nor to those under the Dominion Act, 32-33 Victoria, chapter 29, and its amendments.

In cases of death, coroner to hold an inquest in certain cases.

27. If there be reasonable suspicion as to the cause of and circumstances attending the death of any patient in an asylum, the coroner shall summon a jury and hold an inquest.

LUNATICS IN GAOLS.

Persons in gaol found to be insane.

28. Whenever the sheriff of any district has reason to believe that any person, confined in gaol, for any offence whatsoever, is insane, he shall cause such person to be examined by one of the members of the medical board of a lunatic asylum, or by any other physician appointed for that purpose; and if the report of such physician drawn up according to form C, establish the insanity of such person, he shall without delay be transferred to the nearest asylum, with a copy of the order or warrant of commitment, under which he is imprisoned.

Proceedings when insane persons confined under C. S. C., c. 109 or 32-33 V., C., c. 29, recover their reason.

29. On the report of the medical board, certifying that an insane person confined, in an asylum, under the authority of chapter 109 of the Consolidated Statutes of Canada, or of the Dominion Act, 32-33 Victoria, chapter 29, and its amendments, has recovered the use of his reason, the Lieutenant Governor shall, on the recommendation of the provincial secretary, and according to the circumstances, order that such person, so confined, be discharged, or that he be re-conveyed to gaol to stand his trial or to undergo his sentence, as the case may be.

The costs incurred for his conveyance from gaol to the asylum and from the asylum to gaol form part of the costs of lodging, maintenance and treatment in the asylum. Costs of transport, &c.

DANGEROUS LUNATICS.—THEIR IMPRISONMENT.

30. When information is laid under oath before a justice of the peace, accompanied by the certificate drawn up according to form C, that any person is insane and dangerous, such justice of the peace may issue a warrant, according to form F, annexed to this act, to cause such person to be arrested and brought before him or any other justice of the peace for the district. Warrant to arrest the dangerous insane.

31. Such warrant shall state the nature of the information, the fact of its being sworn to, and give the name or any other description of the person against whom it is made. Contents of warrant.

It is addressed to the constables or peace offices of the district or county. To whom addressed.

32. Any justice of the peace, before whom a person arrested is brought, may, by a warrant issued to that effect, according to form G, annexed to this act, commit such person to gaol, or to the custody of the officer who arrested him or of any other qualified person, for a period not exceeding two days; Proceedings after arrest.

And, in such case, the justice of the peace shall, by an order, of which notice shall be given to the informant, fix the time and place at which such person shall be brought before him or before any other justice of the peace, for hearing evidence in relation to his mental condition. Adjournment for hearing of evidence.

Nevertheless, such justice of the peace may proceed forthwith to hear the evidence, on giving timely notice to the informant. Proviso.

33. When the person in custody is brought before the justice of the peace, the informant shall make a declaration, under oath, of the facts establishing the insanity of the person so arrested, his domicile, his means of subsistence, and those of his family, and shall, generally, answer all the questions mentioned in the annex to form C annexed to this act. Declaration by informant.

34. In addition to the declaration made by the informant, the justice of the peace shall, with reference to the facts mentioned in the next preceding section, require the evidence of a physician and of one or more credible per- Additional evidence.

sons to establish before him, in a satisfactory manner the facts mentioned in form D.

Discharge
from custody
of person ac-
cused.

35. If, after such examination and the hearing of the evidence, the justice of the peace be of opinion that such person is not insane, and that it would not be dangerous to leave him at large, he shall at once order him to be discharged from custody.

Transfer to
asylum if ne-
cessary.

36. If, on the contrary, the justice of the peace be of opinion that such person is insane and dangerous to be at large, he shall, by his warrant in accordance with form H, annexed to this act, order such person to be transferred to one of the asylums in this province at the costs of the municipality interested.

Depositions,
&c., to be for-
warded to
medical board.

37. The justice of the peace shall forthwith forward, to the medical board of the asylum in which such insane person is to be detained, the depositions taken before him, and mentioned in section 34 of this act, and the vouchers and documents relating to the proceedings had before him.

Documents,
&c., by whom
certified.
Costs of arrest,
&c.

All the documents, so sent, are certified by the justice of the peace.

The costs incurred in the arrest of the insane person, for the investigation and for his removal to gaol and his transfer to the asylum, are at the charges of the parties interested or of the municipalities bound to support him.

Examination
of patient by
medical board.

38. The medical board of the asylum examines the patient and the above mentioned documents and admits the patient temporarily into the asylum.

Report of such
examination
by board to
provincial
secretary.
Order of de-
tention in cer-
tain cases.

Within the fifteen days following such admission, the medical superintendent forwards to the provincial secretary the report of the medical board upon the mental condition of the patient; and on reception of the said report, if it establish that such person is insane, the Lieutenant Governor shall immediately order that such person be detained in the asylum in which he has been placed.

Order of re-
lease in cer-
tain cases.

If, on the contrary, the report of the medical board establish that such person so detained is not one who should be confined in a lunatic asylum, the Lieutenant Governor immediately orders his release.

Notice to be
given to secre-
tary-treasurer
of municipal-
ity of patient's
domicile.

39. As soon as the patient has been definitively confined in a lunatic asylum, the house physician or his assistant shall forward, to the secretary-treasurer of the municipality in which such person had his domicile, a notice stating the name of the asylum in which he is so confined and the date of the order of the Lieutenant Governor

or provincial secretary under which he has been so definitively confined.

INSANE PATIENTS ESCAPING FROM AN ASYLUM.

40. In case any inmate of a lunatic asylum shall escape therefrom, it shall be the duty of every officer of such asylum to apprehend such lunatic, or cause him to be apprehended by any other person and to be brought back to the asylum, within fifteen days after his escape, without any warrant, or, within three months after such escape, under a warrant to that effect, made out in accordance with form I, annexed to this act, and issued by the house physician or his assistant; and such insane patient shall be again confined in the asylum whence he escaped, for the same reasons and under the same authority as before his flight.

Manner of
arresting pa-
tients who
escape from an
asylum.

COST OF MAINTENANCE OF THE INSANE.

41. In all cases where an insane person is confined in an asylum, under the provisions of the second part of this act, the cost of the maintenance, board and treatment of such insane person in the asylum, is due and shall be paid, one-half by the Government and one-half by the municipality of the city, town, village, parish or township, within the limits of which is comprised the place or territory in which the insane patient last had his domicile. Provided always that if the patient be confined in a public hospital, the last domicile of such patient shall not, from such fact alone, be considered to be in the municipality in which such hospital is situate.

Payment of
costs of main-
tenance.

Proviso as to
patients in
hospitals.

42. During the first fifteen days of the month of January in each year, the proprietors of each lunatic asylum, shall send to the provincial treasurer, a list containing:

List to be sent
to provincial
treasurer by
proprietors of
asylums.
Contents of
list.

1. The names of the insane persons confined in the said asylum, since the 24th July, 1880;

2. Their domicile when admitted into the asylum;

3. The amount payable by each city, town, village, parish or township corporation for their maintenance, board and treatment during the course of the preceding year.

4. The proprietors are also bound to furnish the provincial treasurer, along with their quarterly accounts, a statement showing separately the names of the patients at the charges of the government and of municipalities, 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.

List to be prepared for each municipality showing amount due by it and forwarded by provincial treasurer to collector of provincial revenue of the district.
Duty of collector of provincial revenue on receipt of list.

43. On receiving such list, the provincial treasurer shall without delay cause a detailed list to be prepared for each municipality, showing the sums of money due by it, and forward it to the collector of provincial revenue of the district in which such municipality is situated.

On receipt of such list the collector of provincial revenue above mentioned shall forthwith send to the secretary-treasurer of the municipality indicated, 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 cost of maintenance of such insane persons during the previous year, with a notice requiring him to pay into his hands, on or before the first day of March then next, the amount due by such municipality for such contribution.

Recovery of amount due.

44. Such amount is recoverable by an ordinary suit against any municipality bound to support any insane person confined in any one of these asylums under the preceding provisions.

Suit for such purpose.

45. Such suit is brought by the collector of provincial revenue for the district, in his own name, against every such municipality, before any court of competent jurisdiction in the district in which such officer resides.

Corporations may be reimbursed such sums and by whom.

46. It is lawful for any municipality which has so paid any sum of money to the Government for such board, lodging, treatment and which has also paid the costs of arrest and inquiry, and the costs of transport of any insane person confined in an asylum, to obtain the repayment of such sums by suit and distress levied, in the usual manner, on the property of the insane person, or of those who are obliged by law to provide and care for him.

Proviso.

2. Such recourse cannot however be had, if at the time of the patient's entry into the asylum it has been proved that he had no property either by himself or by those who are obliged by law to support him.

Amount paid by corporation may be levied and collected as ordinary taxes.

47. The amount, paid by any municipality under the provisions of this act, shall be considered as a debt which may be levied under the Municipal Code, and it shall be levied and collected in the same manner as any ordinary tax due by the rate-payers of the municipality.

GENERAL PROVISIONS.

Medical board may allow patients to be

48. The medical board of an asylum may, if it deem it expedient for the cure of any patient confined in such

asylum, allow the relatives, the curator or friend of such patient, upon their written undertaking to take care of such patient, to keep him temporarily with them for a specified period of time and to bring him back to the asylum if it should become dangerous to leave him any longer under their care.

The undertaking given, which must be signed by the relatives, friend or curator of the patient, shall be in the form J annexed to this act.

Nothing shall be charged for the patient by the proprietors of the asylum for the time during which such patient is so absent from the asylum.

94. The patient shall be released in the case of a cure certified by two members of the medical board, or when the person signing the application for his admission requires in writing, over his signature, that such patient be released, except when the medical board declares that the patient is dangerous to society.

50. Every person placed or detained in a lunatic asylum, his tutor if he be a minor, his curator or any relative or friend may, at any time, by summary petition, apply to the judge of the district in which the establishment is situated for his discharge from the asylum.

The judge, after proof and hearing, orders such discharge if there be occasion therefor, and his decision is final and without appeal.

51. Upon the application of the relatives, the husband or wife, the judge of the place in which the patient is domiciled may, in chambers, appoint a provisional administrator of the property of any person not interdicted who is placed in a lunatic asylum.

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

The provisional administrator has, over the person and property of the insane person, all the powers, and is, as to his administration, subject to all the obligations of an ordinary curator.

52. In default of a provisional administrator, the judge, upon petition of the party using the most diligence, shall commission a notary or other person to represent, at inventories, accounts, and licitations in which they are interested, persons who are not interdicted and are confined in an asylum.

53. The powers, conferred under the two preceding articles, cease *pleno jure* so soon as the person so confined

kept temporarily by friends, &c., upon certain conditions.

Undertaking for such purpose.

No charge to be made for patient while absent from asylum.

Release of patients.

Persons confined in asylum may apply to judge for discharge therefrom.

Duty of judge on such application.

Provisional administrator may be appointed to patients in asylums.

Formalities of appointment.

Powers of provisional administrator.

Person may be appointed to represent patients in certain cases.

Powers under two preceding

sections cease in an asylum is no longer therein confined, or when a
when curator curator is appointed under the provisions of the Civil Code.
appointed
under Civil
Code.

FINAL PROVISIONS.

Provisions re- 54. Except when the contrary is prescribed by this
specting sum- act, all provisions in force respecting summary convic-
mary convic- tions apply to the proceedings had under this act by
tions apply to any justice of the peace, judge of the sessions of the peace,
this act. district magistrate, or police magistrate.

Claims arising 55. Every claim that may arise out of the execution of
out of this act this act by the proprietors of any asylum may, if the
may be sub- parties thereto consent, be determined by arbitrators
mitted to arbi- appointed in conformity with the provisions of the Code
tration. of Civil Procedure, and in default of consent they may have
Recourse to recourse to the petition of right ; and such claim, if any,
petition of shall be notified to the government before or during the
right. three months following each year, after the coming into
Claim to be force of this act, under the penalty of the forfeiture of the
notified within said claim.
certain time, otherwise for-
feited. In both cases the government may set off against such
Set off may be claim all compensation which seems just and lawful.
pleaded.

47 V., c. 20,
repealed.

56. The Act 47 Victoria, chapter 20, is hereby repealed.

PRIVATE PATIENTS.

FORM A.

Application for the reception of a patient.

I, the undersigned, *occupation* (if any) *place of abode*,
degree of relationship (if any) *or other circumstances of con-*
nection with the patient, hereby request you to receive A. B.
(lunatic, or an insane person, idiot or imbecile person) as a
patient into your establishment.

Signed,

Name of applicant.

Information to accompany application.

Name with Christian name of patient, at length ;
Sex and age ;
Married, single or widowed ;
Condition of life and previous occupation (*if any*) ;
Domicile of patient ;

Religious persuasion, so far as known ;
 Duration of existing attack ;
 Whether first attack ;
 Age (*if known*) on first attack ;
 Whether subject to epilepsy ;
 Whether suicidal or dangerous to others ;
 Place of previous confinement (*if any*) ;
 Whether found lunatic or interdicted ;
 Special circumstances (*if any*) preventing the insertion
 of any of the above particulars.

Dated at _____ the _____ day of
 _____, one thousand eight hundred and _____

(Signed).

(*Name of the applicant.*)

To the Proprietors (*or Superintendent*) of the asylum of

FORM B.

Form of physician's certificate.

Province of Quebec, {
 District of _____ }

I, _____, being a physician duly authorized to practise as such, hereby declare that I am not related to A. B., the person named in the accompanying statement and application, within the degrees prohibited by the law respecting lunatic asylums, and certify that I have this day, separately from any other medical practitioner, visited and personally examined the said A. B., and that the said A. B. is a lunatic (*or an insane person, or an idiot, or an imbecile person, as the case may be*), and a proper person to be confined, and that I have formed this opinion from the following fact (*or facts*) nameiy : *give the information required by the annex to form C of this act.*

Dated at _____ this _____ day of
 _____, one thousand eight hundred and _____

(Signed),

(*Name and place of abode.*)

PUBLIC PATIENTS.

FORM C

Form of physician's certificate.

Province of Quebec }
 District of }

I,
 being a physician, duly authorized to practise as such,
 declare on my oath of office that I am not related to the
 proprietors of the asylum of or to (*name of person applying*
for admission) or to (*name of insane person &c.*) within the
 degrees prohibited by the law respecting lunatic asylums,
 and hereby certify that I have, this day, separately from
 any other medical practitioner, visited and personally ex-
 amined
 the person named in the accompanying statement: that
 the said
 is insane and a proper person to be confined, and that I
 formed this opinion from the following facts, which I cer-
 tify to be true, namely :

(*In case of idiocy or imbecility, state whether the idiot or imbecile person is dangerous, a source of scandal, or subject to epileptic fits.*)

(*Signature*),

ANNEX TO FORM C.

Information required from the friends or relatives of patients, for whom application for admission is made, (sheriffs or wardens, in cases of insane prisoners,) in cases of application for admission to lunatic asylums.

In the case of
 of county of

1.—What is the patient's age ? | 1.—

2.—Is he married or single ? If | 2.—
 married, how long ? How
 many children ? |

3.—What is his nationality ? | 3.—

- | | |
|--|------|
| 4.—Where was he born ? | 4.— |
| 5.—Where is his place of residence ? | 5.— |
| 6.—How long has he resided in Canada ? | 6.— |
| 7.—What has been his trade, or occupation ? If a female, that of the husband or father ? What are their reputed pecuniary circumstances ? | 7.— |
| 8.—What is his religion ? | 8.— |
| 9.—Does he read and write ? | 9.— |
| 10.—What is his rank in life ? | 10.— |
| 11.—When and how were the first symptoms of disease manifested ? | 11.— |
| 12.—Is this the first attack ? If not, when did others occur ? and what was their duration ? | 12.— |
| 13.—Does the disease appear to be increasing, decreasing or stationary ? | 13.— |
| 14.—Have there been variations in the intensity of the disease ? Has the patient any lucid intervals ? If so, do they occur at regular periods ? | 14.— |
| 15.—Have any marked changes occurred in the condition of mind or body since the attack ? | 15.— |
| 16.—On what subject or in what way is derangement now manifested ? Is there any permanent hallucination ? | 16.— |
| 17.—Has the patient shown any disposition to injure himself or | 17.— |

others ; and if so, was it from sudden passion or premeditation ?

- | | |
|---|------|
| 18.—Has suicide ever been attempted ? And, in what way ? Is the propensity now active, and in what way ? | 18.— |
| 19.—What are the patient's habits as to eating, sleeping, cleanliness ? Is there a disposition to filthy habits, destruction of clothing, breaking glass, smashing furniture, &c. ? | 19.— |
| 20.—What relatives, including grandparents and cousins have been insane ? | 20.— |
| 21.—Did the patient manifest any noticeable peculiarities of temper, habits, disposition or pursuits ; any predominant passions, religious impressions ? Was he eccentric ? | 21.— |
| 22.—Was he ever addicted to intemperance in the use of ardent spirits, tobacco, opium, &c. ? | 22.— |
| 23.—Has he been subject to any bodily disease ; to epilepsy, suppressed eruptions, discharges or sores, or ever had any injury to the head ? | 23.— |
| 24.—Has restraint or confinement been employed ? If so, of what kind and how long continued ? | 24.— |
| 25.—What is supposed to be the cause of the disease ? | 25.— |
| 26.—What treatment has been pursued for the relief of the patient ? Mention particulars and the effects ? | 26.— |

27.—Please state any other matter, | 27.—
 having any bearing upon the |
 case, that may enlighten the |
 physician upon the patient's |
 condition ?

N. B.—For reference, the address of the nearest relative, curator or friend must be given in full with the place of residence.

We make this solemn declaration, conscientiously believing the same to be true, and by virtue of the act of Canada, passed in the thirty-seventh year of Her Majesty's Reign, intituled : "An Act for the suppression of voluntary and extra-judicial oaths."

Declared and acknowledged before }
 me, one of Her Majesty's Justices of, } (Signature.)
 the Peace for the District of
 at this 188 }

(Signature),

FORM D.

Certificate of the parish priest, vicar, minister or justice of the peace.

Province of Quebec, }
 District of }

I, the undersigned (*parish priest, vicar, minister or justice of the peace, as the case may be*) certify

1. That A. B is a lunatic, (*idiot or imbecile person, as the case may be*) and should be placed in a lunatic asylum.

2. That the said A. B. has (*or has not, as the case may be*) sufficient property to pay, in whole or in part, the expenses of his board and maintenance in an asylum.

3. That the names and the residences of the persons bound to support him, are as follows :

(Names, &c.)

And that have (*or have not*) sufficient means to pay, in whole or in part, the expenses of his board and maintenance in the asylum.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Act of Canada, passed in the thirty-seventh year of Her Majesty's Reign, intituled : " An Act for the suppression of voluntary and extra-judicial oaths."

Declared and acknowledged before }
me, one of Her Majesty's Justices of } (Signature.)
the Peace for the District of ,
at , this of , 18 . }

(Signature.)

FORM E.

Certificate of the Mayor or of a Councillor in his absence.

I, the undersigned, , mayor of
the municipality of , county of
hereby certify that C D
(name of the insane person) is a person who should be detained in a lunatic asylum, that he does or does not (as the case may be) possess sufficient property to pay, wholly or in part, the expenses of his maintenance in the said asylum or (1) (that in his default) that (names of the persons who are liable for his maintenance) possess sufficient means to allow of their becoming responsible to the province for the board of the said C D.

(Signature)

M. N.,
Mayor.

FORM F.

Warrant to apprehend a dangerous lunatic.

Province of Quebec, }
District of }

To all or any of the constables or other peace officers in the district of (or county of) :

(1) The persons obliged by law to support the insane are those mentioned in articles 165 and following of the Civil Code to wit : the husband or wife, father, mother, children.

Whereas information upon oath, has been laid before me (or us) one (or, as the case may be) of Her Majesty's justices of the peace, in and for the district of (or county of) , by A. B. of , that C. D., of , is insane and dangerous to be at large :

These are therefore to command you, the said constables or other peace officers or any of you, in the name of Her Majesty, to apprehend the said C. D., and to bring him before me (or us) or any one of the justices of the peace, in and for the district or county of , in order that inquiry may be made respecting the mental condition of the said C. D., and that proceedings may be had according to law.

Given under my (or our) hand and seal, at this day of , in the year of our Lord, 18 .

[L.S.]

Justice of the Peace.

FORM G.

Warrant of committal for safe custody pending inquiry.

Province of Quebec, }
District of }

To all or any of the constables or other peace officers in the district of (or county of) , and to the keeper of the common gaol of :

Whereas on the day of the month of , information upon oath was laid before me (or us) one (or, as the case may be) 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 the hearing of the complaint is fixed for the day of , at o'clock in the noon, in the court room, at (*indicate the locality*), and it is necessary that the said C. D. should be kept in safe custody ;

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 C. D., to the common gaol of in the district of , and there to

deliver him into the hands and custody of the keeper of the said goal, together with the present warrant, (or to keep him in your custody or deliver him into the custody of
, as the case may be.)

And I (or we) require you to convey the said C. D., at the time and place at which such hearing is so fixed as aforesaid, before such justice (or justices) of the peace for the said district (or county) of _____ as may then be there to make further enquiry respecting his mental condition, and to be further dealt with according to law.

Given under my (or our) hand and seal, at
this _____ day of _____, in the year of
our Lord, 18 _____.

[L. S.]

Justice of the Peace.

FORM H.

Final Warrant of confinement.

Province of Quebec, }
District of _____ }

To all or any of the constables or other peace officers in the district of (or county of) _____ and to the proprietors of the lunatic asylum of _____ :

Whereas information has been laid before me, (or us) one (or, as the case may be) of Her Majesty's justices of the peace, in and for the district of (or county of) _____, upon the oath of _____, that C. D., is insane and dangerous to be at large ;

And whereas inquiry has been made by me (or us) respecting the mental condition of the said C. D. ;

And whereas I (or we) have found and adjudged the said C. D., to be insane and dangerous to be at large :

These are therefore to command you, the said constables or other peace officers, or any of you, to take the said C. D., and safely convey him to the Insane Asylum known as the _____ and then and there to deliver him into the custody of the proprietors of the said Asylum, together with this warrant ; and I (or we) command you, the said proprietors of the said Asylum, to receive the said C. D., into your custody, and him safely keep, until the pleasure

of the Lieutenant Governor be known, or until he be discharged according to law.

Given under my (or our) hand and seal, at
this day of , in the year of our
Lord, 18 .

[L.S.]

Justice of the Peace.

FORM I.

Warrant to apprehend an escaped patient.

Province of Quebec, }
District of }

Asylum for the insane of

To and to all the constables or peace officers
of the county of , in the district of :

Whereas on the day of the month of ,
being within one month from , C. D., an
insane inmate of the asylum for the insane of , of
which I am the house physician (or assistant house physi-
cian, *as the case may be*), did escape from the said asylum.

These are therefore to command you, the said constables
or peace officers, in Her Majesty's name to apprehend the
said C. D., and safely convey him to this asylum and deliver
him into my charge.

Given, under my hand and seal, at , this
day of the month of , in the year of our
Lord, 18 .

[L. S.]

House Physician
or Assistant House Physician (*as the case
may be*).

FORM J.

Application for temporary discharge of patient.

I (degree of relationship) of (name of patient) confined in the Asylum of , admitted on (date of admission) request from the medical board permission to keep with me the said ; and I undertake to take care of the said , so long as he so remains with me, and this for the space of time of , from this date, and to furnish the said medical board every days, a report upon the physical and mental condition of the said , during the said period.

I further undertake to bring back the said to the said Asylum upon the expiration of the delay fixed or whenever I shall be thereunto required by the medical board, the whole without any charges and without costs.
 Dated at , this { (Signature of Applicant.)
 day of , 188 . { (Address.)

Witnesses :— {
 {

CAP. XXXV.

An Act to amend article 116 of the Notarial Code (46 Victoria, chapter 32.)

[Assented to 9th May, 1885.]

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

46 V., c. 32,
amended.

1. Article 116 of the Notarial Code (46 Victoria, chapter 32) is amended by replacing the figures "174," in the ninth line thereof, by the figures "114."

Effect of fore-
going amend-
ment.

2. This act shall have the same effect as if the figures "114," substituted for the figures "174," by the preceding section, had formed part of section 116 of the Notarial Code at the time of its sanction.

Coming into
force.

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