

CAP. XXI.

An Act to amend the act 33 Victoria, chapter 26, intituled :
 "An act to provide for the interdiction and cure of
 habitual drunkards."

[Assented to 10th June, 1884.]

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

1. Sections 15, 16 and 17 of the act 33 Victoria, chapter 26, ss. 15, 16 and 17 are repealed, and the following provisions substituted therefor :

"15. Whosoever wishes to establish or manage a private establishment, intended for the treatment of habitual drunkards, shall petition the Lieutenant-Governor in council for such purpose." Proceedings to be taken to keep establishment for habitual drunkards.

"16. He shall establish :

1. That he is of the full age of majority and in the exercise of his civil rights; Required proof.

2. That he is of irreproachable morals;

3. That he is a physician; or, if not a physician, that he has secured the services of a physician, who shall be approved of by the government, who may always dismiss him."

"17. In the case of such dismissal of such physician, sufficient notice shall be given to the director, who shall be obliged to replace him to the satisfaction of the government; in default whereof the establishment shall be closed within eight days after notice given to him to that effect." Provision as to replacing physician.

"18. The petitioner shall specify in his demand the number and sex of the patients which the establishment can contain; and mention thereof shall be made in the authorization." Number and sex of patients to be maintained.

"19. He shall declare whether the establishment shall be devoted solely to habitual drunkards, or if he will receive other patients." Declaration as to patients to be received.

In the latter case, he shall establish by the production of a plan of the building, that the part set aside for habitual drunkards is entirely separated from that set apart for the treatment of other patients." Part of building to be set aside for habitual drunkards.

"20. He shall establish :

1. That the establishment is perfectly healthy in itself and its surroundings; Required proof.

2. That it can always be supplied with a sufficient quantity of pure water.

3. That, by its subdivision, it allows of the complete separation of the sexes;

4. That every precaution has been taken, either in the building or in the number of guardians, to ensure proper attendance and supervision in the establishment."

Replacing of director.

"21. The director of the establishment may, in advance, agree with the government upon a person who will undertake to replace him in case he ceases to carry out his duties owing to suspension, judicial interdiction, absence, insolvency or other cause.

Duties of heirs of director.

In case of death, his heirs or assigns shall be obliged, within eight days thereafter, to appoint a new director to fill, either temporarily or permanently, his duties; in default whereof, the establishment shall be closed within eight days after a notice to that effect given to them"

Increase of number of patients.

"22. Whenever the director of any such establishment wishes to increase the number of the patients which he has been authorized to receive therein, he shall make application therefor and establish that the original or additional buildings and dependencies are suitable and sufficient."

Residence of director.

"23. The director shall live in or near the establishment, which shall, at all times, be submitted to the control of the government and be subject to the visits and orders of the inspectors of prisons and asylums, and approved by the Lieutenant-Governor in council."

Control of establishment.

Withdrawal of authorization for certain reasons.

"24. The withdrawal of the authorization may be pronounced according to the gravity of the circumstances, in any case of infringement of the above mentioned laws and orders, and especially in the following cases:

1. If a larger number of persons than that fixed in the permit be received;

2. If patients suffering from diseases other than those he declared that he intended to treat be received;

3. If the locality be so changed or modified as to become unsuited for the purpose, or if the precautions prescribed for the safety of the patients are not constantly observed;

4. If any breach of the provisions concerning the interior service occurs as respects morals;

5. If inhuman treatment has been employed towards habitual drunkards."

Control during investigation.

"25. During the investigation respecting the withdrawal of the authorization the establishment shall be under the control of the inspectors of prisons and asylums thereto appointed by the government."

Conditions of authorization.

"26. The granting of the authorization and its continuation shall be subject to the orders and regulations passed for that purpose by the Lieutenant-Governor in council who, at the same time, shall define the powers and privileges as well as the duties and obligations of the director of such establishment."

" 27. The directors of private establishments, now in existence shall, within three months after the coming into force of this act, procure an authorization in the form prescribed by the preceding sections ; in default of so doing, the withdrawal of the authorization shall be pronounced, and the said directors shall close their establishments within a delay of eight days from the notice given to them to that effect."

Authorization to be procured by directors.

Existing private establishments.

" 28. Whosoever shall contravene the foregoing provisions shall be liable to a fine of not less than fifty dollars or to an imprisonment of two months in default of payment."

Penalty for infringing provisions.

" 29. All suits for infringement of the provisions of this act, shall be instituted by one of the inspectors of prisons and asylums in his own name for Her Majesty, before any court of competent jurisdiction in this province."

Suits by and before whom brought.

2. The said act 33 Victoria chapter 26 is further amended by adding after section 7 the following sections.

33 V., c. 26, further amended.

" 7a. The judgment ordering the interdiction may also order, if it have been prayed for, that the person interdicted shall be confined in an establishment for habitual drunkards, for such space of time as may be deemed necessary."

Judgment may order confinement in certain establishment.

" 7b. Such order may, if not then obtained, be applied for and obtained subsequently upon sufficient proof, upon petition presented to one of the judges of the Superior Court having jurisdiction in the district in which the interdicted person has his domicile, by observing the formalities prescribed in sections 5, 6 and 7 of this act."

Order may be obtained afterwards.

" 7c. The judgment shall, in all cases, mention the name of the establishment in which the person is to be confined, the duration of the confinement, the name or names of the persons who are to carry out the order, a certified copy whereof shall be given to the director of the establishment at the same time as the person is confided to his care."

Contents of judgment.

" 7d. No person shall be kept or retained against his will by the director of one of these establishments, unless he be authorized by an order of one of the judges of the Superior Court as above mentioned."

Judgment required to detain person against his will.

" 7e. Such order for confinement may be suspended or cancelled at any time by one of the judges of the said Superior Court, upon summary petition accompanied by sufficient proof that the person may, in his own interest and in that of his family, be released."

Order may be suspended or cancelled.

" 7f. Any person, on his admission in writing, signed before a judge of the Superior Court, that he is an habitual drunkard, and that he wishes to be confined in one of the said asylums for the time by him specified, may be admitted into such asylum for the space of time specified by the judge at his request, and such declaration shall be given to

Confinement on voluntary admission.

the director of such establishment and shall be a sufficient authorization for the detention of such person therein during the time mentioned in his declaration."

Provisions for retaking escaped inmates.

"7g. In case any person confined in one of the said asylums shall escape therefrom, it shall be the duty of the director or visiting physician to cause such person to be arrested by any person without a warrant, within forty eight hours after his escape, and to be brought back to the said asylum, and during one month after his escape, under a warrant, under the signature of either of them, in accordance with the form A, annexed to this act, and the said person so arrested shall be again confined in the said asylum from whence he escaped, for the same reasons and under the same authority as before his escape."

Number of establishments limited.

"7h. There shall not be more than four establishments for the reception and treatment of habitual drunkards in this province."

Provisions to be complied with within three months by fathers, &c., of persons now confined.

3. The father, mother, relative, tutor, curator or friend of any person confined in any of the above mentioned establishments before the passing of this act, shall, within three months from its sanction, comply with the provisions thereof; in default of which the persons, so confined, may obtain their release according to the provisions of this act.

Coming into force.

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

FORM A.

WARRANT TO ARREST AN ESCAPED PATIENT.

Province of Quebec, }
District of . }

Asylum of

To , and all and every the constables and peace officers for the county of , in the district of .

Whereas on the day of the month of one thousand eight hundred and , being within one month from , C. D., a patient detained in the asylum of , at , of which I am the (director or visiting physician) did escape from the said asylum.

These are therefore to command you and the said

constables and peace officers, in Her Majesty's name, to retake the said C. D. and safely to convey him to this asylum and deliver him to my charge.

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

Director or Visiting Physician.

CAP. XXII.

An Act to further amend the Québec General Mining Act of 1880.

[Assented to 10th June, 1884.]

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

I. The following sections are added to the Québec General Mining Act of 1880 (43-44 Victoria, chapter 12), after section 3 :

"3a. As respects the Crown, such mining rights, so tacitly reserved, shall be property separate from the soil covering such mines and minerals comprised in such rights, and shall constitute a property under the soil which shall also be public property, independent from that of the soil which is above it, unless the proprietor of the soil has acquired it from the Crown as a mining location or otherwise, in which case both the soil and the property under the soil form but one and the same private property."

"3b. However, whenever a person who has become owner of the soil and of the property under the soil, under any title, before the passing of this act, sells, hypothecates, leases or affects the mining rights in such property to another person, under article 2099 of the Civil Code of Lower Canada, such soil and the property under the soil again become two properties perfectly distinct and independent from each other, for all lawful purposes, as they were when in the possession of the Crown ; so that the sale, judicial or otherwise, of one of these properties, does not in any way affect the other."

"3c. It is, however, well understood that the rights acquired over such property, during the confusion in the ownership of the soil and of the property under the soil, are in nowise affected by the subsequent sale of mining rights, and the division of the property in the soil and of that under the soil arising therefrom under this act ; except