

And the word: "sheriff," includes all sheriffs in the judicial districts of the province of Quebec.

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

CAP. XIV.

An Act respecting Lunatic Asylums subsidized by the Government of the Province of Quebec.

[Assented to 24th July, 1880.]

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

PRELIMINARY.

1. All lunatic asylums, subsidized by the legislature, shall be under the control of the government of the province of Quebec. Control of lunatic asylums.

2. The commission of the Beauport Lunatic Asylum, which was in existence prior to the 31st October, 1879, and was abolished by the act of this province, 42-43 Victoria, chapter 13, shall continue to be abolished, any act, order in council or agreement, to the contrary notwithstanding. Abolition of the Beauport Lunatic Asylum commission.

All documents, registers and papers, respecting the insane, already transmitted by the secretary of the said commission, to the Provincial Secretary, shall remain in the possession of the latter; and every other document which has not been transmitted, shall be sent to him within ten days from a notice to that effect.

No other commission shall be hereafter appointed for such asylum.

PART FIRST.

ADMISSION OF THE INSANE.

3. Insane persons only who have not themselves or through some relatives bound by law to support them, the means of paying, in whole or in part, the expense of their maintenance in a lunatic asylum, shall be admitted into, and confined in asylums subsidized by the province, at the expense of the government. Insane who may be admitted at expense of the province.

4. Idiots or imbecile persons shall not be admitted into, or confined in asylums, at the expense of the government. When idiots or imbeciles

may be
admitted.

and of a municipality, unless they be dangerous or a source of scandal, subject to epileptic fits or afflicted with any monstrous deformity.

Mode of
admission.

5. In order to obtain the admission of an insane person into one of the provincial asylums, at the expense of the government, it shall be necessary that a relative, friend or guardian of the patient make, application therefor, by a letter addressed to the Provincial Secretary.

Certificates to
accompany
application.

6. Such application shall be accompanied by three certificates, respectively made out in the forms A, B and C of Schedule 1 to this act.

Form A.

1. The form A shall be signed by three citizens, residing in the same place as the patient;

Form B.

2. Form B shall be signed by a physician, establishing the mental condition of the patient, and the said physician shall declare in case of idiocy and imbecility, whether the patient belongs to a class of idiots or imbecile persons, who, under section 4 of this act, may be admitted into, or confined in an asylum, at the expense of the government, and shall specially set forth the reasons upon which his opinion is founded;

The signatures to forms A and B shall be attested and acknowledged before a Justice of the Peace, in accordance with the provisions of the Act of the Parliament of the Dominion of Canada, (37 Vict., chap. 37.)

Form C.

3. Form C shall be signed by the mayor and secretary-treasurer of the municipality in which the patient resides; and it shall be certified therein, that the patient is a person who should be confined in a lunatic asylum, and whether such patient himself has, or the persons who are obliged by law to support him, have sufficient means to pay, in whole or in part, the costs of boarding and lodging such patient in the said asylum.

Proceedings
on receipt of
application
with cer-
tificates.

7. On receipt of the application and certificates A, B and C, the Provincial Secretary shall submit them to the visiting physician of the asylum in which the admission of the patient is sought; and on his report, the Provincial Secretary shall grant or refuse the petition, and shall give notice thereof to the interested parties.

Monthly re-
ports by
proprietors
and physi-
cians of
asylum to
the visiting
physician.

8. Within the three first days of each month, the proprietor or superintendent of the asylum, or the physician employed by them, shall be bound to give to the visiting physician, a report respecting the mental condition of the patients admitted into the asylum in the course of the previous month, at the expense of the Government, and

upon all those who, in their opinion, may or should be discharged.

The visiting physician shall, on his part, make a separate report, for the same purpose, and shall transmit the said report to the Provincial Secretary with all the written information in his possession.

Report of
visiting
physician to
provincial
secretary.

9. In the event of a difference of opinion in the report of the proprietor or superintendent of the asylum, or of the physician employed by them, and that of the visiting physician upon the mental condition of the patients and the advisability of discharging some one of them from the said asylum, the Lieutenant Governor, in council, may, at any time, send some competent person to examine the patients mentioned in the said reports, and to procure such information as may be necessary to ascertain their mental condition and the reasons which might authorize their further confinement in the said asylum.

Case of differ-
ence of opinion
in such reports.

Such person shall, without delay, make a report on such examination to the Provincial Secretary.

10. On receiving such reports, the Provincial Secretary shall send, to the proprietor of the asylum, such order as he may deem expedient, to discharge any patient, which order shall be carried out within eight days from the receipt thereof; and, from and after the expiration of such eight days, the patients mentioned in the said order, shall no longer be paid for by the government.

Duties of
prov. secy.
on receiving
such reports.

11. For the purposes of sections 8 and 9 of this act, the visiting physician and the person appointed under section 9, shall have access, at any time, to all parts of the asylum, in which are confined the persons mentioned in the said reports, and they may also, when they 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 documents or books relating to lunatics confined at government expense.

Access to
asylum by
visiting
physician.

12. Any person, who has the legal charge of a patient in an asylum, may obtain his release, by addressing to the Provincial Secretary, a petition accompanied by a declaration by which he shall bind himself to take care of the patient.

Insane may
be discharged
upon certain
conditions.

Whenever the Provincial Secretary shall be convinced by the report of the visiting physician, that the patient may be discharged without danger, he shall give an order in consequence, which shall be executed by and at the expense of the person making such petition.

Order of
Provincial
Secretary.

Above provisions, not to apply to certain insane.

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

Resident physician to be in each asylum.

14. The proprietors of each of the said asylums, in this province, shall appoint and keep, at their own expense, a physician who shall reside in such asylum or in its immediate neighborhood.

LUNATICS IN GAOLS.

Persons found to be insane.

15. Whenever the sheriff or other competent officer, shall have reported to the Provincial Secretary, that any person, confined in any of the prisons of this province, for any cause whatsoever, is insane, the Provincial Secretary shall cause such person to be examined by one of the visiting physicians of an asylum, or by any other physician by him appointed; and if the report of such physician establishes the insanity of such person, the Provincial Secretary shall recommend his removal to a lunatic asylum, and the Lieutenant Governor may issue his warrant in consequence.

Physician's report in such case.

16. The physician who examined such patient shall send, with his report, to the Provincial Secretary, his certificate in accordance with form B of schedule 1 to this act.

Insane recovering reason, in asylums.

17. On the report of a visiting or any other physician appointed for such purpose, with the information supplied by the proprietors or resident physicians which may accompany the same, establishing that an insane person confined in an asylum, under the authority of chapter 109 of the Consolidated Statutes of Canada, or the Act, 32-33 Vict., chap. 29, has recovered the use of his reason, the Lieutenant Governor shall, on 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.

PART SECOND.

DANGEROUS LUNATICS.—THEIR IMPRISONMENT.

Warrant of arrest by justice of the

18. When information is laid under oath, before a justice of the peace, that any person is insane and dangerous and

has exhibited by his conduct, a propensity to commit some crime, for which such person would be liable to be indicted, such justice of the peace may issue a warrant, according to form 1 of schedule 2 to this act, and cause such person to be arrested and brought before him or any other justice of the peace for the same district.

19. 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.

It shall be addressed to all and every the constables or peace officers of the district.

20. Such warrant may be issued and signed by several justices of the peace, if the information be laid before them.

PROCEEDINGS.

21. The proceedings, prescribed in the following sections, may be had before several justices of the peace.

22. Any justice of the peace, before whom a person arrested, is brought may, by a warrant issued to that effect, according to form 2 of schedule 2 to this act, commit such person to gaol, or to the custody of the officer who arrested him or of any other person whom he may deem fit, for a period not exceeding three days;

And, in such case, the said 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.

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

23. When the person in custody is brought before the said justice of the peace, the informant shall make a declaration under oath, of the facts establishing the insanity of the person so arrested, his last known domicile, his means of subsistence, and those of his family, and shall generally answer all the questions mentioned in form A of schedule 1 to this act.

24. In addition to the declaration made by the informant, the said justice of the peace shall, with reference to the facts mentioned in the next preceding section, require the sworn evidence of the mayor, or of another justice of

the peace, or of a clergyman of the locality in which the information is laid, as also the certificate of a practising physician.

Power of
justice to
hear other
witnesses.

25. It shall be lawful for the said justice of the peace, to hear under oath, all such other witnesses as he may deem necessary in order to establish before him, in a satisfactory manner, the facts to which the questions mentioned in form A of schedule 1 to this act relate.

Discharge
of person in
custody, &c.

26. If, after the aforesaid examination and hearing sufficient evidence, the justice of the peace is 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.

Imprisonment
as the case
may be.

27. If, on the contrary, the justice of the peace is of opinion that such person is insane and dangerous to be at large, he shall, by his warrant in accordance with form 3 of schedule 2 to this act, order such person to be imprisoned in the common gaol of the district, until the pleasure of the Lieutenant Governor be known, or until he be discharged by law.

Transmission
of depositions,
and certificates
to gaoler.

28. The justice of the peace shall forthwith send, to the gaoler or keeper of the gaol to which such insane person is committed, the depositions taken before him, the physician's certificate mentioned in section 24, and the vouchers and documents relating to the proceedings had before him, as well as a statement of the costs incurred in the arrest of the insane person, of the investigation and of his transfer to gaol.

Certified.

All the documents, so sent to the gaoler or keeper of such gaol, shall be certified by the said justice of the peace.

Transmission
by gaoler
to sheriff.

On receiving such documents, the gaoler or keeper of the gaol shall forthwith deliver them to the sheriff of the district in which such gaol is situated.

Sheriff to
transmit
papers to
prov.-secy.
with report
upon mental
condition of
person in
custody.
Order of lieut.
governor.

29. It shall be the duty of the sheriff of the said district, so soon as the said documents have been forwarded to him, to submit them to the physician of the gaol, who, without delay, shall examine such person so detained, and transmit to the Provincial Secretary, the said documents, with a report upon the mental condition of the said person;

And on reception of the said report, if it establishes that such person should be transferred to a lunatic asylum, the Lieutenant Governor shall immediately order that such person be transferred to the lunatic asylum which he may be pleased to indicate.

If, on the contrary, the report of the physician of the gaol establishes that such person so detained, is not one who should be confined in a lunatic asylum, the Lieutenant Governor shall immediately order his release. The same.

30. As soon as the person in custody shall have been so transferred to a lunatic asylum, the sheriff of the district shall forward to the secretary-treasurer of the municipality in which such person last had his domicile, a notice stating the name of the asylum in which he is to be placed and the date of the Lieutenant Governor's order under which he has been so placed in such asylum. Notice by sheriff of name of asylum sent to municipality.

GENERAL PROVISIONS.

31. Every person admitted into a lunatic asylum, at the expense of the Government, under the provisions of this act, who shall have resided within the limits of a municipality, for six months previous to the date of his admission into such asylum, and the persons bound by law to provide for and support him, who shall have resided within the limits of the said municipality, during the same period, shall be deemed to have their domicile within such municipality. Duration of residence required to obtain a domicile.

COST OF MAINTENANCE.

32. In all cases where an insane person shall be confined in an asylum, upon an order of the Lieutenant Governor or of the Provincial Secretary, under the provisions of this act, the cost of maintaining such insane person, in the said asylum, shall be paid, one-half by the Government and one-half by the municipality in which the insane person shall have last had his domicile as hereinabove declared. By whom costs of maintaining insane are paid.

33. On or before the fifteenth day of January in each year, the proprietor or superintendent of each lunatic asylum in the Province of Quebec, shall send to the sheriff of the district in which the asylum is situated, a list of the names of the insane persons confined in the said asylum, at government expense, their last domicile when they were admitted into the asylum, and the cost of their maintenance for the previous year. List of insane to be annually furnished by proprietor.

34. On receiving such list, the sheriff shall send forthwith to the secretary-treasurer of each municipality, indicated in such list, as being the last domicile of any of the insane persons therein mentioned, an extract duly Extract from list to be furnished to proper municipalities by sheriff.

certified by him, from the said list, containing the names of the insane persons towards whose maintenance the said municipality is bound to contribute, as well as the cost of maintenance of such insane persons during the previous year.

Notice to pay over.

Notice shall, at the same time, be given by the sheriff to the secretary-treasurer of such municipality, to pay into his hands, on or before the first day of March then next, the amount due by such municipality for such share.

Recovery of amount with costs.

35. Such amount shall be recoverable by the Government, as well as the costs mentioned in the certificate, under section 28 of this act, by an ordinary suit against any municipality bound to support any insane person confined in an asylum at government expense.

Suit, in whose name, and against whom brought.

36. Such suit shall be taken by the sheriff of the district, in his own name, against every such municipality.

Each such sheriff may also take out, in his own name, any suit against the curator to and the tutor of the insane person, or against any other person obliged by law to provide for and support him, for the recovery of any sum paid by the government, under section 32 of this act.

Power of municipalities to be reimbursed.

37. It shall be lawful for any municipality which shall have so paid any sum of money to the Government for the maintenance of any insane person, confined in an asylum at government expense to obtain the repayment 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 support or provide for him.

Method of so doing.

Any law to the contrary notwithstanding, it shall be lawful for such municipality to obtain repayment by execution on the immovables of the insane person, or of those who are obliged by law, to support or provide for him, whatever may be the amount of the judgment it has obtained.

Amount paid is considered as any other claim that may be levied by taxation.

38. The amount, paid by any municipality under the provisions of this act, shall be considered as a claim which may be levied under the municipal code of this province, and it shall be levied and collected in the same manner as any claim of the same nature, from the rate-payers of the said municipality.

LUNATICS ESCAPING FROM AN ASYLUM.

Manner of arresting escaped lunatics

39. 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 forty-eight hours after his escape, without any warrant, or within a month after such escape, under a warrant to that effect, made out in accordance with form 4 of schedule 2, and issued by the visiting physician, and such lunatic shall be again confined in the asylum whence he escaped, for the same reasons and under the same authority as before his flight.

SUMMARY CONVICTIONS.

40. All provisions, now in force, respecting summary convictions shall apply to the proceedings had under this act by any judge, judge of the sessions of the peace, district magistrate, police magistrate or justice of the peace, except when the contrary is prescribed by this act.

FINAL PROVISIONS.

41. The following are hereby repealed :

1. Sections 7 and following of chapter 109 of the Consolidated Statutes of Canada, in so far as the Province of Quebec is concerned ;
2. The act of this province, 42-43 Victoria, chapter 3, and
3. All other provisions of law inconsistent with the provisions of this act.

Acts repealed.

S. 7 c. 109,
C. S.C.,
42-43 V., c. 13,
and all inconsistent provisions.

APPENDIX.

SCHEDULE I.

FORM A.—(Section 6.)

In the case of

of

, county of

:

Information required in cases of Application for Admission
of Patients into the Lunatic Asylum of

Friends or relatives of Patients, for whom application for admission is made, (Sheriffs or Wardens, in cases of Insane Prisoners,) are particularly requested, with the aid of the Physician, to furnish full and explicit answers to the following questions :—

- 1.—What is the Patient's Age ? | 1.—
- 2.—Is the Patient married or single ? If married, how long ?
How many children ? | 2.—
- 3.—What is the Patient's origin ? | 3.—
- 4.—Where was the patient born ? | 4.—
- 5.—Where is the Patient's place of residence ? | 5.—
- 6.—How long has the Patient resided in Canada ? | 6.—
- 7.—What has been the Patient's trade, occupation ? If a female, that of the husband or father ?
What their reputed pecuniary circumstances ? | 7.—
- 8.—What is the Patient's religion ? | 8.—
- 9.—What degree of education ?
Does he read and write ? | 9.—
- 10.—What is the Patient's rank in life ? | 10.—
- 11.—When were the first symptoms of disease manifested, and in what way ? | 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.—Is the disease variable, and are there rational intervals ? If so, do they occur at regular periods ? | 14.—

- | | |
|--|------|
| 15.—Have any 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 others? and if so, was it from sudden passion or premeditation? | 17.— |
| 18.—Has suicide ever been attempted? If so, in what way? Is the propensity now active? | 18.— |
| 19.—What are the patient's habits as to eating, sleeping, &c.? Is there a disposition to filthy habits, destruction of clothing, breaking glass, &c.? | 19.— |
| 20.—What relatives, including grand-parents and cousins, have been insane? | 20.— |
| 21.—Did the patient manifest any peculiarities of temper, habits, dispositions, or pursuits before the accession of the disease? any predominant passions, religious impressions, &c.? | 21.— |
| 22.—Was the patient ever addicted to intemperance in the use of ardent spirits, opium, tobacco, in any form, &c.? | 22.— |
| 23.—Has the patient 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, having any bearing upon the case, that may enlighten the physician upon the patient's condition? | 27.—

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

We, the undersigned, declare that the above answers are true, and we make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Act 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 }
the Peace for the District of }
at , this , 18 . }

(Signature,)

FORM B.—(Section 6.)

Province of Quebec, }
District of . }

I,
being a Physician, duly authorized to practise as such, hereby certify that I have, this day, separately from any other medical practitioner, visited and personally examined , the person named in the accompanying statement; and that the said is insane and a proper person to be confined, and that I formed this opinion from the following facts, which I certify to be true, viz.

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

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

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

(Signature),

FORM C.—(Section 6.)

Province of Quebec, }
District of . }

Certificate of the Mayor and Secretary-Treasurer.

We, the undersigned Mayor and Secretary-Treasurer of the municipality of , county of , hereby certify that C. D. (*name of the insane person*) is a person who should be confined in a Lunatic Asylum; that he (*or she*) possesses *or* does not possess (*as the case may be*) means sufficient to pay, in whole or in part, the expenses of his (*or her*) maintenance in the said Asylum (*or in his or her default*) that (1) (*names of the persons who are obliged to support him or her*) possess the necessary means to enable them to become responsible, towards the province, for the payment of the board of the said C. D. who is insane.

(Signature),

M. N.,
Mayor.

O. P.,
Secretary-Treasurer.

(1) The persons bound by law to the maintenance of patients are those mentioned in articles 165 and following of the Civil Code, viz: husband, w.f.e., father, mother and children.

SCHEDULE 2.

FORM 1.—(Section 18)

Warrant for apprehension of dangerous lunatics.

Province of Quebec, }
 District of . }

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

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 said 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, 188 .

[L.S.]

Justice of the Peace.

FORM 2.—(Section 22.)

Warrant of committal for safe custody pending enquiry.

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 ,
 last past, 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 same is fixed for the day of , at o'clock in the noon, in the court house, (*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 deliver him into the hands and custody of the keeper of the said gaol, together with the present warrant and 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 at in the year of our Lord, 183 .

[L.S.]

Justice of the Peace.

FORM 3.—(Section 27.)

Final Warrant of Commitment.

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 information has been laid before me, (*or us*) one (*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 liberty;

And whereas enquiry 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 common gaol of _____, and then and there to deliver him into the custody of the keeper of the said gaol, together with this warrant; and I (*or we*) command you, the said keeper of the said common gaol, to receive the said C. D., into your custody, and safely keep him, 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, 188 .

[L.S.]

Justice of the Peace.

FORM 4.—(Section 39.)

Warrant to retake escaped patient.

Province of [Quebec, }
District of . }

Asylum for the insane at

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 at _____, of
which I am the visiting physician, did escape from the
said asylum.

These are therefore to command you the said constables or peace officers in Her Majesty's name to retake 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, 188 .

[L.S.]

Visiting Physician.