STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

Third Year of the Reign of His Majesty KING GEORGE V.,

Being the Second Session of the Thirteenth Legislature of Ontario,

BEGUN AND HOLDEN AT TORONTO ON THE FOURTH DAY OF FEBRUARY IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND THIRTEEN

HIS HONOUR
SIR JOHN MORISON GIBSON, K.C.M.G.,
LIEUTENANT-GOVERNOR.

TORONTO:
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1913

CHAPTER 83.

An Act respecting Provincial Hospitals for the Insane and the Custody of Insane Persons.

Assented to 6th May, 1913.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Hospitals for the Insane Act. New.* Short title.

2. In this Act,— Interpretation—

(*a*) "Father" shall include stepfather, and "mother" shall include stepmother; "Father." "Mother."

(*b*) "Hospital" shall mean a provincial institution for the care and treatment of insane persons; "Hospital."

(*c*)

"Inspector."

(c) "Inspector" shall mean the Inspector designated by the Minister to inspect hospitals and public charities, under *The Prisons and Public Charities Inspection Act*, to whom is assigned the duty of inspecting Provincial Hospitals for the Insane;

3-4 Geo. V. c. 88.

"Minister."

(d) "Minister" shall mean the member of the Executive Council, charged for the time being with the administration of this Act;

"Patient."

(e) "Patient" shall mean any insane person committed to or detained in a hospital;

"Prescribed form."

(f) "Prescribed form" shall mean the form prescribed by the Regulations;

"Regulations."

(g) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of *The Prisons and Public Charities Inspection Act*. R.S.O. 1897, c. 317, s. 1. *Amended.*

3-4 Geo. V. c. 88.

Certain hospitals vested in the Crown.

3. The Hospitals at Toronto, London, Kingston, Hamilton, Mimico, Brockville, Penetanguishene, Cobourg and Orillia, and any other Hospital hereafter established for the custody and treatment of insane persons, and all the property and effects real and personal belonging thereto, shall be vested in the Crown. R.S.O. 1897, c. 317, s. 2. *Amended.*

Designation of hospitals for insane.

4. Such Hospitals shall be called "The Hospital for the Insane, Toronto," or "The Hospital for the Insane, London," or as the case may be. R.S.O. 1897, c. 317, s. 3. *Amended.*

OFFICERS.

Superintendent and officers, appointment of.

5.—(1) The Lieutenant-Governor in Council may from time to time appoint in each Hospital a superintendent, and such medical and other officers as may be deemed necessary.

Duties of superintendent.

(2) The superintendent shall be the chief executive officer and shall—

(a) direct and control the treatment of the patients;

(b) hire and discharge from time to time the nurses, attendants and employees;

(c)

(*c*) watch over the internal management, and maintain the discipline and due observance of the regulations prescribed for the government of Hospitals for the Insane;

(*d*) direct the training of nurses in accordance with the syllabus approved by the Minister;

(*e*) report conditions to the Inspector;

(*f*) report annually to the Inspector upon the affairs of the Hospital, with such suggestions as may in his opinion tend to its improvement. R.S.O. 1897, c. 317, s. 4. *Amended.*

The Bursar, appointment and duties of.

6. The financial business and affairs of each Hospital shall be conducted by an officer appointed by the Lieutenant-Governor in Council to be called the Bursar, who shall—

(*a*) report the state of the income and expenditure of the hospital to the Inspector quarterly, and to the superintendent monthly;

(*b*) perform such other duties as may be assigned to him under any regulations in force respecting Hospitals for the Insane, and in accordance with the direction of the Inspector. R.S.O. 1897, c. 317, s. 5.

ADMISSION TO HOSPITALS FOR THE INSANE.

No admission without order of Lieutenant-Governor or certificate of two Doctors.

7. No person shall be admitted into any hospital, except as a voluntary patient or upon the warrant of the Lieutenant-Governor, without the certificates (Form 1) of two legally qualified medical practitioners, accompanied by the family history, in the prescribed form, and the financial and estate history in the prescribed form, and upon notice having been received from the Superintendent of the said Hospital that there is a vacancy for the patient. R.S.O. 1897, c. 317, s. 7, *part, amended.*

Certificate by whom to be made.

8.—(1) Every such certificate shall state that the medical practitioner signing it, personally examined the patient, separately from any other medical practitioner, and after due enquiry into all necessary facts relating to the case of the patient found him to be insane.

Contents.

(2) The medical practitioner shall also in the certificate state the facts upon which he has formed his opinion, dis-

tinguishing the facts observed by him from the facts communicated to him by others; and every such certificate shall be signed in the presence of two subscribing witnesses and shall bear date within three months of the time of the admission of the patient. R.S.O. 1897, c. 317, ss. 7 *part* and 8.

Signature and attestation.

Date.

Effect of certificates as authority to detain.

9. The certificates when accompanied by the forms mentioned in section 7, shall be sufficient authority to any person to convey the patient to the hospital and to the authorities thereof to detain him therein, or to the authorities of any other provincial hospital for the insane to which the patient may have been or may be removed by the order of the Inspector to detain him in such hospital as long as he continues to be insane. R.S.O. 1897, c. 317, s. 9, *amended.*

Enquiry as to means of patient.

10.—(1) Upon due application for the admission of a patient the superintendent and bursar of the hospital shall make a full and thorough enquiry respecting the estate, either in existence or in prospect, of the patient, and of its sufficiency, free from all other claims by his family, to supply the means necessary for his maintenance and clothing in the hospital as provided by the regulations. *New.*

Bond to secure payment.

(2) The superintendent and bursar shall require from the father, mother or friends of the patient an agreement or bond to secure the payment of the patient's maintenance, either in whole or in part, and such agreement or bond shall continue in force so long as the patient is maintained in any provincial hospital for the insane.

Extent of obligation.

(3) Where the obligation is for a limited period, nothing herein shall extend the liability beyond the period limited. *New. See* R.S.O. 1897, c. 317, s. 10.

Agreement not to be a release of estate of patient.

(4) The giving of an agreement or bond shall in no way release the estate of the patient from its obligation to maintain and clothe him in the hospital as hereinafter provided. *New.*

Examination of destitute insane persons.

11.—(1) In any municipality where an insane person is in destitute circumstances, and is a fit subject for hospital treatment, application may be made to the head of the municipality for an examination to be made and certificates given, in accordance with sections 7, 8 and 9, and the head of the municipality, if satisfied that the insane person is in destitute circumstances, shall immediately notify two legally qualified medical practitioners to make the required examination.

Payment of expenses of examination, etc.

(2) The council of the municipality shall pay to each of the medical practitioners for the examination and certificate

a sum not exceeding $5, and twenty cents for each mile necessarily travelled, and shall also pay the necessary expenses incurred in conveying the patient to a hospital.

(3) Such sum shall be reimbursed to the corporation of the municipality by the corporation of the county, where the municipality is a part of the county for municipal purposes. R.S.O. 1897, c. 317, s. 11. Reimbursement.

ADMISSION OF VOLUNTARY PATIENTS.

12.—(1) The Superintendent of the hospital may receive and detain therein as a patient any person suitable for care and treatment, who voluntarily makes written application in Form 8, and whose mental condition is such as to render him competent to make application. Voluntary patients, how admitted.

(2) A person so received shall not be detained more than five days after having given notice in writing of his desire to leave the hospital. Limit of period of retention.

(3) The Superintendent shall within three days after the admission of the patient transmit to the Inspector the clinical record of such patient, and shall on the first day of each month transmit to the Inspector the names of all voluntary patients then remaining in the hospital. *New.* Clinical record.

PROCEEDINGS TO APPREHEND DANGEROUS INSANE PERSONS.

13.—(1) Where an information is laid before any justice of the peace that any person, within the limits of his jurisdiction, is or is suspected or believed by the person laying the information, to be insane and dangerous to be at large, such justice may issue his warrant, Form 2, to apprehend such alleged insane person, and to cause him to be brought before such justice or any other justice having jurisdiction in the locality. 6 Edw. VII. c. 61, s. 1, *part.* Apprehension of person believed to be insane and dangerous to be at large.

(2) Every such warrant shall be under the hand and seal of the justice, and may be directed to all or any of the constables or other peace officers of the locality within which the justice has jurisdiction, and shall name or otherwise describe the person against whom the information has been laid, and shall state that information has been laid on oath that such person is insane and dangerous to be at large. Warrant to apprehend, form of.

(3) The warrant shall order the person to whom it is directed to apprehend the person against whom the information Before whom returnable.

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mation has been laid and to bring him before the justice issuing the warrant, or before such other justice, in order that enquiry may be made respecting the sanity of such person, and that he may be further dealt with according to law. 6 Edw. VII. c. 61, s. 1, *part.*

Apprehension without warrant.

14. Any person apparently insane and conducting himself in a manner which in a sane person would be disorderly, may be apprehended without warrant by any constable or peace officer and detained in some safe and comfortable place, not being a gaol, lock-up, prison or reformatory until the question of his sanity is determined as prescribed by section 19. 6 Edw. VII. c. 61, s. 1, *part. Amended.*

Proceedings on apprehension.

15. Where the person alleged to be insane has been apprehended under a warrant or in the manner provided in the next preceding section, he shall be brought before a justice, having jurisdiction in the locality in which such person was apprehended, and the justice may thereupon by his order, Form 3, direct that such alleged insane person be confined in some such safe and comfortable place, or in the custody of the constable or other person who apprehended him, or such other safe custody as the justice deems fit until the question of his sanity is determined, but in no case shall such alleged insane person be committed to any gaol, lock-up, prison or reformatory. 6 Edw. VII. c. 61, s. 1, *part.*

Order.

Appointment of medical examiners.

16.—(1) The Minister may appoint one or more legally qualified medical practitioners in any territorial division for the purposes of this section. 6 Edw. VII. c. 61, s. 1, *part.*

Examination made by two medical practitioners.

(2) Immediately upon the apprehension of an alleged insane person the justice before whom he is brought shall notify one of such medical practitioners, if any have been appointed, and one other legally qualified medical practitioner, or if no medical practitioner has been so appointed the justice shall notify two legally qualified medical practitioners, and shall cause an examination to be made in the manner provided in sections 7 and 8. 6 Edw. VII. c. 61, s. 1, *part.*

Hearing of evidence; enquiring among friends, etc.

17.—(1) The justice, in addition to the examination in the next preceding section prescribed, shall hear such evidence upon oath as may be adduced with reference to the insanity of the said alleged insane person and shall direct that enquiry be made as to his friends or relatives in order that the evidence of some person or persons who is or are acquainted with his family and previous habits may be had,

and

and for the purpose of ascertaining whether the alleged insane person is possessed of any and what property, and where the same is situate, and also as to the number of persons, if any, dependent upon him for support, and to elicit, as far as possible, all information in respect to the matters mentioned in Form 7; but if the justice finds that such enquiries will be expensive, or that sufficient information has been obtained by other means, he shall not be required to make the enquiries by this section directed. 6 Edw. VII. c. 61, s. 1, *part*.

Information required by.

(2) The justice may from time to time adjourn the enquiry, and again commit to custody, as prescribed by section 15 until proper enquiry is made as directed by this section. 6 Edw. VII. c. 61, s. 1, *part*.

Adjournment of enquiry.

18. Where the medical practitioners do not agree in opinion as to whether such person is or is not insane, they or any of them, may again examine him within one week after the first examination, and either of them may give a new certificate if upon such further examination he changes his opinion as to the mental condition of such person. 6 Edw. VII. c. 61, s. 1, *part amended*.

Medical practitioners may re-examine on disagreement.

19. If, after reasonable enquiry has been made by the justice as herein directed, he is satisfied that such alleged insane person is not insane and dangerous to be at large, the justice shall forthwith discharge such person, but if after such enquiry he is satisfied that such alleged insane person is insane and dangerous to be at large, he shall certify accordingly, Form 4; but in every case, unless both the medical practitioners making the examination agree that such person is insane the justice shall forthwith discharge him. 6 Edw. VII. c. 61, s. 1, *part*.

Discharge of persons when not found insane.

Certificate by justice when person insane and dangerous to be at large.

20.—(1) The justice shall immediately transmit to the Inspector his certificate and the certificates of the medical practitioners, and the information, warrant and depositions taken before him, accompanied by a written statement of the result of his enquiries as to the financial condition of such insane person and the person or persons legally liable for his maintenance, and as to the other matters mentioned in Form 7, so far as ascertained, and giving the present address of such insane person, and the name and address of the person in whose custody he is.

Certificates, etc., to be sent by Justice to the Inspector.

(2) The Inspector, on receipt of such documents, shall at once arrange for the admission of such insane person to a hospital and shall issue a warrant in the prescribed form for his transfer thereto. 6 Edw. VII. c. 61, s. 1, *part*.

Inspector to make provision for removal to hospital.

Expenses determining insanity and conveying to hospital.

21.—(1) The costs properly incurred in determining the question of the sanity of an alleged insane person under the provisions of sections 13 to 25, including the fees, not exceeding $5 each, and an allowance not exceeding twenty cents per mile for travelling expenses of the medical practitioners, and the necessary expenses of the removal and admission of such person to a hospital, and the expense, if any, of providing proper clothing for him shall be paid by the corporation of the county, city or separated town in which such person has been apprehended.

When payable by county in which apprehended.

When payable by county in which last resided, and recoverable therefrom

(2) If such person had not prior to his being apprehended resided in such county, city or separated town for one year, but had resided for that period in some other county, city or separated town, then such expenses may be recovered back by the corporation of the county, city or separated town in which such person was apprehended from the corporation of the county, city or separated town in which such person had last resided for one year; or if such person, although he had resided for one year in the county, city or separated town in which he was apprehended, had since such residence been a resident for one year in some other county, city or separated town, then in like manner such expenses may be recovered back by the corporation of the county, city or separated town in which such person was apprehended, from the corporation of the county, city or separated town in which such person last resided for one year.

County, city or separated town may recover expenses paid by it from estate.

(3) Where the person certified by the justice to be insane and dangerous to be at large is not in destitute circumstances, the expenses referred to in subsection 1, paid by the corporation of any county, city or separated town in which such person has been apprehended may be recovered by it from the estate of such person or from the person legally liable for his maintenance, and the same shall be a charge against the estate of such person, or shall be paid by the person legally liable for his maintenance. 6 Edw. VII. c. 61, s. 1, *part.*

Application of Summary Convictions Act.

22. A justice in making an inquiry, shall have the like authority for compelling the attendance of witnesses as he would have if acting under *The Ontario Summary Convictions Act*, and all the provisions of that Act as to procedure shall apply as nearly as may be to proceedings under this Act, and an appeal from his certificate shall lie to the judge of the county or district court. R.S.O. 1897, c. 317, s. 24. *Amended.*

10 Edw. VII. c. 37.

INSANE PRISONERS.

23. The Lieutenant-Governor, upon such evidence of the insanity of any person imprisoned in any prison other than a penitentiary for an offence under the authority of any of the statutes of Ontario, or imprisoned for safe custody charged with an offence, or imprisoned for not finding bail for good behaviour or to keep the peace, as the Lieutenant-Governor considers sufficient, may by warrant order the removal of such insane person to a place of safe keeping; and such person shall remain there, or in such other place of safe keeping as the Lieutenant-Governor from time to time orders, until his complete or partial recovery is certified to the satisfaction of the Lieutenant-Governor, who may then order such insane person back to imprisonment, if then liable thereto, or otherwise to be discharged. R.S.O. 1897, c. 317, s. 26, *amended*, and *see* R.S.C. c. 146, s. 970.

Removal of prisoners from gaols to hospitals for insane.

24.—(1) A judge or deputy judge of the county or district court of the county or district in which is situate the prison, not being a penitentiary, in which any person imprisoned for an offence is confined, if such person is in the opinion of the prison surgeon, insane, may, and if required by the regulations, shall, as soon as conveniently may be, cause to be made in respect of such prisoner inquiries similar to those directed to be made by sections 16 to 19. R.S.O. 1897, c. 317, s. 27.

Inquiries as to property, etc., of a person in gaol.

(2) The provisions of sections 20, 21 and 22 shall apply *mutatis mutandis* to inquiries made under this section. R.S.O. 1897, c. 317, s. 28.

Application of sections 20, 21 and 22.

25. Where the Judge and the medical practitioners, upon making a personal examination of the prisoner, do not agree in opinion as to whether his is or is not insane, they, or any of them, may again examine him and may give a new certificate if upon such further examination they change their opinion as to his mental condition. R.S.O. 1897, c. 317, s. 29.

Where examiners do not agree as to the mental state of a person committed as insane a second examination may be made.

26. A warrant for the removal of any insane person to a hospital, may be issued, notwithstanding any irregularity or insufficiency in the warrant or order under which such person is imprisoned or confined or in any of the proceedings before the justice or the judge. R.S.O. 1897, c. 317, s. 34. *Amended.*

Order for removal.

DISCHARGE.

27. Persons admitted to a hospital by warrant may be discharged by the Lieutenant-Governor, by the Inspector, or by

Discharge by Lt.-Governor or superintendent.

by the superintendent, in accordance with the Regulations. R.S.O. 1897, c. 317, s. 32. *Amended.*

REMOVAL FROM A HOSPITAL FOR THE INSANE TO COUNTRY OF ORIGIN.

When return may be ordered.

28. Upon its appearing to the Lieutenant-Governor that any insane person detained in a hospital has come or been brought into Ontario from elsewhere, within thirty days prior to his committal to such hospital, the Lieutenant-Governor, may, by his warrant, authorize the removal of such person to the province or country from which he has so come or been brought. R.S.O. 1897, c. 317, s. 36.

ESCAPE AND RECOMMITTAL.

Apprehension on escape from hospital for the insane.

29. If a patient escapes from a hospital, any officer or servant of the hospital, or any other person, at the request of any such officer or servant, may without warrant, within forty-eight hours after such escape, and within one month after such escape where a warrant, in the prescribed form, has been issued by the superintendent, retake such escaped person, and return him to the hospital, and he shall remain in custody therein under the authority by virtue of which he was detained prior to the escape. R.S.O. 1897, c. 317, s. 38.

Superintendent of hospital may give over patient to custody of his friends.

30.—(1) If the superintendent considers it conducive to the recovery of any person detained in the hospital that he should be committed for a time to the custody of his friends, the superintendent may allow him to return on trial to them upon receiving a written undertaking, in the prescribed form, by one or more of the friends of such person, that he or they will keep an oversight over him. R.S.O. 1897, c. 317, s. 39.

Cases of imprisonment for offences excepted.

(2) Nothing in this section shall authorize the temporary discharge of any person imprisoned for an offence, the period of whose sentence has not expired. R.S.O. 1897, c. 317, s. 40.

Recommittal to hospital for the insane from custody of friends.

31. If within six months from such temporary discharge, the patient again becomes dangerous to be at large, the superintendent by whom he was discharged, by his warrant in the prescribed form, directed to any constable or peace

officer

officer or other person, or to all constables or peace officers, may authorize and direct that such patient be apprehended and brought back to the hospital from which he was temporarily discharged, and such warrant shall be an authority to any one acting under it to apprehend the person named therein and to bring him back to the hospital. R.S.O. 1897, c. 317, s. 41.

MAINTENANCE OF PATIENTS.

32. Where a patient in a hospital is under the age of 21 years and has a father or mother able to pay for his maintenance, or a guardian or committee, it shall be the duty of the bursar of the said hospital to send a written notice to such father, mother, guardian or committee, giving the date of the patient's admission to the hospital and the amount which will become due for his maintenance each quarter as provided by the regulations. R.S.O. 1897, c. 317, s. 42. *Amended.* Copy of certificate of admission, and of amounts required for maintenance to be sent to parents, etc.

33. On the first day of each of the months of February, May, August and November, a demand shall be made by the Inspector from the father or mother, guardian or committee, as the case may be, of the patient of such sum as may be due for the patient to the hospital and such sum shall be forthwith paid on such demand. *New. See* R.S.O. 1897, c. 317, ss. 43 and 44. Liability for maintenance of patient

34.—(1) In case of refusal or neglect to pay the sum so demanded, the Inspector may apply to a Judge of the county or district court of the county or district in which the person liable to pay resides, for an order for the payment of the amount then due. Order for payment for maintenance.

(2) Ten days' notice of the application shall be given. Notice.

(3) If the judge is satisfied that the person against whom the application is made is liable, and in the case of the father or mother is able to pay for such maintenance, or that the guardian or committee is able to pay for the same out of property in his possession belonging to the patient, he may make an order accordingly. R.S.O. 1897, c. 317, s. 45. *Amended.* Liability of father or mother.

35.—(1) Any person admitted to a hospital, who has at the time of his admission, or subsequently comes into the possession of property, shall be liable for his maintenance Maintenance, liability for.

while

For married woman.

while in the hospital; and any person whose wife is detained in a hospital, shall be liable for her maintenance while detained therein.

Recovery of.

(2) The Inspector may, by his name of office, recover the amounts owing in respect of such maintenance; but it shall not be his duty to enforce payment, unless upon inquiry, regard being had to the claims of persons having a moral or legal right to be maintained by the person liable, the Inspector considers that the claim for maintenance ought to be enforced. R.S.O. 1897, c. 317, s. 47.

When property of a patient may be taken possession of to pay for maintenance.

36.—(1) If a patient, upon or at any time after his admission into a hospital or sanitarium for mental diseases is possessed of or entitled to any property out of which the expenses of his maintenance in the hospital or sanitarium or any part thereof can be paid, and has no guardian or committee lawfully appointed to take the care or management of it, and any sum due for the maintenance of the patient in the hospital is not paid on demand, or there is no one of whom it can be demanded, and such property, in the opinion of the Inspector is more than sufficient or is not required to maintain the family, if any, of the patient, the Inspector may take possession of such property, or of so much of it as he deems necessary to pay or to secure the payment of the sum due or to become due for the maintenance of the patient in the hospital, and he shall have full power over and be competent to manage and appropriate, take or recover possession of, lease, mortgage, sell and convey all or any part of such property in the name of the patient, or as his committee under this Act, as fully and effectually to all intents and purposes as the patient could or might, if of full age and of sound and disposing mind; and notwithstanding the patient may have ceased to be an inmate of the hospital, or may have recovered or died, the Inspector may complete any lease, mortgage, sale or conveyance in respect of which proceedings have been commenced while the patient was confined in the hospital; but no such lease, mortgage, sale or conveyance, shall be made without the written consent of the Attorney-General of Ontario. R.S.O. 1897, c. 317, s. 48.

Exercise of powers when deemed expedient.

(2) The Inspector may exercise the powers conferred by this section, notwithstanding that the property of the patient is not more than sufficient to maintain his family, and that by reason thereof it is not intended to require payment for the maintenance of the patient. R.S.O. 1897, c. 317, s. 49.

Where patient is in custody of friends.

(3) The Inspector may exercise the powers conferred by this section where the patient is committed to the custody of his friends as provided for in section 30. *New.*

37. Where any money or other property belonging to or to the estate of a patient has been received by the Inspector as his statutory committee, the Lieutenant-Governor in Council may authorize the Inspector to pay over to any member of the family of such patient, or other person dependent upon him, such amount as may be deemed proper, and the Inspector, as such committee, in respect of every amount so paid, shall be as fully discharged as if he had paid the same for the maintenance of the patient in the hospital. R.S.O. 1897, c. 317, s. 50; 6 Edw. VII. c. 61, s. 3.

Payment by Inspector to family of patient.

38. Every gift, grant, alienation, conveyance or transfer of property made by any person, who is or becomes an inmate of a hospital shall be deemed to be fraudulent and void, as against the Inspector, if the same is not made for full and valuable consideration actually paid, or sufficiently secured to such person, or if the purchaser or transferee had notice of the insanity. R.S.O. 1897, c. 317, s. 51.

Conveyances by patients void as against Inspector unless for value or without notice.

39. If the Inspector deems it necessary, in order to secure the payment of the maintenance of the patient, or for the interest of his estate so to do, he may exercise any of the powers conferred by section 36, although no sum is overdue for such maintenance. R.S.O. 1897, c. 317, s. 52.

Inspector may deal with property, though nothing due for maintenance.

POWERS AND DUTIES OF INSPECTOR.

40.—(1) The Inspector shall be *ex-officio*, and by his name of office, the committee of every insane person, who has no other committee, and who is detained in any hospital, sanitarium for mental diseases or place of safe custody.

Patients of whom the Inspector is the committee.

(2) The High Court Division may at any time appoint a committee of any such patient, and upon such appointment being made the Inspector, while there is any committee so appointed, shall not be the committee of the patient; but the Inspector upon delivering up the patient's estate shall retain so much thereof as may be required to pay any sum then due for maintenance. R.S.O. 1897, c. 317, s. 53. *Amended.*

High Court may appoint another committee.

(3) No application for the appointment of a committee shall be made until five clear days' notice thereof has been given to the Inspector, and with such notice shall be served a copy of the petition or notice of motion, and the affidavits to be used in support thereof. 6 Edw. VII. c. 61, s. 4.

Notice of application for appointment of committee to be given to Inspector.

41. Notwithstanding that another committee has been appointed, every act of the Inspector, as the committee of a patient, shall be valid and binding upon the estate of such patient, if done before a copy of the order appointing another committee, with notice of the approval by the Court of his sureties

When acts of the Inspector valid as against the committee appointed by the Court.

sureties has been served upon the Inspector. R.S.O. 1897, c. 317, s. 54.

Proceedings against persons under detention.

42. If an action or other proceeding is brought against a patient it shall be sufficient in order to bind the estate of such patient, or to make the proceedings otherwise valid, to serve any writ, process, paper or other document upon the Inspector, if the Inspector is named therein as committee. R.S.O. 1897, c. 317, s. 55. *New.*

Proceedings by Inspector.

43. Nothing in this Act shall make it the duty of the Inspector to institute proceedings on behalf of a patient or to intervene in respect of his estate, but the Inspector may institute such proceedings and otherwise intervene in respect of the estate of a patient who has no other committee of his estate, wherever the Inspector deems it expedient in the interest of the estate of the patient, or necessary in order to secure in the manner least burdensome to the estate of the patient, money due or to become due for his maintenance in a hospital. R.S.O. 1897, c. 317, s. 56.

Powers of Inspector as to estate of deceased in case he is the committee at time of death.

44. If at the time of the death of a patient the Inspector is the committee of such patient, the said Inspector shall, until probate of the will or letters of administration of the estate of the patient is granted to some other person or persons, and the grant notified to the Inspector in writing, continue to have, and may, if he considers it requisite so to do, exercise by his name of office the same powers in respect of the estate of the deceased as an executor would have in respect of the estate of his testator, in case the same were bequeathed or devised to him in trust for the payment of debts and the distribution of the residue. R.S.O. 1897, c. 317, s. 57.

Inspector acting as committee to account.

45.—(1) The Inspector shall be liable to render an account as to the manner in which he has managed the property and effects of the patient, in the same way and subject to the same responsibilities as any trustee, guardian or committee duly appointed for a similar purpose may be called upon to account, and shall be entitled from time to time to bring in and pass his accounts and tax costs in like manner as a trustee, but shall be liable only for wilful misconduct. 1 Edw. VII. s. 12, s. 24.

Charges for services.

(2) For the services rendered by the Inspector in the management of the property or estate of a patient, the Minister may direct that a charge be made not exceeding the amount to which a trustee would be entitled for the like services, and not in any case more than 5 per cent. of the total value of such property or estate. *New.*

(3)

(3) When a person discharged from a hospital is not in the opinion of the Inspector competent to manage his affairs, and the Inspector has in his hands property of such person as committee under this Act, he may apply to the High Court Division to be relieved of such property and be discharged of his trust, and the court may give such orders and directions in the premises as it may deem just. 3 Edw. VII. c. 7, s. 49.

Application to court to be relieved from trust.

46. In the cases mentioned in the next preceding ten sections if doubt or opposition arises as to the right of property, the Inspector or the person claiming the property may apply to a Judge of the county or district court of the county or district in which the property, or any part of it, is situate, to try and determine the right of property, which he shall accordingly do. R.S.O. 1897, c. 317, s. 59.

Disputes as to property, how settled.

47. The costs, charges and expenses which the Inspector incurs in respect of the property or estate of a patient shall be the first charge upon any money coming into his hands and belonging to the patient. R.S.O. 1897, c. 317, s. 60.

Costs of Inspector a first charge on estate.

48. The High Court Division shall, upon application by the Inspector, direct to be paid to him out of any fund or money in Court belonging to the patient, the amount payable for maintenance of the patient. R.S.O. 1897, c. 317, s. 61.

Moneys in Court may be paid to Inspector for maintenance.

49. If the insanity of a patient is of such a nature, and he is possessed of such property, as would in the opinion of the superintendent justify the supply to him of greater comfort and attention than are supplied under the regulations, the Inspector may make such order in respect thereto as he may deem proper. R.S.O. 1897, c. 317, s. 62.

Inspector may make special order as to comfort of patient.

REPEAL.

50. Chapter 317 of The Revised Statutes of Ontario, 1897, Chapter 12 of the Acts passed in the 1st year, section 49 of Chapter 7 of the Acts passed in the 3rd year, and Chapter 61 of the Acts passed in the 6th year of the reign of His late Majesty King Edward the Seventh, are repealed.

Repeal.

FORM

FORM 1.

Registered No. .....
Case Book No. .....

PROVINCE OF ONTARIO.

PHYSICIAN'S CERTIFICATE.

(a) Name in full and set forth Qualification or Degree.
(b) Locality
(c) Name in full.
(d) Residence.
(e) Occupation.

I, the undersigned (*a*) a legally qualified medical practitioner, residing and practising at (*b*) in the County of hereby certify that I, on the day of A.D. 191 , at in the County of separately from any other medical practitioner, personally examined (*c*) of (*d*) (*e*) and after making due enquiry into all facts in connection with the case of the said necessary to be enquired into in order to enable me to form a satisfactory opinion, I certify that the said is insane, and is a proper person to be confined in a hospital for the insane (*if the insane person is an idiot, add* and that the said is an idiot), and that I have formed this opinion upon the following grounds, namely:

1. Appearance.
2. Conduct.
3. Conversation.

1. Facts indicating insanity observed by myself:*

---

*The facts upon which (from personal observation) the opinion of insanity has been formed should always be specified.

(f) State the information and from whom received.

2. Other facts (if any) indicating insanity, communicated to me by others: (*f*)

Signed this day of A.D. 191 , at in the County of

Signed in the presence of

1. .....

2. .....

Witnesses.

.....
Signature of Examining Practitioner.

N.B.—No person will be admitted to any Hospital for the Insane without the approval of the Superintendent or the Inspector, and the person should not be forwarded to such Hospital until notice has been received from the Superintendent or Inspector that admission has been awarded.

Extract from the Revised Statutes of Ontario (1897), Chap. 317, Sec. 7:

7. No person shall be admitted into any of the said asylums as a lunatic (except upon an order of the Lieutenant-Governor) without the certificates (Form A, Schedule No. 1) of two medical practitioners, each attested by the signatures of two subscribing witnesses, and bearing date within three months of the time of such admission. R.S.O. 1897, c. 317, s. 7.

FORM

FORM 2.

WARRANT FOR THE APPREHENSION OF DANGEROUS INSANE PERSON.

Province of Ontario }
County of }

To all or any of the Constables or other Peace Officers in the said County of

Whereas information upon oath has this day been laid before the undersigned, one (*or as the case may be*) of His Majesty's Justices of the Peace in and for the said County of , that *A. B.* is insane, and dangerous to be at large:

These are therefore to command you, in His Majesty's name, forthwith to apprehend the said *A. B.* and bring him before me (*or* us), or some one or more of His Majesty's Justices of the Peace in and for the said County, in order that inquiry may be made respecting the sanity of the said *A. B.*, and that he may be further dealt with according to law.

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

[L. S.]

R.S.O. 1897, c. 317, Sched. No. 1, Form B.

FORM 3.

WARRANT OF COMMITTAL FOR SAFE CUSTODY PENDING ENQUIRY.

Province of Ontario, }
County of }

To all or any of the Constables or Peace Officers in the County of

Whereas on the day of last past, information upon oath was laid before me (*or* us) one (*or as the case may be*) of His Majesty's Justices of the Peace in and for the said County of that *A.B.* is insane and dangerous to be at large; and whereas the hearing of the same is adjourned to the day of at o'clock in the (fore) noon at , and it is necessary that the said *A. B.* should in the meantime be kept in safe custody:

These are therefore to command you or any of you, the said Constables or Peace Officers in His Majesty's name, forthwith to convey the said *A. B.* to , and there deliver him to the custody of , together with this precept;

And I hereby require you the said to receive the said *A. B.* into your custody and there safely keep him until the day of (instant), when you are hereby required to convey and have him the said *A. B.* at the time and place to which the said hearing is so adjourned as aforesaid, before such Justice or Justices of the Peace for the said County as may then be there to make further enquiry respecting his sanity, and to be further dealt with according to law.

Given under my (*or* our) hand and seal this day of in the year of our Lord at in the county aforesaid.

6 Edw. VII., c. 61, s. 5.

FORM

FORM 4.

CERTIFICATE OF JUSTICE.

Province of Ontario,
County of

I, the undersigned *C. D.*, Esquire, one of His Majesty's Justices of the Peace for the County of do hereby certify that I have on this day of A.D. 19 , personally examined *A. B.* of the of in the county of and I do hereby further certify that from such personal examination, and from the evidence adduced thereon, I am of opinion that the said *A. B.* is insane and dangerous to be at large.

Signed this day of A.D. 19 , at in the County of

6 Edw. VII. c. 61, s. 6.

FORM 5.

CERTIFICATE OF MEDICAL PRACTITIONER WHERE PERSON UNDER ARREST IS NOT FIT FOR HOSPITAL FOR THE INSANE.

I, the undersigned *C. D.* (*here set forth the qualification or degree of the person certifying: for example, Licentiate of the Medical Board; M. D. of the University of Toronto, etc.*), a legally qualified medical practitioner, residing and practising at , in the County of , do hereby certify that I, on the day of , A.D. 19 , at , in the County of , separately from any other medical practitioner, personally examined *A. B.*, (*give address of insane person*), and I further certify that I am satisfied that the said *A. B.* is not insane (*or* that the said *A. B.*, though insane, is not dangerous to be at large), and is not in my opinion a fit person to be confined in a Hospital for the Insane.

Signed this day of , A.D. 19 , at in the County of

R.S.O. 1897, c. 317, Sched. No. 1, Form F.

FORM 6.

CERTIFICATE OF JUSTICE WHEN PERSON UNDER ARREST IS INSANE.

Province of Ontario
County of

I, the undersigned *C. D.*, one of His Majesty's Justices of the Peace for the County of , do hereby certify that I have on this day of , A.D. 19 , personally examined *A. B.* (*give his address*), and I do hereby further certify that from such personal examination, and from the evidence adduced thereon, I am of opinion that the said *A. B.* is insane, and that the said *A. B.* is a proper person to be confined in a Hospital for the Insane.

Signed this day of , A.D. 19 , at , in the County of

R.S.O. 1897, c. 317, Sched. No. 1, Form H.

FORM 7.

INFORMATION TO BE ELICITED UPON ENQUIRY.

QUESTION	ANSWER
1. The name in full of alleged insane person	
2. Post Office address of such person	
3. County in which apprehended	
4. City, Town, Incorporated Village or Township in which apprehended	
5. How long a resident of such City, Town, Village or Township	
6. Age	
7. Occupation	
8. Religion	
9. Nationality	
10 Sex	
11. Whether married or single, and if single, whether ever married...	
12. Name and Post Office address of husband, wife, parent or guardian, if any, and if guardian state relationship	
13. Number of children, if any, their names and ages, and their Post Office addresses and, if under age, state with whom residing	
14. How long such person has been insane	
15. Duration of the present attack, and whether the first	
16. How the insanity first showed itself, and the supposed causes	
17. Whether any delusions, and if so what they are.	
18. Whether such person is suicidal or dangerous to others	

QUESTION.	ANSWER
19. Whether any offence has ever been committed by such person, and whether such person has ever been convicted of same, with all particulars	
20. Whether such person is subject to epilepsy or paralysis	
21. Whether any of the other members of such person's family have suffered in a similar way, and whether such person has ever been in an asylum, and if so when and where	
22. What have been the habits of such person as to temperance, industry and general conduct, and in what manner they have changed — whether the change has been recent, gradual or sudden	
23. Whether such person has been subject to any bodily ailments, and if so, their nature	
24. Degree of education of such person, and any other information that will in the opinion of the Justice or Justices aid the Medical Superintendent in the treatment of the case	
25. Whether such person is idiotic, imbecile or incurable	
26. Whether the friends or relations of such person, or any of them, if such there be, are able to contribute to the maintenance of such person while in an asylum, and which, if any of such friends, and how much they, or any of them can contribute	
27. Has such person any property, real or personal? What does it consist of and where is it situated; also state value and encumbrances, if any?	

QUESTION

QUESTION.	ANSWER.
28. Has such person any moneys on deposit in banks? If so, in what bank and in whose possession are the deposit receipts, bank books or other acknowledgments of such deposit?	
29. Give the name and Post Office address of the person in whose possession such acknowledgments, if any, are	
30. If such alleged insane person is under the age of twenty-one years, what property, real or personal, has the parent or guardian? What does it consist of and where is it situated; also state value and encumbrances, if any	
31. Has such person any one dependent upon him for support? If so, state relationship, names, ages, and Post Office addresses.	

Signature of Justice.

Post Office Address.

6 Edw. VII. c. 61, s. 7.

Date 19

N.B.—The above form should be carefully filled in and should contain all the information available.

Note. Forms A, B, C, G, H, J, K, L, M of Sched. 1 are omitted as being proper matters for the Regulations.

FORM

FORM 8.

(Section 12.)

FORM OF APPLICATION FOR THE ADMISSION OF A VOLUNTARY PATIENT TO THE HOSPITAL FOR THE INSANE AT

I, of the of in the County of being request the Superintendent of the Hospital for the Insane at to admit me as a Voluntary Patient, and I hereby pledge myself to remain in the said Hospital at for a period, not exceeding one year, which the said Superintendent may deem necessary to effect a permanent cure in my case; and I further pledge myself to give at least five full days' notice in writing to the said Superintendent of my intention to leave the said Hospital for the Insane; and I further pledge myself to submit to the rules and regulations of the said Hospital now in force or which may hereinafter be enacted and to carry out or assist in carrying out all the directions which the said Superintendent may give for my treatment, and also to conduct myself in such a manner as not to be guilty of any conduct prejudicial to the good order and discipline of the said Hospital.

Signed this day of , A.D. 191 , at in the County of .

In the presence of

I hereby testify that the above named person is as stated in the above application a and that he is a reasonably hopeful subject for treatment with a view to effecting a cure of his malady.

Dated at A.D. 191 . M.D.