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c 385 Houses of Refuge Act

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CHAPTER 385.

The Houses of Refuge Act.

PART I.

- 1.** In this Act, "Inspector" shall mean inspector appointed under *The Department of Public Welfare Act. Sec 1931, c. 74, s. 2.* Interpretation.
"Inspector."
Rev. Stat.
c. 61.
- 2.**—(1) The corporation of every county shall establish, erect, and at all times maintain, a house of refuge for the reception of persons of the classes described in section 14. Counties required to establish houses of refuge.
- (2) In lieu of establishing separate houses of refuge, the councils of two or three contiguous counties may, with the approval in writing of an inspector, enter into an agreement for the establishment, erection and maintenance of, and may establish, erect and maintain a joint house of refuge for such counties. Joint house of refuge. R.S.O. 1927, c. 348, s. 1; 1931, c. 74, s. 2.
- 3.**—(1) The corporation of every city and separated town may establish, erect and maintain a house of refuge for the purposes mentioned in section 2. R.S.O. 1927, c. 348, s. 2 (1). Establishment of, by city or separated town.
- (2) In lieu of establishing a separate house of refuge, the corporation of a city or separated town may, with the approval in writing of an inspector, enter into an agreement with the corporation of the county in which the city or town is territorially situate for the establishment, erection and maintenance of and they may establish, erect and maintain a joint house of refuge for such city or separated town and such county. R.S.O. 1927, c. 348, s. 2 (2); 1931, c. 74, s. 2. Agreement with county as to establishment of.
- (3) In the cases provided for by subsections 1 and 2, the house of refuge may be located within or without the limits of the city or separated town. R.S.O. 1927, c. 348, s. 2 (3). Location of house of refuge.
- 4.** A house of refuge shall not be erected until the site and plans of the buildings have been approved in writing by an inspector, and no change in the site, and no sale or disposal of any portion thereof and no structural alteration in the building shall be made until the like approval has been given. R.S.O. 1927, c. 348, s. 3. Approval of site and plans of house of refuge.

Board of management, for house established by county.

5.—(1) Where a county establishes a separate house of refuge the council shall appoint two persons, who may be members of the council, and who with the warden shall form a board of management and shall have the management, regulation and control of the house of refuge, subject to the rules and regulations for the government of it and of its inmates made by the council under the authority of section 7.

For house established by two counties.

(2) Where two counties agree to establish a joint house of refuge the councils shall by the agreement provide for the appointment of one person who, with the warden of each county, shall form the board of management, and where three counties agree to establish a joint house of refuge, the board of management shall consist of the wardens of the counties.

For house established by county and a city or separated town.

(3) Where a city or a separated town and a county agree to establish a joint house of refuge the agreement shall provide for the appointment of one person who with the mayor of the city or town and the warden of the county shall form the board of management. R.S.O. 1927, c. 348, s. 4.

Agreement to provide for board of management.

(4) Where two or more cities or separated towns and one county or more than one county agree to establish a joint house of refuge, the agreement shall provide for the appointment of persons who shall form the board of management and such persons may include any member of the councils of such municipalities and any agreement heretofore entered into for the establishment of such a house of refuge may be amended to provide for the appointment of a board of management as set forth in this subsection. 1934, c. 54, s. 12.

Agreement to name corporation to receive grant.

6. Where two or more corporations agree to establish a joint house of refuge the agreement shall provide as to the corporation to which any grant made under the provisions of Part II shall be paid. R.S.O. 1927, c. 348, s. 5.

Appointment of officers.

7.—(1) The council of a corporation which establishes a separate house of refuge shall appoint a superintendent, a matron and other officers for its care and management, and prescribe their duties and fix their salaries and make rules and regulations for the government of the house of refuge and of its inmates.

Rules and regulations.

Powers of board.

(2) Except in the case provided for by subsection 1, the duties and powers mentioned in that subsection shall be performed and may be exercised by the board of management, except as to salaries, which shall be fixed by joint action of the corporations interested. R.S.O. 1927, c. 348, s. 6.

8. The rules and regulations provided for by section 7 shall not take effect until approved by the Lieutenant-Governor in Council. R.S.O. 1927, c. 348, s. 7. Approval of rules and regulations.

9.—(1) The council of a county, which has established a house of refuge, and the council of a city or town may from time to time enter into agreements for connecting the house of refuge with the sewerage system of such city or town, and may pass all by-laws and do all things necessary to carry the agreement into effect. Agreements for extending sewerage system to houses of refuge.

(2) The council of the county may also contract with The Hydro-Electric Power Commission or with any municipal corporation, company or individual owning or operating a waterworks system, or works for the production and supply of electricity for light, heat or power in such city or town, for the supply of water for domestic purposes and for fire protection or of electricity for light, heat or power purposes at the house of refuge. Contracts for supplying water, electric, light and power.

(3) For the purpose of connecting such house of refuge with such sewerage or waterworks system or electrical works or with the system of The Hydro-Electric Power Commission the corporation of such county, its officers, servants, agents or workmen may enter upon and pass over any lands or highways lying between such house of refuge and such city or town, and may dig up such lands and highways and construct sewers and lay down any pipes and place all necessary poles or wires, and do all necessary work in or upon such lands and highways, making due compensation to the owners as provided by *The Municipal Act*. Power to carry necessary works over intervening lands.

(4) Where two or more municipal corporations have established a joint house of refuge under the provisions of this Act, they shall have, in respect of such house, all the powers conferred upon the council of a county by this section. R.S.O. 1927, c. 348, s. 8. Rev. Stat. c. 266. Powers of municipalities acting jointly.

10. It shall not be necessary to obtain the assent of the electors to a by-law for raising such sums as may be required for the purchase of a site or the erection of buildings for a house of refuge, or the purchase of land to be used in connection therewith, or for any addition to or improvement of such buildings, or for the purpose of any works authorized by section 9; but the amount owing in respect of the same shall not at any time exceed \$50,000. R.S.O. 1927, c. 348, s. 9. Assent of electors to borrowing for houses of refuge, not required.

11.—(1) The council or the board of management, as the case may be, may provide for requiring every person sent to the house of refuge to perform such work or service at such Power to compel persons sent to house of refuge to work.

times, for such hours, and at such trade or labour as he may appear to be fit for, and for buying material therefor, and for selling the articles manufactured therefrom, and for applying the earnings, or part of the earnings of such person, for his maintenance or for the maintenance of his wife and children, or for the general maintenance of the house of refuge, or towards aiding such person to reach his friends, or any place to which it may be deemed advisable to send him.

Detention
of indigent
persons.

(2) The council of a county, city or separated town which has established or joined in establishing under this Act a house of refuge may pass by-laws for committing to and detaining therein indigent persons, and a warrant of committal under the hand of the head of the council and the seal of the corporation shall be sufficient authority to the superintendent of such house to receive and detain the person mentioned in it until he is discharged under the rules and regulations or by order of an inspector. R.S.O. 1927, c. 348, s. 10.

Transfer of
property to
corporation
by inmates
of houses
of refuge.

12.—(1) Where an inmate of a house of refuge desires to transfer his real or personal property, or any part of it, absolutely or by way of security to the corporation or corporations by which the house was established, as payment or compensation for his maintenance while he remains an inmate, or as may be agreed upon, the corporation or corporations may receive and hold such real or personal property and may dispose of the same in such manner as the council or councils may deem proper, or, if it is held only as security, it shall, upon the death of such person, be sold and disposed of, and the proceeds, after defraying the costs and expenses of and incidental to the sale, shall be applied in payment of the cost of the maintenance of such person, with interest at the rate of six per centum per annum, and the surplus, if any, shall be paid to the personal representative of such person, upon demand.

Approval of
transfer by
county
judge.

(2) No such transfer shall be valid, unless it is executed in the presence of a judge of the county court of the county in which the house of refuge is situate, and unless there is endorsed on it a certificate signed by the judge, that he has examined the grantor, and is satisfied that the transfer is not improvident, and that it was made voluntarily, and that the grantor understood the effect of it, and desired to make the transfer.

Maintenance
of inmates
of house of
refuge who
are pos-
sessed of
means.

(3) Where an inmate of a house of refuge is or becomes possessed of any real or personal property out of which the cost of his maintenance or any part of it can be paid, if any sum is due for such maintenance and has not been paid, a judge of the county court of the county in which the house is situate

may, on the application of the council of any municipality interested, and upon such notice to the inmate as he may direct, order that any part of such real and personal property be vested in the corporation or corporations by which the house was established for the purpose of securing payment of the cost of the maintenance so due, or which may thereafter become due, with full power to take or recover possession of, manage, lease, mortgage, sell and convey all or any part of such property in the name of the inmate, or may make such other order, limiting or extending such powers as may be deemed proper, due regard being had to the value of the property, and as to what part, if any, of it is necessary for the support and maintenance of the family of the inmate.

(4) No conveyance, mortgage, lease or other instrument, purporting to transfer the property, shall be executed by the corporation or corporations until a judge of the county court of the county in which the house of refuge is situate shall have signified his approval of it by endorsement thereon.

Conveyance, mortgage, etc., to be approved by judge.

(5) Upon the death of the inmate, what remains of the property, after the claims thereon are fully paid and satisfied, shall be transferred to his personal representatives. R.S.O. 1927, c. 348, s. 11.

Transfer to personal representatives.

13. An account shall be kept of the cost of erecting, keeping, and maintaining the house of refuge, and of all materials furnished therefor, together with the names of the persons received into, and of those discharged from it, and also of the earnings of the inmates, and such other accounts as may be prescribed by the Lieutenant-Governor in Council. R.S.O. 1927, c. 348, s. 12.

What accounts to be kept.

14.—(1) Any person authorized for that purpose by by-law of a corporation which has established or joined in establishing a house of refuge may, by writing under his hand, commit to such house of refuge,—

Who may be committed to house of refuge.

- (a) poor and indigent persons who are incapable of supporting themselves;
- (b) persons without the means of maintaining themselves and able to work, who do not do so;
- (c) feeble-minded persons not fit for commitment to an institution under *The Mental Hospitals Act*, but for whom special custodial care is necessary. R.S.O. 1927, c. 348, s. 13 (1); 1937, c. 72, s. 28.

Rev. Stat. c. 392.

(2) Every inmate of a house of refuge, if able to work, shall be kept diligently employed at labour, and if he does not

Punishment of refractory inmates.

perform such reasonable task or labour as may be assigned to him, or is stubborn, disobedient, or disorderly, he shall be liable to be punished in accordance with the rules and regulations of the house of refuge. R.S.O. 1927, c. 348, s. 13 (2).

Break in residence when not to effect liability of county.

15.—(1) In the event of a person who is a subject for admission to a house of refuge being found in a county in which he has resided for less than two years, but who before coming into such county had been a resident of another county for two years or more, such person may be returned to the latter county and shall not be refused admission to the house of refuge thereof by reason of the break in his residence.

Period of imprisonment not to be reckoned.

(2) If for any cause such person was deprived of his liberty during such absence, the period of detention shall not be counted in determining the time of residence of such person in the first mentioned county. R.S.O. 1927, c. 348, s. 14.

Special provision as to detention of feeble-minded female inmate.

16. Where the physician having the care of the health of the inmates of a house of refuge certifies that a female inmate between the ages of sixteen and forty-five years, on account of natural mental deficiency, is so feeble-minded as to render it probable that she would be unable to care for herself if discharged from such house of refuge, she shall not be discharged until such physician, with the approval of an inspector, orders her discharge. R.S.O. 1927, c. 348, s. 15; 1931, c. 74, s. 2.

Prohibition as to children of certain ages

17. No child between the ages of two and sixteen years shall be received, held, boarded or lodged in a house of refuge. R.S.O. 1927, c. 348, s. 16.

Inspection of houses of refuge.

18. An inspector shall, at least once in every year, inspect every house of refuge and all books and documents relating to it, and examine into its sanitary condition, and shall report to the Minister of Public Welfare as to its management, and make such recommendation and suggestions in relation to it and to the method of keeping its books and accounts as he may deem advisable, and a copy of such report shall be sent to the clerk of the council of every municipality having an interest in the house of refuge. R.S.O. 1927, c. 348, s. 17; 1931, c. 74, ss. 2, 3.

PART II.

Aid to counties establishing houses of refuge.

19.—(1) The Lieutenant-Governor in Council may direct that there shall be paid out of the Consolidated Revenue Fund to every county which establishes a house of refuge under this Act, and acquires not less than forty-five acres of land for use and uses it in connection therewith, a sum not exceeding one-

fourth of the total amount expended by the corporation for such purpose, but not exceeding \$4,000.

(2) Where two or more municipal corporations establish a joint house of refuge under this Act and have acquired not less than forty-five acres of land for use and use it in connection therewith, the Lieutenant-Governor in Council may direct that there shall be paid out of the Consolidated Revenue Fund a like sum to the corporation designated in the agreement for establishing the house of refuge as the one to which the grant is to be paid. Case of joint establishment.

(3) Where there has been paid to a corporation in respect of a house of refuge a sum less than \$4,000 and thereafter additional land has been or is acquired for, or additional buildings have been or are erected in extending or improving such house of refuge, the Lieutenant-Governor in Council may direct that there shall be paid to such corporation out of the Consolidated Revenue Fund an amount which added to that already paid to it shall not exceed the sum which may be directed to be paid to a corporation under subsection 1. R.S.O. 1927, c. 348, s. 18 (1-3). Further grant where corporation paid less than \$4,000.

(4) An Order-in-Council shall not be passed until an inspector has reported that the land and buildings are suitable for the purpose intended and are ready for occupation. R.S.O. 1927, c. 348, s. 18 (4); 1931, c. 74, s. 2. Report of inspector.

(5) Every Order-in-Council shall, as soon as conveniently may be, be laid before the Assembly, and no such order shall be operative until it has been ratified by the Assembly. R.S.O. 1927, c. 348, s. 18 (5). Order-in-Council to be ratified by Assembly.
