CHAPTER 392.
The Mental Hospitals Act.

PART I

Interpretation.

1. In this Act and the regulations, unless the context otherwise requires,—

"Approved home." (a) "Approved home" shall mean a home to which patients may be released from an hospital or hospital school in the manner provided under this Act and the regulations;

"Child." (b) "Child" shall include son and daughter;

"Department." (c) "Department" shall mean the Hospitals Division of the Department of Health for Ontario;

"Deputy Minister." (d) "Deputy Minister" shall mean the officer appointed to be in charge of the Department;

"Examination unit." (e) "Examination unit" shall mean a place to which any person may be sent for observation, care and treatment in the manner provided under this Act and the regulations;

"Habitue." (f) "Habitue" shall mean an alcoholic or drug habitue;

"Hospital." (g) "Hospital" shall mean an hospital established under this Act and shall include every approved home and examination unit connected therewith or forming part thereof;

"Hospital school." (h) "Hospital school" shall mean a school established under this Act for mental defectives and shall include every approved home and examination unit connected therewith or forming part thereof;

"Inspector." (i) "Inspector" shall mean an officer of the Department appointed as an inspector for any of the purposes of this Act and the regulations;

"Institution." (j) "Institution" shall mean and include hospital, hospital school and examination unit;

"Mental defective" and "mentally defective person." (k) "Mental defective" and "mentally defective person" shall mean a person in whom there is a condition of arrested or incomplete development of mind, whether arising from inherent causes or induced by disease or
injury, and who requires care, supervision and control for his own protection or welfare or for the protection of others;

(1) "Mental deficiency" shall mean the condition of mind of a mental defective;

(m) "Mentally ill person" shall mean a person other than a mental defective who is suffering from such a disorder of the mind that such person requires care, supervision and control for his own protection or welfare, or for the protection of others;

(n) "Mental illness" shall mean the condition of mind of a mentally ill person;

(o) "Minister" shall mean the Minister of Health for Ontario or such other member of the Executive Council as is charged for the time being with the administration of this Act;

(p) "Parent" shall include father and mother;

(q) "Patient" shall mean a person admitted under this Act and the regulations to an institution;

(r) "Regulations" shall mean regulations made under the authority of this Act;

(s) "Steward" shall mean an officer of the Department who is appointed as the steward of an institution;

(t) "Superintendent" shall mean an officer of the Department who is appointed as the superintendent of an institution. 1935, c. 39, s. 2.

2. The provisions of this Act shall apply to such institutions as may from time to time be designated by the regulations. 1935, c. 39, s. 3.

3.—(1) Every hospital established under this Act shall be known as "The Ontario Hospital" followed by the name of the city or town at or near which such hospital is located, or such name as the Lieutenant-Governor in Council may designate.

(2) Every hospital school established under this Act shall be known as "The Ontario Hospital School" followed by the name of the city or town at or near which such hospital school is located, or such name as the Lieutenant-Governor in Council may designate. 1935, c. 39, s. 4.
4. This Act shall not apply to,—

(a) a sanitarium subject to The Private Sanitaria Act;

(b) a psychiatric hospital established under The Psychiatric Hospitals Act. 1935, c. 39, s. 5.

5.—(1) The Lieutenant-Governor in Council may make such regulations not inconsistent with this Act as are necessary for carrying out the provisions of this Act and for the efficient administration thereof, and such regulations shall have the same force and effect as if enacted in this Act and such regulations may be repealed, altered or amended from time to time in like manner.

(2) Without limiting the generality of the provisions contained in subsection 1, it is declared that the powers of the Lieutenant-Governor in Council to make regulations in the manner set out in the said subsection shall extend to and include the following,—

(a) designating the institutions to which the Act shall apply;

(b) prescribing the district served and classes of patient to be treated in any institution;

(c) the powers and duties of the Deputy Minister;

(d) the appointment of superintendents, inspectors, stewards, assistants, clerks and other officers and employees and prescribing their powers and duties;

(e) regulating the inspection, superintendence, government, management, conduct, operation, maintenance, care and use of institutions and equipment;

(f) regulating the apprehension and admission of persons;

(g) regulating the care, treatment, maintenance, conduct, discipline, custody, transfer, probation, release, discharge and apprehension of patients;

(h) prescribing the forms relating to patients and their admission to, maintenance in, transfer, release or discharge from institutions, and all other forms required for the carrying out of the provisions of this Act and the regulations;

(i) prescribing the records, books, accounting systems, audits, reports and returns to be made and kept respecting institutions;
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(j) regulating the financial business and affairs of institutions;

(k) granting certificates of approval to approved homes and examination units and the fees payable therefor, and withdrawing such certificates;

(l) fixing the situation, construction, and equipment of approved homes and examination units;

(m) declaring that any provisions of this Act and the regulations shall not be applicable to approved homes and examination units;

(n) prescribing the charges which shall be paid by the party liable for the maintenance of patients in institutions;

(o) prescribing the amounts to be paid by the Department for the care and maintenance of patients who are in an approved home; and

(p) generally, the control of all other matters in any way relating to institutions, and for the better carrying out of the provisions of this Act. 1935, c. 39, s. 6.

PART II

ADMINISTRATION AND CONTROL.

6. — (1) The administration of this Act and of every institution established thereunder, is vested in the Department, and the Deputy Minister shall be the chief executive officer of the Department responsible to and subject to the control of the Minister.

(2) Where this Act and the regulations require or authorize the Deputy Minister to do any act, such act may be done by any person whom the Deputy Minister shall appoint to do such act. 1935, c. 39, s. 7.

7. Subject to section 6, the superintendent of an institution shall be in charge of and have control over the institution for which he is appointed, and shall superintend the conduct and management of all its affairs and control all officers, clerks, servants and employees thereof and all the patients therein. 1935, c. 39, s. 8.

8. The Lieutenant-Governor in Council may appoint inspectors with such designations or titles as he may deem expedient. 1935, c. 39, s. 9.
9. The financial business and affairs of an institution shall be in charge of the steward appointed thereto who shall be responsible to the superintendent of such institution. 1935, c. 39, s. 10.

10.—(1) No action, prosecution or other proceedings shall be brought or be instituted against any officer, clerk, servant, or employee of the Department, or the Public Trustee, or against any other person for an act done in pursuance or execution or intended execution of any duty or authority under this Act or the regulations, or in respect of any alleged neglect or default in the execution of any such duty or authority, without the consent of the Attorney-General.

(2) All actions and prosecutions against any person for anything done or omitted to be done in pursuance of this Act shall be commenced within six months after the act or omission complained of has been committed, and not afterwards.

(3) No action shall lie against any institution or any officer, employee or servant thereof for the tort of any patient. 1935, c. 39, s. 11.

11.—(1) No person shall,—

(a) assist any patient in escaping or attempting to escape from an institution; or

(b) do or omit an act for the purpose of aiding any patient in escaping or attempting to escape from an institution; or

(c) abet or counsel any patient to escape; or

(d) visit, assist, counsel or communicate with any patient after having been prohibited in writing from doing so by the Deputy Minister or any superintendent.

(2) Every one who violates any of the provisions of sub-section 1 shall be guilty of an offence and shall be liable to a fine of not less than $25 and not exceeding $100 and, in default of payment, to not more than thirty days’ imprisonment.

(3) Every person who violates any provision of this Act or the regulations shall be guilty of an offence under this Act and shall upon conviction, where no penalty has been specifically provided, be liable to a fine of not less than $10 and not exceeding $100 and, in default of payment, to imprisonment for not more than thirty days.
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(4) Every penalty imposed for an offence under this Act shall be recoverable under The Summary Convictions Act. 1935, c. 39, s. 12.

PART III

PATIENTS IN INSTITUTIONS.

12.—(1) Application for the admission of any person as a patient to an institution shall be made either verbally or in writing to the Deputy Minister or to a superintendent and no person shall be admitted to an institution until a direction has been issued by the Deputy Minister or a superintendent or other person in charge of an institution, and no person may present himself or be sent for admission to an institution until notice is received from the Deputy Minister or a superintendent that accommodation in an institution is available for such person.

(2) Where a direction and notice have been issued under subsection 1, the person named therein shall present himself or be taken to the institution named therein and shall be admitted to such institution in accordance with the provisions of such direction and notice. 1935, c. 39, s. 13.

13.—(1) Except as permitted by the regulations or by the Minister, no certificate or form required by this Act or the regulations with respect to any person shall be made, issued, given or signed by any medical practitioner who is by blood or marriage closely related to or connected with any other medical practitioner who makes, issues, gives or signs a certificate or form with respect to the same person.

(2) Except as permitted by the regulations or by the Minister, no certificate or form required by this Act or the regulations to be made, issued, given or signed by a medical practitioner respecting any person shall be made, issued, given or signed by a medical practitioner who is by blood or marriage closely related to or connected with such person. 1935, c. 39, s. 14.

14. Except as provided by this Act, the superintendent of an institution shall have full control over and the custody and care of the person of every patient in such institution and every patient shall be maintained, cared for, treated in, released and discharged therefrom only as may be provided by this Act and the regulations. 1935, c. 39, s. 15.
15. No form required by this Act and the regulations shall upon any application, by way of certiorari, or motion to quash or habeas corpus, be held insufficient or invalid for any irregularity, informality or insufficiency therein or by reason of any defect of form or substance. 1935, c. 39, s. 16.

16.—(1) Where the superintendent of any institution reports to the Deputy Minister that any patient therein requires hospital treatment which cannot be supplied therein, the Deputy Minister shall, if otherwise permitted by law, have authority to transfer such patient to a public hospital for treatment, which cannot be supplied in the institution.

Charges.

(2) The charges for such hospital treatment shall be paid by such patient unless he is an indigent person, in which case the charges shall be payable in the same manner as charges for indigent patients are payable under The Public Hospitals Act. 1935, c. 39, s. 17.

17.—(1) Where the Deputy Minister or an inspector is authorized by the Minister to institute an inquiry into the management or affairs of any institution, or into any matter in connection therewith, or into the truth of any returns made by any officer thereof and deems that any person should give evidence before him on oath, the inspector or the Deputy Minister shall have the same power to summon such person to attend as a witness, to enforce his attendance and to compel him to produce documents and to give evidence as any court has in civil cases.

(2) An inspector appointed under any other Act, the administration of which is under the charge of the Minister, may when authorized by the Minister exercise the powers conferred by subsection 1 in respect of any hospital or other institution subject to such other Act. 1935, c. 39, s. 18.

PART IV

MENTALLY ILL AND MENTALLY DEFECTIVE PERSONS.

Admission. 18. Any person who is mentally ill may be admitted to an institution as a voluntary patient, and any person who is mentally ill or mentally defective may be admitted to an institution as a,—

(a) certificated patient;

(b) Deputy Minister's warrant patient;

(c) Lieutenant-Governor's warrant patient;
(d) patient remanded by a judge or a magistrate in accordance with the provisions of this Act and the regulations. 1935, c. 39, s. 19.

19.—(1) The superintendent of an institution may receive and detain therein as a patient any person suitable for care and treatment who voluntarily makes written application in the prescribed form and whose mental condition, in the opinion of the superintendent, is such as to render him competent to make application.

(2) Subject to the provisions of section 24, a person so received shall not be detained more than five days after having given notice in writing of his desire to leave the institution.

(3) No person may be admitted as a voluntary patient who is,—

(a) a person suffering from mental illness or infirmity due to old age or from incurable disease for which general hospital or other institutional care is required;

(b) a mental defective. 1935, c. 39, s. 20.

20.—(1) Certificated patients shall be admitted to an institution only upon the prescribed certificates of two medical practitioners, and in every case the history record and financial statement in the prescribed form shall accompany such certificate or certificates.

(2) Every such certificate shall state and show clearly that the medical practitioner signing it personally examined the patient separately from any other medical practitioner and, after due inquiry into all the necessary facts relating to the case of the patient, found him to be mentally ill or mentally defective.

(3) Each medical practitioner shall also in such certificate state the facts upon which he has formed his opinion of the mental illness or deficiency, distinguishing the facts observed by him from the facts communicated to him by others, and every such certificate shall be signed in the presence of one subscribing witness who shall not be a physician issuing the certificate, and shall show the date upon which the examination was made.

(4) No person may be admitted as a certificated patient except within three months of the examination referred to in any certificate. 1935, c. 39, s. 21.
21. Every certificate shall be completed within seven days of the examination referred to therein and shall be forwarded within fourteen days of such examination to the Department or to the superintendent of the institution in the district where the patient resides, together with all other material required by this Act and the regulations. 1935, c. 39, s. 22.

22. Subject to the provisions of section 12, the certificate or certificates, when accompanied by the forms mentioned in subsection 1 of section 20, shall be sufficient authority to any person to convey the patient to the institution and to the authorities thereof to detain him therein, or to the authorities of any other institution to which the patient may have been or may be removed by the order of the Deputy Minister to detain him in such institution as long as he continues to be mentally ill or mentally defective. 1935, c. 39, s. 23.

23. In any municipality where a mentally ill or mentally defective 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 section 20, and the head of the municipality, if satisfied that such person is in destitute circumstances, shall immediately notify two medical practitioners to make the required examination. 1935, c. 39, s. 24.

24.—(1) Notwithstanding anything in subsection 2 of section 19, any mentally ill person who has been admitted as a voluntary patient and any habituate patient, or any person admitted under the provisions of section 35, or any person detained under section 60, may be continued as a certificated patient upon the certificates of two medical practitioners with the accompanying history record and financial statement in the prescribed form.

(2) The certificates required by subsection 1 shall not be issued by any medical practitioner who is an officer of the Department, and a certificate upon which any patient was admitted to an examination unit shall not be a certificate for the purpose of this section.

(3) Upon a person being certificated under this section, he shall thereafter during the time he is a patient be a certificated patient within the meaning of this Act and be subject to the provisions of this Act and the regulations respecting certificated patients. 1935, c. 39, s. 25.
25.—(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 mentally ill or mentally defective, such justice of the peace may issue his warrant in the prescribed form to apprehend such person and to cause him to be brought before a magistrate having jurisdiction.

(2) Every such warrant shall be under the hand of the justice of the peace issuing the same 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 mentally ill or mentally defective.

(3) The warrant shall order the person to whom it is directed to apprehend the person against whom the information has been laid and to bring him before a magistrate having jurisdiction, in order that inquiry may be made respecting the mental condition of such person and that he may be further dealt with according to law.

(4) Any person apparently mentally ill or mentally defective and conducting himself in a manner which in a normal person would be disorderly, may be apprehended without a warrant by any constable or peace officer and detained in some safe and comfortable place until the question of his mental condition is determined as prescribed by section 28.

(5) Where the person alleged to be mentally ill or mentally defective has been apprehended under a warrant or in the manner provided in subsection 4, he shall be brought before a magistrate and the magistrate may thereupon by his order in the prescribed form direct that such person be confined in some safe and comfortable place, or in the custody of the constable or other person who apprehended him, or such other safe custody as the magistrate deems fit, until the question of his mental condition is determined. 1935, c. 39, s. 26.

26.—(1) The Minister may appoint one or more legally qualified medical practitioners in any territorial division for the purposes of this section.

(2) Immediately upon the apprehension of an alleged mentally ill or mentally defective person the magistrate 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 magistrate shall notify two legally qualified medical practitioners and shall cause an examination to be made in the manner provided in section 20. 1935, c. 39, s. 27.

27.—(1) The magistrate, in addition to the examination in section 26 prescribed, shall hear such evidence upon oath as may be adduced with reference to the mental condition of the said alleged mentally ill or mentally defective person and shall direct that inquiry 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 for the purpose of ascertaining whether the alleged mentally ill or mentally defective 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 the prescribed form, but if the magistrate finds that such inquiries will be expensive or that sufficient information has been obtained by other means, he shall not be required to make the inquiries by this section directed.

(2) The magistrate may from time to time adjourn the inquiry and again commit to custody, as prescribed by subsection 5 of section 25, until proper inquiry is made as directed by this section. 1935, c. 39, s. 28.

28.—(1) If, after reasonable inquiry has been made by the magistrate as herein directed, he is satisfied that such alleged mentally ill or mentally defective person is mentally ill or mentally defective, he shall certify accordingly in the prescribed form.

(2) If both the medical practitioners making the examination do not agree, or if the magistrate is not satisfied that such person is mentally ill or mentally defective, the magistrate shall forthwith discharge him, or order such further examination as he shall deem expedient, or may remand him to an institution for a period not exceeding sixty days, in which case the provisions of subsections 2, 3 and 4 of section 35 shall apply mutatis mutandis. 1935, c. 39, s. 29.

29.—(1) Where any such person is found to be mentally ill or mentally defective the magistrate shall immediately transmit to the Deputy Minister 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 inquiries as to the financial condition of such mentally ill or mentally defective person and the person or persons legally liable for his maintenance, and as to the other matters mentioned in the prescribed form, so far as ascertained, and giving the present address of such mentally ill or mentally defective person, and the name and address of the person in whose custody he is, and such further information as he may deem advisable.

(2) The Deputy Minister, on receipt of such documents, shall arrange for the admission of such mentally ill or mentally defective person to an institution and shall issue a warrant for his transfer thereto. 1935, c. 39, s. 30.

30. A magistrate in making an inquiry shall have the like authority for compelling the attendance of witnesses as he would have if acting under The 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. 1935, c. 39, s. 31.

31.—(1) The Deputy Minister may, by warrant, transfer a patient from any institution to any other institution.

(2) Where a patient is transferred under subsection 1 from an hospital school to an hospital or from an hospital to an hospital school, such warrant shall be accompanied by such certificates as are required for the admission of a certificated patient to the institution to which the patient is being transferred.

(3) Where a patient is transferred under subsection 1 from the Ontario Hospital, Woodstock, to any other institution, or from any other institution to the Ontario Hospital, Woodstock, such warrant shall be accompanied by such certificates as are required for the admission of a certificated patient to the institution to which the patient is being transferred. 1935, c. 39, s. 32.

32.—(1) The Lieutenant-Governor, upon evidence satisfactory to him that any person imprisoned in any prison, reformatory, reformatory prison, reformatory school, industrial school or industrial refuge 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, is
mentally ill, mentally deficient or epileptic, may order the removal of such 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 may order, until his complete or partial recovery is certified to the satisfaction of the Lieutenant-Governor, who may then order such person back to imprisonment if then liable thereto, or otherwise to be discharged, provided that where such person is confined in an institution he shall, if and when he is not liable to imprisonment, be subject to the direction of the Minister, or such other person as the Lieutenant-Governor in Council may designate, who may make such orders or directions in respect of such person as he may deem proper.

(2) Where the Lieutenant-Governor has ordered the removal of any such person under subsection 1, a record of the sentence of such person shall be sent to the Deputy Minister by the officer referred to in subsection 1 of section 10 of The Public Institutions Inspection Act. 1935, c. 39, s. 33.

33. A warrant for the removal of any mentally ill or mentally defective person to an institution 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 magistrate. 1935, c. 39, s. 34.

Deportation. 34. Upon its appearing to the Lieutenant-Governor that any mentally ill, mentally defective or epileptic patient detained in an institution has come or been brought into Ontario from elsewhere within thirty days prior to his committal to such institution, 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. 1935, c. 39, s. 35.

35.—(1) Any person may be admitted to an institution upon the order of a judge or magistrate where such person has been apprehended either with or without warrant and charged with any offence, provided that such order is accompanied by the prescribed history form, and provided also that such order shall be for a period not exceeding sixty days, and any order made under this section shall direct that such person shall be conveyed to the institution most conveniently situated to the place where the order is made.

(2) Before the expiration of the time contained in the order of the judge or magistrate mentioned in subsection 1, the
superintendent shall report in writing the mental condition of such person to the judge or magistrate.

(3) Where in the opinion of such superintendent such person is mentally ill or mentally defective, he shall direct the examination of such person as provided for by section 24, and if the examining medical practitioners certify such patient to be mentally ill or mentally defective, he shall be detained as a certificated patient and shall be subject to all the provisions of this Act and of the regulations respecting certificated patients.

(4) Where in the opinion of the superintendent such patient is neither mentally ill nor mentally defective and where the superintendent has failed to obtain certificates in the prescribed form he shall discharge such person to the custody of the court by which he was ordered to the institution. 1935, c. 39, s. 36.

PROBATION.

36.—(1) If the superintendent considers it conducive to the recovery of any patient that he should be committed for a time to the custody of his family or friends, the superintendent may allow him to return on probation to them upon receiving a written undertaking in the prescribed form by one or more of the family or friends of such person that he or they will keep an oversight over him.

(2) If within six months from such release on probation the patient again becomes mentally ill or defective to such a degree that his confinement in an institution is necessary, the superintendent by whom he was released on probation or the Deputy Minister, may by warrant in the prescribed form directed to any constable or peace officer or other person, authorize and direct that such patient be apprehended and brought back to the institution from which he was released on probation, 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 institution.

(3) No person admitted to an institution on the warrant of the Lieutenant-Governor shall be released on probation unless the Deputy Minister has certified to the superintendent that such person is no longer liable to be returned to imprisonment. 1935, c. 39, s. 37.

37. Any person admitted to an institution who, under the provisions of this Act or of the regulations is released on probation therefrom, shall for the purposes of this Act and the regulations for a period of six months from the date of such
release be and be deemed to continue as a patient in such institution in the same manner and to the same extent and be subject to the same control as if he were not so released but had remained in the institution. 1935, c. 39, s. 38.

APPROVED HOME.

38. The Minister may issue certificates approving of any building, premises or place as an approved home for the reception of patients who are released from an hospital or hospital school into the custody of such home and entitling any person to receive into the approved home one or more patients as if such approved home had been established as an hospital under the authority of this Act. 1935, c. 39, s. 39.

39.—(1) If the superintendent considers it conducive to the recovery of any patient, the superintendent may place such patient in an approved home, subject to the provisions of this Act and the regulations.

(2) No person admitted to an institution on the warrant of the Lieutenant-Governor shall be placed in an approved home unless the Deputy Minister has certified to the superintendent that such person is no longer liable to be returned to imprisonment. 1935, c. 39, s. 40.

40. Any patient admitted to an institution who is placed in an approved home shall for the purposes of this Act and the regulations be and be deemed to continue as a patient in such institution in the same manner and to the same extent and be subject to the same control, as if he were not so released but had remained in the institution. 1935, c. 39, s. 41.

DISCHARGE.

41.—(1) A voluntary patient shall be discharged from the institution in which he is a patient—

(a) when, in the opinion of the superintendent, it is in the interest of such patient or of the hospital that he be discharged; or

(b) for admission to a sanitarium which is subject to The Private Sanitarium Act; or

(c) in accordance with the conditions upon which he was admitted.
(2) A voluntary patient may be discharged when default is made in payment of his maintenance. 1935, c. 39, s. 42.

42. A certificated patient shall be discharged from the institution in which he is a patient—

(a) when, in the opinion of the superintendent, he is sufficiently recovered; or

(b) when, although not recovered, he may be admitted to a sanitarium which is subject to The Private Sanitaria Act. 1935, c. 39, s. 43.

43.—(1) Any patient who has been admitted to an institution on the warrant of the Lieutenant-Governor or Deputy Minister shall be discharged from the institution in which he is a patient—

(a) when, in the opinion of the superintendent, he is sufficiently recovered; or

(b) when, although not recovered, he may be admitted to a sanitarium which is subject to The Private Sanitaria Act.


44. The Deputy Minister may, upon the report of an inspector, direct that any patient in an institution whose mental condition is due to senility and whose conduct is recorded as quiet and harmless and who is a proper subject for care in a house of refuge, be discharged from such institution and placed in a house of refuge in the county in which he was a resident at the time of admission to the institution and the board of management and superintendent of such house of refuge shall admit such person and maintain him therein. 1935, c. 39, s. 44.

45.—(1) Any patient admitted to an institution who escapes therefrom or who, contrary to the provisions of this Act or the regulations, leaves or is taken away or removed therefrom may be apprehended without a warrant at any time within sixty days from the day of his escape by any peace officer, police officer or constable or any person appointed by the superintendent or the Deputy Minister.
(2) Any patient upon his apprehension under the provisions of subsection 1 shall be taken to and confined in any place of detention and from thence and as speedily as possible be returned to an institution. 1935, c. 39, s. 46.

PART V

HABITUES.

46.—(1) The superintendent of an institution may receive and detain therein as a patient, any habitue for care and treatment who voluntarily makes written application in the prescribed form provided that in the opinion of such superintendent he is, at the time of his admission, capable of appreciating the fact that he is to be admitted as a voluntary patient.

(2) Subject to section 24, such habitue may be detained in the institution for a period of one year, and no longer, and it shall be a condition of his admission to the institution that he shall remain therein such length of time, not exceeding one year, as, in the opinion of the superintendent, is required, and before admission is awarded he shall sign a pledge agreeing and consenting to such specified condition, and to faithfully conform himself to all the rules and regulations of the institution while an inmate of the same. 1935, c. 39, s. 47.

47.—(1) On petition verified by oath, presented to a judge in chambers of the county or district court of the county or district in which the alleged habitue resides, setting forth that the alleged habitue is a bona fide resident of Ontario, and is so given over to the use of alcohol or drugs that he is unable to control himself or is incapable of managing his affairs or squanders or mismanages his property, or places his family in danger of distress, or transacts his business prejudicially to the interests of his family or his creditors, or that he uses drugs or intoxicating liquors to such an extent as to render him dangerous to himself or others, or incurs the danger of ruining his health and shortening his life thereby, and praying that a hearing and examination of the matters and allegations set forth in the petition may be had, the judge shall direct that a copy of the petition, together with a notice of appointment in the prescribed form, shall be served upon the alleged habitue at least forty-eight hours before the time fixed for the hearing.

(2) Such petition may be made by any relatives, whether by blood or affinity, or, if he has no relatives in Ontario by
any friend of the alleged habitue or by the family medical attendant. 1935, c. 39, s. 48.

48.—(1) The judge shall attend at the time and place named in the appointment and then and there proceed upon evidence to inquire into the matters and allegations set forth in the petition, and whether or not the alleged habitue is in attendance or is represented may proceed to inquire into the matters and allegations set forth in the petition provided that service of the appointment as required by section 47 is proven and he may in his discretion adjourn the inquiry from time to time.

(2) Where at the time that service of the appointment and of the copy of the petition is sought to be served, the alleged habitue is confined in an institution under the provisions of section 53 and is in the opinion of the superintendent suffering from the effects of alcohol or drugs to such a degree that he is incapable of appreciating the nature of such documents or is unable to attend before the judge on the return of the appointment, such superintendent shall report such facts to the judge in writing and the judge may, where he deems it expedient to do so, proceed with the inquiry in the absence of the alleged habitue.

(3) Where any such alleged habitue is detained in an institution under the provisions of section 53, the judge may order that such person be there detained until a date not later than ten days after the completion of the inquiry. 1935, c. 39, s. 49.

49. The judge shall have the same powers as to summoning witnesses, enforcing their attendances and the production of documents as in proceedings in the county or district court, and each party may retain counsel to conduct the proceedings and to examine witnesses. 1935, c. 39, s. 50.

50.—(1) If the judge upon such inquiry finds the person petitioned against to be an habitue, and so given over to the use of alcohol or drugs as to render him unable to control himself and incapable of managing his affairs, or that on that account he squanders or mismanages his property, or places his family in danger of distress, or transacts his business prejudicially to the interests of his family or his creditors, or that he uses drugs or intoxicating liquors to such an extent as to render him dangerous to himself and others, or incurs the danger of ruining his health or shortening his life, the judge shall forthwith report the fact to the Deputy Minister and with
the report shall transmit the evidence taken accompanied by a written statement of the result of his inquiries as to the financial condition of such habitue, and the person or persons legally liable for his maintenance and giving the present address of such habitue and the name and address of the person in whose custody he is, and the names and addresses of such persons, if any, dependent upon him for support.

(2) For the purposes aforesaid, the judge shall hear such evidence upon oath and may require that some person or persons who is or are acquainted with his family and previous habits be heard for the purpose of ascertaining whether the said habitue is possessed of any and what property, and where the same is situated, and also as to the number of persons, if any, dependent upon him for support. 1935, c. 39, s. 51.

51.—(1) Upon receipt of the report and evidence the Deputy Minister may by warrant direct the removal of the habitue to an institution to be placed under treatment and detained therein for a period not exceeding two years.

(2) The judge may order that such habitue be confined in some safe and comfortable place, or such other custody as the judge deems fit until such time as he may be removed to an institution. 1935, c. 39, s. 52.

52.—(1) Any person who is suffering from the effects of alcohol or drugs may be admitted to an institution and detained therein for a period not to exceed thirty days on the certificates of two medical practitioners in the prescribed form accompanied by the prescribed history form.

(2) Such certificate shall state and show clearly that each of the medical practitioners signing it personally examined such person and as a result of such examination and of information communicated to him by other persons is of opinion that such person is suffering from the effects of alcohol or drugs to such a degree as to require hospital care.

(3) Each medical practitioner shall also in such certificate state the facts upon which he has formed his opinion, distinguishing the facts observed by him from the facts communicated to him by others, and every such certificate shall be signed in the presence of one subscribing witness and shall show the date upon which the examination was made.

(4) No person shall be admitted as an habituate patient upon any such certificate except within three days of the examination referred to in any certificate. 1935, c. 39, s. 53.
53. The certificates when accompanied by the prescribed authority to convey and detain, such person to an institution, provided that permission, either verbally or in writing for such admission has been obtained from the Deputy Minister or the superintendent, and shall be sufficient authority for the superintendent to detain the person named therein. 1935, c. 39, s. 54.

54. The superintendent of any institution shall have full authority to discharge any patient who has been admitted to such institution as an habitue,—

(a) when in the opinion of the superintendent he is sufficiently recovered; or

(b) when it is in the interest of such patient or of the hospital that he be discharged; or

(c) for admission to a sanitarium which is subject to The Private Sanitarium Act; or

(d) when default is made in payment of his maintenance.

1935, c. 39, s. 55.

55. Sections 23, 24, 31, 36, 37, 38, 39, 40, 44 and 45 of this Act shall apply mutatis mutandis to habitues. 1935, c. 39, s. 56.

PART VI

EPILEPTICS.

56. The Ontario Hospital, Woodstock, with all the lands, buildings, real estate and appurtenances thereunto attached, and whatever lands or real estate may hereafter be purchased or acquired for the same, and whatever buildings may hereafter be erected thereupon, shall be for the public use of the Province and the object and design of such hospital shall be to provide for the treatment and custodial care of epileptics. 1935, c. 39, s. 57.

57. Any person suffering from epilepsy may be admitted to such hospital who is a—

(a) voluntary patient;

(b) certificated patient;

(c) Deputy Minister’s warrant patient;

(d) Lieutenant-Governor’s warrant patient;
Sec. 57 (e).

(e) patient remanded by a judge or magistrate for observ­
vation in accordance with the provisions of this Act
and the regulations. 1935, c. 39, s. 58.

58. The provisions of sections 19 to 45 shall apply mutatis
mutandis to the Ontario Hospital, Woodstock. 1935, c. 39,
s. 59.

PART VII

EXAMINATION UNITS.

59. The Minister may issue certificates approving of any
building, premises or place, or part of any building, premises
or place including any part of any hospital or hospital school
as an examination unit. 1935, c. 39, s. 60.

60.—(1) Any person who is or is believed to be in need
of the observation, care and treatment provided in an examina­
tion unit may be admitted thereto for a period not exceeding
thirty days with the permission of the Deputy Minister or
superintendent, on the certificate of one medical practitionet
in the prescribed form accompanied by the prescribed history
form.

(2) The certificate mentioned in subsection 1 shall be suffi­
cient authority to any person to convey the person named
therein to such examination unit and to the authorities of the
said examination unit for his detention therein. 1935, c. 39,
s. 61.

61. No patient shall remain in an examination unit for a
period in excess of thirty days, provided that the Deputy
Minister shall have authority to extend the period for an
additional sixty days in the case of any patient other than a
patient who has been admitted according to the provisions of
section 60. 1935, c. 39, s. 62.

62.—(1) Where a person has been admitted to and is a
patient in an examination unit according to the provisions of
section 60, he shall be discharged, or certificated according to
the provisions of section 24, as the needs of his case may
require.

(2) Where a person has been certificated under subsection 1,
he shall be transferred to an hospital or hospital school and he
shall thereafter be subject to the provisions of this Act and the
regulations with respect to patients in an hospital or hospital
school. 1935, c. 39, s. 63.
Liabilities of Municipalities, Maintenance, Property.

63.—(1) The necessary costs and expenses incurred under the provisions of sections 23 to 29 and section 35 in determining the mental condition of any person including a fee not exceeding $5 and a travelling allowance of ten cents per mile of each medical practitioner who issues a certificate in respect of such person and the necessary expenses incurred in conveying such person to and from an institution shall be paid by the municipality from which such person came or was sent to an institution.

(2) Where such person is not in destitute circumstances the costs and expenses may be recovered by the municipality from his estate or from him or the person liable for his maintenance.

(3) Subject to subsection 2 where the costs and expenses mentioned in subsection 1 hereof are paid by a municipality in which such person did not actually reside at the time of his admission to an institution, such costs and expenses may be recovered by the municipality paying the same from the municipality in which such person actually resided at the time of admission to the institution.

(4) Such costs and expenses shall be reimbursed to the corporation of the municipality by the corporation of the county where the municipality paying the same is a part of the county for municipal purposes. 1935, c. 39, s. 64.

64.—(1) Where the Deputy Minister has reason to believe that any mentally ill, mentally defective or epileptic person has been or may be deported into Ontario from any place without Ontario, the Deputy Minister may issue a warrant in the prescribed form for the apprehension of such person and for his conveyance to an institution and for his admission and detention as a patient therein.

(2) The warrant shall be sufficient authority to any person to apprehend the person named therein and to convey him to an institution and to the authorities thereof to admit and detain him as a patient therein for a period not exceeding thirty days.

(3) Within thirty days after the admission of any patient in accordance with the provisions of this section, two medical practitioners who may be officers of the Department shall examine such patient and if such practitioners certify such
patient to be mentally ill, mentally defective or epileptic he shall be detained as a certificated patient and shall be subject to all the provisions of this Act and of the regulations respecting certificated patients.

(4) Where in the opinion of the examining practitioners such patient is not mentally ill, mentally defective or epileptic, the superintendent shall, discharge the patient from the institution. 1937, c. 72, s. 36 (1).

65.—(1) The provisions of section 25 of The Corporations Tax Act shall apply to any institution within the meaning of this Act except the Ontario Hospital, Woodstock.

(2) Every municipality shall be liable in the amount of fifty cents per day, including the day of admission and discharge, for the maintenance of every indigent patient in the Ontario Hospital, Woodstock, who resided in such municipality at the time of his admission to the hospital. 1935, c. 39, s. 66.

66.—(1) Upon due application for the admission of any person the superintendent and steward of the institution shall make a full and thorough inquiry respecting the estate, either in existence or in prospect, of such person and of its sufficiency, free from all claims of his family, to supply the means necessary for his maintenance and clothing in the institution as provided by the regulations.

(2) The superintendent and steward shall where possible require from the person liable for maintenance 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 institution.

(3) Where the obligation is for a limited period nothing herein shall extend the liability beyond the period limited.

(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 institution as hereinafter provided. 1935, c. 39, s. 67.

67. Any patient admitted to an institution who has at the time of his admission or subsequently comes into the possession of property shall be liable for his maintenance. 1935, c. 39, s. 68.

68. Any person whose wife is a patient shall be liable for the maintenance of such patient. 1935, c. 39, s. 69.
69. A parent shall be liable for the maintenance of his child who is a patient. 1935, c. 39, s. 70.

70. It shall be the duty of the steward of an institution to send a written notice on the first day of each of the months of January, April, July and October to the party liable for payment of the maintenance of any patient, giving the date of patient’s admission to the institution and the amount which is due and owing for his maintenance as provided by the regulations, and in such notice a demand shall be made by the steward upon the party liable for payment of maintenance for such sum as may be due and owing and such sum shall be forthwith paid on such demand. 1935, c. 39, s. 71.

71. (1) In case of refusal or neglect to pay the sum so demanded, the Deputy Minister or any officer whom he may designate 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.

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

(3) If the judge is satisfied that the person against whom the application is made is liable he may make an order accordingly, and such order may be enforced in the same manner as a judgment of the court. 1935, c. 39, s. 72.

72. Subject as in this Part is otherwise provided the Public Trustee shall ex officio be the committee of the estate of every patient admitted to an institution until he is discharged therefrom. 1935, c. 39, s. 73.

73. If prior to or at the time any person is admitted as a patient in an institution the Supreme Court under the authority of The Mental Incompetency Act has appointed some person other than the Public Trustee to be the committee of the estate of such person, the Public Trustee shall not in such case be the committee unless he is subsequently appointed as such by the Supreme Court. 1935, c. 39, s. 74.

74. Notwithstanding that under the authority of The Mental Incompetency Act some person other than the Public Trustee has been appointed by the Supreme Court as the committee of the estate of a patient in an institution, the Supreme Court may at any time upon the application of the Public Trustee appoint him as committee in the place and stead of the person theretofore appointed, and on appointment the Public Trustee shall.
have and may exercise all the rights and powers conferred upon him by this Act with regard to the management of patients' estates. 1935, c. 39, s. 75.

75. The Public Trustee shall not be the committee of the estate of a voluntary patient, or an habituate patient until such patient remains as a patient in an institution for a period of not less than three months, unless prior to the expiration of such period the patient by writing under seal signed by him appoints the Public Trustee as committee or the Public Trustee is appointed as committee by the Supreme Court. 1935, c. 39, s. 76.

76. If the Supreme Court shall at any time appoint a committee of the estate of any patient under the provisions of The Mental Incompetency Act the Public Trustee shall thereupon cease to be committee, and shall account for and transfer to the committee so appointed the estate of the patient which has come into his hands, retaining however so much as may be due for the maintenance of the patient. 1935, c. 39, s. 77.

77. An order shall not be made for the appointment of a committee of any patient confined in an institution without the consent of the Public Trustee, unless five days' notice shall have previously been given to him. 1935, c. 39, s. 78.

78. The acts of the Public Trustee while committee of a patient shall not be rendered invalid by the making of an order appointing another committee. 1935, c. 39, s. 79.

79. When an action or proceeding is brought or taken against any patient in an institution for whom a committee has not been appointed by the Court and such action or proceeding is in connection with the estate of such person, the writ or other document by which the proceedings are commenced and any other document requiring personal service shall be served upon the Public Trustee endorsed with a written statement of the name of the institution in which the patient is detained, and shall also be served upon the patient unless in the opinion of the superintendent of the institution personal service upon the patient would cause serious harm to him by reason of his mental condition, in which case it shall also be served upon the superintendent. 1935, c. 39, s. 80.

80. The Public Trustee as statutory committee of any such patient shall have and may exercise all the rights and powers with regard to the estate of the patient that such patient would
have if of full age and of sound and disposing mind. 1935, c. 39, s. 81.

81. Any recital in a lease, mortgage or conveyance that the patient is in an institution and that the Public Trustee is his statutory committee shall be prima facie evidence of the facts recited. 1935, c. 39, s. 82.

82. The powers conferred upon the Public Trustee as statutory committee of the estate of a patient may be exercised,—

(a) notwithstanding the patient being released upon probation or being placed in an approved home;

(b) to carry out and complete any transaction entered into by the patient before he or she became a patient in an institution;

(c) to carry out and complete any transaction entered into by the statutory committee notwithstanding that the patient may have been discharged or may have died after the transaction was commenced. 1935, c. 39, s. 83.

83. The costs, charges and expenses of the Public Trustee and any money advanced by him for the patient or for the maintenance of the family of the patient shall be a charge upon the property of the patient, and the Public Trustee may register a certificate under his hand and seal of office giving notice of any lien claimed and the property against which it is claimed in any registry office or land titles office. 1935, c. 39, s. 84.

84. Every gift, grant, alienation, conveyance or transfer of property made by any person who is or becomes a patient in an institution shall be deemed to be fraudulent and void, as against the statutory committee, 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 his mental condition. 1935, c. 39, s. 85.

85. Upon the death of any patient the Public Trustee may until probate of the will or letters of administration to the estate of such patient is granted to some other person and notice is given to the Public Trustee, continue to manage the estate and may exercise with respect thereto the powers which an executor would have if the property were devised or be-
Accounting by Public Trustee.

86. The Public Trustee 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 responsibility 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 personally liable only for wilful misconduct. 1935, c. 39, s. 86.

Compensation of Public Trustee.

87. For the services rendered by the Public Trustee as committee of a patient, he may be allowed compensation not exceeding the amount which a trustee would be allowed for like services, but in cases of poverty or hardship the Public Trustee may forego any claim for compensation. 1935, c. 39, s. 88.

Relief of Public Trustee on discharge of patient.

88. When a person discharged from an institution may not in the opinion of the Public Trustee based upon the report of the superintendent of such institution be competent to manage his affairs and the Public Trustee has in his hands property of such person as committee under this Act, he may apply to the Supreme Court for directions as to the disposal of such property, and the Court may give such orders and directions in the premises as it may deem just. 1935, c. 39, s. 89.

Payment of charges for maintenance of patient.

89. The Public Trustee shall, out of the money in his hands belonging to a patient for whom he is statutory committee, pay the proper charges for his maintenance in the institution in which he is a patient, and he may also pay such sums as he may deem advisable to the family of such patient or other person dependent upon him, and the payments for the maintenance of the family and other dependents may be made notwithstanding that such payments may prevent the payment of maintenance which otherwise would be due from the patient. 1935, c. 39, s. 90.

Payment of money out of court.

90. If there is any money in court to the credit of a patient the same shall be paid out to the Public Trustee upon his written application, and it shall not be necessary to obtain an order of the court or a judge for such purpose. 1935, c. 39, s. 91.
91. Nothing in this Act shall make it the duty of the Public Trustee to institute proceedings on behalf of a patient or to intervene in respect of his estate. 1935, c. 39, s. 92.

92.—(1) The Lieutenant-Governor in Council may appoint the Administrator of Estates of Insane Persons for the Province of Manitoba to be committee of the estate in the Province of Ontario of any person who is detained as a patient in a provincial institution for mentally ill, mentally defective or epileptic persons in Manitoba. 1935, c. 39, s. 93 (1); 1937, c. 72, s. 36 (2).

(2) The Lieutenant-Governor in Council may appoint the Administrator of Estates of the Mentally Incompetent of the Province of Saskatchewan to be the committee of the estate in the Province of Ontario of any person who is detained as a patient in a provincial institution for mentally ill, mentally defective or epileptic persons in Saskatchewan. 1935, c. 39, s. 93 (2); 1937, c. 72, s. 36 (3).

(3) An Order-in-Council making such an appointment of the officer mentioned in subsection 1 or 2 shall be conclusive proof that all conditions precedent necessary to the appointment have been fulfilled.

(4) The appointee under an Order-in-Council issued under this section shall possess the same rights, powers, privileges and immunities as are conferred by this Act and the amendments thereto upon the Public Trustee for Ontario, and he shall be subject to the same obligations and shall perform the same duties. 1935, c. 39, s. 93 (3, 4).

PART IX

MENTAL HEALTH CLINICS.

93. Subject to the provisions of this Act and the regulations the Department shall have power and authority to establish clinics known as “Mental Health Clinics.” 1935, c. 39, s. 94.

94. The Minister shall have authority to appoint an officer who shall be a duly qualified medical practitioner to be in charge of each clinic with such title as the Minister may designate. 1935, c. 39, s. 95.

95. The staff of each clinic, in addition to the officer designated in section 94, shall consist of an assistant trained in psychology, an assistant trained in social service, and such
other assistants as provided by the regulations. 1935, c. 39, s. 96.

**Expenses.**

96. All salaries, remuneration and expenses of the clinics and of their officers, clerks and servants shall be paid out of the Consolidated Revenue Fund upon the certificate of the Minister or of an officer of his Department designated by him for the purpose. 1935, c. 39, s. 97.

**Powers of a clinic.**

97. Subject to the direction of the Deputy Minister, a mental health clinic may do any act or perform such services which by law the Department is permitted or authorized to do. 1935, c. 39, s. 98.

**Authority to conduct examinations.**

98. Notwithstanding the provisions of section 97, a mental health clinic shall have authority to conduct an examination of the physical and mental condition of:

(a) Any person other than an infant who may apply for such examination; and

(b) Any infant upon the request verbally or in writing of his parent; and

(c) Any person who may be sent by an organization approved by the Deputy Minister, provided such person has first given his consent to such examination; and

(d) Any person on the order of any magistrate. 1935, c. 39, s. 99.

**Examination of pupils.**

99.—(1) Subject to the provisions of this section, a mental health clinic shall have authority to conduct an examination of the physical and mental condition of any or all pupils of any elementary or secondary school other than a private school and including any public, separate, continuation, vocation or high school.

(2) Such examination shall be conducted only on the request in writing of the board of public school trustees, board of separate school trustees, board of education, or other board having control of the school in which the examination is requested to be conducted.

(3) The consent in writing of the parent for such examination must first be obtained, provided that a consent for medical examination according to the provisions of The Public Schools Act and regulations shall be consent for the purposes of this section.
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(4) The officer in charge of the clinic shall report the results of an examination under this section to the Minister of Education and to the Minister of Health, and the officer may report such results to the parent. 1935, c. 39, s. 100.

100. (1) Examinations under this Part may be conducted in any place or places which the officer in charge of the clinic deems expedient.

(2) Examinations under section 99 may be conducted in any of the schools referred to therein, at such time or times as the person in charge of the school shall designate as convenient. 1935, c. 39, s. 101.

101. Subject to the direction of the Minister, a mental health clinic upon the request of any person, body, group, organization or corporation shall have authority to give advice on matters pertaining to mental health and mental disease or matters reasonably ancillary thereto. 1935, c. 39, s. 102.

102. The officer in charge of the mental health clinic may report the results of an examination under section 98 to,—

(a) the Department;
(b) the person examined;
(c) any person or organization upon whose order or request the examination was undertaken;
(d) any person who, in the opinion of such officer, has a bona fide interest in the person examined;

and, subject to the provisions of this section, the records of any mental health clinic shall not be open to public inspection. 1935, c. 39, s. 103.

PART X

AGREEMENT BETWEEN PROVINCE AND DOMINION.

103. The Lieutenant-Governor in Council shall have power to authorize an agreement with His Majesty the King in right of His Dominion of Canada represented by the Honourable the Minister of Pensions and National Health or the Minister of such other Department of the Government of Canada as may from time to time be charged with the care and treatment of insane, epileptic, mentally ill or mentally defective former members of His Majesty's Military or Naval Forces who served during the War of 1914-18 whereunder the said Department shall, subject to regulations not inconsistent with
this Act appended to and forming part of the said agreement, establish, operate, maintain, control and direct in the Province of Ontario institutions within the meaning of this Act for the care, treatment and detention of such former members of the Forces and former members of any Forces which were allied with His Majesty's Forces during the War of 1914-18 and members of the Permanent Force within the meaning of the *Militia Act* (Canada), and who are insane or epileptic or who are mentally ill or mentally defective within the meaning of this Act and to authorize such alterations in or amendments of such agreement as may from time to time appear necessary or desirable. 1935, c. 39, s. 104.

**Regulations.** 104.—(1) Any regulations adopted by the parties to the agreement in section 103 mentioned shall have the same force and effect as if enacted in this Act.

(2) Without limiting the generality of the provisions contained in subsection 1 it is declared that the authority to adopt regulations shall extend to and include the following,—

(a) regulating the admission, commitment and detention of such members to such institutions, notwithstanding any provision to the contrary in any Act of this Legislature dealing with the care, treatment or detention of insane, epileptic, mentally ill or mentally defective persons, and for greater certainty but not so as to restrict the generality of the foregoing terms, it is hereby declared that the Lieutenant-Governor in Council may exempt the said Department from such of the provisions of the said Acts as he may deem inapplicable and may authorize the said Department by its officers or servants to do such acts and things as by any Act of this Legislature dealing with the care, treatment or detention of insane, epileptic, mentally ill or mentally defective persons are required or authorized to be done by officers or servants of the Province of Ontario or by a justice or justices of the peace or other judicial authority;

(b) regulating the care, treatment, maintenance, conduct, discipline, custody, transfer, probation, release, discharge and apprehension in such institutions of persons the care, treatment or detention of which is the subject matter of such agreement;

(c) prescribing the forms relating to such persons and to their admission to, maintenance in and release or discharge from such institutions and all other forms
required for the carrying out of the provisions of this Act and such agreement;

(d) respecting the transfer of any such member from any place without Ontario to any other place without Ontario and from any place within Ontario to any place without Ontario and from any place without Ontario to any place within Ontario during the passage of such member through Ontario;

(e) generally, the control of all matters the subject matter of such agreement. 1935, c. 39, s. 105.

105. The detention of any such member by the said Detention
Minister by virtue of and in accordance with the provisions of any authority conferred by any Act of this Legislature or agreement with the Government of the Province of Ontario shall be deemed to be legal and valid notwithstanding anything in this Act. 1935, c. 39, s. 106.

106. The Public Trustee shall be ex officio committee of the estate of every patient who has no other, committee and who is detained in an institution under this Part, and the provisions of sections 72 to 92 shall apply to the institutions under this Part and the patients therein. 1935, c. 39, s. 107.