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Ontario
CHAPTER 394.

The Private Sanitaria Act.

1. In this Act,—
   
   (a) "Board" shall mean board of visitors;
   
   (b) "Drug habituate" shall mean a person who habitually uses any poisonous or narcotic drug or other substance in such quantities or so frequently as to endanger his health or reason; R.S.O. 1927, c. 355, s. 1, clss. (a, b).
   
   (c) "Inspector" shall mean an inspector appointed under The Mental Hospitals Act; 1935, c. 39, sched.
   
   (d) "Intoxicating liquor" shall have the meaning given to "liquor" by The Liquor Control Act;
   
   (e) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act;
   
   (f) "Proprietor" shall mean every person or corporation to whom a license is granted under the provisions of this Act, and every person or corporation keeping, owning or having any interest or exercising any duties or powers of a proprietor in a sanitarium;
   
   (g) "Sanitarium" shall mean an institution for the care and treatment of mental and nervous diseases licensed under the provisions of this Act. R.S.O. 1927, c. 355, s. 1, clss. (d-g).

2. When the proprietor of a sanitarium desires to obtain a license for such sanitarium under the provisions of this Act he shall give notice thereof to the Minister. R.S.O. 1927, c. 355, s. 2.

3. The notice shall contain the Christian name and surname, place of abode and occupation of the proprietor, unless such proprietor is a corporation, when the name and chief place of business of the corporation shall be given, and a true and full description of such proprietor's estate or interest in such house; and if the proprietor to whom the license is desired to be granted does not propose to reside himself in the licensed house the notice shall contain the Christian name
and surname, place of abode and occupation of the superintendent who is to reside therein. R.S.O. 1927, c. 355, s. 3.

4. The notice shall be accompanied by a plan of the house, drawn upon a scale of not less than one-eighth of an inch to a foot, with a statement showing,—

(a) the situation thereof;

(b) the length, breadth and height of, and a reference by a figure or letter to every room and apartment therein;

(c) the quantity of land not covered by any building annexed to such house, and appropriated to the exclusive use, exercise and recreation of the patients proposed to be received therein;

(d) the number of patients proposed to be received into such institution, and whether the license so applied for is for the reception of male or female patients, or of both, and if for the reception of both the number of each sex proposed to be received in such institution, and the means by which the one sex may be kept separate and apart from the other;

(e) the sanitary arrangements, ventilation, heating and water supply, and the fire escapes and the facilities provided for use in case of fire and the means for preventing fires. R.S.O. 1927, c. 355, s. 4.

5.—(1) The notice, with the plan and statements required by section 4 shall be sent to the inspector at least two weeks before the reception of patients.

(2) The inspector shall thereupon visit the proposed sanitarium and inspect the same, and report thereon to the Lieutenant-Governor in Council. R.S.O. 1927, c. 355, s. 5.

6. If the inspector reports that the buildings and premises are ready and fit for occupation as a sanitarium the Lieutenant-Governor in Council may issue a license to the proprietor to keep and maintain the same for the purposes of a sanitarium and receive therein the number of patients named in the inspector's report; and such license shall continue in force until revoked by the Lieutenant-Governor in Council on the report of the inspector. R.S.O. 1927, c. 355, s. 6.

7. No such license shall be granted unless the proprietor gives security to His Majesty in the sum of $1,000 under the usual conditions for the good behaviour of such proprietor.
during the time for which the license continues in force. 
R.S.O. 1927, c. 355, s. 7.

BOARD OF VISITORS.

8.—(1) Every sanitarium shall be under the supervision 
and inspection of a board of visitors composed of the judge 
or, in the case of his absence or disqualification, a junior or 
deputy judge of the county or district court, the clerk of the 
peace and the sheriff of the county or district in which the 
sanitarium is situate, together with two legally qualified medical 
practitioners appointed by the Lieutenant-Governor in Council 
who shall hold office for three years unless sooner removed 
by him.

(2) The judge shall be the chairman and the clerk of 
the peace shall be the secretary of the board.

(3) The members of the board shall be paid by the pro-
prieto such allowance for their services as the Lieutenant-
Governor in Council may direct. R.S.O. 1927, c. 355, s. 8.

9.—(1) No member of the board shall be pecuniarily 
interested in any sanitarium, either directly or indirectly and 
any member who after his appointment becomes interested 
in any sanitarium either as proprietor or part owner, or by 
the sale of merchandise to such a sanitarium or in any other 
way, shall thereupon become disqualified from acting and 
shall not thereafter act in such capacity.

(2) If a member of the board is or becomes so disqualified 
the Lieutenant-Governor in Council may appoint some one 
to act in his stead. R.S.O. 1927, c. 355, s. 9.

10.—(1) Every visitor shall, before acting, take and sub-
scribe the following oath:

"I, A.B., do swear that I will discreetly, impartially and faithfully 
execute all the trusts and powers committed to me by virtue of The 
Private Sanitoria Act, and that I will keep secret all such matters as 
come to my knowledge in the execution of my office, except when 
required to divulge the same by legal authority, or so far as I feel 
myself called upon to do so for the better execution of the duty imposed 
upon me by the said Act."

(2) The oath shall be filed in the office of the clerk of the 
peace. R.S.O. 1927, c. 355, s. 10.

11. The secretary shall summon the board to meet for the 
purpose of executing their duties under this Act. R.S.O. 
1927, c. 355, s. 11.
12. Every such summons and meeting shall be made and held as privately as possible and in such manner that no proprietor, superintendent or person interested in or employed about or connected with the sanitarium to be visited shall know of such intended visitation. R.S.O. 1927, c. 355, s. 12.

13.—(1) If the secretary at any time desires to employ an assistant in the execution of the duties of his office he shall certify such desire and the name of the proposed assistant to the chairman of the board, and if such assistant is approved by the chairman shall administer the following oath to such assistant:

"I, A.B., do swear that I will faithfully keep secret all such matters and things as come to my knowledge in consequence of my employment as assistant to the secretary of the Board of Visitors, appointed for the county or district of ________________, by virtue of The Private Sanitaria Act, unless required to divulge the same by legal authority: So help me God."

(2) The secretary may thereafter, at his own cost, employ such assistant. R.S.O. 1927, c. 355, s. 13.

14.—(1) No medical practitioner who is a member of the board shall sign any certificate for the admission of any patient into any sanitarium or shall professionally attend upon any patient therein unless he is directed to visit such patient by the person upon whose order such patient has been received into the sanitarium, or by the Minister or by one of the judges of the Supreme Court, or by some person appointed by one of such judges for that purpose.

(2) For every contravention of subsection I the medical practitioner shall incur a penalty of $200. R.S.O. 1927, c. 355, s. 14.

REMOVAL OF SUPERINTENDENT.

15. A proprietor may remove the superintendent named in the notice, and may at any time appoint another superintendent upon giving to the board a notice containing the Christian name and surname, place of abode and occupation of the new superintendent. R.S.O. 1927, c. 355, s. 15.

FEES FOR LICENSES.

16. For every license there shall be paid to the clerk of the peace for the county or district in which the sanitarium is located, for every patient proposed to be received therein, the sum of $5, and if the total amount so payable does not amount to $200 so much more as together therewith will make up the sum of $200, and no such license shall be delivered
until the sum payable for the same has been paid. R.S.O. 1927, c. 355, s. 16.

17. All moneys received for licenses granted under this Act shall be applied towards the payment of the allowance to the secretary for his services and the discharge of the costs, charges and expenses incurred by or under the authority of the board in the execution of or by virtue of this Act. R.S.O. 1927, c. 355, s. 17.

18. The clerk of the peace shall keep an account of all money received and paid by him under this Act, and such accounts shall be made up to the last day of December in each year inclusively, and shall be signed by two at least of the members of the board and forwarded to the Minister. R.S.O. 1927, c. 355, s. 18.

ADDITIONS AND ALTERATIONS TO LICENSED PREMISES.

19. No one license shall include or extend to more than one sanitarium; but if there is any place or building detached from the sanitarium, but not separated from it by ground belonging to any other person, and if such place or building is specified, delineated and described in the prescribed notice, plan and statement in the same manner in all particulars as if the same had formed part of such sanitarium, then such detached place or building, if the Lieutenant-Governor in Council thinks fit, may be included in the license for the sanitarium, and if so included shall be considered part of such sanitarium for the purposes of this Act. R.S.O. 1927, c. 355, s. 19.

20. No addition or alteration shall be made to, in or about any sanitarium, or the appurtenances, unless previous notice in writing of the proposed addition or alteration, accompanied with a plan thereof, drawn upon the prescribed scale and accompanied by the prescribed statement, has been given to the inspector by the proprietor, nor unless the approval of the Lieutenant-Governor in Council has been previously obtained. R.S.O. 1927, c. 355, s. 20.

TRANSFERS AND REMOVALS.

21. If a proprietor becomes incapable of keeping the sanitarium or dies before the expiration of the license the Lieutenant-Governor in Council may authorize the transfer of the license, for the term then unexpired, to the person who at the time of such incapacity or death was the superintendent of
such house or had the care of the patients therein, or to such other person as the Lieutenant-Governor in Council may approve, and in the meantime the license shall remain in force and have the same effect as if granted to the superintendent. R.S.O. 1927, c. 355, s. 21.

22. If a license has been granted to two or more persons, and one or more of such persons die leaving the other or others surviving, the license shall remain in force and have the same effect as if granted to the survivor or survivors. R.S.O. 1927, c. 355, s. 22.

23.—(1) If a sanitarium is pulled down or becomes unfit for the accommodation of patients, or if the proprietor desires to transfer the patients to another building, the Lieutenant-Governor in Council may grant to him a license to keep such other building for the reception of patients for such time as the Lieutenant-Governor in Council thinks fit; but the like notice of such intended change and the like plans and statements of and as to such intended new building shall be given as are required when application is first made for a license for a sanitarium, and shall be accompanied by a statement in writing of the cause of the change.

(2) A fee of $25 shall be payable by the licensee to the clerk of the peace upon the issue of the license.

(3) Except where the change is occasioned by fire or tempest seven clear days' previous notice of the intended removal shall be sent by the proprietor to the person who signed the requisition for the reception of each patient or the person by whom the last payment on account of each patient had been made. R.S.O. 1927, c. 355, s. 23.

ADMISSION OF PATIENTS.

24.—(1) Subject to the provisions and exceptions herein- after made no person, whether he is or is represented to be mentally diseased, or only a boarder or lodger in respect of whom any money is paid or agreed to be paid for board, lodging or any other accommodation, shall be received into or detained in any sanitarium without a requisition under the hand of some person according to and stating the particulars mentioned in Form 1, nor without separate certificates, according to Form 2, of two legally qualified medical practitioners not being partners or brothers, or father and son, each of whom separately from the other has personally examined the person to whom the certificates relate not more than fifteen clear days previous to the reception of such person
into such sanitarium, and each of whom has signed and dated the certificate on the day on which such person was so examined.

(2) Every medical practitioner who signs a certificate shall state therein that he has personally examined the person to whom the certificate relates, and that from such examination and from the evidence adduced before him, he is of opinion that such person is mentally diseased, and a proper person to be confined in a sanitarium for mental diseases, and he shall also state the facts and evidence adduced before him which led to such opinion, and he shall therein distinguish the facts observed by himself from facts communicated to him by others. R.S.O. 1927, c. 355, s. 24.

25.—(1) The superintendent of a sanitarium may admit to and detain in it any person domiciled out of Ontario who is certified to be mentally diseased by two duly qualified medical practitioners of the place out of Ontario in which such person has his domicile, if certificates are made mutatis mutandis according to Form 2, but any person domiciled out of Ontario so admitted and detained in a sanitarium shall, within fifteen days of such admission, be examined by one legally qualified medical practitioner of Ontario who shall certify according to Form 2. R.S.O. 1927, c. 355, s. 25 (1).

(2) The certificates shall be a sufficient authority to any person to convey the patient to the sanitarium and to the superintendent thereof to detain him therein or to the superintendent of any institution under The Mental Hospitals Act to which the patient may afterwards be transferred by the order of the inspector, to receive such patient in such institution and to detain him therein as long as he continues to be mentally diseased. R.S.O. 1927, c. 355, s. 25 (2); 1935, c. 39, sched.; 1937, c. 72, s. 45 (1).

26. Any person may, under special circumstances, be received into the sanitarium upon a requisition accompanied by the certificate of one legally qualified medical practitioner if the requisition states special circumstances which prevented the person from being examined by two duly qualified medical practitioners; but in every such case another certificate shall be signed by some other legally qualified medical practitioner not connected with any sanitarium, who has specially examined such person within three days after his reception into such sanitarium. R.S.O. 1927, c. 355, s. 26.

27. Subject to the provisions and exceptions hereinafter made no person shall receive to board and lodge in any building
not licensed under this Act or take the charge or care of more
than two mentally diseased persons at the same time. R.S.O.
1927, c. 355, s. 27.

28. Every person who receives to board or lodge in a build-
ing not licensed under this Act, or takes the care or charge of
a person mentally diseased, shall within one month next after
receiving such person into his house or under his care notify
the inspector thereof. R.S.O. 1927, c. 355, s. 28.

29. No medical practitioner who, or whose father, brother,
son or partner, is wholly or partly the proprietor of or a reg-
ular professional attendant in a sanitarium shall sign any
certificate for the reception therein of a patient, and no
medical practitioner who, or whose father, brother, son or
partner, signs the prescribed requisition for the reception of
a patient shall sign any certificate for the reception of the
same patient. R.S.O. 1927, c. 355, s. 29.

30.—(1) Any medical practitioner who maliciously or
corruptly signs any false certificate for the purpose of procur-
ing the confinement of any sane person in a sanitarium shall,
upon judgment being given against him in an action for
damages on account of such malicious or corrupt act, ipso
facto be incapacitated from practising in Ontario for the period
of five years thereafter.

(2) The name of such medical practitioner shall upon pro-
duction of a certified copy of the judgment to the registrar
of the College of Physicians and Surgeons of Ontario be
removed from the register. R.S.O. 1927, c. 355, s. 30.

31.—(1) The superintendent of a sanitarium, upon the Admis-
written application of any person who is desirous of submit-
ting himself for treatment of any nervous or physical ailment,
may receive and detain him therein upon the certificate of
one legally qualified medical practitioner that such person
is afflicted with any such ailment and that there is danger
that such ailment will develop into mental derangement unless
it is properly treated.

(2) No person so admitted shall be detained more than Discharge.
three days after he has given notice in writing to the superin-
tendent of his desire to leave the sanitarium.

(3) The superintendent shall give immediate notice of the Notice of
reception of such person to the secretary of the board, stating
all the particulars of the case, and one or more members of
the board or the secretary shall forthwith visit such patient in
Visit by
the board.
order to verify the fact of his having been admitted voluntarily, and all the facts in connection with the case shall be forthwith recorded in the visitors' book by the person making the inquiry. R.S.O. 1927, c. 355, s. 31.

"Register of Patients." 32.—(1) Every proprietor or superintendent who receives a patient into a sanitarium shall, within two days after his reception, make an entry with respect to him in a book to be kept for that purpose, to be called "Register of Patients," according to the form and containing the particulars mentioned in Form 3, so far as he can ascertain the same, and when a patient is discharged or dies an entry of the fact shall be made in the appropriate column.

(2) Every person who contravenes subsection 1 shall incur a penalty not exceeding $10. R.S.O. 1927, c. 355, s. 32.

Record of mental disorder. 33. The form of the mental disorder, if any, of every patient received into a sanitarium shall, within seven days after his reception, be entered in the clinical record by the medical attendant, and every medical attendant who omits to make such entry shall, for every such omission, incur a penalty not exceeding $10. R.S.O. 1927, c. 355, s. 33.

Copy of order for visitors. 34. The proprietor or superintendent of every sanitarium shall, after two clear days and before the expiration of seven clear days from the day on which any patient has been received into the sanitarium, transmit to the secretary of the board a copy of the requisition and medical certificates or certificate on which the patient was received, and also a notice and statement according to Form 4. R.S.O. 1927, c. 355, s. 34.

PROCEDURE IN CASE OF ESCAPE.

Escape. 35.—(1) Where a patient has escaped from a sanitarium, the proprietor or superintendent shall, within two clear days next after the escape, transmit written notice thereof to the inspector and to the secretary of the board.

(2) The notice shall state the Christian name and surname of the patient, and his then state of mind, and the circumstances connected with the escape.

(3) The patient may be retaken at any time within one month after his escape and brought back to and detained in the sanitarium.

(4) If the patient is brought back, the proprietor or superintendent shall within two clear days thereafter transmit written notice thereof to the inspector and the secretary.
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(5) The notice shall state when the patient was so brought back and under what circumstances, and whether with or without a fresh requisition and certificate.

(6) Every proprietor or superintendent who omits to transmit such notice, whether of escape or of return, shall, for every such omission, incur a penalty not exceeding $50.  R.S.O. 1927, c. 355, s. 35.

REMOVAL, DISCHARGE, DEATH, ETC.

36. Where a patient is removed or discharged from a sanitarium or dies therein, the proprietor or superintendent shall, within two clear days next after such removal, discharge or death, make an entry thereof in a book to be kept for that purpose, according to Form 5, and stating the particulars in Form 5, and shall also within the same period transmit written notice thereof, (Form 6), and also of the cause of the removal, discharge or death, if known, to the inspector and to the secretary of the board.  R.S.O. 1927, c. 355, s. 36.

37.—(1) Where a patient dies in a sanitarium, a statement of the cause of death, with the name of any person present at the death, shall be forthwith drawn up and signed by the superintendent of the sanitarium, and a copy thereof duly certified by the proprietor or superintendent shall, within forty-eight hours after the death of the patient, be transmitted by him to the nearest coroner and to the inspector and to the secretary of the board, and also to the person who signed the requisition for the patient's admission or, if he is dead or absent from Ontario, to the person who made the last payment on account of the patient.

(2) Every person who contravenes subsection 1 shall incur a penalty not exceeding $200.  R.S.O. 1927, c. 355, s. 37.

38. Where a person discharged from a sanitarium considers himself to have been unjustly detained therein the secretary of the board shall, at his request, furnish to him or to his solicitor, without fee or reward, a copy of the certificates and requisition upon which he was admitted or detained.  R.S.O. 1927, c. 355, s. 38.

MEDICAL ATTENDANTS.

39.—(1) In every sanitarium licensed for one hundred patients or more there shall be a legally qualified resident medical practitioner as superintendent or medical attendant thereof and one legally qualified medical practitioner for each
thirty patients over the first thirty in residence, and in every such sanitarium licensed for less than one hundred and more than fifty patients there shall be one legally qualified medical practitioner for each thirty patients in residence, and every sanitarium licensed for less than fifty patients, if it is not kept by or has not a resident legally qualified medical practitioner, shall be visited by one twice in every week, but the board or the inspector may direct that such last mentioned sanitarium shall be visited by a legally qualified medical practitioner at any other time or times not oftener than once in every day.

(2) Where a sanitarium is licensed to receive less than eleven patients any two members of the board may, by writing under their hands, permit the sanitarium to be visited by a physician at such intervals more distant than twice every week, as such visitors appoint, but not at a greater interval than once in every two weeks. R.S.O. 1927, c. 355, s. 39.

40.—(1) There shall be kept in every sanitarium a record to be called “The Clinical Record” in which the physician keeping or residing in or visiting such sanitarium shall make or cause to be made entries at least every week of the mental state and bodily condition of each patient and a correct statement of the treatment pursued.

(2) The inspector or the board may, whenever he or they see fit, by an order in writing, require the superintendent to transmit to him or them a correct copy of the entries or entry in the clinical record relative to the case of any patient who is or has been detained in the sanitarium.

(3) Every person who contravenes any of the provisions of this section shall incur a penalty not exceeding $40. R.S.O. 1927, c. 355, s. 40.

41. There shall also be kept and observed such forms and regulations as the inspector shall from time to time direct for the further purpose of recording clinical particulars regarding patients' mental and physical condition and reporting particulars regarding the estates of patients. R.S.O. 1927, c. 355, s. 41.

INSPECTION OF SANITARIA.

42. Every sanitarium shall be visited and inspected,—

(a) by two at least of the members of the board, one of whom shall be a legally qualified medical practitioner, four times at the least in every year; and
(b) at least once in every year by the inspector who shall prepare and forward a full report of his visit of inspection to the Minister. R.S.O. 1927, c. 355, s. 42.

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43.—(1) The visitors and inspector, when visiting any such sanitarium, shall inspect every part of it and every house, out-house, place and building communicating with it or detached from it, but not separated by ground belonging to another person, and every part of the ground and appurtenances held, used or occupied therewith, and shall see every patient then detained therein, and shall inquire whether any patient is under restraint and why, and shall inspect the order and certificates or certificate for the reception and detention of every patient who has been received into the sanitarium since the last visit, and shall enter in the visitors' book a minute as to,—

(a) the then condition of the sanitarium, its furniture, furnishings and surroundings;
(b) the appearance of the patients, particularly noting if there are any marks of violence;
(c) the condition of the beds and bedding;
(d) whether the dietary is suitable and the food service satisfactory;
(e) whether the staff is sufficient;
(f) the number of patients under restraint or in seclusion with the reasons stated therefor;
(g) any irregularity in the order or certificate;
(h) whether the previous suggestions, if any, of the inspector or visitors have been attended to; and
(i) any matter as to which they or he deem it proper to make observations.

(2) The proprietor or superintendent shall show to the visitors or inspector every part of the sanitarium and every person detained therein as a patient.

(3) The visitors and inspector shall inquire,—

(a) whether divine service is held therein, for what number of patients, and the effect thereof;
(b) what occupations or amusements are provided for the patients, and the result thereof;
(c) whether there has been adopted any system of non-restraint, and if so the result thereof;

(d) as to the classification of patients;

(c) whether there is any patient who should be discharged;

(f) whether the building, its furniture and furnishings are suitable;

(g) whether the nurses engaged in caring for the patients are properly trained for the work in which they are engaged, and how many trained graduate nurses are employed; and

(h) as to any other matter as to which it may be proper to inquire in order to ascertain whether the sanitarium is properly conducted.

What information to be laid before the visitors.

(4) Upon every visit there shall be laid before the visitors or the inspector by the proprietor or superintendent,—

(a) a list of all the patients then in the sanitarium, distinguishing males from females, and specifying such as are deemed curable;

(b) the books and records required to be kept by the proprietor or superintendent, and by a medical attendant;

(c) all requisitions and certificates relating to patients admitted since the last visit;

(d) the license then in force;

(e) all such other requisitions, certificates, documents and papers relating to any of the patients at any time received into the sanitarium as the visitors or inspector from time to time require to be produced. R.S.O. 1927, c. 355, s. 43.

Plan and "Visitors' Book" to be kept.

44. There shall be hung up in some conspicuous part of every sanitarium a copy of the plan sent to the inspector on applying for the license, and there shall be kept in every such sanitarium a copy of this Act, bound in a book, to be called "The Visitors' Book." R.S.O. 1927, c. 355, s. 44.

Copies of certain entries.

45.—(1) The proprietor or superintendent of every sanitarium shall, within three days after every visit by the visitors, transmit to the inspector and the secretary of the board a true copy of the entries made by them in the visitors' book.
(2) The proprietor or superintendent of every sanitarium shall, on the last day of each month, report to the inspector the name of each patient admitted during that month, and transmit copies of the certificates and papers upon which each such patient was admitted, and shall at any and all times furnish to the inspector such other reports and information relative to any patient as may be required by him.

(3) Every person who contravenes any of the provisions of subsections 1 and 2 shall incur a penalty not exceeding $40.
R.S.O. 1927, c. 355, s. 45.

46. The inspector or any two or more members of the visits board may visit and inspect a sanitarium within their jurisdiction at any hour of the day or night. R.S.O. 1927, c. 355, s. 46.

DISCHARGE OF PATIENTS.

47.—(1) Subject to subsection 3, where the person who signed the requisition on which a patient was received into a sanitarium, by writing under his hand, directs the patient to be removed or discharged, such patient shall forthwith be removed or discharged accordingly.

(2) Subject to subsection 3, if the person who signed the requisition is incapable of giving an order for the discharge or removal of the patient, or if he is absent from Ontario or is dead, the husband or wife of the patient, or if there is no husband or wife, the father of the patient, or if there is no father, the mother of the patient, or if there is no mother, then any one of the nearest of kin for the time being of the patient, or the person who made the last payment on account of the patient, may, by writing under his or her hand, give such direction for the discharge or removal of the patient and thereupon the patient shall be forthwith discharged or removed accordingly.

(3) No patient shall be discharged or removed if the superintendent or attending physician, by writing under his hand, certifies that in his opinion the patient is dangerous and unfit to be at large, together with the grounds on which such opinion is founded, unless the inspector after such certificate has been produced to him, gives his consent in writing to the discharge or removal of the patient. R.S.O. 1927, c. 355, s. 47.

48. Nothing herein shall prevent a patient from being transferred from one sanitarium to another or to an institution under The Mental Hospitals Act, but in such case the
patient shall, for the purpose of such removal, be placed under the control of an attendant belonging to the sanitarium to or from which he is about to be removed, and shall remain under such control until the removal has been effected. R.S.O. 1927, c. 355, s. 48; 1935, c. 39, sched.; 1937, c. 72, s. 45 (2).

49.—(1) The inspector or any two or more members of the board, one of whom is a legally qualified medical practitioner, may make special visits to any patient on such days and at such hours as they think fit; and if after two distinct and separate visits made by the same visitors or inspector it appears that the patient is detained without sufficient cause such visitors or the inspector may order his discharge and the patient shall be discharged accordingly.

(2) Every such order shall be signed by such visitors or inspector, and the discharge of a patient shall not be ordered until after a conference with the superintendent or an attending medical practitioner respecting the fitness of the patient to be discharged.

(3) If the visitors or inspector, after such conference, discharge a patient, and the superintendent or medical practitioner has furnished them with a statement in writing containing his reasons against the discharge, they or he shall forthwith transmit such statement to the secretary of the board, who shall enter and register it in a book to be kept for that purpose.

(4) Not less than seven days shall intervene between the first and second of such special visits, and the board or inspector shall, seven days before the second of such visits, give notice thereof, either by post or by an entry in the visitors' book, to the proprietor or superintendent of the sanitarium, and the proprietor or superintendent shall forthwith if possible transmit by registered post a copy of the notice to the person by whose authority the patient was admitted or by whom the last payment on account of such patient was made.

(5) None of the powers of discharge shall extend to a patient confined under an order or the authority of the Lieutenant-Governor or under the order of any court of criminal jurisdiction. R.S.O. 1927, c. 355, s. 49.

ORDER FOR INFORMATION.

50. If a person applies to a member of the board or to the inspector to be informed whether any particular person is detained in a sanitarium the member or inspector may give a direction so to do to the secretary of the board who shall on the receipt of such direction make search amongst the
returns made to him in pursuance of this Act, whether the person inquired for is or, within the then last twelve months, has been detained in any sanitarium under the jurisdiction of the board; and if it appears that such person is or has been so detained the secretary shall deliver to the person applying a statement in writing specifying,—

(a) the name and location of the sanitarium in which the person appears to be or to have been detained;

(b) the name of the proprietor or superintendent thereof;

(c) the date of admission of such person; and

(d) in case of his having been removed or discharged, the date of his removal or discharge. R.S.O. 1927, c. 355, s. 50.

ORDERS FOR ADMISSION.

51.—(1) Any member of the board or the inspector may, at any time, give an order in writing under his hand for the admission to any patient detained in a sanitarium of any relation or friend of such patient or of any person whom any relation or friend of the patient desires to be admitted to him.

(2) The order may be either for a single admission or for an admission for any limited number of times or for admission generally at all reasonable times.

(3) If the proprietor or superintendent refuses admission to or prevents or obstructs the admission to any patient of a person who produces such an order for his admission, he shall incur a penalty not exceeding $80. R.S.O. 1927, c. 355, s. 51.

MISCELLANEOUS PROVISIONS.

52.—(1) If the superintendent of a sanitarium considers it conducive to the recovery of any patient that he should be entrusted for a time to the care of his friends the superintendent may allow such patient to return on trial to his friends upon receiving a written undertaking by one or more of them that he or they will keep an oversight over such patient.

(2) If within six months thereafter the patient becomes dangerous or unfit to be at large, the medical superintendent, with the consent of the inspector or one of the visitors, to be indorsed on the warrant, may, by his warrant directed to any person or to any constable or peace officer or to all constables or peace officers, authorize and direct that such patient be apprehended and brought back to the sanitarium, and the warrant so indorsed shall be an authority to any one acting
under it to apprehend the person named in it and to bring him back to the sanitarium. R.S.O. 1927, c. 355, s. 52.

53. The proprietor or superintendent of a sanitarium, with the consent in writing of any two of the visitors, may send or take under proper control any patient to any specified place for any definite time for the benefit of his health; but before such consent is given, the approval in writing of the person who signed the requisition for the admission of the patient, or by whom the last payment on account of the patient was made, shall, if required, be produced to such visitors. R.S.O. 1927, c. 355, s. 53.

54.—(1) The inspector or any two members of the board may, by summons under their hands and seals (Form 7), require any person to appear before him or them to testify on oath the truth touching any matters respecting which such inspector or visitors are authorized to inquire.

(2) Every person who does not appear pursuant to such summons, or does not assign some reasonable excuse for not appearing, or appears and refuses to be sworn or examined, shall incur a penalty not exceeding $200.

55. Every person who knowingly gives, conveys, or supplies to any patient detained in any sanitarium any intoxicating liquor or morphia, cocaine or other drugs without the order of the superintendent first obtained in writing shall incur a penalty not exceeding $50. R.S.O. 1927, c. 355, s. 55.

56. Every one who knowingly assists directly or indirectly any patient detained in a sanitarium to escape therefrom shall incur a penalty on summary conviction before two justices of the peace, of a sum not exceeding $100. R.S.O. 1927, c. 355, s. 56.

57. All penalties when recovered shall be paid to the clerk of the peace for the county or district in which the offence was committed, to be by him applied and accounted for as hereinbefore directed with respect to money received for licenses. R.S.O. 1927, c. 355, s. 57.
58. If an action is brought against any person for anything done or purporting to be done in pursuance of this Act by and on behalf of any person who has been detained in a sanitarium and has been released therefrom, the same shall be commenced within twelve months next after his release. R.S.O. 1927, c. 355, s. 58.

59.—(1) No prosecution for any offence against this Act shall be brought except upon the order in writing of the board or with the consent in writing of His Majesty’s Attorney-General for Ontario.

(2) The Summary Convictions Act shall apply to every such prosecution.

(3) Every such prosecution shall be heard before a magistrate or two justices of the peace. R.S.O. 1927, c. 355, s. 59.

60. The costs, charges and expenses incurred by or under any order of the board shall be paid by the clerk of the peace for the county, and be included by him in the account of receipts and payments hereinbefore directed to be kept by him. R.S.O. 1927, c. 355, s. 60.

ADMISSION OF ALCOHOLIC HABITUATES.

61. If the license so permits, an alcoholic habituate may be admitted to a sanitarium upon his voluntary application in writing if it is certified by a legally qualified medical practitioner to the satisfaction of the superintendent that the applicant is an alcoholic habituate, that he is a reasonably hopeful subject for treatment with a view to his cure, and further, that at the time of his admission he is capable of appreciating the fact that he is to be admitted as a voluntary patient. R.S.O. 1927, c. 355, s. 61.

62. Such alcoholic habituate may remain a patient in the sanitarium for a period of two years and no longer; and it shall be a condition of his admission that before his admission he shall sign a pledge agreeing and consenting to remain such length of time, not exceeding one year, as, in the opinion of the superintendent, is required to effect a permanent cure of his habit, and to faithfully conform to all the rules and regulations of the sanitarium while an inmate. R.S.O. 1927, c. 355, s. 62.

63. The medical superintendent shall have full authority to discharge from the sanitarium when, in his opinion, it may be
advisable, any person who has been admitted to it by his own voluntary application. R.S.O. 1927, c. 355, s. 63.

64. On petition verified by oath, presented to a judge of the county or district court of the county or district in which the alleged alcoholic habituate resides, by any relative, whether by blood or affinity, or, if he has no relative in Ontario, by any friend of the alleged alcoholic habituate, setting forth that the alleged habituate is a bona fide resident of Ontario, and is so given over to drunkenness as to render him unable to control himself, and is incapable of managing his affairs, or that by reason of such drunkenness he either squanders or mismanages his property, or places his family in danger or distress, or transacts his business prejudicially to the interest of his family or his creditors, or that he uses 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 shall forthwith be served upon the alleged alcoholic habituate, and with such copy there shall be served an appointment signed by the judge appointing a time and place for the hearing of the matters and allegations contained in the petition, and such service shall be at least eight clear days before the time fixed for the hearing. R.S.O. 1927, c. 355, s. 64.

65. The judge shall attend at the time and place named in the appointment and then and there proceed to inquire into the matters and allegations set forth in the petition, but he may in his discretion adjourn the inquiry from time to time. R.S.O. 1927, c. 355, s. 65.

66. The judge shall have the same powers as to summoning witnesses, enforcing their attendance 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. R.S.O. 1927, c. 355, s. 66.

67.—(1) If the judge upon such inquiry finds the person petitioned against to be an alcoholic habituate and so given over to drunkenness 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 or distress, or transacts his business prejudicially to the interest of his family or his creditors, or that he uses intoxicating liquors to such an extent as to render him dangerous to himself or others, or incurs the danger of ruining his health or
shortening his life, the judge may order him to be admitted to and detained in the sanitarium for a period not exceeding two years.

(2) Before such order is made, the judge shall ascertain that there is a vacancy in such sanitarium, and that satisfactory arrangements have been made with the medical superintendent thereof for the payment of the maintenance of such alcoholic habituate.

(3) The order for the conveyance of the alcoholic habituate to the sanitarium may be carried out by the sheriff or by any other person to whom it is directed. R.S.O. 1927, c. 355, s. 67.

68. If an inmate of the sanitarium, admitted or committed under section 61 or 67, escapes therefrom, any officer or servant of the sanitarium or any other person at the request of the superintendent may, within forty-eight hours after such escape, or within one month thereafter when a warrant has been issued by the superintendent in that behalf, retake such escaped person and return him to the sanitarium where he shall remain under the authority by virtue of which he was detained prior to such escape. R.S.O. 1927, c. 355, s. 68.

69. All the provisions of this Act relating to alcoholic habituates shall extend mutatis mutandis to every person who is a drug habituate. R.S.O. 1927, c. 355, s. 69.
FORM 1.

(Section 24.)

Requisition for the Reception of a Patient.

I, the undersigned, hereby request you to receive A.B., a person, mentally diseased, as a patient into your sanitarium.  

Name.

[State occupation (if any), his place of abode, degree of relationship, if any, or other circumstances of connection with the patient.]

1. Name of Patient, with Christian name at length.
2. Sex and age.
3. Married, single, or widowed.
4. Condition of life and previous occupation (if any).
5. Previous place of abode.
6. Religious persuasion, so far as known.
7. Duration of existing attack.
8. Whether first attack.
9. Age (if known) on first attack.
10. Whether subject to epilepsy.
11. Whether suicidal or dangerous to others.
12. Previous place of confinement (if any).
13. Special circumstances (if any) preventing the patient being examined, before admission, separately by two physicians.
14. Special circumstances (if any) preventing the insertion of any of the above particulars.

Dated this day of , 19  

Name.

To  
Proprietor (or, Superintendent) of  
(describing sanitarium by situation and name, if any)

R.S.O. 1927, c. 355, Form 1.

FORM 2.

(Sections 24, 25.)

Form of Medical Certificate.

I,  
(state degree or qualification), being a legally qualified medical practitioner, hereby certify that I have this day, separately from any other medical practitioner, visited and personally examined A.B., the person named in the accompanying statement and requisition, and that the said A.B. is a person suffering from mental disease, and a proper person to be confined, and that I have formed this opinion from the following fact (or facts), viz.:

(Signed)  

Dated this day of , 19  

Place of abode.

Witness  

R.S.O. 1927, c. 355, Form 2.
FORM 3.

*(Section 32.)*

Register of Patients.

<table>
<thead>
<tr>
<th>Register No.</th>
<th>Name</th>
<th>Mentally Diseased</th>
<th>Sane</th>
<th>Date of Admission</th>
<th>Date of Discharge</th>
<th>Remaining</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>M.</td>
<td>F.</td>
<td>Total</td>
<td>M.</td>
<td>F.</td>
<td>Total</td>
<td>M.</td>
<td>F.</td>
</tr>
</tbody>
</table>

R.S.O. 1927, c. 355, Form 3.
FORM 4.

(Section 34.)

NOTICE OF ADMISSION.

I hereby give you notice, that A.B. was received into this sanitarium as a patient, on the day of , and I herewith transmit a copy of the requisition and medical certificates (or certificate) on which he was received.

Subjoined is a statement with respect to (his or her) mental and bodily condition.

(Signed) Name.
Superintendent (or Proprietor) of

Dated this day of , 19 .

STATEMENT.

I have this day seen and personally examined A.B., the patient named in the above notice, and hereby certify that, with respect to mental state, he (or she), , and that, with respect to bodily health and condition, he (or she)

(Signed) Name.
Medical Proprietor (or Superintendent, or Attendant), of

Dated this day of , 19 .

R.S.O. 1927, c. 355, Form 4.
FORM 5.

(Section 36.)

REGISTER OF DISCHARGES AND DEATHS.

<table>
<thead>
<tr>
<th>Date of Death</th>
<th>Date of Last Admission</th>
<th>No. in Register of Patients</th>
<th>Name and Surname in Full</th>
<th>Sex</th>
<th>Discharged</th>
<th>Assigned Cause of Death</th>
<th>Age at Death</th>
<th>Observations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>M: F</td>
<td>Recovered</td>
<td>Relieved</td>
<td>Not Improved</td>
<td>Died</td>
</tr>
</tbody>
</table>

R.S.O. 1927, c. 355, Form 5.
FORM 6.

(Section 36.)

FORM OF NOTICE OF DISCHARGE OR DEATH.

I hereby give you notice that a patient received into this sanitarium for mental diseases on the day of was discharged therefrom, recovered (or relieved, or not improved) (or was removed therefrom) by the authority, of (or died therein) on the day of

(Signed)

Name.

Superintendent (or Proprietor) of house at

Dated this day of , 19

In case of death, add—and I further certify that A.B. was present at the death of the said, and that the apparent cause of the death of the said (ascertained by post mortem examination, if so) was

R.S.O. 1927, c. 355, Form 6.

FORM 7.

(Section 54.)

FORM OF SUMMONS.

We, (names in full) being two of the visitors appointed under The Private Sanitarium Act, do hereby summon and require you personally to appear before us at in the day of on the noon of the same day, and then and there to be examined, and to testify the truth touching certain matters relating to the execution of the said Act.

Given under our hands and seals, this day of in the year of our Lord, 19

R.S.O. 1927, c. 355, Form 7.