

BILL

No. 47 of 1919.

An Act respecting Mentally Defective Persons.

(Assented to _____, 1919.)

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

1. This Act may be cited as "*The Mental Defectives Act.*"

2. The words "mentally defective person" in this Act shall mean and include any person afflicted with mental deficiency from birth, or from an early age, so pronounced that he is incapable of managing himself or his affairs, and who is not classified as an insane person within the meaning of *The Insanity Act*, of the Statutes of Alberta, 1919.

3. The word "Minister" when used in this Act shall mean the Minister of Education or any other member of the Executive Council charged for the time being with the administration of this Act.

4. The "Home for Mentally Defective Children" heretofore established at the City of Edmonton shall be for the public use of the province as an institution for mentally defective persons.

5. Any building or buildings approved of by the Lieutenant Governor in Council may be used for the detention and care of mentally defective persons placed therein in accordance with the provisions of this Act.

6. Anyone who desires to have any mentally defective person under his charge or control placed in an institution established under this Act may make application to the Minister of Education for such purpose, whereupon, if the Minister of Education so approves, such mentally defective person may be placed in such institution.

7. Whenever it is reported to the Minister that any person in the province is a mentally defective person the Minister may cause inquiry to be made and, if as the result of such inquiry it appears that such person should be

provided for in an institution for mentally defective persons, and that the parents, guardians, or others, having control of such person refuse to consent to his being so taken care of, the Minister may cause proceedings to be instituted before a justice of the peace in the manner herein provided for.

8. Whenever under the direction of the Minister information in form A to this Act is laid before a justice of the peace, such justice of the peace shall cause notice to be served on the person having control of the person supposed to be mentally defective referred to in such information directing him to bring such person before the said justice of the peace at the time and place set out in the said notice.

9. In the event of no one being in control of the person whose mental condition is being inquired into or in the event of notice referred to in the preceding section being disregarded, an order in form B directed to any person designated by a justice of the peace may be issued, whereupon the person to whom such order is directed shall be authorized to bring such mentally defective person before the justice of the peace in accordance with the terms of such order.

10. The justice acting under the provisions of this Act shall have the same authority to compel the attendance of witnesses as such justice would have under any law in force respecting summary convictions, and he shall be entitled to such fees as may be fixed by the Lieutenant Governor in Council.

11. Upon any person being brought before a justice of the peace under this Act such justice of the peace shall examine into the mental condition of the person appearing before him, and for that purpose shall take evidence under oath and cause witnesses to be examined as in the case of proceedings under *The Insanity Act*.

12. Such justice of the peace may from time to time adjourn the inquiry and upon such adjournment the person whose condition is being inquired into shall be placed with some one by whom he will be properly taken care of, but in no case shall such adjournment be made for more than three days.

13. If upon such inquiry it appears to a justice that any person appearing before him is mentally defective such person shall be assigned by order in form C of the schedule hereto to the care of some relative, friend, or other person,

in order that he may be properly cared for and such justice shall forthwith make a report of the case in form D of said schedule and shall transmit such report together with copy of the evidence taken to the Minister of Education, who shall make an order either that further proceedings be stayed or that the person who in the opinion of the justice of the peace is mentally defective be sent to an institution established under this Act, and received there on probation pending further investigation, after which investigation such final order shall be made as seems proper under the circumstances.

14. Whenever it is made to appear to any judge, police magistrate, or judge of the juvenile court, on the trial of any person appearing before him on any criminal charge that such person is mentally defective, such judge, police magistrate, or judge of the juvenile court, shall immediately cause the Minister of Education to be notified so that necessary and proper steps under this Act may be taken, and in the meantime criminal proceedings shall be stayed.

15. The costs of such proceedings including the cost of the justice of the peace, costs of bringing mentally defectives before such justice of the peace, costs of transportation and all other costs incurred up to the time such mentally defective person is received in the institution for mentally defective persons together with a charge for maintenance of \$10.00 for each month during which such person is in such institution, shall be paid by the city, town, village or municipal district of which such mentally defective person is a resident at the time of his admission to any institution under this Act to the Minister on demand, and such city, town, village or municipal district shall be entitled to recover any moneys paid by it from the persons legally responsible for the maintenance and support of the persons on whose account payment has been so made.

(2) The Minister shall in the month of January in each and every year transmit to the Minister of Municipal Affairs a statement showing all costs and maintenance charges (calculated as under the first subsection of this section) incurred during the preceding year in respect of any person who at the time of his admission to any institution under this Act was a resident of an improvement district constituted under chapter 48 of the Statutes of 1918. The Minister of Municipal Affairs shall thereupon levy a special tax in the like manner and upon the like property as under the said chapter 48 of the Statutes of 1918, at such rate as may be deemed sufficient to reimburse the costs and charges so incurred during the said previous year, and the expenses incident to such levy.

(3) A person shall for the purposes of this section be deemed to be a resident of the city, town, village, municipal district or improvement district in which he has last had his usual place of abode for a period of at least one month.

16. No person shall be received in any institution established under this Act until he has resided in the Province of Alberta for at least one year.

17. The Administrator of Lunatics' Estates shall be the guardian of the estate of any mentally deficient person in any institution established under this Act, and the Minister shall be *ex officio* the guardian of the person of any infant received under this Act.

18. When the mental condition of the person in an institution for mentally defective persons appears to be such that he should be transferred to an hospital for the insane the Minister shall cause such person to be independently examined by two physicians of the Province of Alberta, and if the said physicians agree in certifying that such person should properly be placed in an hospital for the insane he shall with the consent of the Minister of Public Works be transferred to such hospital.

19. No person to be dealt with under this Act shall be detained in any place provided for the detention of persons charged with or convicted of any criminal, or quasi-criminal offence.

20. The Lieutenant Governor in Council may make rules and regulations for the management and internal economy of any institution established under this Act, the conduct and government of the officials, employees and persons employed therein, and also as to the terms on which mentally defective persons may be admitted to or released from any such institution, and such other regulations under this Act as may be deemed necessary, which regulations so long as they are not inconsistent herewith shall have the same force and effect as this Act and be deemed to be a part thereof.

FORM A.

INFORMATION OR COMPLAINT.

Canada }
Province of Alberta }

The information of....., taken before me, the undersigned, one of His Majesty's justices of the peace in and for the said Province of Alberta at this..... day of in the year of our Lord One thousand nine hundred and....., who saith that, after due enquiry made, he has reason to believe that....., of the..... is a mentally defective person.

Taken before me the day and year first and at the place above mentioned.

.....
Justice of the Peace.

FORM B.

ORDER.

To....

Whereas information hath this day been laid before the undersigned, one of His Majesty's justices of the peace in and for the Province of Alberta, that..... of..... is believed to be mentally defective:

These are, therefore, to command you, in His Majesty's name, forthwith to take charge of the said..... and bring him before..... one of His Majesty's justices of the peace in and for the said province, in order that inquiry may be made respecting the mental condition of the said person, and that he may be further dealt with in accordance with *An Act respecting Mentally Defective Persons.*

Given under my hand and seal this.....day ofin the year of our Lord One thousand nine hundred and....., at....., in the Province of Alberta.

FORM C.

ORDER OF ASSIGNMENT.

To.....

Whereas..... appeared before me
this..... day of..... A.D. 19....,
and on inquiry being made it appears to me that he is a fit
and proper person to be taken charge of in an institution
for mental defectives;

You are hereby directed to take charge of.....
..... and properly care for him, pending order
of the Minister of Education.

Given under my hand and seal this..... day
of..... in the year of our Lord One thous-
and nine hundred and....., at.....,
in the Province of Alberta.

No. 47.

SECOND SESSION
FOURTH LEGISLATURE
9 GEORGE V
1919

BILL

An Act respecting Mentally Defective
Persons.

Received and read the

First time

Second time

Third time

HON. MR. SMITH.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER
A. D. 1919