

BILL

No. 38 of 1924.

An Act to amend The Insanity Act.

(Assented to

1924).

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 Insanity Act Amendment Act, 1924.*"

2. Section 1 of *The Insanity Act*, being chapter 223 of the Revised Statutes of Alberta, 1922, is amended by striking out the words "*The Insanity Act*," and substituting therefor the words "*The Mental Diseases Act.*"

3. Section 2 of the said Act is hereby repealed, and the following substituted therefor:

"2. In this Act, unless the context otherwise requires—

"(a) 'Addict' shall mean any person addicted to the improper use of cocaine, opium or their derivatives, or any other narcotic drug which for the time being is included in the schedule to *The Opium and Narcotic Drug Act, 1923*, of the Parliament of Canada;

"(b) 'Hospital' shall mean the Provincial Hospital for Mental Diseases, or the Oliver Hospital for Mental Diseases, or any other hospital which may be designated as a mental disease hospital by the Lieutenant Governor in Council;

"(c) 'Justice' or 'Justice of the Peace' shall include a coroner in and for the Province of Alberta;

"(d) 'Minister' shall mean the Minister of Health;

"(e) 'Patient' shall mean any person admitted to a hospital;

"(f) 'Superintendent' shall mean the Medical Superintendent of a hospital."

4. Section 2*a* is added to the said Act as follows:

"2*a.* Subject to the provisions of this Act, the Superintendent shall have power and authority—

"(a) to admit to hospital and detain for examination and treatment such persons as he may deem proper to be so admitted and detained;

- “(b) to order the removal of any patient from any hospital to any other hospital;
- “(c) to discharge any patient so detained when in his opinion such patient no longer stands in need of treatment;
- “(d) to permit any patient detained for treatment in a hospital to leave the same upon probation, upon being satisfied that during the period of probation the patient will be properly looked after by relatives or friends.”

5. Section 2b is added to the said Act as follows:

“2b.—(1) Any person resident in Alberta who is or is believed to be in need of treatment for mental diseases such as is provided in a hospital, may be admitted thereto in any of the ways following and in the manner hereinafter provided:

“(a) by voluntary submission to treatment;

“(b) by medical certificate;

“(c) by warrant of the Attorney General.

“(2) Any person who believes himself to be or to be about to become in need of treatment such as is provided in a hospital, may voluntarily make application for admission thereto and the Superintendent may direct that such person is to be received and detained as a patient therein, if satisfied that his mental condition warrants such reception and detention.

“(3) If such person is mentally competent to make application for admission in writing, he shall be required by the Superintendent to do so.

“(4) When two legally qualified medical practitioners issue their certificates according to the form laid down by the Minister, to the effect that they have separately examined the person named therein and that he should be confined in a hospital, and such certificates have been submitted and approved of by the Superintendent, such person may if it is so directed by the Superintendent be conveyed to a hospital, without any further or other authority than is provided by the issue of such direction.

“(5) Whenever any person is admitted to a hospital otherwise than by warrant, the Superintendent shall obtain information with respect to his residence for at least six months previous to admission, his calling or profession, his means of support, his relatives and friends and shall ascertain whether he is married or single, the full extent of his property and possessions and such other facts as may be deemed necessary.”

6. Section 2c is added to the said Act as follows:

“2c. Every addict shall be deemed to be a person who is in need of treatment such as is provided in a hospital and the provisions of this Act relating to insane persons are hereby made applicable to addicts.”

7. Section 2*d* is added to the said Act as follows:

"2*d*. Whenever any person has been admitted to a hospital upon his own application and during his detention in such hospital it becomes evident that he is insane and dangerous to be at large, then the Superintendent shall cause such person to be brought before a justice of the peace to be dealt with as is provided under section 5 of this Act, and shall keep such person in custody until he has been brought before such justice."

8. Section 5 of the said Act is amended as to subsection (1) thereof by striking out the word "asylum" where it occurs therein, and substituting therefor the word "hospital."

9. The caption "Committal to Asylum" between sections 8 and 9 of the said Act is hereby struck out, and the caption "Committal to Hospital" inserted in lieu thereof.

10. Section 9 of the said Act is amended by striking out the word "asylum" wherever it occurs therein, and inserting in lieu thereof the word "hospital."

11. Section 10 of the said Act is amended by striking out the word "asylum" where it occurs therein, and substituting therefor the word "hospital."

12. Section 11 of the said Act is amended—

(a) as to subsection (1) thereof by striking out the word "asylum" where it occurs therein and substituting therefor the word "hospital";

(b) by adding as subsection (4) thereof the following:

"(4) Where any patient is admitted to a hospital otherwise than by warrant, an appeal from the direction or retention of the Superintendent may be taken in the same manner as that hereinbefore provided with regard to appeals from the committal of persons under the provisions of this Act, and such appeal may be taken either by the patient or by any of his friends or relatives, but no appeal shall be taken under this subsection except with the approval and consent of the Minister."

13. Section 12 of the said Act is amended by striking out the word "asylum" wherever it occurs therein, and substituting therefor the word "hospital."

14. Section 13 of the said Act is amended by striking out the word "asylum" where it occurs therein, and substituting therefor the word "hospital."

15. Section 14 of the said Act is amended by striking out the word "asylum" where it occurs therein, and substituting therefor the word "hospital."

16. Section 15 of the said Act is amended—

(a) by striking out the word "asylum" wherever it occurs therein, and substituting therefor the word "hospital";

(b) by adding subsection (2) thereto as follows:

"(2) When any person is admitted to hospital upon the certificate of two legally qualified medical practitioners, the fees of such medical practitioners shall be paid by the persons procuring the examination, and shall be recoverable by them out of the estate of the person committed to hospital."

17. Section 17 of the said Act is amended by striking out the word "asylum" where it occurs therein, and substituting therefor the word "hospital."

18. Section 18 of the said Act is amended by striking out the word "asylum" where it occurs therein, and substituting therefor the word "hospital."

19. Section 19 of the said Act is amended by striking out the words "asylum for the insane" and "asylum" wherever they occur therein, and substituting therefor the word "hospital."

20. Section 20 of the said Act is amended by striking out the word "asylum" where it occurs therein, and substituting therefor the word "hospital."

21. Section 21 of the said Act is amended by striking out the words "asylum for the insane" and "asylum" wherever they occur therein, and substituting therefor the word "hospital."

22. Section 22 of the said Act is amended as to subsection (1) thereof—

(a) by striking out the words "detained as insane" where they occur therein, and substituting therefor the words "detained in a hospital";

(b) by striking out the words "of the asylum" where they occur therein;

(c) by adding at the end of the subsection the words "except in case of patients admitted under the warrant of the Attorney General, in which case a warrant of the Attorney General shall be required for their release."

23. Section 22a is added to the said Act as follows:

“**22a.** The Superintendent may discharge into the custody of friends or relatives any patient who in his opinion is sufficiently recovered and whose further recovery will be benefited by such removal.”

24. Section 23 of the said Act is amended by striking out the word “asylum” wherever it occurs therein, and substituting therefor the word “hospital.”

25. Section 26 of the said Act is amended—

- (a) by striking out the words “temporary use of any building” where they occur therein, and substituting therefor the words “use of any building”;
- (b) by striking out the words “asylum for the insane” wherever they occur therein, and substituting therefor the word “hospital.”

26. Section 27 of the said Act is amended—

- (a) by striking out the words “asylum for the insane” where they occur therein, and substituting therefor the word “hospital”;
- (b) by striking out the words “Minister of Public Works” where they occur therein, and substituting therefor the word “Minister.”

27. Section 28 is added to the said Act as follows:

“**28.** The Minister may from time to time amend or substitute another form for any of the forms contained in the schedule to this Act; or may make new forms which are in his opinion suitable.”

28. The schedule to the said Act is amended—

- (a) as to form E thereof—
 - (i) by striking out the words “asylum for the insane” where they occur therein and substituting therefor the words “hospital”;
 - (ii) by striking out the words “*The Insanity Act*” where they occur therein and substituting therefor the words “*The Mental Diseases Act*”;
- (b) as to form F thereof—
 - (i) by striking out the words “asylum for the insane” wherever they occur therein, and substituting therefor the word “hospital”;
 - (ii) by striking out the word “asylum” wherever it occurs therein, and substituting therefor the word “hospital”;
 - (iii) by striking out the word “asylums” where it occurs therein, and substituting therefor the word “hospitals”;

- (iv) by striking out the words "*The Insanity Act*" where they occur therein and substituting therefor the words "*The Mental Diseases Act*";
- (c) as to form G thereof—
 - (i) by striking out the word "asylum" where it occurs in the caption to the said form, and substituting therefor the word "hospital";
 - (ii) by striking out the words "asylum for the insane" where they occur therein, and substituting therefor the word "hospital";
- (d) as to form H thereof—
 - (i) by striking out the words "insane asylum" where they occur therein, and substituting therefor the word "hospital";
 - (ii) by striking out the word "asylum" wherever it occurs therein, and substituting therefor the word "hospital."

29. This Act shall come into force

No. 38.

FOURTH SESSION
FIFTH LEGISLATURE
14 GEORGE V
1924

BILL

An Act to amend The Insanity Act.

Received and read the

First time

Second time

Third time

HON. MR. HOADLEY.

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A.D. 1924