

DEPARTMENT OF NORTHERN AFFAIRS AND NATIONAL RESOURCES
NORTHERN ADMINISTRATION BRANCH

FILE No.

530-40

CLOSED

Vol.

↑

SUBJECT:

DORMANT
INSANE PERSONS ORDINANCE - NET

FOR INSTRUCTIONS RE USE OF FILE COVER SEE BACK COVER

FROM 1933 TO APR 1960

REFERENCE				DISPOSAL			
REFERRED TO	REMARKS	DATE	INITIALS	P.A. DATE OR T.	B.F. DATE	INITIALS	REGISTRY INSPECTION
B.2	20-4 # 3041	26-4	JK	T	10-5-60	R.J.O.	MAY 10 1960
(57)	memo	4/5	LS	9-5-60		K.W.	MAY 9 1960
F.W.T. W.	file BF 28-4	9/57	W		11-5	F.W.T.	MAY 10 1960
B.7	15-5 # 3878	9-5	JK		20-5	R.J.C.	MAY 17 1960
F.W.T. W.	file BF 11/5	15-5-60	W	19-5		F.W.T.	MAY 19 1960
(A.D.) B.7	15-5 # 3878 BF	20-5-60	W	T		LS	27/5/60
(50)	sig	26/5	LS	27-5-60		K.W.	AG
W.6	file requested	8-6	W	3-6			JUN 3 1960
W.6	Request	13-2-61	W	13-2		F.W.T.	FEB 14 1961
T. (B.7)	" "	21/3/61	W	3-2		S	APR 13 1961
B.3	Request	25-1-62	W	30/1/62			JAN 3 1962
123	"	10-2	W	16-2-62			AUG 3 1 1962
B.3	"	24/8	W	31/8/62			AUG 3 1 1962
B.3	"	30/4	W	30/4/64			MAY 1 1964
B.3	Request	2/12/67	W	27/12			DEC 27 1967

CLOSED

FROM. 1938

TO. Apr / 60

FILE NO.

TEMP. FILE NO.

SUBJECT

MAIN FILE IS CHARGED TO

REFERENCE

DISPOSAL

[illegible]



"G" DIVISION C.I.B.

DIV. FILE No. 59G 181-5-10

H.Q. FILE No.

Ottawa, Ont., 29th April, 1960

Ottawa, Ont.

THE COMMISSIONER OF THE N.W.T.,
KENT - ALBERT BUILDING,
OTTAWA, ONTARIO.

3602

File No.	530-40
Ref.	B-1

s.19(1)

Re:

[REDACTED] Aklavik,
N.W.T. Insane Persons Ord.,
Sec. 4(3), Aklavik, N.W.T.
(AKLAVIK DETACHMENT CASE)

B2 26-4

1. Further to previous correspondence forwarded to you in this regard and with reference to recent telephone conversation (Hunt - Coombs), attached is a copy of a memorandum dated April 22nd from the Officer Commanding Aklavik Sub-Division advising that on that date [REDACTED] was declared insane following a hearing under the Insane Persons Ordinance.

2. It is indeed unfortunate that such procedure had to be adopted in this instance and it is recommended that to avoid the possibility of similar difficulties arising in future, the policy laid down in your directive "Mentally Ill and The Insane Persons Ordinance (N.W.T.)" be reviewed in conjunction with Indian and Northern Health Services in an effort to establish a workable procedure by which our field personnel might be guided. The present directive when received here was incorporated in its entirety into our Interim Instruction #1063 and distributed to all our Detachments throughout the Northwest Territories. Unfortunately however, neither Indian and Northern Health Services field personnel or local Justices of the Peace had any knowledge that such a directive had been published and were, quite understandably, somewhat confused. You will appreciate that in connection with voluntary admissions, any policy set for the guidance of our field members would require the approval of Indian and Northern Health Services to ensure co-operation between their field representatives and ours. With this in mind, it is requested that the matter of new policy be resolved as soon as possible otherwise the present directive in our Interim Instruction #1063 will have to be withdrawn.

3. It is assumed you will be advising when your Order of Committal has been issued in order that escort arrangements can be attended to, noting that May 8th will be the deadline for air transportation out of Aklavik.

*Given to
Coombs
Lambert
4/16/60*

S.U.I.

[Signature]
W. G. Fraser, A/Supt.,
O. C. "G" Division.

"G" DIVISION

59G 181-5-10

INUVIK - April 22nd, 1960

S.D. FILE NO: 59AK 3-130

The Officer Commanding,
R. C. M. Police,
"G" Division,
OTTAWA, Ontario.

Re:

Aklavik,
N.W.T. Insane Person's Ord.,
Sec. 4(3), Aklavik, N.W.T.
(AKLAVIK DETACHMENT CASE)

s.19(1)

Your message G426 was received here in PM of 22-4-60 and later the same PM the following message was received from Aklavik Detachment:

"AKR63/22 RE IR96/22 THE FOLLOWING MESSAGE FORWARDED IS FOR YOUR INFORMATION QUOTE TO COMMISSIONER OF THE NORTHWEST TERRITORIES OTTAWA ONT COPY CLERK OF THE COURT YELLOWKNIFE NWT FROM WJ PEARCE JUSTICE OF THE PEACE AKLAVIK NWT ON TWENTY SECOND DAY OF APRIL 1960 I DECLARED

OF AKLAVIK INSANE UNDER THE INSANE PERSONS ORDINANCE DECISION BASED UPON TESTIMONY TWO LOCAL DOCTORS TWO REGISTERED NURSES TWO NURSES AIDES LOCAL WELFARE OFFICER CHILDS FATHER AND PERSONAL OBSERVATION REQUEST ARRANGEMENTS BE MADE CHILDS ADMITTANCE SUITABLE INSTITUTION OUTSIDE WHERE ADEQUATE FACILITIES FOR CARE AND TREATMENT AVAILABLE IF AT ALL POSSIBLE PRIOR BREAK UP 8 MAY UNOFFICIAL LAST PWA FLIGHT AS MATRONS REQUIRED TWENTY FOUR HOURS DAILY TO SAFEGUARD THE CHILDS FULL TRANSCRIPT OF HEARING WILL BE FORWARDED BY MAIL 30 APRIL UNQUOTE STOP FELIX PRESENTLY IN ROOM AT ALL SAINTS HOSPITAL UNDER CARE OF THREE MATRONS HIRED BY AKLAVIK DETACHMENT STOP WILL ADVISE FURTHER AFTER DOCTOR HITCHINGS INTERVIEWED".

2. Upon reviewing this file you will see the handling of this whole case has been anything but desirable and a lot of time has passed with nothing done. The action taken will certainly bring this case to the front although it is regrettable that such action is necessary. This is the second recent case we have had since your interim instruction 1063 was published and in neither case has there been any improvement over past methods of expediting mental patients to hospital outside. The other case will be reported upon shortly.

3. As indicated to you in recent messages as Warden of the Aklavik Gaol I will not accept this child into gaol as we do not have facilities for it. This provides a rather delicate situation when you note Sec. 6(2) of the Insane Persons Ordinance but that cannot be helped. Again, it is certainly unfortunate that such steps as this have to be taken when seemingly I.I. #1063 was to avert such action and deal with mental patients more expeditiously. In actual practice, however, it has not achieved it's purpose and if anything it has merely added confusion. I might mention also that Doctors and J.P's who were supposed to get the directive as quoted in I.I. #1063 never did and they are somewhat resentful that they were not advised and have to

000005

s.19(1)

S.D. FILE NO: 59AK 3-130

(22-4-60)

- 2 -

Re:

Aklavik,
N.W.T. Insane Person's Ord.,
Sec. 4(3), Aklavik, N.W.T.
(AKLAVIK DETACHMENT CASE)

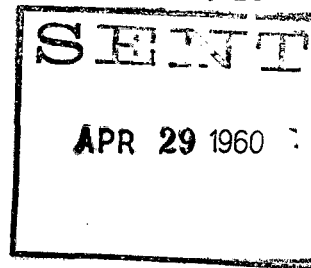
take their instructions from R.C.M.P. instruction books.

4. There is much that could be said about handling of this case and another which will be reported upon soon but there is little point to it and anyway I expect you have had cases other than in this S/Division upon which to base your conclusions.

5. Aklavik Detachment report will be forwarded you as soon as received but in the meantime I expect you will advise I.N.H.S. of developments in this case and insist some action be taken immediately.

S.U.I.
D.D. 25-5-60.

E. R. Lysyk, S/Insp.
O. C. Aklavik S/Div.



530-40

PA
AB.

29 April, 1960.

Dr. P.E. Moore,
Director,
Indian and Northern Health Services,
Department of National Health and Welfare,
Ottawa, Ontario.

Dear Dr. Moore:


With reference to your letter of March 15, 1960,
requesting more details on Dr. Yonge's account please find
enclosed a letter from Dr. Yonge supplying the requested
information.

When this account for professional services ren-
dered to [REDACTED] has been reviewed would you please
return it to this office for payment.

*returned
& taxed
at 10.00
R
19-5-60*

Yours sincerely,

s.19(1)


W.G. Brown,
Deputy Commissioner.

R

FILE NO.

SUBJECT

MAIN FILE IS CHARGED TO

REFERENCE

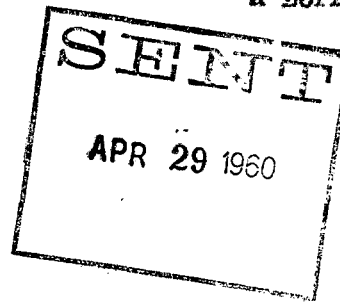
DISPOSAL

[illegible]

Templeton

000009

R Lorrain/BB



530-40

PA
AB

29 April, 1960.

MEMORANDUM FOR MR. C.L. MERRILL,
ADMINISTRATOR OF THE MACKENZIE, FORT SMITH.

s.19(1)

Hay River, N.W.T.

This will acknowledge receipt of your memorandum of April 22, 1960, with which was enclosed a memorandum from Mr. J.L. Doyle and accounts from Dr. N.D. Abbey and H.H. Williams Memorial Hospital on behalf of the above mentioned.

A "mental condition" per se does not automatically qualify a person for free medical treatment unless he or she is of indigent status. Our responsibility for mentally ill persons is contingent upon committal to an approved mental institution following a court order to have them so committed. We will then assume financial responsibility for subsequent accounts.

In lieu of the above [redacted] accounts are herewith returned.


W.G. Brown,
Deputy Commissioner. 



CANADA

NORTHERN ADMINISTRATION BRANCH

DEPARTMENT

OF

NORTHERN AFFAIRS AND NATIONAL RESOURCES

s.19(1)

OUR FILE NO. 530-40

YOUR FILE NO.

3070

FORT SMITH, N.W.T.
April 22, 1960

Northern Admin. Branch Ottawa, Ont.	
APR 25 1960	
File No.	530-40
Refer To	B-7

MEMORANDUM FOR MR. W.G. BROWN •
DEPUTY COMMISSIONER

Re:

Hay River, N.W.T.

- - Enclosed in triplicate is an account from Dr. Norman Abbey of Hay River for professional services rendered to the
- - above-mentioned in the amount of \$46.00. Also enclosed in triplicate is an account with the H.H. Williams Memorial Hospital in the amount of \$283.15, covering hospitalization and treatment for the above-mentioned.
- - Also enclosed is copy of covering memorandum received from Mr. J.L. Doyle, Hay River.

The accounts have been certified and are recommended for payment.

Administrator of the Mackenzie

:meb

*accs. returned
to Merrill
R 137*

s.19(1)

530-40

FORT SMITH, N.W.T.
April 22, 1960

MEMORANDUM FOR MR. W.G. BROWN
DEPUTY COMMISSIONER

Re:

Hay River, N.W.T.

- - Enclosed in triplicate is an account from Dr. Norman
Abbey of Hay River for professional services rendered to the
- - above-mentioned in the amount of \$46.00. Also enclosed in
triplicate is an account with the H.H. Williams Memorial Hos-
pital in the amount of \$283.15, covering hospitalization and
treatment for the above-mentioned.

- - Also enclosed is copy of covering memorandum received
from Mr. J.L. Doyle, Hay River.

The accounts have been certified and are recommended
for payment.

Administrator of the Mackenzie

neb

530-40

s.19(1)

Hay River, N.W.T.
April 20, 1960.

MEMORANDUM FOR: R. C. L. TIERRELL

Hay River, N.W.T.

I am attaching doctor and hospital accounts in connection with treatment supplied to the above noted.

You will notice that the diagnosis deals with a mental condition and I am of the opinion that financial responsibility for these accounts rests with the Territorial Government. The author(s) are long term residents of Hay River and would therefore qualify for any benefits under the Territorial Legislation.

The accounts are certified correct and recommended for payment.

J. L. Doyle
J.L. Doyle,
Area Administrator.

000013

s.19(1)

530-40

22 April, 1960.

MEMORANDUM FOR MR. E.R. OLSON,
CHIEF, LEGAL DIVISION.

Insane Persons Ordinance

-- Attached you will find a copy of a telegram from Magistrate Phinney of Yellowknife dated the 7th of April, 1960 advising that the above noted had been found insane within the meaning of the Insane Persons Ordinance. You will note that order and supporting material were to be forwarded from Yellowknife forthwith.

This material which reached my office only this afternoon is dated the 14th of April, and includes a letter from Mr. Phinney, statistical information and the original application. Would you please examine this information and let me know if it contains sufficient detail for the Commissioner to issue a committal warrant. If so, we will proceed to arrange for the subject to be placed in a suitable institution. If not we should know what additional information will be required from Yellowknife in order to complete arrangements for [redacted] care.

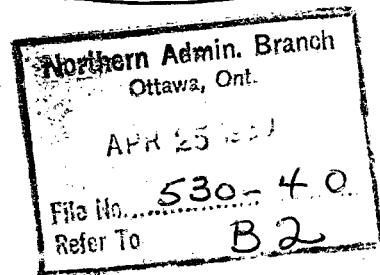

W. G. Brown,
Deputy Commissioner.



NORTHWEST TERRITORIES
POLICE MAGISTRATE'S COURT

3041

YELLOWKNIFE,
April 20th, 1960.

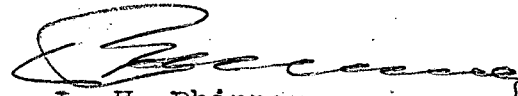


W. G. Brown, Esq.,
Deputy Commissioner of the
Northwest Territories,
Office of the Commissioner,
Ottawa, Ontario.

Dear Mr. Brown: Re: Insane Persons Ordinance.

May I refer you to my letter of June 9th, 1959 suggesting a revision of the form of report to be made available for the use of justices of the peace in the Territories. As we have run out of the old form of report it is requested that consideration be given to the approval or modification of the draft report sent to you with my letter and that a supply of the report be printed and forwarded to the Clerk of the Court for distribution to the various justices of the peace who may require the forms for local use.

Yours truly,


L. H. Phinney,
Police Magistrate.

LHP/md

COPY

Department of Psychiatry

University Hospital
Edmonton, Alberta

April 18, 1960.

(#2768.)

Mr. W.G. Brown,
Deputy Commissioner,
Office of the Commissioner, Northwest Territories,
Kent-Albert Building,
Ottawa, Ontario.

s.19(1)

Re: [REDACTED] Yellowknife

Dear Mr. Brown:

5-30-49

Replying to your letter of April 5th I am pleased to give you
the required information:

1. Referring physician - Doctor Charles M. Matas, Edmonton.
2. Diagnosis - schizophrenia, catatonic type, chronic.

Yours truly,

(Sgd.) K.A. Young, M.D.,
Professor and Director.

KAY:sfh

original
sent to
Mr. Moore
28.4.60
PB7

530-40

REFERENCE

Vol. 1

REFERRED TO	REMARKS	DATE	INITIALS	P.A. DATE OR T.	B.F. DATE	INITIALS	REGISTRY INSPECTION
RFO	request	9/2	DC	9-2-56		JP	ME
15-5	25-8 # 00145	28-8	AB				M29-6
B5	2/7/57 # 7493	4/7/57	H.O.	4-7		1-7	8/15/73
280-07	request	27-11	28	25-11			22-11-59
176-	request	8/4	B	8-4			APR 1 1959
FRG-44	request	1-4	mm	1-4-59		ABG	APR 1 1959
100-65	request	27/4	JB	27-1-59		Laura	APR 29 1959
B1	23-14 # 9608	4-5		T			1-5-1960
D.C.	see note	4-5		T			MAY 16 1960
Rudnicki	for action	12-5	W	T		W	SEP - 4 1959
B-5	24-4 # 9750	5-5	PL (T)	T		W	SEP - 2 1959
D.O.	re - answer	21-8	W	1-9-59		KVA	SEP - 1 1959
B7	10-9 # 8627	14-9	DC		25 Sep 59	Laura	
FWT	request	16-9	MD		24-9	FWT	
106B	file BF	23-9	MD		30-9/59	Laura	
LACCH	10-9 # 2627BF	25-9	MD		5/10/59	Laura	SPEC
LACCH	file BF	30-9	MD		15/10/59	Laura	
FWT	file BF	30-9	MD	28-10		FWT	5-11
Mr Rudnicki	Obtain file & Discuss with me	1/10 BBS		21-10		FWT	5-11 AG
W-1	15-10 # 1344	20-10	AG	21-10		McCh	5-11
W-1	16-10 # 1345	20-10	AG	21-10	28-10	McCh	NOV 2 1959
B1	Law to D.M. Justice	21-10	McCh	T		LS	5-11
D.O.	for signature	21-10	McCh	21-11-59		KVA	5-11 AG
W1		29-10	LS	T		McCh	5-11
W-1	please note 2-11-59	5-11	AG	T		McCh	NOV 6 1959
McM	16-10 # 1345 BBS	5-11	MD	10-11		LS	NOV 6 1959
B1	for signature	9-11	McCh	10-11		LS	NOV 13 1959
B1	request	16-11	MD	T		LS	NOV 24 1959
D.O.	for signature	17-11	MD	T		KVA	NOV 24 1959
B1 (Mitchell)		19-11-59	KVA	23-11		LS	NOV 24 1959
GP(CI)	Request	24/11/59	B	24 Nov 59		LS	NOV 24 1959
B1	24-11 # 3690	26-11	DC	T		KVA	FEB 10 1960
W1		9-12-59	KVA		24-2	FWT	
D.O. (Mr Phillips)		9-12-59	KVA	5/1/60		Laura	
B7	8-2 # 8469	11-2	DC	15-2-60		WZ	FEB 16 1960
TLB7	request	24-3	MD	25-3-60		WZ	25-3-60

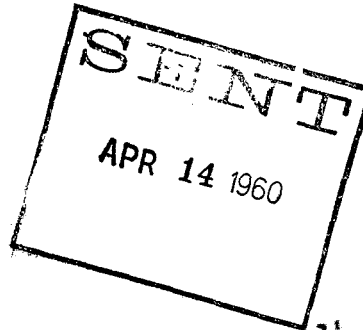
530-40

Vol. 1

REFERRED TO	REMARKS	DATE	INITIALS	P.A. DATE OR T.	B.F. DATE	INITIALS	EX-100 IN-100
FW/TW	file BF	24-2	MD		8-3	FNT	80
Miss Ouellet	request	4-3	FNT	4/3		H.M.C.	7-360ms
FW/TW	file BF	8-3	MD		28-4	FNT	220
Mr. Phillips	see note	17-3	M	T		T	MAR 24 1980
Mr. Rudachi	"	18/11	RS		28-4	FNT	2284
B7	4-4 #2279	17-4	MD	14/4		MD	APR 14 1980
B7	14-4 #274	21-4	DC	22/4		MD	
CR	new copy	21-4	MD				

000018

R.Lorrain/cs



530-40

PA
AB

14 April, 1960.

MEMORANDUM FOR MR. C.L. MERRILL,
ADMINISTRATOR OF THE MACKENZIE,
FORT SMITH, N.W.T.

s.19(1)

This will acknowledge receipt of your memorandum, dated April 4, 1960, in connection with Dr. Yonge's account for the above mentioned patient.

On April 5, 1960, we wrote to Dr. Yonge requesting further detail in order that his account may be taxed according to our schedule of fees for Northern Health Services.

When this information has been received, his account will be processed for payment.


W.G. Brown,
Deputy Commissioner. 

TELEGRAM TELEPHONED IN FROM MISS MURPHY - HEAD OFFICE

April 7, 1960

PA
JB
530-40

MR. R. G. ROBERTSON,
COMMISSIONER OF THE NORTHWEST TERRITORIES,
OTTAWA, ONTARIO.

s.19(1)

RE INSANE PERSONS ORDINANCE AND [REDACTED] APPLICATION
HEARD BEFORE MAGISTRATES COURT APRIL 5TH UNDER LUNACY ORDINANCE
AND HILDING FOUND INSANE WITHIN MEANING OF ORDINANCE. REMANDED
INTO CUSTODY OF RCMP YELLOWKNIFE TO AWAIT PLEASURE OF COMMISSIONER.
REQUEST ARRANGEMENTS BE MADE FOR PLACEMENT IN SUITABLE INSTITUTION
WITH ADVICE THIS OFFICE BY TELEGRAM AS TO ARRANGEMENTS MADE. ORDER
AND SUPPORTING MATERIAL GOING FORWARD TO YOU FORTHWITH.

(SGD) MAGISTRATE PHINNEY, L. H.

Received by telephone/D. Compton

2-5164

**Department of Northern Affairs and
National Resources**

OFFICE OF THE DEPUTY MINISTER

TO:

Mr. A. H. H. H.

DATE

6.4

FOR:

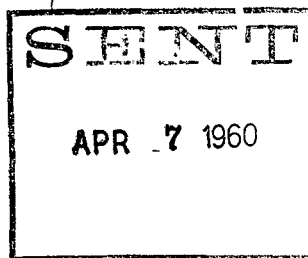
Mr. Brown

	PREPARATION OF REPLY		DISCUSSION WITH UNDERSIGNED
✓	ACTION		MAY WE DISCUSS AT YOUR CONVENIENCE
	COMMENT	✓	DIRECT REPLY
	APPROVAL NORTH AND LAND		DIRECT REPLY, COPY TO THIS OFFICE
	INFORMATION AFR		NOTE AND FILE
	SIGNATURE		NOTE AND RETURN
	TRANSLATION		AS REQUESTED

(This telegram was read to Mr. Bracken's
office at 4:45 p.m. 6 April 60)

[Handwritten signature]

000021



PA → 530-40

PA
AB

5 April, 1960.

Dr. K.A. Yonge,
University Hospital,
Edmonton, Alberta.

s.19(1)

Dear Dr. Yonge:

You submitted to us an account, dated January 27, 1960, for professional services rendered to [REDACTED] of Yellowknife in the amount of \$25.00.

When an account is received from a private practitioner, it is reviewed in accordance with a schedule of fees for Northern Health Services. In order to have your account for consultation so reviewed, we require the following information:

1. Referring physician or officer of Indian and Northern Health Services.
2. Diagnosis.

Would you please send us the required information as soon as possible in order that your account may be processed for payment.

Yours sincerely,

ORIGINAL SIGNED BY
L.A.C.O. HUNT

W.G. Brown,
Deputy Commissioner.

VZ



CANADA

DEPARTMENT

OF

NORTHERN AFFAIRS AND NATIONAL RESOURCES

NORTHERN ADMINISTRATION BRANCH

s.19(1)

OUR FILE NO. 20-

YOUR FILE NO.

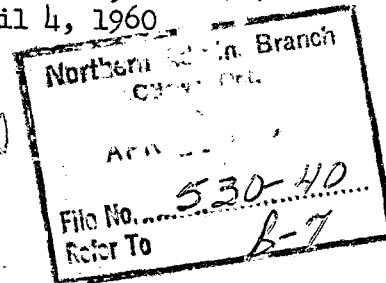
FORT SMITH, N.W.T.

April 4, 1960

2279

MEMORANDUM FOR THE DIRECTOR
ATTENTION: MR. W.G. BROWN

Re:



By memorandum dated February 8, 1960, we enclosed an account in the amount of \$25.00 for the professional services of Dr. K.A. Yonge, M.D., in the case of the above-mentioned mental patient.

--
We now enclose a further memorandum from Mr. McCall dated March 24, 1960, to which is attached a duplicate copy of the Doctor's account. May this receive your early attention please.

Administrator of the Mackenzie

WJT:mb

20-Butler,
Norman

FORT SMITH, N.W.T.
April 4, 1960

MEMORANDUM FOR THE DIRECTOR
ATTENTION: MR. W.C. BROWN

s.19(1)

Re: [REDACTED]

By memorandum dated February 8, 1960, we enclosed an account in the amount of \$25.00 for the professional services of Dr. K.A. Yonge, M.D., in the case of the above-mentioned mental patient.

We now enclose a further memorandum from Mr. McCall dated March 24, 1960, to which is attached a duplicate copy of the Doctor's account. May this receive your early attention please.

Administrator of the Mackenzie

WJT:mb

20-Butler,
Norman

Yellowknife, N.W.T.
March 24th, 1960

MEMORANDUM FOR THE ADMINISTRATOR
OF THE MACKENZIE

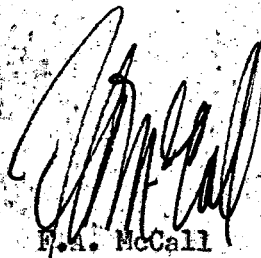
s.19(1)

Attention: Superintendent of Welfare

Re: [REDACTED] - Yellowknife
Mentally Ill

Under cover of our memorandum dated the 1st of February, you were sent an invoice in the amount of \$25.00 for professional services rendered to the above noted by Dr. K.A. Yonge. Also attached to this account, was a professional opinion by Dr. Yonge.

You will find attached hereto, a duplicate invoice in the amount of \$25.00 and I would appreciate it if you would check into this and see that this account is paid promptly.


F.A. McCall
Area Administrator.

FAM/ct

DR. K. A. YONGE

UNIVERSITY HOSPITAL
EDMONTON

March 20, 1960

Duplicate
[Signature]

Government of the Northwest Territories
Yellowknife
Northwest Territories

s.19(1)

TO PROFESSIONAL SERVICES

Re: [REDACTED]

Yellowknife, N.W.T.

Jan. 27, 1960

Statement Rendered

\$25.00



000027



DEPARTMENT OF
NATIONAL HEALTH AND WELFARE

IN YOUR REPLY REFER TO

OUR FILE No.
812-2-YM-YZ (AP37)

OTTAWA, March 15, 1960.

Northern Admin. Branch	
Ottawa, Ont.	
MAR 17 1960	
File No.	530-40
Refer To	B-7
FWT(WI) 8/3	

811

Deputy Commissioner,
Northwest Territories,
Kent - Albert Building,
OTTAWA, Ontario

Account January 1960, - \$25.00
Dr. K.A. Yonge Edmonton, Alberta

Dear Sir:

Please refer to your letter of 24 February 1960,
requesting that Dr. Yonge's account be reviewed, in ac-
cordance with our Schedule of Fees.


Would you kindly procure the following information
in connection with this Consultation:

- a) Referring physician or officer of Indian and
Northern Health Services.
- b) Diagnosis.

s.19(1)

The Services in question were rendered to [REDACTED]
[REDACTED] Yellowknife, N.W.T.

Yours very truly,


P.E. Moore, M.D., D.P.H.
Director, Indian and Northern
Health Services

Mr Rudnicki
F. G. G. G.

18-3

Mr Phillips:

Please see French
note.

Do you think that
Health Division should be
represented on Advisory Committee
on Northern Health? I wonder
because our work is intimately tied
up with service to patients, establishment
of nursing homes, discharge planning,
Income Review procedures etc etc.

000029

M. C.

P. Gorlick

F. Johnston

J. Laberge

B. Marwood

M. MacLeod

M.L. McRae

A. Okpik

M. Panegoosho

W. Rudnicki

F. Thompson

M. Webster

R. Williamson

000030

GOVERNMENT
OF
CANADA

ACTION REQUEST

CGSB 6-GP-12
P.P. & S. Cat. 3433

TO

Halt.

LOCATION

FOR:

FILE NO.

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

ACTION
APPROVAL
COMMENTS
DRAFT REPLY
INFORMATION
INVESTIGATION
MORE DETAILS
NOTE & FILE

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

NOTE & FORWARD
NOTE & RETURN
REPLY, PLEASE
SEE ME, PLEASE
SIGNATURE
TRANSLATION
YOUR REQUEST

PREPARE MEMO TO:

I phoned Dr. Procter

REPLY FOR SIGNATURES OF
REMARKS:

today regarding

*further meetings with 14 NHS +
mental health people. He thinks
this should be discussed at Advisory
Committee on Mh. Health. Orange says*

FROM

PHONE

LOCATION

DATE

F249

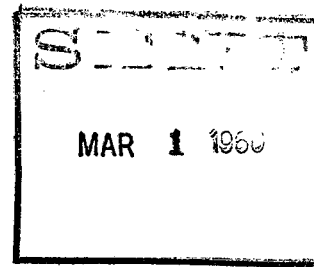
1000031

-over-

Advisory Committee has been in
obeyance over stalemate on health
services for territories. Letter has
now gone out suggesting
Procter & Phillips be added
to committee and that
it should reconvene.

Orange thinks Insane Persons
Ord. would be on agenda
shortly after Easter.

T



530-40

PA
A.C.

1 March, 1960.

N.L. Enders, Esq.,
Business Manager,
Provincil Mental Institute,
Edmonton, Alberta.

s.19(1)

Dear Mr. Enders:

Yellowknife, N.W.T.
Your File No. 7325

This will acknowledge receipt of your letter dated the 18th of February, 1960, in which you advise that the above noted permanent resident of the Northwest Territories was admitted to the Provincial Mental Institute on the 19th of January, 1960, by a Medical certificate.

You will appreciate that it will be necessary to confirm [redacted] resident status in the Northwest Territories. However, please be advised that if he is a resident, we will assume responsibility for his maintenance.

By copy of this letter, we are asking the Administrator of the Mackenzie, Fort Smith, to look into this matter and to advise you directly.

Yours sincerely,

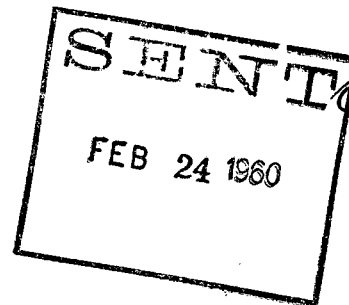
ORIGINAL SIGNED BY
L.A.C.O. HUNT

W. G. Brown,
Deputy Commissioner.

A handwritten signature, possibly "W.G. Brown", written in ink.

R. Lorrain/pc

s.19(1)



27 February, 1960.

Dr. P.E. Moore,
Director,
Indian and Northern Health Services,
Department of National Health and
Welfare,
Ottawa, Ontario.

Dear Dr. Moore:

Please find enclosed a copy of the following accounts for
professional services rendered to residents of the Northwest Territories.

[redacted], Dr. H. Meltzer, February 5, 1960, \$52.00
[redacted] Dr. K.A. Yonge, January 27, 1960, \$25.00
Medical Arts Association of Radiologists, January, 1960, \$54.00

*returned
for more
detail*

Would you please review these accounts in accordance with your
Schedule of Fees and return here for payment.

Yours sincerely,

W.G. Brown,
Deputy Commissioner.

R



OFFICE OF
MEDICAL SUPERINTENDENT

DEPARTMENT OF PUBLIC HEALTH
PROVINCE OF ALBERTA

PROVINCIAL MENTAL INSTITUTE
EDMONTON, ALBERTA

February 18, 1960.

9094

Deputy Commissioner,
of the N.W.T.,
Kent Albert Building,
OTTAWA, ONTARIO

s.19(1)

Northern Admin. Branch	
Ottawa, Ont.	
530-40	
FEB 22	
File No.	<i>B-110</i>
Refer To	<i>B7</i>

Attention: Mr. W. G. Brown.

Dear Sir:

Re: [REDACTED]
Yellowknife, N.W.T.
Our File # 7325

We wish to advise that the above permanent resident of the North West Territories was admitted to this Institute on January 19, 1960 by Medical certificates.

Would you kindly advise whether he is the responsibility of your department.

We might add that [REDACTED] our file # 2213, is currently a patient at this Institute and is under the jurisdiction of your department.

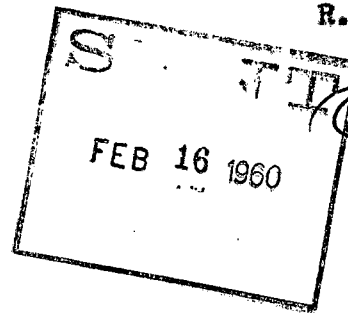
Yours truly,

N. L. Enders,
Business Manager.

JMS/em.

FWT 24-2

R.J. Orange/cb



16 February, 1960.

MEMORANDUM FOR MR. C.H. BOLGER

As requested in your memorandum of the 6th of November, I attach for your information and for distribution to your field officers copies of instructions dealing with mentally ill persons and the Insane Persons Ordinance (M.I.P.).

You will note that wherever possible voluntary admission to mental hospitals is preferable for committal under the Insane Persons Ordinance. If, however, a case must come under the Insane Persons Ordinance, it is important that the steps outlined in the memorandum are strictly followed. While the procedure may appear to be somewhat cumbersome, it has been so set out to comply with the requirements of the Department of Justice and the Legal Division.

ORIGINAL SIGNED BY
L.A.C.O. HUNT

U.C. Brown,
Deputy Commissioner.



CANADA

NORTHERN ADMINISTRATION BRANCH

DEPARTMENT

OF

NORTHERN AFFAIRS AND NATIONAL RESOURCES

Fort Smith, N.W.T.,
February 8th, 1960.

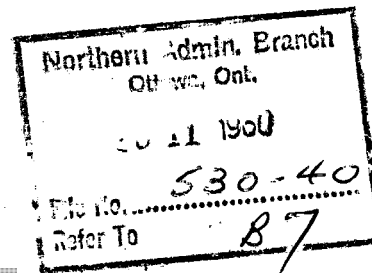
OUR FILE NO. 20

s.19(1)

YOUR FILE NO.

8469

MEMORANDUM FOR MR. W.G. BROWN
DEPUTY COMMISSIONER



Enclosed is copy of a memorandum received from
Mr. McCall dated February 1, 1960, together with a letter from
Professor K.A. Yonge, M.D., outlining
mental condition.

Professor Yonge's account in the amount of \$25.00
duly certified by Mr. McCall, is enclosed for payment.

*not removed
for Taxing*

*see letter
attached from
Mr. McCall re Dr. Yonge's
acknowledgment*

WJT/ie
Encl.

Administrator of the Mackenzie.

20

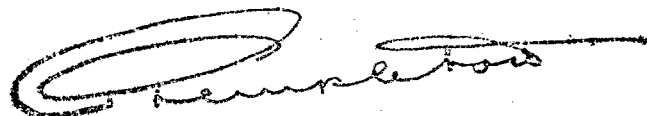
s.19(1)

Fort Smith, N.W.T.,
February 8th, 1960.

MEMORANDUM FOR MR. W.C. BROWN
DEPUTY COMMISSIONER

Enclosed is copy of a memorandum received from
Mr. McCall dated February 1, 1960, together with a letter from
Professor K.A. Yonge, M.D., outlining
mental condition.

Professor Yonge's account in the amount of \$25.00
duly certified by Mr. McCall, is enclosed for payment.



Administrator of the Mackenzie.

WJT/ie
Encl.

s.19(1)

20-

Yellowknife, N.W.T.
February 1st, 1960

MEMORANDUM FOR THE ADMINISTRATOR
OF THE MACKENZIE

Attention: Miss M. Crawley, Supt. Welfare

Re: [REDACTED]

Mentally Ill

Attached you will find a report from K.A. Yonge, M.D.,
Professor and Director of the Department of Psychiatry,
University of Alberta.

You will also find attached a copy of a statement for
professional services in the amount of \$25.00. This
account is recommended as a charge against the Govern-
ment of the Northwest Territories. Would you please
advise Ottawa to send the cheque directly to Dr. K.A.
Yonge, University Hospital, Edmonton, Alberta.

F.A. McCall
Area Administrator.

FAM/ct

DEPARTMENT OF PSYCHIATRY



UNIVERSITY HOSPITAL
EDMONTON, ALBERTA

January 27, 1960.

Mr. F. A. McCall,
Area Administrator,
YELLOWKNIFE.

s.19(1)

Dear Mr. McCall:

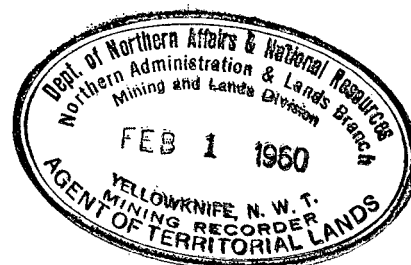
It was at the request of Doctor M. Charles Matas of the Charles Camshell Hospital here that we admitted [REDACTED] for assessment.

It was almost immediately evident that he was suffering from a severe and chronic mental illness. The past history revealed that he had been ill in this way for several years. It was evident that any treatment that might be effective would be of a long term nature. Furthermore, his illness was of such severity that he could not appreciate the need for hospital care. It was, therefore, most unlikely that he would remain willingly in a hospital without restraint. Therefore, it was deemed to be in his best interests for him to be certified and transferred to the Provincial Mental Institute at Oliver. The situation was fully discussed with the father who appreciated the necessity for this treatment and agreed to the procedure.

Yours truly,

K. A. Yonge, M.D.,
Professor and Director.

KAY:sfh



000041

NORTHERN ADMINISTRATION & LANDS BRANCH
TEMPORARY FILE

FILE NO.

TEMP. FILE NO.

SUBJECT

530-40

6051

Inmate Persons Ord. N.W.T.

MAIN FILE IS CHARGED TO

W1

6-1-60
H-12

REFERENCE

DISPOSAL

REFERRED TO	REMARKS	DATE	INITIALS	DATE OF P.A. OR T.	DATE OF B.F.	INITIALS	REGISTRY INSPECTION
W1 B1	15-12 # 5519	28-12	ST	T		STW	JAN - 5 1960
Marudinski	# 5519	28/12/59	STW	T		STW	JAN - 5 1960
B1		30/12	STW	30/12		STW	JAN - 5 1960
B7	18-1 # 7512	26-1	STW	29.1.60		STW	JAN 29 1960
B7	29/1 # 8025	3/2/60	B	T		STW	FEB 9 1960
A3	8025 for pay 7.	8.2.60	STW	9/2/60		STW	FEB 9 1960



NORTHERN ADMINISTRATION BRANCH

CANADA
DEPARTMENT
OF
NORTHERN AFFAIRS AND NATIONAL RESOURCES

OUR FILE NO. 20-

YOUR FILE NO.

8025

Fort Smith, N.W.T.,
January 29th, 1960.

Northern Administration Branch
Quebec, Que.
FEB 3 1960
File No. 530-40
Ref. To B7

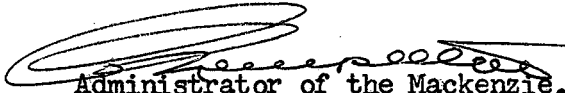
MEMORANDUM FOR MR. W.G. BROWN
DEPUTY COMMISSIONER

s.19(1)

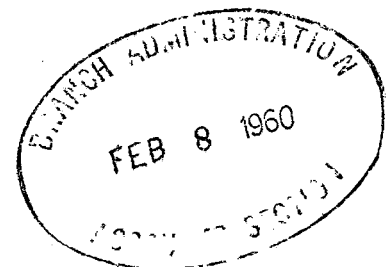
Re: [REDACTED]

With further reference to your telegram of December 30, 1959, in connection with the medical examination and hospital requirements for the above mentioned, we now enclose in duplicate copies, an account received from the University of Alberta Hospital, Edmonton, in the amount of \$17.50. This account was received through Mr. McKee.

WJT/ie
Encl.


Administrator of the Mackenzie.

*Acct. detailed & processed
for payment on 9/2/60.
J.W.*



20-

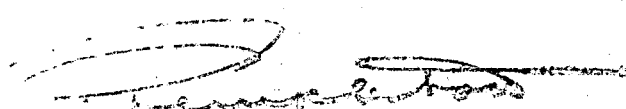
Fort Smith, N.W.T.,
January 29th, 1960.

s.19(1)

MEMORANDUM FOR MR. W.G. BROWN
DEPUTY COMMISSIONER

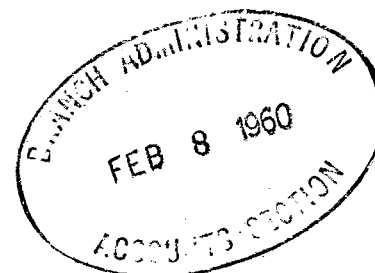
Re: [REDACTED]

With further reference to your telegram of December 30, 1959, in connection with the medical examination and hospital requirements for the above mentioned, we now enclose in duplicate copies, an account received from the University of Alberta Hospital, Edmonton, in the amount of \$17.50. This account was received through Mr. McKee.



WJT/ie
Encl.

Administrator of the Mackenzie.



000044



NORTHERN ADMINISTRATION BRANCH

CANADA
DEPARTMENT
OF
NORTHERN AFFAIRS AND NATIONAL RESOURCES

s.19(1)

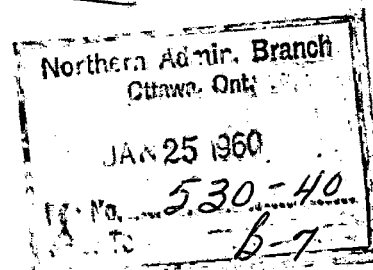
OUR FILE NO. 20

YOUR FILE NO.

7512

Fort Smith, N.W.T.,
January 18, 1960.

MEMORANDUM FOR MR. W.G. BROWN
DEPUTY COMMISSIONER



Re: [REDACTED]

Please be advised that [REDACTED] will take psychiatric treatment at the University Hospital under Professor Young. These arrangements have been made by Dr. L.E.C. Davies.

[REDACTED] left Yellowknife on January 14th, under the escort of his father [REDACTED]. Mr. McCall advised the Camsell Hospital authorities of the arrival of [REDACTED] and two one-way tickets were issued by Mr. McCall for their transportation from Yellowknife to Edmonton. Mr. McKee has been informed of the action taken and he will issue a return ticket for [REDACTED] at Yellowknife once a decision has been made in connection with [REDACTED] treatment.

WJT/ie

Administrator of the Mackenzie.

20-

s.19(1)

Fort Smith, N.W.T.,
January 18, 1960.

MEMORANDUM FOR MR. W.G. BROWN
DEPUTY COMMISSIONER

Re: [REDACTED]

Please be advised that [REDACTED] will take psychiatric treatment at the University Hospital under Professor Young. These arrangements have been made by Dr. I.E.C. Davies.

[REDACTED] left Yellowknife on January 14th, under the escort of his father [REDACTED]. Mr. McCall advised the Camself Hospital authorities of the arrival of [REDACTED] and two one-way tickets were issued by Mr. McCall for their transportation from Yellowknife to Edmonton. Mr. McKee has been informed of the action taken and he will issue a return ticket for [REDACTED] at Yellowknife once a decision has been made in connection with [REDACTED] treatment.



WJT/ie

Administrator of the Mackenzie.

000046

530-40

Ottawa, January 11, 1960. X

Mr. Rudnicki,

I spoke with Mr. Brown about this because Mr. Hunt was out. Mr. Brown was rather vague on details because Mr. Hunt dealt with the matter. However, he thought the letter to Mr. Jackett would not be sent until discussions took place between representatives of N.A. & N.R. and N.H. & W., and some agreement was reached on responsibility for all health matters, rather than solve the problem on a piecemeal basis. I presume therefore that Dr. Moore did not agree with Olson's views.

You will recall the letter to Mr. Jackett was Mr. Olson's idea in the first place so there is no urgency in writing it.

If you are not satisfied with this I can speak with Mr. Hunt.

M. C. Morin
M. Morin.



EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE
CORRESPONDANCE EXCLUSIVE AVEC WESTERN UNION CABLE SERVICE

FORM---6103B

CANADIAN NATIONAL

J. R. WHITE
GENERAL MANAGER GÉRANT GÉNÉRAL
TORONTO

TELEGRAPHS

ACCESS TO INFORMATION la Loi sur l'accès à l'information	
CLASS OF SERVICE DESIRÉ	
FULL RATE PLEIN TARIF	
DAY LETTER LETTRE DE JOUR	X
NIGHT MESSAGE DÉPÊCHE DE NUIT	
NIGHT LETTER LETTRE DE NUIT	
PLACE X OPPOSITE SERVICE DESIRÉ INDIQUEZ PAR UN X LE GENRE DE SERVICE DESIRÉ	

CHECK

RECEIVERS NO.

TIME FILED

CHARGE TO
DEPT. OR
ADDRESS

2-200-55750

Northern Admin. Branch
Ottawa, Ont.

Send the following message, subject to the terms on back hereof, which are hereby agreed to
Veuillez expédier la dépêche suivante aux conditions mentionnées au verso auxquelles je consens par les présentes

DEC 31 1959

File No. 530-40
Refer 1959.

Ottawa, 30 December, 1959.

C.L. Morrill, Esq.,
Administrator of the Mackenzie,
Fort Smith, N.W.T.

s.19(1)

URGENT DECEMBER FIFTEENTH [REDACTED] YELLOWKNIFE PLEASE FORWARD DETAILS
BY LETTER OR WIRE TO DOCTOR FALCONER EDMONTON REQUESTING HIS INSTRUCTIONS
AS TO MEDICAL EXAMINATION AND SUITABLE HOSPITAL ARRANGEMENTS. NORTHERN
HEALTH SERVICES CONCUR THIS MATTER BEING HANDLED COMPLETELY BY FALCONER.
TERRITORIAL GOVERNMENT WILL ASSUME COSTS FOR TRANSPORTATION AND MEDICAL
AND HOSPITAL EXPENSES SUBJECT TO DUTLER BEING UNABLE TO ASSUME ANY SHARE
AND IN ANY EVENT IF SUBSEQUENT COMMITMENT MADE. REGRET DELAY IN ADVISING
YOU IN THIS MATTER.

Confirmation
Registry
Director
File 530-40 ✓
W.G. Brown

W.G. BROWN

CANADIAN NATIONAL TELEGRAPH COMPANY

HEREINAFTER CALLED THE COMPANY.

TERMS AND CONDITIONS UPON WHICH TELEGRAPH AND CABLE MESSAGES SHALL BE TRANSMITTED ARE PRESCRIBED BY ORDER NO. 49274, DATED DECEMBER 5TH, 1932, OF THE BOARD OF TRANSPORT COMMISSIONERS FOR CANADA AND PUBLISHED IN THE CANADA GAZETTE.

It is agreed between the sender of the message on the face of this form and this Company that said Company shall not be liable for damages arising from failure to transmit or deliver, or for any error in the transmission or delivery of any unrepeatable telegram, whether happening from negligence of its servants or otherwise, or for delays from interruptions in the working of its lines, for errors in cipher or obscure messages, or for errors from illegible writing, beyond the amount received for sending the same.

To guard against errors, the Company will repeat back any telegram for an extra payment of one-half the regular rate; and, in that case, the Company shall be liable for damages suffered by the sender to an extent not exceeding \$200.00, due to the negligence of the Company in the transmission or delivery of the telegram.

Correctness in the transmission and delivery of messages can be insured by contract in writing, stating agreed amount of risk, and payment of premium thereon at the following rates, in addition to the usual charge for repeated messages, viz.: one per cent for any distance not exceeding 1,000 miles, and two per cent for any greater distance.

This Company shall not be liable for the act or omission of any other Company, but will endeavour to forward the telegram by any other Telegraph Company necessary to reaching its destination, but only as the agent of the sender and without liability therefor. The Company shall not be responsible for messages until the same are presented and accepted at one of its transmitting offices; if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the sender's agent; if by telephone, the person receiving the message acts therein as agent of the sender, being authorized to assent to these conditions for the sender. This Company shall not be liable in any case for damages, unless the same be claimed, in writing, within sixty days after receipt of the telegram for transmission.

No employee of the Company shall vary the foregoing.

LA "CANADIAN NATIONAL TELEGRAPH COMPANY"

CI-APRÈS NOMMÉE LA COMPAGNIE.

LES TERMES ET CONDITIONS SUIVANT LESQUELS LES TÉLÉGRAMMES ET CÂBLOGRAMMES DOIVENT ÊTRE TRANSMIS SONT PRESCRITS PAR L'ORDONNANCE NO. 49274 DE LA COMMISSION DES TRANSPORTS DU CANADA EN DATE DU 5 DÉCEMBRE 1932, PUBLIÉE DANS LA GAZETTE DU CANADA.

Il est convenu entre la compagnie et l'expéditeur de la dépêche écrite au verso que la dite compagnie n'encourra aucune responsabilité au delà du montant perçu pour la transmission de la dite dépêche, à l'égard de tous dommages pouvant résulter du défaut de transmission ou de livraison, ou d'une erreur dans la transmission ou la livraison de toute dépêche non répétée, que ces dommages soient imputables à la négligence des employés de la dite compagnie ou autrement, ou à des retards causés par une interruption dans le fonctionnement de ses lignes, ou à toute erreur dans des dépêches chiffrées ou de sens obscur, ou à toute erreur due à une écriture illisible.

Pour éviter tout risque d'erreur, la compagnie répètera toute dépêche moyennant un versement supplémentaire de la moitié du tarif régulier, et dans ce cas, la responsabilité de la compagnie vis-à-vis l'expéditeur sera limitée à \$200, à l'égard de tous dommages dus à la négligence de la compagnie dans la transmission ou la livraison de la dépêche.

On peut s'assurer contre tout risque d'erreur dans la transmission et la livraison des dépêches, au moyen d'un contrat écrit stipulant le montant de l'assurance, et sur paiement (en sus du taux ordinaire pour les dépêches répétées) d'une prime calculée sur la base suivante: soit, 1% du montant assuré, pour toute distance n'excédant pas 1000 milles, et 2% pour toute distance plus grande.

La dite compagnie ne sera pas responsable du fait ou de l'omission d'une autre compagnie, mais s'efforcera de transmettre toute dépêche par toute compagnie de télégraphe dont il faudra se servir afin de faire parvenir la dépêche à destination, mais la compagnie n'agira en ce cas qu'en qualité d'agent de l'expéditeur et sans assumer de responsabilité. La compagnie n'assumera de responsabilité qu'à l'égard des dépêches présentées et acceptées à l'un de ses bureaux d'expédition; lorsqu'une dépêche est expédiée à un tel bureau par un messenger de la compagnie, ce messenger sera censé être l'agent de l'expéditeur; lorsqu'une dépêche est communiquée par téléphone, la personne qui la reçoit sera censée agir pour l'expéditeur et avoir l'autorité nécessaire pour consentir aux présentes en son nom. La compagnie ne répondra d'aucuns dommages, à moins qu'avis ne lui en soit donné par écrit dans les 60 jours qui suivront la remise de la dépêche pour transmission.

Aucun employé de la compagnie n'a le droit de changer les présentes conditions.



DEPARTMENT OF
NATIONAL HEALTH AND WELFARE

52 43
IN YOUR REPLY REFER TO
OUR FILE No.
1000-6-30 (050)

OTTAWA, December 24, 1959

Mr. W.G. Brown,
Deputy Commissioner,
Northwest Territories,
Kent-Albert Building,
3rd Floor,
OTTAWA, Ontario.

6020

Northern Terr. Council Ottawa, Ont.	
File No.	530-40
Refer To	B-7

Dear Mr. Brown,

Mentally Ill Persons and the
Insane Persons Ordinance
(N.W.T.)

I apologize for not having
replied earlier to your letter dated Nov-
ember 12, 1959, on the above subject.

530-40

We have not yet sent out
your circular entitled "Mentally Ill Persons
and the Insane Persons Ordinance (N.W.T.)"
because we feel that there are points in it
that should be discussed. Officers of this
directorates will be glad to meet with you
at a convenient time and we suggest that you
might wish to contact Doctor Procter by tele-
phone on this matter.

Yours very truly,

P. E. Moore
P.E. Moore, M.D., D.P.H.
Director, Indian and Northern
Health Services

② Mr. Rudinski -
Would ^{you} arrange for a
meeting & coordinate
with Mr. Oran -
TA
5.1.60



s.19(1)

OUR FILE NO.
YOUR FILE NO. 530-40

NORTHERN ADMINISTRATION BRANCH

CANADA
DEPARTMENT
OF

NORTHERN AFFAIRS AND NATIONAL RESOURCES

5519

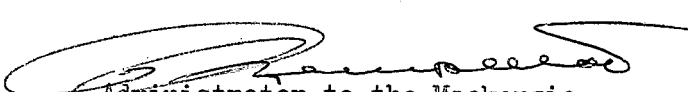
Fort Smith, N.W.T. Admin. Branch
December 15, 1959
Yellowknife, Ont.

MEMORANDUM FOR MR. W.G. BROWN

530-40
B-1

Mentally Ill Persons
and Insane Persons Ordinance

I enclose copy of memorandum date 9 December from the Area Administrator, Yellowknife, together with report from Dr. O.L. Stanton, Yellowknife concerning the present condition of [redacted] also of Yellowknife. Together, these documents appear to answer the requirements of the above ordinance, as amended, and I would recommend that Mr. McCall's suggestions be carried out. Would you therefore make the necessary arrangements with the appropriate institution, and advise by wire in order that they may be implemented in due course?


Administrator to the Mackenzie

PT:km
Enc.

530-40

s.19(1)

Fort Smith, N.W.T.,
December 15, 1959.

MEMORANDUM FOR MR. W.C. BROWN

Mentally Ill Persons
and Insane Persons Ordinance

I enclose copy of memorandum date 9 December from the Area Administrator, Yellowknife, together with report from Dr. O.L. Stanton, Yellowknife concerning the present condition of [redacted] also of Yellowknife. Together, these documents appear to answer the requirements of the above ordinance, as amended, and I would recommend that Mr. McCall's suggestions be carried out. Would you therefore make the necessary arrangements with the appropriate institution, and advise by wire in order that they may be implemented in due course?


Administrator to the Mackenzie

PT:km
Enc.

20-Butler, Norman

Fort Smith, N. W. T.,
December 9, 1959

MEMORANDUM FOR R. C. L. MERRILL:

Attention: Miss H. Crawley

s.19(1)

Mentally Ill Persons
and Insane Persons Ordinance

Attached you will find the original copy of a letter from the Medical Health Officer, pointing out that the above-named man wishes to be admitted voluntarily to a mental institution.

I have talked with the parents and with the Doctor and they feel that in the boy's best interests, he should be given an examination by a specialist in Edmonton before being admitted to a mental institution, in order to ascertain whether or not there may be a brain tumor or whether surgery could alleviate the situation.

I would recommend that arrangements be made to transport [redacted] and one of his parents to Edmonton and this would cost \$159.00. At Edmonton, arrangements should be made for him to be examined by a specialist and if he concurs with Dr. Stanton's opinion, that arrangements be made for his committal to a Provincial Mental Institution in Alberta. These latter arrangements will have to be made by our head office.

There is no dire emergency in this but I would suggest that our timing should take place perhaps by the 1st of January for his departure from Yellowknife.

F. A. McCall,
Area Administrator,
Yellowknife, N.W.T.

FAM/se
Encl:

000054

OLIVE STANTON

FRED. F. FITCH

DRS. STANTON AND FITCH

YELLOWKNIFE

N. W. T.

s.19(1)

December 2nd, 1959.

Mr. Frank McCall,
Sub-District Administrator,
Yellowknife, N.W.T.

Dear Mr. McCall,

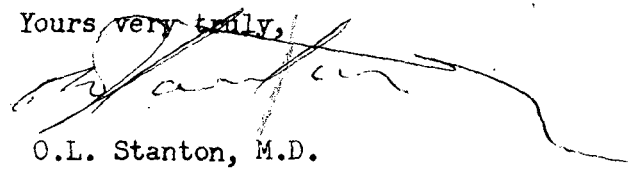
re: [REDACTED]

The above young man is a schizophrenic and was in the Provincial Mental Institute in Ponoka in 1956. He has been home for about the past 1½ years and condition has been static.

In the past few months there has been a definite change in his condition i.e. complaint of headaches, unco-operative and irritable. This is making it more and more difficult for him to be kept at home.

This recent change in condition may be due to some new physical (possibly neurological) lesion. I would recommend that [REDACTED] be sent to the Baker Clinic in Edmonton for complete examination and consultation with a neurologist. If nothing organic is found to account for the change I would recommend that he be recommitted to the Provincial Mental Institute. His parents are quite willing this be done.

Yours very truly,


O.L. Stanton, M.D.

OLS/gh

Department of Northern Affairs and National Resources

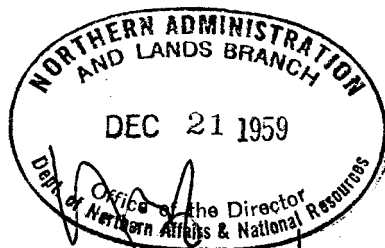
OFFICE OF THE DEPUTY MINISTER

TO: MR. SIVERTZ

DATE DEC. 21 1959

FOR: *Mr. Biefen*

	PREPARATION OF REPLY		DISCUSSION WITH UNDERSIGNED
	ACTION		MAY WE DISCUSS AT YOUR CONVENIENCE
	COMMENT		DIRECT REPLY
	APPROVAL		DIRECT REPLY, COPY TO THIS OFFICE
X	INFORMATION		NOTE AND FILE
	SIGNATURE		NOTE AND RETURN
	TRANSLATION		AS REQUESTED

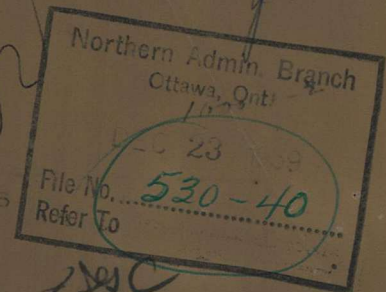


000056

Re Geo Case - Dec. 9.

40-2-15

10/11/15



December 9, 1959

Dear Doctor Case:

Please forgive me for being so long in answering your letter of October 31. I certainly enjoyed meeting you when I was in Yellowknife and I am sure that very much of mutual interest could have been discussed had we had more time during our very pleasant visit in Yellowknife.

In the first place I must point out to you that the federal Department of Health only has responsibility in matters of health for the Indian and Eskimo populations. As it is in the provinces, the Northwest Territories Council and the Municipal Council are autonomous in matters of health. There is in my department, the Northern Health Services which, by agreement, carries out certain functions for the Northwest Territories Council and also the Director of that Service acts as Chief Medical Health Officer for the Northwest Territories Council, so you can see that my department is only indirectly involved.

I am informed however, that the Territorial Council has agreed that all vaccines and substances used for immunisation, such as DPT and Salk vaccine for polio, will be supplied free of charge to citizens as part of the Public Health service. We naturally supply them free to Indians and Eskimos.

Dr. Geo. R. B. Case,
Yellowknife,
N.W.T.

... 2

Yellowknife being a municipal district, it must, under the Public Health Ordinance of the Northwest Territories, appoint a Medical Officer of Health and pay his remuneration. I am informed that Doctor Stanton is the Medical Health Officer for Yellowknife and that you could arrange for free supplies through Doctor Stanton. There is a cost sharing agreement between the Northwest Territories Council and the Northern Health Services and through this arrangement the cost of these supplies can be met.

Officers of my department have repeatedly advised a Public Health nursing program for the Yellowknife area but for some reason, this has not materialized. If a group such as you describe as your local Registered Nurses' Association wishes to take over such immunization program as you suggest and this were approved by the Municipal Council and its Medical Officer of Health, Doctor Stanton, vaccines and immunisation substances could be provided free if they were to be properly used and not resold. In exchange for this we would expect that our Regional Superintendent for Northern Health, Doctor Falconer of Edmonton, would be given a report on where these substances were used.

With regard to laboratory examinations for Public Health purposes, material could be forwarded to our Charles Cammell Hospital in Edmonton or arrangements could be made with the Provincial Laboratory of Alberta.

I believe that the Territorial Government has accepted the idea that Public Health laboratory examinations normally supplied free by the province, will be supplied free by the Territories.

With regard to the Insane Persons Ordinance for the Territories, I am advised that a revision of this Ordinance is at present under study and, for your information, I attach herewith a copy of a circular which is being distributed to all practising physicians in the Territories in the near future.

... 3

I trust I have been able to clear up some of the points that have been raised in your letter, and I am sending a copy of this to the Commissioner of the Northwest Territories.

Yours sincerely,

J. Waldo Monteith

Mentally Ill Persons and The Insane Persons Ordinance (N.W.T.)

There is general recognition of need to improve the procedures whereby mentally ill persons requiring treatment in hospital may obtain it. The Insane Persons Ordinance of the Northwest Territories and steps associated with it are those required if the patient is one whose condition is such that he has to be held under restraint and hospitalized, perhaps forcibly, under the authority of a Committal Order issued by the Commissioner of the Northwest Territories. In these cases assistance from the Police is often necessary. Court proceedings, which are intended to insure that the liberty of the subject is not curtailed unnecessarily, have sometimes tended to give an impression of the Police Court where the patient faces charges, rather than a thoughtful inquiry to insure that the proposed committal to hospital under restraint is, in fact, necessary in the interests of the safety and welfare of the patient or of other people.

It should be especially borne in mind that modern theories of mental illness place great importance on early treatment and on co-operation and willingness of the patient. To further these objectives and for other reasons which are obvious, there is great advantage in obtaining the consent of the patient to enter the mental hospital for examination, advice and treatment. Dr. J. E. Gilbert, Consultant in Psychiatry, Mental Health Division, Department of National Health and Welfare, with whom discussions on this subject are currently being held, estimates that 80% of all patients admitted to mental hospitals in Canada nowadays enter voluntarily. This is a very great change from even a few years ago.

The advice we have received suggests that every effort should be made to persuade sufferers from mental illness who require hospitalization to go voluntarily. As a general rule, the patient should be accompanied by a responsible person, and this should be someone in whom the patient has confidence. Reassurance and persuasion from trusted friends, with the help of medical sedation, that can be prescribed by the local doctor, are very often all that is needed to insure a safe and uneventful journey to the hospital.

When a person in the Northwest Territories is believed by a medical doctor or, in the absence of a doctor, by his family or friends to be mentally ill and requiring examination by a psychiatrist, it is not necessary to have proceedings under the Insane Persons Ordinance if he can be persuaded to enter hospital voluntarily. From this point on speedy and consistent action is highly desirable.

Voluntary Admission

The following are the steps that should be taken:

- (1) The patient should be examined by a doctor. If there is no doctor in the settlement, the usual procedures for obtaining medical attention should be followed. If the doctor decides to advise admission to a mental hospital, or referral to a psychiatrist, he may arrange either or both privately and at private expense.
- (2) If the patient is an Eskimo or an Indian the doctor should proceed through Indian and Northern Health Services in exactly the same way as when a patient suffering from any other disease requires hospitalization in a particular or special hospital.

- 2 -

- (3) If the patient is neither Eskimo nor Indian, and if the doctor wishes to ask for action by the Territorial Government, he should send a telegram to the Administrator of the Mackenzie at Port Smith or the Administrator of the Arctic at Ottawa, whichever is appropriate. He should state the person's name, age, sex, marital status, family situation, whether indigent, diagnosis, recommendation for admission to mental hospital, the patient's desire to enter hospital voluntarily, the doctor's recommendation regarding means of transportation, and who he thinks should accompany the patient on the journey.
- (4) The Administrator of the Mackenzie or the Administrator of the Arctic, as the case may be, will send a telegram with full particulars to the Deputy Commissioner of the Northwest Territories at Ottawa and ask him to make arrangements for hospitalization. When arrangements for hospitalization have been made, the Administrator of the Mackenzie or Administrator of the Arctic will reply to the doctor, giving instructions where the patient is to be hospitalized and how the journey is to be arranged.

Committal Under Insane Persons Ordinance

In cases where it is not possible to convince the person suffering from mental illness that he should enter a hospital voluntarily, it will be necessary to institute proceedings under the Insane Persons Ordinance. The following steps are to be followed:

- (1) When a person is brought before a Justice of the Peace on a complaint under the Insane Persons Ordinance, the latter will remand the person to the care and custody of the R.C.M.P. pending a Hearing.
- (2) The Justice of the Peace will then communicate with the Clerk of the Court at Yellowknife by wire, advising him of the facts of the case including name, age, sex, marital status, family situation, whether indigent, whether Indian or Eskimo, and nature of illness; suggesting that he waive jurisdiction in favour of the Judge, and requesting instructions whether the Judge of the Territorial Court or the Police Magistrate will take the Hearing, and, if so, where the Hearing is to be. In the event that neither the Judge nor the Magistrate can take the Hearing, the Clerk of the Court will instruct the Justice of the Peace to proceed.
- (3) In all cases where it is practical, the agent of the Attorney General should be requested by the Clerk of the Court to act as Counsel for the Court at the Hearing.
- (4) The Judge of the Territorial Court or the Police Magistrate, in consultation with Counsel, will decide whether it is more expedient for the Court to travel to the place where the mentally ill person is in custody or whether the person should be brought to Yellowknife or any other suitable location. The decision would be governed by the condition of the patient, the numbers of witnesses and general convenience.

- 3 -

- (5) If it can be arranged, the person alleged to be mentally ill should be examined by a psychiatrist. This will rarely be possible in the Northwest Territories. Where he sees fit to do so, the Court might ask the Administrator to arrange for a psychiatrist to attend at the location where the Hearing is scheduled. The Administrator will do so if he can, but in circumstances where this is impossible or would create undue delay, arrangements will be made for a general practitioner in the area to examine the patient. Delay is to be avoided and passage of more than two days in awaiting the arrival of a psychiatrist should be considered undue delay. It should be noted that a specialist in psychiatry is rarely able to leave his duties on short notice.
- (6) After a hearing and on finding of insanity under the Ordinance, the presiding Judge, Magistrate, or Justice of the Peace, as the case may be, will place the person in the care and custody of the P.C.M. Police pending a Committal Order from the Commissioner. In all cases of finding insanity a report should be sent by the Court, by telegram, to the Commissioner of the Northwest Territories at Ottawa, advising him of the particulars and the finding, followed by a written report as soon as possible. Subject to this review of the proceedings, arrangements will be made with the appropriate provincial institution and a Committal Order will be issued by the Commissioner to the P.C.M. Police.

Northern Administration Branch,
Department of Northern Affairs
and National Resources,
Ottawa.

Copy for Commissioner, N.W. Territories

1000-1-2
JESC
DEC 17 1959
FILE NO. 40-2-15
CHCD.75

December 9, 1959

Dear Doctor Case:

Please forgive me for being so long in answering your letter of October 31. I certainly enjoyed meeting you when I was in Yellowknife and I am sure that very much of mutual interest could have been discussed had we had more time during our very pleasant visit in Yellowknife.

In the first place I must point out to you that the federal Department of Health only has responsibility in matters of health for the Indian and Eskimo populations. As it is in the provinces, the Northwest Territories Council and the Municipal Council are autonomous in matters of health. There is in my department, the Northern Health Services which, by agreement, carries out certain functions for the Northwest Territories Council and also the Director of that Service acts as Chief Medical Health Officer for the Northwest Territories Council, so you can see that my department is only indirectly involved.

I am informed however, that the Territorial Council has agreed that all vaccines and substances used for immunisation, such as DPT and Salk vaccine for polio, will be supplied free of charge to citizens as part of the Public Health service. We naturally supply them free to Indians and Eskimos.

Dr. Geo. R. B. Case,
Yellowknife,
N.W.T.

... 2

Yellowknife being a municipal district, it must, under the Public Health Ordinance of the Northwest Territories, appoint a Medical Officer of Health and pay his remuneration. I am informed that Doctor Stanton is the Medical Health Officer for Yellowknife and that you could arrange for free supplies through Doctor Stanton. There is a cost sharing agreement between the Northwest Territories Council and the Northern Health Services and through this arrangement the cost of these supplies can be met.

Officers of my department have repeatedly advised a Public Health nursing program for the Yellowknife area but for some reason, this has not materialized. If a group such as you describe as your local Registered Nurses' Association wishes to take over such immunization program as you suggest and this were approved by the Municipal Council and its Medical Officer of Health, Doctor Stanton, vaccines and immunization substances could be provided free if they were to be properly used and not resold. In exchange for this we would expect that our Regional Superintendent for Northern Health, Doctor Falconer of Edmonton, would be given a report on where these substances were used.

With regard to laboratory examinations for Public Health purposes, material could be forwarded to our Charles Cammell Hospital in Edmonton or arrangements could be made with the Provincial Laboratory of Alberta.

I believe that the Territorial Government has accepted the idea that Public Health laboratory examinations normally supplied free by the province, will be supplied free by the Territories.

With regard to the Inane Persons Ordinance for the Territories, I am advised that a revision of this Ordinance is at present under study and, for your information, I attach herewith a copy of a circular which is being distributed to all practising physicians in the Territories in the near future.

... 3

I trust I have been able to clear up some of
the points that have been raised in your letter, and
I am sending a copy of this to the Commissioner of the
Northwest Territories.

Yours sincerely,

J. Waldo Monteith

Mentally Ill Persons and The Insane Persons Ordinance (N.W.T.)

There is general recognition of need to improve the procedures whereby mentally ill persons requiring treatment in hospital may obtain it. The Insane Persons Ordinance of the Northwest Territories and steps associated with it are those required if the patient is one whose condition is such that he has to be held under restraint and hospitalized, perhaps forcibly, under the authority of a Committal Order issued by the Commissioner of the Northwest Territories. In these cases assistance from the Police is often necessary. Court proceedings, which are intended to insure that the liberty of the subject is not curtailed unnecessarily, have sometimes tended to give an impression of the Police Court where the patient faces charges, rather than a thoughtful inquiry to insure that the proposed committal to hospital under restraint is, in fact, necessary in the interests of the safety and welfare of the patient or of other people.

It should be especially borne in mind that modern theories of mental illness place great importance on early treatment and on co-operation and willingness of the patient. To further these objectives and for other reasons which are obvious, there is great advantage in obtaining the consent of the patient to enter the mental hospital for examination, advice and treatment. Dr. J. E. Gilbert, Consultant in Psychiatry, Mental Health Division, Department of National Health and Welfare, with whom discussions on this subject are currently being held, estimates that 80% of all patients admitted to mental hospitals in Canada nowadays enter voluntarily. This is a very great change from even a few years ago.

The advice we have received suggests that every effort should be made to persuade sufferers from mental illness who require hospitalization to go voluntarily. As a general rule, the patient should be accompanied by a responsible person, and this should be someone in whom the patient has confidence. Reassurance and persuasion from trusted friends, with the help of medical sedation, that can be prescribed by the local doctor, are very often all that is needed to insure a safe and uneventful journey to the hospital.

When a person in the Northwest Territories is believed by a medical doctor or, in the absence of a doctor, by his family or friends to be mentally ill and requiring examination by a psychiatrist, it is not necessary to have proceedings under the Insane Persons Ordinance if he can be persuaded to enter hospital voluntarily. From this point on speedy and consistent action is highly desirable.

Voluntary Admission

The following are the steps that should be taken:

- (1) The patient should be examined by a doctor. If there is no doctor in the settlement, the usual procedures for obtaining medical attention should be followed. If the doctor decides to advise admission to a mental hospital, or referral to a psychiatrist, he may arrange either or both privately and at private expense.
- (2) If the patient is an Eskimo or an Indian the doctor should proceed through Indian and Northern Health Services in exactly the same way as when a patient suffering from any other disease requires hospitalization in a particular or special hospital.

- (3) If the person is neither Eskimo nor Indian, and if the doctor wishes to ask for action by the Territorial Government, he should send a telegram to the Administrator of the Mackenzie at Fort Smith or the Administrator of the Arctic at Ottawa, whichever is appropriate. He should state the person's name, age, sex, marital status, family situation, whether indigent, diagnosis, recommendation for admission to mental hospital, the patient's desire to enter hospital voluntarily, the doctor's recommendation regarding means of transportation, and who he thinks should accompany the patient on the journey.
- (4) The Administrator of the Mackenzie or the Administrator of the Arctic, as the case may be, will send a telegram with full particulars to the Deputy Commissioner of the Northwest Territories at Ottawa and ask him to make arrangements for hospitalization. When arrangements for hospitalization have been made, the Administrator of the Mackenzie or Administrator of the Arctic will reply to the doctor, giving instructions where the patient is to be hospitalized and how the journey is to be arranged.

Committal Under Insane Persons Ordinance

In cases where it is not possible to convince the person suffering from mental illness that he should enter a hospital voluntarily, it will be necessary to institute proceedings under the Insane Persons Ordinance. The following steps are to be followed:

- (1) When a person is brought before a Justice of the Peace on a complaint under the Insane Persons Ordinance, the latter will remand the person to the care and custody of the R.C.M.P. pending a Hearing.
- (2) The Justice of the Peace will then communicate with the Clerk of the Court at Yellowknife by wire, advising him of the facts of the case including name, age, sex, marital status, family situation, whether indigent, whether Indian or Eskimo, and nature of illness; suggesting that he waive jurisdiction in favour of the Judge, and requesting instructions whether the Judge of the Territorial Court or the Police Magistrate will take the Hearing, and, if so, where the Hearing is to be. In the event that neither the Judge nor the Magistrate can take the Hearing, the Clerk of the Court will instruct the Justice of the Peace to proceed.
- (3) In all cases where it is practical, the agent of the Attorney General should be requested by the Clerk of the Court to act as Counsel for the Court at the Hearing.
- (4) The Judge of the Territorial Court or the Police Magistrate, in consultation with Counsel, will decide whether it is more expedient for the Court to travel to the place where the mentally ill person is in custody or whether the person should be brought to Yellowknife or any other suitable location. The decision would be governed by the condition of the patient, the numbers of witnesses and general convenience.

- (5) If it can be arranged, the person should be examined by a psychiatrist. This will surely be possible in the Northwest Territories. Where he sees fit to do so, the Court might ask the Administrator to arrange for a psychiatrist to attend at the location where the Hearing is scheduled. The Administrator will do so if he can, but in circumstances where this is impossible or would create undue delay, arrangements will be made for a general practitioner in the area to examine the patient. Delay is to be avoided and passage of more than two days in awaiting the arrival of a psychiatrist should be considered undue delay. It should be noted that a specialist in psychiatry is rarely able to leave his duties on short notice..
- (6) After a hearing and on finding of insanity under the Ordinance, the presiding Judge, Magistrate, or Justice of the Peace, as the case may be, will place the person in the care and custody of the F.C.M. Police pending a Committal Order from the Commissioner. In all cases of finding insanity a report should be sent by the Court, by telegram, to the Commissioner of the Northwest Territories at Ottawa, advising him of the particulars and the finding, followed by a written report as soon as possible. Subject to this review of the proceedings, arrangements will be made with the appropriate provincial institution and a Committal Order will be issued by the Commissioner to the F.C.M. Police.

Northern Administration Branch,
Department of Northern Affairs
and National Resources,
Ottawa.

6-5-60

Miss Brown.

Please find out

where this stands now.



000070

Department of Northern Affairs and National Resources

OFFICE OF THE DEPUTY MINISTER

→ TO: Mr. Brown

DATE 26 Nov.

Territorial Division 1959.

FOR:

PREPARATION OF REPLY		DISCUSSION WITH UNDERSIGNED
ACTION		MAY WE DISCUSS AT YOUR CONVENIENCE
COMMENT		DIRECT REPLY
APPROVAL		DIRECT REPLY, COPY TO THIS OFFICE
INFORMATION		NOTE AND FILE
SIGNATURE		NOTE AND RETURN
TRANSLATION		AS REQUESTED

Please discuss with me when
you are ready.

Mr. Brown
Can we discuss
Handwritten
Olson and Brown
letter to 'pickett'
held in
abeyance
E.R. Olson,
Chief, Legal Division.

NANR 22-14

000071

ERO/gfc

DM

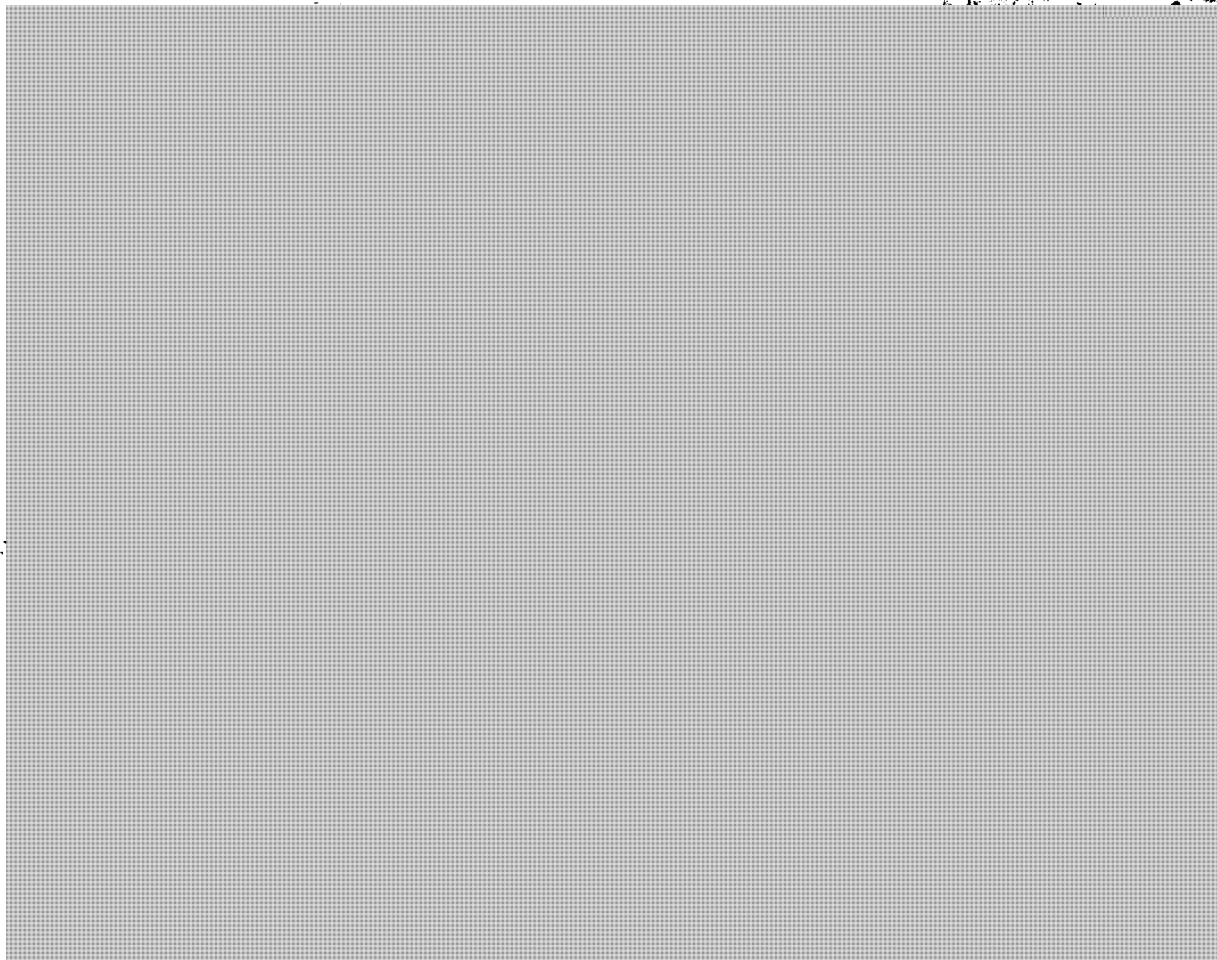
legal

3630

24 November, 1959.

MEMORANDUM FOR MR. ROBERTSON

Insane Persons Ordinance

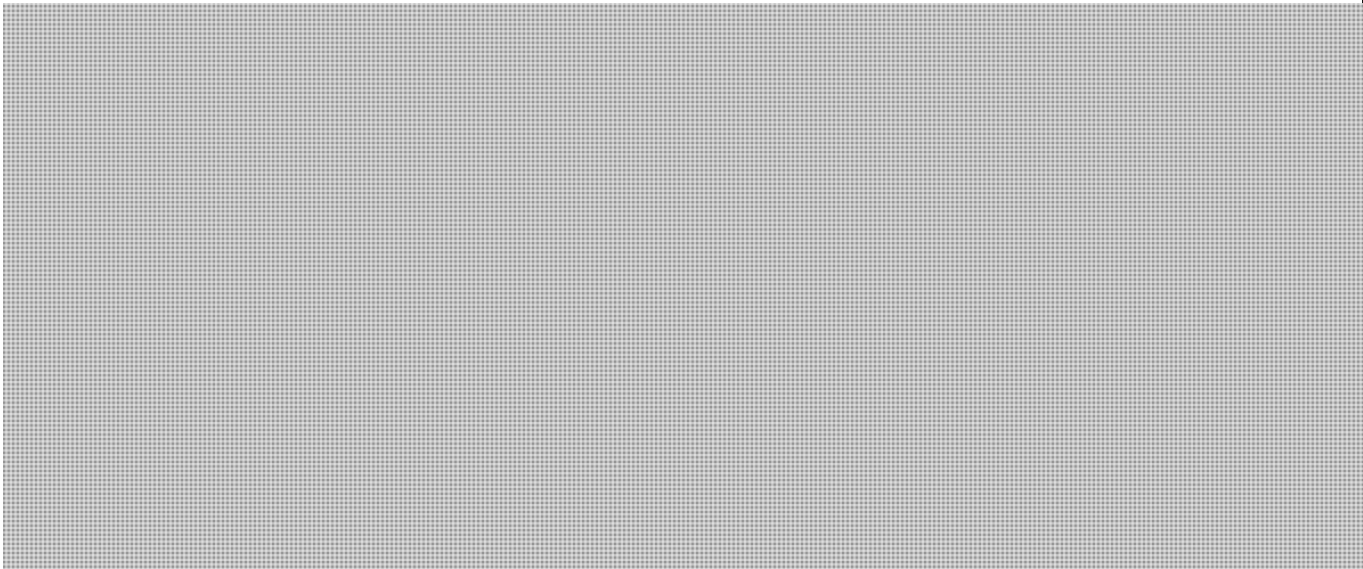


2.



E. R. Olson,
Chief,
Legal Division.

Mr. Olson:



R.G.R.
26.9.59.

Department of Northern Affairs and National Resources

OFFICE OF THE DEPUTY MINISTER

TO: Mr. Olson

DATE Nov. 24,
1959

FOR:

PREPARATION OF REPLY		DISCUSSION WITH UNDERSIGNED
ACTION		MAY WE DISCUSS AT YOUR CONVENIENCE
X COMMENT		DIRECT REPLY
APPROVAL		DIRECT REPLY, COPY TO THIS OFFICE
INFORMATION		NOTE AND FILE
SIGNATURE		NOTE AND RETURN
TRANSLATION		AS REQUESTED

It seems to me sensible that any change in locus of costs should come at the end of the present financial agreement. Do you see any reason why we could not proceed that way ?

R.G.R.

000075

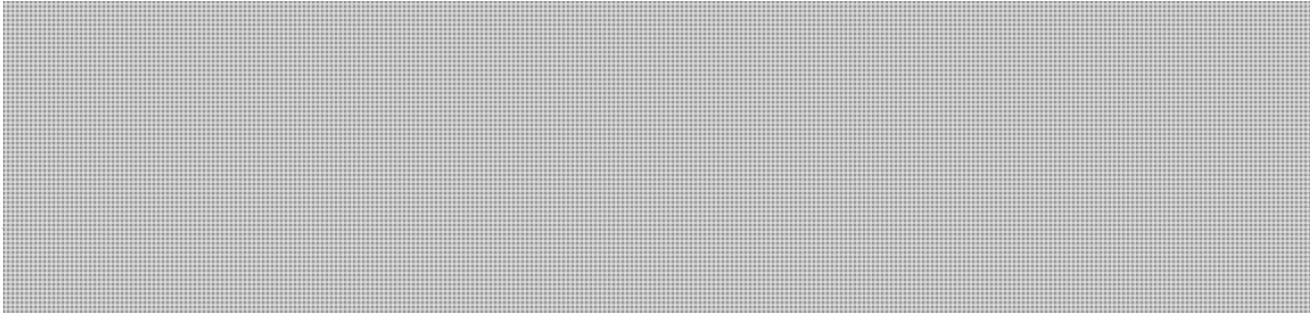
Page 76

**is withheld pursuant to section
est retenue en vertu de l'article**

23

**of the Access to Information Act
de la Loi sur l'accès à l'information**

- 3 -



B. G. Sivory
Director

s.23

000077

Pages 78 to / à 82
are withheld pursuant to section
sont retenues en vertu de l'article

23

of the Access to Information Act
de la Loi sur l'accès à l'information

Department of Northern Affairs and National Resources

OFFICE OF THE DEPUTY MINISTER

TO: *Mr Dwyer* DATE *12.11*

FOR: *Mr Brown*

	PREPARATION OF REPLY		DISCUSSION WITH UNDERSIGNED
✓	ACTION		MAY WE DISCUSS AT YOUR CONVENIENCE
	COMMENT		DIRECT REPLY
	APPROVAL		DIRECT REPLY, COPY TO THIS OFFICE
	INFORMATION		NOTE AND FILE
	SIGNATURE		NOTE AND RETURN
	TRANSLATION		AS REQUESTED

Stamp: NORTHERN ADMINISTRATION AND LANDS BRANCH, NOV 13 1959, Office of the Director, Dept. of Northern Affairs & National Resources

*Pls review your
draft letter in light
of Mr Olson's
comment.*

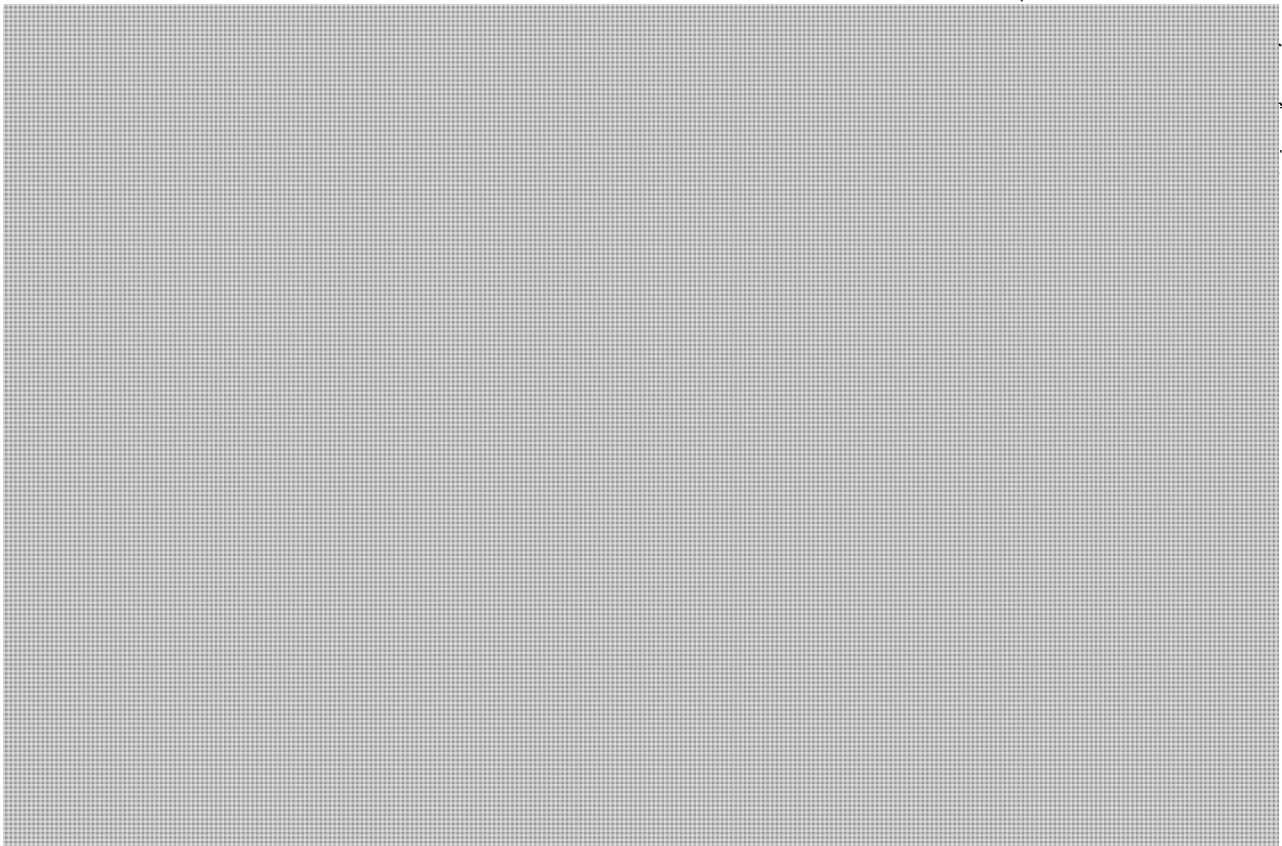
WZL

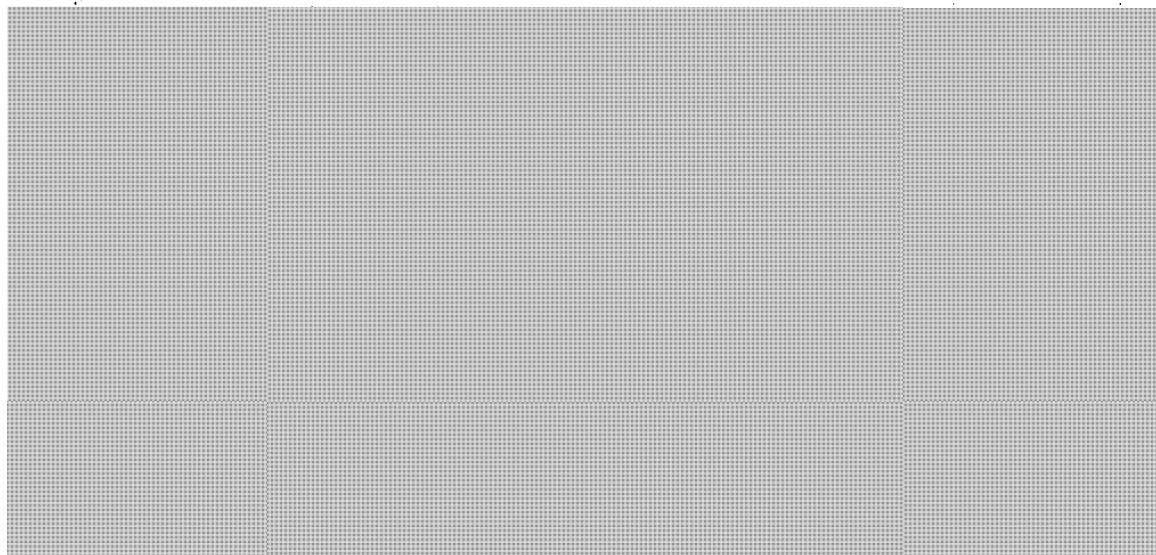
000083

Ottawa, 3 November, 1959.

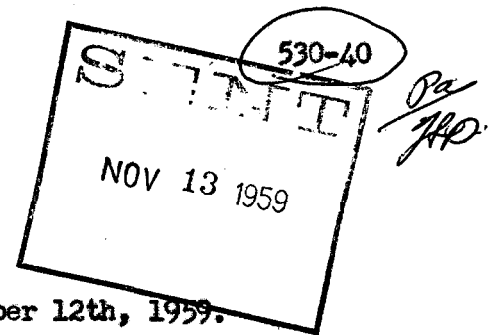
MEMORANDUM FOR MR. R. G. ROBERTSON,
COMMISSIONER OF THE N. W. T.

Insane Persons Ordinance





E. R. Olson,
Chief,
Legal Division.



November 12th, 1959.

Dr. P. E. Moore,
Director,
Indian and Northern Health Services,
Dept. National Health & Welfare,
Booth Building,
Ottawa, Ontario.

Dear Dr. Moore:

During recent months consideration has been given to the desirability of continuing the practice of Justices of the Peace holding hearings under the Insane Persons Ordinance. As most Justices of the Peace cannot be expected to have a knowledge of judicial proceedings and as the consequences of a finding under this Ordinance are serious and far-reaching in respect to the individual concerned, it has been decided that, where possible, a member of a higher court will take all hearings under the Insane Persons Ordinance.

In addition to the legal aspects of committals which have been under review for several months, consideration has also been given to procedures that would be consistent with good medical and psychiatric practices. It is assumed that action under the Ordinance is taken mostly in instances where a person is disturbed and irrational to the point where he cannot appreciate the need for hospital admission and treatment. There are no doubt many cases of mental illness which can be managed medically without recourse to the provisions of the Insane Persons Ordinance. In these instances, it is desirable that, whenever a doctor is available, the patient be encouraged or assisted to seek medical advice. The doctor in turn is encouraged to effect a voluntary admission to a mental hospital in one of the provinces if he is of the opinion that his patient needs treatment.

- 2 -

The attached directive was prepared as a result of discussions between members of the Department of National Health and Welfare, the Department of Justice and the Department of Northern Affairs and National Resources. The directive sets out a new procedure for persuading mentally ill persons to enter hospital voluntarily or if necessary, committing them under the Insane Persons Ordinance. These new procedures are intended to meet the objections that have been raised in the past about the management of patients under the Ordinance.

--

I enclose fifty copies of the circular and would appreciate it if you would forward them to members of your staff in the Northwest Territories.

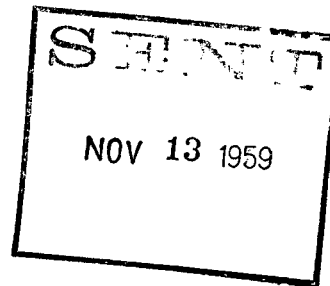
Yours sincerely,

ORIGINAL SIGNED BY
L.A.C.O. HUNT

W. G. Brown,
Deputy Commissioner.

WGH

McM



530-40

70
AP

November 12th, 1959.

Superintendent H. A. Larsen,
Officer Commanding "G" Division,
R. C. M. P.,
Ottawa, Ontario.

Dear Superintendent Larsen:

During recent months consideration has been given to the desirability of continuing the practice of Justices of the Peace holding hearings under the Insane Persons Ordinance. As most Justices of the Peace cannot be expected to have a knowledge of judicial proceedings and as the consequences of a finding under this Ordinance are serious and far-reaching in respect to the individual concerned, it has been decided that, where possible, a member of a higher court will take all hearings under the Insane Persons Ordinance.

In addition to the legal aspects of committals which have been under review for several months, consideration has also been given to procedures that would be consistent with good medical and psychiatric practices. It is assumed that action under the Ordinance is taken mostly in instances where a person is disturbed and irrational to the point where he cannot appreciate the need for hospital admission and treatment. There are no doubt many cases of mental illness which can be managed medically without recourse to the provisions of the Insane Persons Ordinance. In these instances, it is desirable that, whenever a doctor is available, the patient be encouraged or assisted to seek medical advice. The doctor in turn is encouraged to effect a voluntary admission to a mental hospital in one of the provinces if he is of the opinion that his patient needs treatment.

- 2 -

The attached directive was prepared as a result of discussions between members of the Department of National Health and Welfare, the Department of Justice and the Department of Northern Affairs and National Resources. The directive sets out a new procedure for persuading mentally ill persons to enter hospital voluntarily or if necessary, committing them under the Insane Persons Ordinance. These new procedures are intended to meet the objections that have been raised in the past about the management of patients under the Ordinance.

-- I enclose fifty copies of the circular and would appreciate it if you would forward them to your Detachments in the Northwest Territories.

Yours sincerely,

ORIGINAL SIGNED BY
L.A.C.O. HUNT

W. G. Brown,
Deputy Commissioner.

L.A.C.O. HUNT

mc m

This memorandum for:

H. MacNeil:gc

FILE COPY

Regional Administrator - Churchill

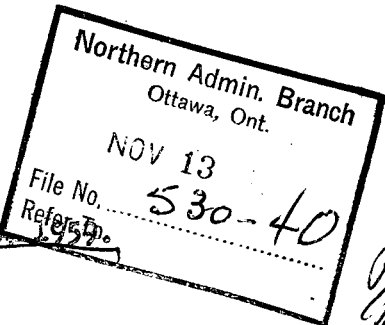
cc: Mr. Dodds Mr. Baker
Mr. Grant Sr. Chaput
Mr. Gunn

A/Regional Administrator - Frobisher Bay

cc: Mr. Houston Miss Julien
Miss Hember
Miss Hinds

Area Administrator - Great Whale River
" " - Fort Chimo

Ottawa, November 12, 1957



MEMORANDUM FOR FIELD STAFF -

Mentally Ill Persons and
The Insane Persons Ordinance

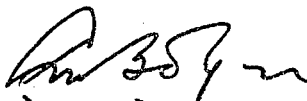
We have received from the Director's Office the attached circular for distribution to Regional, Area and Acting Area Administrators. The following explanatory paragraphs are taken from the Director's covering memorandum on the subject:

"During recent months consideration has been given to the desirability of continuing the practice of Justices of the Peace holding hearings under the Insane Persons Ordinance. As most Justices of the Peace cannot be expected to have a knowledge of judicial proceedings and as the consequences of a finding under this Ordinance are serious and far-reaching in respect to the individual concerned, it has been decided that, where possible, a member of a higher court will take all hearings under the Insane Persons Ordinance.

In addition to the legal aspects of committals which have been under review for several months, consideration has also been given to procedures that would be consistent with good medical and psychiatric practices. It is assumed that action under the Ordinance is taken mostly in instances where a person is disturbed and irrational to the point where he cannot appreciate the need for hospital admission and treatment. There are no doubt many cases of mental illness which can be managed medically without recourse to the provisions of the Insane Persons Ordinance. In these instances, it is desirable that, whenever a doctor is available, the patient be encouraged or assisted to seek medical advice. The doctor in turn is encouraged to effect a voluntary admission to a mental hospital in one of the provinces if he is of the opinion that his patient needs treatment.

The attached directive sets out a new procedure for persuading mentally ill persons to enter hospital voluntarily or if necessary, committing them under the Insane Persons Ordinance. These new procedures are intended to meet the objections that have been raised in the past about the management of patients under the Ordinance."

This memorandum and attachment should be brought to the attention of all field staff.


C. M. Bolger,
Administrator of the Arctic.

Mentally Ill Persons and The Insane Persons Ordinance (N.W.T.)

There is general recognition of need to improve the procedures whereby mentally ill persons requiring treatment in hospital may obtain it. The Insane Persons Ordinance of the Northwest Territories and steps associated with it are those required if the patient is one whose condition is such that he has to be held under restraint and hospitalized, perhaps forcibly, under the authority of a Committal Order issued by the Commissioner of the Northwest Territories. In these cases assistance from the Police is often necessary. Court proceedings, which are intended to insure that the liberty of the subject is not curtailed unnecessarily, have sometimes tended to give an impression of the Police Court where the patient faces charges, rather than a thoughtful inquiry to insure that the proposed committal to hospital under restraint is, in fact, necessary in the interests of the safety and welfare of the patient or of other people.

It should be especially borne in mind that modern theories of mental illness place great importance on early treatment and on co-operation and willingness of the patient. To further these objectives and for other reasons which are obvious, there is great advantage in obtaining the consent of the patient to enter the mental hospital for examination, advice and treatment. Dr. J.E. Gilbert, Consultant in Psychiatry, Mental Health Division, Department of National Health and Welfare, with whom discussions on this subject are currently being held, estimates that 80% of all patients admitted to mental hospitals in Canada nowadays enter voluntarily. This is a very great change from even a few years ago.

The advice we have received suggests that every effort should be made to persuade sufferers from mental illness who require hospitalization to go voluntarily. As a general rule, the patient should be accompanied by a responsible person, and this should be someone in whom the patient has confidence. Reassurance and persuasion from trusted friends, with the help of medical sedation, that can be prescribed by the local doctor, are very often all that is needed to insure a safe and uneventful journey to the hospital.

When a person in the Northwest Territories is believed by a medical doctor or, in the absence of a doctor, by his family or friends to be mentally ill and requiring examination by a psychiatrist, it is not necessary to have proceedings under the Insane Persons Ordinance if he can be persuaded to enter hospital voluntarily. From this point on speedy and consistent action is highly desirable.

Voluntary Admission

The following are the steps that should be taken:

- (1) The patient should be examined by a doctor. If there is no doctor in the settlement, the usual procedures for obtaining medical attention should be followed. If the doctor decides to advise admission to a mental hospital, or referral to a psychiatrist, he may arrange either or both privately and at private expense.
- (2) If the patient is an Eskimo or an Indian the doctor should proceed through Indian and Northern Health Services in exactly the same way as when a patient suffering from any other disease requires hospitalization in a particular or special hospital.

2.

- (3) If the patient is neither Eskimo nor Indian, and if the doctor wishes to ask for action by the Territorial Government, he should send a telegram to the Administrator of the Mackenzie at Fort Smith or the Administrator of the Arctic at Ottawa, whichever is appropriate. He should state the persons name, age, sex, marital status, family situation, whether indigent, diagnosis, recommendation for admission to mental hospital, the patient's desire to enter hospital voluntarily, the doctor's recommendation regarding means of transportation, and who he thinks should accompany the patient on the journey.
- (4) The Administrator of the Mackenzie or the Administrator of the Arctic, as the case may be, will send a telegram with full particulars to the Deputy Commissioner of the Northwest Territories at Ottawa and ask him to make arrangements for hospitalization. When arrangements for hospitalization have been made, the Administrator of the Mackenzie or Administrator of the Arctic will reply to the doctor, giving instructions where the patient is to be hospitalized and how the journey is to be arranged.

Committal Under Insane Persons Ordinance

In cases where it is not possible to convince the person suffering from mental illness that he should enter a hospital voluntarily, it will be necessary to institute proceedings under the Insane Person's Ordinance. The following steps are to be followed:

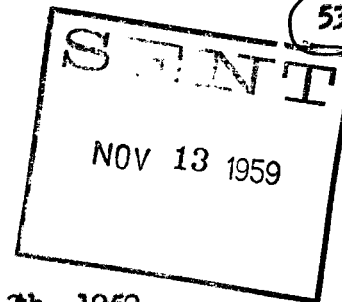
- (1) When a person is brought before a Justice of the Peace on a complaint under the Insane Person's Ordinance, the latter will remand the person to the care and custody of the R.C.M.P. pending a Hearing.
- (2) The Justice of the Peace will then communicate with the Clerk of the Court at Yellowknife by wire, advising him of the facts of the case including name, age, sex, marital status, family situation, whether indigent, whether Indian or Eskimo, and nature of illness; suggesting that he waive jurisdiction in favour of the Judge, and requesting instructions whether the Judge of the Territorial Court or the Police Magistrate will take the Hearing, and, if so, where the Hearing is to be. In the event that neither the Judge nor the Magistrate can take the Hearing, the Clerk of the Court will instruct the Justice of the Peace to proceed.
- (3) In all cases where it is practical, the agent of the Attorney General should be requested by the Clerk of the Court to act as Counsel for the Court at the Hearing.
- (4) The Judge of the Territorial Court or the Police Magistrate, in consultation with Counsel, will decide whether it is more expedient for the Court to travel to the place where the mentally ill person is in custody or whether the person should be brought to Yellowknife or any other suitable location. The decision would be governed by the condition of the patient, the numbers of witnesses and general convenience.

3.

- (5) If it can be arranged, the person alleged to be mentally ill should be examined by a psychiatrist. This will rarely be possible in the Northwest Territories. Where he sees fit to do so, the Court might ask the Administrator to arrange for a psychiatrist to attend at the location where the Hearing is scheduled. The Administrator will do so if he can, but in circumstances where this is impossible or would create undue delay, arrangements will be made for a general practitioner in the area to examine the patient. Delay is to be avoided and passage of more than two days in awaiting the arrival of a psychiatrist should be considered undue delay. It should be noted that a specialist in psychiatry is rarely able to leave his duties on short notice.
- (6) After a hearing and on finding of insanity under the Ordinance, the presiding Judge, Magistrate, or Justice of the Peace, as the case may be, will place the person in the care and custody of the R.C.M. Police pending a Committal Order from the Commissioner. In all cases of finding insanity a report should be sent by the Court, by telegram, to the Commissioner of the Northwest Territories at Ottawa, advising him of the particulars and the finding, followed by a written report as soon as possible. Subject to this review of the proceedings, arrangements will be made with the appropriate provincial institution and a Committal Order will be issued by the Commissioner to the R.C.M. Police.

Northern Administration Branch,
Department of Northern Affairs
and National Resources,
Ottawa.

M. Northman



530-40

Pa
HP

November 12th, 1959.

Col. H. M. Jones,
Director,
Indian Affairs Branch,
Department of Citizenship
and Immigration,
Ottawa, Ontario.

Dear Col. Jones:

During recent months consideration has been given to the desirability of continuing the practice of Justices of the Peace holding hearings under the Insane Persons Ordinance. As most Justices of the Peace cannot be expected to have a knowledge of judicial proceedings and as the consequences of a finding under this Ordinance are serious and far-reaching in respect to the individual concerned, it has been decided that, where possible, a member of a higher court will take all hearings under the Insane Persons Ordinance.

In addition to the legal aspects of committals which have been under review for several months, consideration has also been given to procedures that would be consistent with good medical and psychiatric practices. It is assumed that action under the Ordinance is taken mostly in instances where a person is disturbed and irrational to the point where he cannot appreciate the need for hospital admission and treatment. There are no doubt many cases of mental illness which can be managed medically without recourse to the provisions of the Insane Persons Ordinance. In these instances, it is desirable that, whenever a doctor is available, the patient be encouraged or assisted to seek medical advice. The doctor in turn is encouraged to effect a voluntary admission to a mental hospital in one of the provinces if he is of the opinion that his patient needs treatment.

000094

- 2 -

The attached directive was prepared as a result of discussions between members of the Department of National Health and Welfare, the Department of Justice and the Department of Northern Affairs and National Resources. The directive sets out a new procedure for persuading mentally ill persons to enter hospital voluntarily or if necessary, committing them under the Insane Persons Ordinance. These new procedures are intended to meet the objections that have been raised in the past about the management of patients under the Ordinance.

--

I enclose twenty-five copies of the circular and would appreciate it if you would forward them to your Agencies in the Northwest Territories.

Yours sincerely,

ORIGINAL SIGNED BY
L.A.C.O. HUNT

W. G. Brown,
Deputy Commissioner.

mc

7/21/01



CANADA

DEPARTMENT

OF

NORTHERN AFFAIRS AND NATIONAL

RESOURCES

NORTHERN ADMINISTRATION

AND LANDS BRANCH

YOUR FILE NO.

Northern Admin. Branch

Ottawa, Ont. C.M. Bolger RB

ARCTIC DIVISION

File No. 230-40

OFFICE OF THE ARCTIC
ADMINISTRATOR

Ottawa, November 6, 1959.

MEMORANDUM FOR THE DEPUTY COMMISSIONER OF THE NORTHWEST TERRITORIES

INSANE PERSONS ORDINANCE

During my recent visit to Frobisher Bay, I was questioned by both the Regional Administrator and the Medical Health Officer regarding procedures for the committal of insane persons under this Ordinance. You will recall that, during the past summer, the case arose of a sailor becoming mentally unbalanced at Cape Dyer and being transferred to Frobisher Bay for committal. The Regional Administrator telephoned for instructions, and you arranged with the sailor's employer in the Province of Quebec for the man to be removed from the Territories without being adjudged insane in the Territories. It actually took eighteen days before the employer arranged this man's removal, and meanwhile he was confined to the Frobisher Bay Hospital, where he created a considerable disturbance.

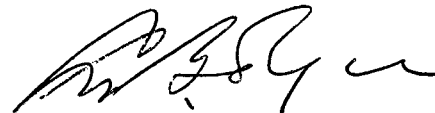
I told the Regional Administrator and the Medical Health Officer that there had been some question as to the Commissioner's authority to commit insane persons to institutions outside the Northwest Territories. I said that I thought some working arrangement had been developed to permit insane persons from the Mackenzie District to be hospitalized in Alberta, but unfortunately I could not describe the workings of this arrangement. Our officials at Frobisher Bay are somewhat apprehensive as to the possibility of having other insane persons on their hands during the coming winter, and they are anxious to be advised as to an effective procedure to follow to achieve the removal of insane persons to institutions in the Provinces.

Would you please outline the procedure to be followed by the Regional Administrator, who is also a Justice of the Peace, by the Medical Health Officer and by the R.C.M. Police in dealing with

... 2

2.

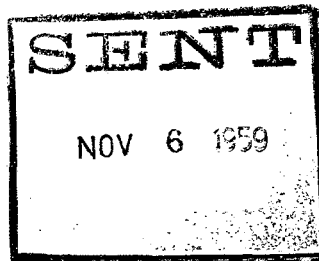
insane persons at Frobisher Bay. I will communicate this information to the Regional Administrator, who will then be able to inform the others concerned.



C. M. Bolger,
Administrator of the Arctic.



Memo to Bolger sent.



C.M. Bolger:RB

530-40

Ottawa, November 6, 1959.

Handwritten initials or signature, possibly 'JP' or 'MB'.

MEMORANDUM FOR THE DEPUTY COMMISSIONER OF THE NORTHWEST TERRITORIES

INSANE PERSONS ORDINANCE

During my recent visit to Frobisher Bay, I was questioned by both the Regional Administrator and the Medical Health Officer regarding procedures for the committal of insane persons under this Ordinance. You will recall that, during the past summer, the case arose of a sailor becoming mentally unbalanced at Cape Dyer and being transferred to Frobisher Bay for committal. The Regional Administrator telephoned for instructions, and you arranged with the sailor's employer in the Province of Quebec for the man to be removed from the Territories without being adjudged insane in the Territories. It actually took eighteen days before the employer arranged this man's removal, and meanwhile he was confined to the Frobisher Bay Hospital, where he created a considerable disturbance.

I told the Regional Administrator and the Medical Health Officer that there had been some question as to the Commissioner's authority to commit insane persons to institutions outside the Northwest Territories. I said that I thought some working arrangement had been developed to permit insane persons from the Mackenzie District to be hospitalized in Alberta, but unfortunately I could not describe the workings of this arrangement. Our officials at Frobisher Bay are somewhat apprehensive as to the possibility of having other insane persons on their hands during the coming winter, and they are anxious to be advised as to an effective procedure to follow to achieve the removal of insane persons to institutions in the Provinces.

Would you please outline the procedure to be followed by the Regional Administrator, who is also a Justice of the Peace, by the Medical Health Officer and by the R.C.M. Police in dealing with

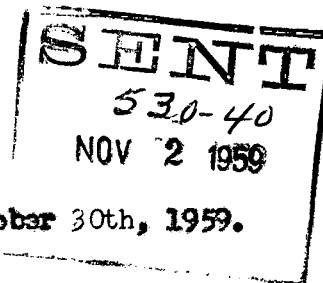
... 2

2.

insane persons at Frobisher Bay. I will communicate this information to the Regional Administrator, who will then be able to inform the others concerned.

C. M. BOLGER

C. M. Bolger,
Administrator of the Arctic.

PA
A6.

Ottawa, October 30th, 1959.

MEMORANDUM FOR THE ADMINISTRATOR
OF THE MAGISTRATE

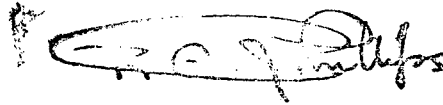
During recent months consideration has been given to the desirability of continuing the practice of Justices of the Peace holding hearings under the Insane Persons Ordinance. As most Justices of the Peace cannot be expected to have a knowledge of judicial proceedings and as the consequences of a finding under this Ordinance are serious and far-reaching in respect to the individual concerned, it has been decided that, where possible, a member of a higher court will take all hearings under the Insane Persons Ordinance.

In addition to the legal aspects of committals which have been under review for several months, consideration has also been given to procedures that would be consistent with good medical and psychiatric practices. It is assumed that action under the Ordinance is taken mostly in instances where a person is disturbed and irrational to the point where he cannot appreciate the need for hospital admission and treatment. There are no doubt many cases of mental illness which can be managed medically without recourse to the provisions of the Insane Persons Ordinance. In these instances, it is desirable that, whenever a doctor is available, the patient be encouraged or assisted to seek medical advice. The doctor in turn is encouraged to effect a voluntary admission to a mental hospital in one of the provinces if he is of the opinion that his patient needs treatment.

- 2 -

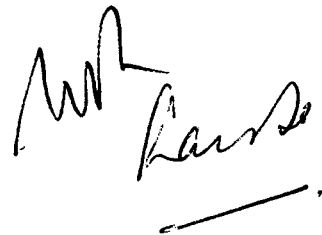
The attached directive sets out a new procedure for persuading mentally ill persons to enter hospital voluntarily or if necessary, committing them under the Inane Persons Ordinance. These new procedures are intended to meet the objections that have been raised in the past about the management of patients under the Ordinance.

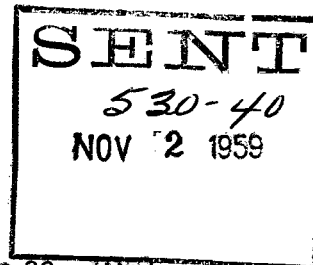
Please send copies of this circular to Departmental staff in your district. Copies of this circular are intended for Regional and Area Administrators of this Department, welfare officers, R.C.M.P. detachments, medical staff, and representatives of Indian Affairs Branch.



B. G. Siverts,
Director.

men





Ottawa, October 30, 1959.

MEMORANDUM FOR THE ADMINISTRATOR
OF THE ARCTIC:


During recent months consideration has been given to the desirability of continuing the practice of Justices of the Peace holding hearings under the Insane Persons Ordinance. As most Justices of the Peace cannot be expected to have a knowledge of judicial proceedings and as the consequences of a finding under this Ordinance are serious and far-reaching in respect to the individual concerned, it has been decided that, where possible, a member of a higher court will take all hearings under the Insane Persons Ordinance.

In addition to the legal aspects of committals which have been under review for several months, consideration has also been given to procedures that would be consistent with good medical and psychiatric practices. It is assumed that action under the Ordinance is taken mostly in instances where a person is disturbed and irrational to the point where he cannot appreciate the need for hospital admission and treatment. There are no doubt many cases of mental illness which can be managed medically without recourse to the provisions of the Insane Persons Ordinance. In these instances, it is desirable that, whenever a doctor is available, the patient be encouraged or assisted to seek medical advice. The doctor in turn is encouraged to effect a voluntary admission to a mental hospital in one of the provinces if he is of the opinion that his patient needs treatment.

- 2 -

The attached directive sets out a new procedure for persuading mentally ill persons to enter hospital voluntarily or if necessary, committing them under the Insane Persons Ordinance. These new procedures are intended to meet the objections that have been raised in the past about the management of patients under the Ordinance.

Please send copies of this circular to Departmental staff in your district. Copies of this circular are intended for Regional and Area Administrators of this Department, welfare officers, R.C.M.P. detachments, medical staff, and representatives of Indian Affairs Branch.



B. G. Sivertz,
Director.

mem
Hand

NORTHERN ADMINISTRATION
AND LANDS BRANCH

M. Parsons
Miss M. McKelvey
Ne shah
CANADA
DEPARTMENT
OF
NORTHERN AFFAIRS AND NATIONAL RESOURCES

Circular sent 10/31/59
H.M.
P.A.
Ottawa, October 30, 1959. *X*

PLEASE QUOTE
FILE

MEMORANDUM FOR THE ADMINISTRATOR
OF THE ARCTIC:

530-40

During recent months consideration has been given to the desirability of continuing the practice of Justices of the Peace holding hearings under the Insane Persons Ordinance. As most Justices of the Peace cannot be expected to have a knowledge of judicial proceedings and as the consequences of a finding under this Ordinance are serious and far-reaching in respect to the individual concerned, it has been decided that, where possible, a member of a higher court will take all hearings under the Insane Persons Ordinance.

In addition to the legal aspects of committals which have been under review for several months, consideration has also been given to procedures that would be consistent with good medical and psychiatric practices. It is assumed that action under the Ordinance is taken mostly in instances where a person is disturbed and irrational to the point where he cannot appreciate the need for hospital admission and treatment. There are no doubt many cases of mental illness which can be managed medically without recourse to the provisions of the Insane Persons Ordinance. In these instances, it is desirable that, whenever a doctor is available, the patient be encouraged or assisted to seek medical advice. The doctor in turn is encouraged to effect a voluntary admission to a mental hospital in one of the provinces if he is of the opinion that his patient needs treatment.

- 2 -

The attached directive sets out a new procedure for persuading mentally ill persons to enter hospital voluntarily or if necessary, committing them under the Insane Persons Ordinance. These new procedures are intended to meet the objections that have been raised in the past about the management of patients under the Ordinance.

Please send copies of this circular to Departmental staff in your district. Copies of this circular are intended for Regional and Area Administrators of this Department, welfare officers, R.C.M.P. detachments, medical staff, and representatives of Indian Affairs Branch.

RAA

B. G. Sivertz,
Director.

*Spoke to
Miss Morin of
Welfare who
will prepare letter
to RCMPT, INHST
Indian Affairs for
Director's sign.
J.M.*

Sent KVD
2-11-59

Ne. of Ottawa District
Ottawa, Ont.
2-11-59
530-40
File No.
Refer To

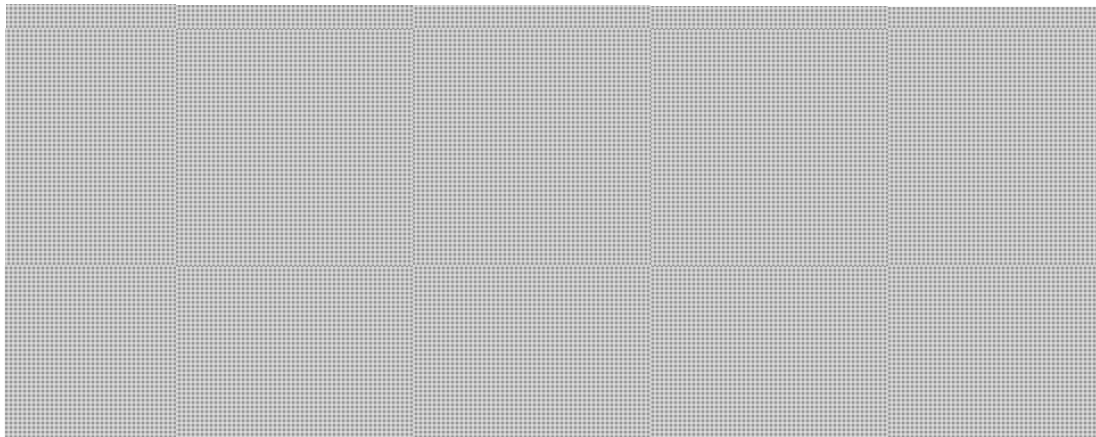
PA
A6

Ottawa, October 30th, 1959.

MEMORANDUM FOR THE COMMISSIONER
OF THE NORTHWEST TERRITORIES:

Inuvik Persons Ordinance

Reference is made to recent correspondence
concerning the new procedure respecting hearings under the
Inuvik Persons Ordinance.



R.A. J. Phillips

Director.

McM

C
O
Y

NORTHWEST TERRITORIES
TERRITORIAL COURT

Yellowknife, September 28, 1959.

B.G. Sivertz, Esq.,
Director, Administration Branch,
Department of Northern Affairs,
Ottawa, Ontario.

Dear Mr. Sivertz:

I have your personal letter of September 1st, with reference to the Insane Persons Ordinance.

I regret the delay in answering this. I was away holding a criminal trial at Whitehorse, in the Yukon. From the 16th to the 24th, I was in the Eastern Arctic on criminal work.

I am in accord with the views expressed in your letter and am quite prepared and anxious to cooperate and be of any assistance I can.

I realize that there are serious problems and difficulties. There is no single or simple solution and each case probably requires particular individual attention and approach. There is always the general problem. Moreover, there seems to be for some a North mental problem similar to what we used to in the Peace River Country thirty years ago call "homesteaditis".

The Police Magistrate would be more helpful in these matters than I would be.

Incidentally, in this connection and generally for the better administration of justice, a well qualified travelling Police Magistrate is urgently required at Frobisher Bay or some such point to serve the Eastern and Northern Arctic.

Thanking you for your letter and with best of good wishes.

Yours sincerely,

(Signed)

J.H. Sissons,
J.T.C.

000107

GOVERNMENT
OF
CANADA

ACTION REQUEST

CGSB 6-GP-12
P.P. & S. Cat. 3433

TO

Mr. Hunt

LOCATION

Territorial Division

FOR:

FILE NO. 530-40

☐ ACTION

☐ APPROVAL

☐ COMMENTS

☐ DRAFT REPLY

☐ INFORMATION

☐ INVESTIGATION

☐ MORE DETAILS

☐ NOTE & FILE

☐ NOTE & FORWARD

☐ NOTE & RETURN

☐ REPLY, PLEASE

☐ SEE ME, PLEASE

☐ SIGNATURE 000108

☐ TRANSLAT

530-40

October 23rd, 1959.

W. R. Jackott, Esq.,
Deputy Minister of Justice,
Ottawa, Ontario.

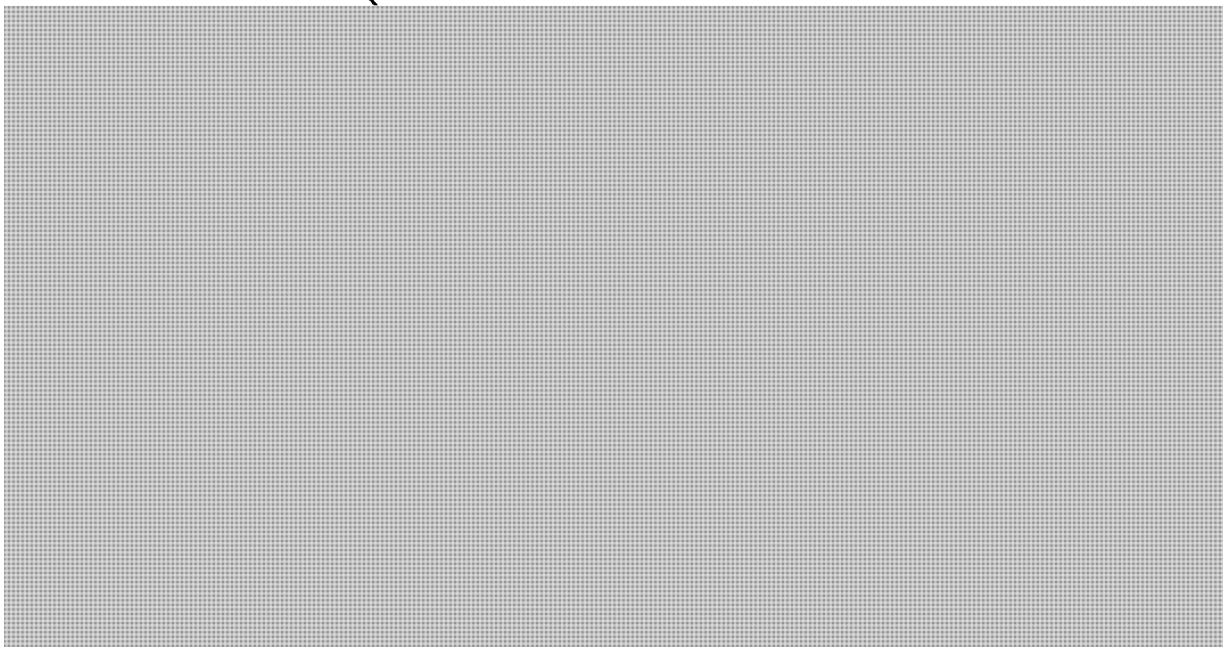
Dear Mr. Jackott:

Insane Persons Ordinance

see
new
draft
2 Nov. / 59



- 2 -



Yours sincerely,

R. G. Robertson,
Commissioner.

Court costs + agent
Crown Prosecutor }.

AKC^m

Mentally Ill Persons and The Insane Persons Ordinance (N.W.T.)

There is general recognition of need to improve the procedures whereby mentally ill persons requiring treatment in hospital may obtain it. The Insane Persons Ordinance of the Northwest Territories and steps associated with it are those required if the patient is one whose condition is such that he has to be held under restraint and hospitalized, perhaps forcibly, under the authority of a Committal Order issued by the Commissioner of the Northwest Territories. In these cases assistance from the Police is often necessary. Court proceedings, which are intended to insure that the liberty of the subject is not curtailed unnecessarily, have sometimes tended to give an impression of the Police Court where the patient faces charges, rather than a thoughtful inquiry to insure that the proposed committal to hospital under restraint is, in fact, necessary in the interests of the safety and welfare of the patient or of other people.

It should be especially borne in mind that modern theories of mental illness place great importance on early treatment and on co-operation and willingness of the patient. To further these objectives and for other reasons which are obvious, there is great advantage in obtaining the consent of the patient to enter the mental hospital for examination, advice and treatment. Dr. J.E. Gilbert, Consultant in Psychiatry, Mental Health Division, Department of National Health and Welfare, with whom discussions on this subject are currently being held, estimates that 80% of all patients admitted to mental hospitals in Canada nowadays enter voluntarily. This is a very great change from even a few years ago.

The advice we have received suggests that every effort should be made to persuade sufferers from mental illness who require hospitalization to go voluntarily. As a general rule, the patient should be accompanied by a responsible person, and this should be someone in whom the patient has confidence. Reassurance and persuasion from trusted friends, with the help of medical sedation, that can be prescribed by the local doctor, are very often all that is needed to insure a safe and uneventful journey to the hospital.

When a person in the Northwest Territories is believed by a medical doctor or, in the absence of a doctor, by his family or friends to be mentally ill and requiring examination by a psychiatrist, it is not necessary to have proceedings under the Insane Persons Ordinance if he can be persuaded to enter hospital voluntarily. From this point on speedy and consistent action is highly desirable.

Voluntary Admission

The following are the steps that should be taken:

- (1) The patient should be examined by a doctor. If there is no doctor in the settlement, the usual procedures for obtaining medical attention should be followed. If the doctor decides to advise admission to a mental hospital, or referral to a psychiatrist, he may arrange either or both privately and at private expense.
- (2) If the patient is an Eskimo or an Indian the doctor should proceed through Indian and Northern Health Services in exactly the same way as when a patient suffering from any other disease requires hospitalization in a particular or special hospital.

- (3) If the patient is neither Eskimo nor Indian, and if the doctor wishes to ask for action by the Territorial Government, he should send a telegram to the Administrator of the Mackenzie at Fort Smith or the Administrator of the Arctic at Ottawa, whichever is appropriate. He should state the persons name, age, sex, marital status, family situation, whether indigent, diagnosis, recommendation for admission to mental hospital, the patient's desire to enter hospital voluntarily, the doctor's recommendation regarding means of transportation, and who he thinks should accompany the patient on the journey.
- (4) The Administrator of the Mackenzie or the Administrator of the Arctic, as the case may be, will send a telegram with full particulars to the Deputy Commissioner of the Northwest Territories at Ottawa and ask him to make arrangements for hospitalization. When arrangements for hospitalization have been made, the Administrator of the Mackenzie or Administrator of the Arctic will reply to the doctor, giving instructions where the patient is to be hospitalized and how the journey is to be arranged.

Committal Under Insane Persons Ordinance

In cases where it is not possible to convince the person suffering from mental illness that he should enter a hospital voluntarily, it will be necessary to institute proceedings under the Insane Person's Ordinance. The following steps are to be followed:

- (1) When a person is brought before a Justice of the Peace on a complaint under the Insane Person's Ordinance, the latter will remand the person to the care and custody of the R.C.M.P. pending a Hearing.
- (2) The Justice of the Peace will then communicate with the Clerk of the Court at Yellowknife by wire, advising him of the facts of the case including name, age, sex, marital status, family situation, whether indigent, whether Indian or Eskimo, and nature of illness; suggesting that he waive jurisdiction in favour of the Judge, and requesting instructions whether the Judge of the Territorial Court or the Police Magistrate will take the Hearing, and, if so, where the Hearing is to be. In the event that neither the Judge nor the Magistrate can take the Hearing, the Clerk of the Court will instruct the Justice of the Peace to proceed.
- (3) In all cases where it is practical, the agent of the Attorney General should be requested by the Clerk of the Court to act as Counsel for the Court at the Hearing.
- (4) The Judge of the Territorial Court or the Police Magistrate, in consultation with Counsel, will decide whether it is more expedient for the Court to travel to the place where the mentally ill person is in custody or whether the person should be brought to Yellowknife or any other suitable location. The decision would be governed by the condition of the patient, the numbers of witnesses and general convenience.

3.

- (5) If it can be arranged, the person alleged to be mentally ill should be examined by a psychiatrist. This will rarely be possible in the Northwest Territories. Where he sees fit to do so, the Court might ask the Administrator to arrange for a psychiatrist to attend at the location where the Hearing is scheduled. The Administrator will do so if he can, but in circumstances where this is impossible or would create undue delay, arrangements will be made for a general practitioner in the area to examine the patient. Delay is to be avoided and passage of more than two days in awaiting the arrival of a psychiatrist should be considered undue delay. It should be noted that a specialist in psychiatry is rarely able to leave his duties on short notice.
- (6) After a hearing and on finding of insanity under the Ordinance, the presiding Judge, Magistrate, or Justice of the Peace, as the case may be, will place the person in the care and custody of the R.C.M. Police pending a Committal Order from the Commissioner. In all cases of finding insanity a report should be sent by the Court, by telegram, to the Commissioner of the Northwest Territories at Ottawa, advising him of the particulars and the finding, followed by a written report as soon as possible. Subject to this review of the proceedings, arrangements will be made with the appropriate provincial institution and a Committal Order will be issued by the Commissioner to the R.C.M. Police.

Northern Administration Branch,
Department of Northern Affairs
and National Resources,
Ottawa.

s.19(1)

- 6 -

"G" DIV. FILE: 59G 181-5-8

1396

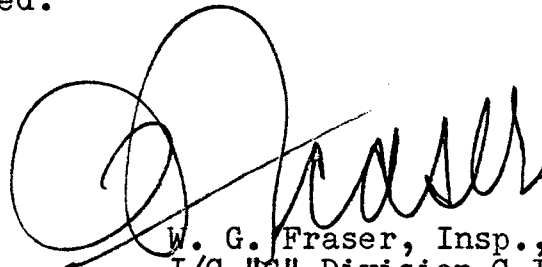
Re:

Frobisher Bay, N.W.T. Insane Persons
Ordinance - Frobisher Bay, N.W.T.
(FROBISHER BAY DETACHMENT CASE) Northern Admin. Branch
C.I.B., C.I.B.

THE DEPUTY COMMISSIONER OF THE NORTHWEST TERRITORIES,
KENT - ALBERT BUILDING,
OTTAWA, ONTARIO.

1. FORWARDED 16-10-59, for your information,
being further to our memorandum of the 10-9-59. Since
no further action is required in this connection, our
file is being concluded.

CONCLUDED:



W. G. Fraser, Insp.,
I/C "G" Division C.I.B.

ROYAL CANADIAN MOUNTED POLICE

DIVISION FILE No. _____

DIVISION

SUB-DIVISION

DETACHMENT

"G" Eastern Arctic Frobisher Bay

PROVINCE N.W.T. DATE 5-October-59

FILE
REFS.

RE:

Frobisher Bay,
N.W.T. Insane Persons Ordinance - Frobisher Bay, N.W.T.
(FROBISHER BAY DETACHMENT CASE)

HEADQUARTERS

SUB-DIVISION

DETACHMENT

59-3-9

P.C.R.

First

A. R. V. No.

s.19(1)

DIARY DATE

SET FOR _____

2-September-59

1. On the above date the writer received an anonymous call from the Department of Transport hanger Frobisher Bay, N.W.T., that there was a man on the premises that appeared to be mental.

2. Arriving at the scene, the captionally noted was found standing beside a WHEELER aircraft, registration CF-JII. [REDACTED] was talking to the Captain, Mr. Howard KOLLER. On interviewing KOLLER it was learned that [REDACTED] had made several attempts at trying to get out of the aircraft while the plane was in flight, and that he had raised havoc among the passengers since he got on the aircraft at Dewline Site DYE. KOLLER further stated that he would not take off with [REDACTED] on the plane.

3. A check of the manifest showed [REDACTED] as a passenger from Dewline Site DYE, to Montreal, Quebec, and the reason for the trip was Medical, the medical not being defined.

4. Interviewing [REDACTED] convinced the writer that [REDACTED] was definitely suffering from some mental disorder. In view of this, it was suggested to [REDACTED] that he come to the Frobisher Bay Hospital. [REDACTED] agreed to this, as he said he had a bad headache and if the people at the hospital could fix it, he would be glad to go. It maybe noted that [REDACTED] had a wild and disturbed look about him.

5. On admitting [REDACTED] to hospital, Doctor L.L. MAINVILLE, Medical Officer in charge of the Frobisher Bay Hospital examined the patient. Doctor MAINVILLE reported to the writer that [REDACTED] definitely had a mental disorder, and that he was dangerous to himself and the public to be at large.

6. In view of this proceeding were started to have [REDACTED] committed under the Insane Persons Ordinance.

3-September-59

7. On this date Mr. Robert Macfarlane CARSELL, Officer In Charge, Marine Section, Department of Transport, Frobisher Bay, N.W.T. sworn before A/Sgt. R.D. VAN NORMAN, Notary Public, to an addidavit that [REDACTED] was suffering from a disorder of the mind. Copy of the Addidavit held on the Detachment file.

8. A Warrant of Apprehension was issued by 2 JP J.F. DELAUTE, in accordance with Form A of the Insane Persons Ordinance.

DIVISION FILE

RE :

No.

N.W.T. Insane Persons Ordinance - Frobisher Bay, N.W.T.
(FROBISHER BAY DETACHMENT CASE)

Frobisher Bay,
CONTINUATION

9. An Inquiry into the application of Robert Macfarlane CARSELL, charging that: [REDACTED] is suspected and believed to be insane was opened on the 3rd., of September, 1959. A copy of the inquiry is attached to this report, and a copy held on Detachment file. 2 JP J.F. DELAUTE was given three copies, one of which was to be forwarded direct to the Commissioner of the Northwest Territories. This Inquiry was adjourned, and the following wire sent to the Officer Commanding "G" Division, Re:-

s.19(1)

URGENT [REDACTED]
DISCHARGED FROM VESSEL MAPLE BRANCH AT DEWLINE STATION DYER SEPTEMBER SECOND MEDICAL REASON STOP ARRIVED FROBISHER BAY NOON SEPTEMBER SECOND WHEELER AIRLINES AFTER THREATENING PASSENGERS AND ATTEMPTING LEAVE PLANE WHILE IN AIR STOP SUFFERING MENTAL CONFUSION DANGEROUS PUBLIC AND SELF AND AIRLINES REFUSED TO CARRY ON WITH [REDACTED] TO MONTREAL THEREFORE [REDACTED] HOSPITALIZED STOP APPEARED BEFORE JUSTICE PEACE DELAUTE SEPTEMBER THREE UNDER PROVISION NWT INSANE PERSONS ORDINANCE STOP WARRANT APPREHEND ISSUED AND [REDACTED] NOW UNDER CONSTANT GUARD STOP NO RELATIVES OR WIFE STOP BELIEVE PREVIOUSLY INMATE ASYLUM STOP WOULD YOU CONTACT [REDACTED] ONE FOUR FIVE FIVE FORT STREET APARTMENT TEN MONTREAL TO DETERMINE EXTENT PREVIOUS ILLNESS WHO ARE RESPONSIBLE NEXT OF KIN ETC AND ADVISE SOONEST STOP PRESENTLY EMPLOYED BY MARINE INDUSTRIES LIMITED SOREL QUEBEC AND MEMBER SEAFARERS INTERNATIONAL UNION HALIFAX PROBATIONARY NUMBER ONE ZERO EIGHT TWO NINE STOP JUSTICE PREPARED SIGN WARRANT COMMITMENT WHEN REQUESTED INFORMATION RECEIVED FOLLOWING WHICH FROBISHER DETACHMENT WILL REQUEST FURTHER INSTRUCTION CONCERNING CONFINEMENT AND ESCORT SOUTH

SGT VAN NORMAN

6-September-59

10. On the above date the following wire was received from Ottawa:-

G914 RE [REDACTED] INSANE PERSONS ORDINANCE PARENTS DECEASED ONLY LIVING NEXT OF KIN COUSIN [REDACTED] 7 JOHN STREET ST JOHNS NFLD STOP SUBJECT ADMITTED TO ST JEAN DE DIEU MENTAL HOSPITAL MONTREAL ON TWENTY EIGHTH JANUARY NINETEEN FIFTY NINE FOR TREATMENT OF ALCOHOLISM WITH DELIRIUM TREMENS UNDER CARE OF ONE DOCTOR TELLIER STOP DISCHARGED AS CURED ON TWENTY FOURTH FEBRUARY FIFTY NINE AND WARNED CONDITION WOULD RECUR IF HE CONTINUED EXCESSIVE USE OF ALCOHOL SUGGEST THIS BE THOROUGHLY DISCUSSED WITH JP LOCAL MEDICAL AUTHORITIES BEFORE PROCEEDING WITH COMMITMENT ARRANGEMENT AS TERRITORIAL PROVINCIAL GOVERNMENTS ARE NORMALLY RELUCTANT TO ASSUME RESPONSIBILITY OF CASES INVOLVING ALCOHOLICS STOP THIS HEADQUARTERS SHOULD BE KEPT ADVISED

DIVISION FILE

RE:

NO.

N.W.T. Insane Persons Ordinance - Frobisher Bay, N.W.T.
(FROBISHER BAY DETACHMENT CASE)

Frobisher Bay, N.W.T.
CONTINUATION

7-September-59

11. On this date the following wire was sent to the Officer Commanding "G" Division, Re:-

s.19(1)

~~FBR 4/7 DEPUTY COMMISSIONER TERRITORIES HAS ADVISED JUSTICE OF PEACE DELAUTE THAT NO FURTHER ACTION TOWARDS COMMITMENT WILLIAM PATRICK EDWARDS UNDER NWT INSANE PERSONS ORDINANCE AS AN INSURANCE COMPANY IS GOING TO EVACUATE PATIENT AND PAY FOR ALL EXPENSES STOP SINCE EDWARDS DANGEROUS HIMSELF AND OTHERS FROBISHER DETACHMENT CONTINUES GUARD HIM IN HOSPITAL STOP DO YOU WISH DETACHMENT TO SUBMIT INVOICE DIRECT TO INSURANCE COMPANY AGENT UPON ARRIVAL FOR HIRE OF GUARDS~~

A/SGT VAN NORMAN

9-September-59

12. In view of the information received by 2 JP J.F. DELAUTE, a Dismissal of Application was issued on the above date. Copy of the dismissal attached hereto.

10-September-59

13. The following wire was received from D.E. SERRES Marine Industries Ltd., Montreal, Quebec.

PLEASE ADVISE REGARDING REPATRIATION MEPLERBRANCH SEAMAN

14. In answer to the above wire, the following message was sent from the Frobisher Bay Detachment, Re:-

FBR 9/10 MAPLEBRANCH SEAMAN [REDACTED] PRESENTLY CONFINED FROBISHER BAY HOSPITAL UNDER CONSTANT GUARD STOP JUSTICE OF PEACE NOT MAKING ORDER OF COMMITMENT AS ADVISED INSURANCE COMPANY WOULD BE EVACUATING EDWARDS SOUTH IMMEDIATELY STOP PLEASE ADVISE YOUR INTENTIONS STOP MEANTIME WE WILL GUARD PATIENT UNTIL YOUR ESCORT ARRIVES FROBISHER STOP EDWARDS UNABLE TRAVEL ALONE

A/SGT VAN NORMAN

15. On the above date the following wire was received from Ottawa, in answer to the wire as noted in paragraph No. 11.

G924 RE [REDACTED] SUBJECT HAVING BEEN HELD UNDER JP'S WARRANT HIRE OF CIVILIAN GUARDS WILL BE PAID FROM DETACHMENT CONTINGENCY AND VOUCHERED FOR ON FORM 93 FORM 6 TO BE SUBMITTED

It may be noted that the Frobisher Bay Detachment paid for the Guards until 12:00 Midnight of the 9th., of September, 1959, as the Dismissal of Application was issued on this date. The remainder of the expenses for guards from this time, until 9:00 P.M. of the 19th., of September, 1959, were paid by the Indian Northern Health Services, Frobisher Bay, N.W.T.

DIVISION FILE

RE:

N.W.T. Insane Persons Ordinance - Frobisher Bay, N.W.T.
(FROBISHER BAY DETACHMENT CASE)

Frobisher Bay,
CONTINUATION

16-September-59

16. On the above date the following wire was received from SERRES Marine Industries Ltd., Montreal, Quebec.

RETEL MAPLEBRANCH SEAMAN COULD YOU PROVIDE ESCORT AND CHARGE US STOP IF SO GO AHEAD WITH ARRANGEMENTS

In view of this message, the following wire was sent to the Officer Commanding "G" Division, Re:-

FBR 15/16 FOLLOWING RECEIVED FROM F.D. SERRES MARINE INDUSTRIES LTD. MONTREAL QUOTE RETEL MAPLEBRANCH SEAMAN COULD YOU PROVIDE ESCORT AND CHARGE US STOP IF SO GO AHEAD WITH ARRANGEMENTS STOP UNQUOTE JUSTICE OF THE PEACE DELAUTE ISSUED DISMISSAL ON SEPTEMBER NINE IN REGARD TO INSANITY OF [REDACTED] AT HEARING STOP SUBJECT HAS BEEN HELD UNDEP POLICE GUARD AT HOSPITAL SINCE THAT DATE STOP DR. STEVENS MEDICAL HEALTH OFFICER C.D. HOWE ADVISES [REDACTED] SUFFERS PARANOID SCHIZIPHERNIA AND DANGEROUS TO BE AT LARGE STOP PLEASE INSTRUCT

CST TORRANCE

17. As noted in the above wire Doctor STEVENS, medical Health Officer of the C.D. HOWE examined [REDACTED] as a favor to Doctor L.L. MAINVILLE, and to corroborate Doctor MAINVILLE's diagnose of the case. No expenses were incurred by this Force.

19-September-59

18. On this date the following wire was received, in answer to the wire sent to the Officer Commanding "G" Division, as noted in paragraph No. 16.

G976 RE FBR 4/7 ACTION UNDER INSANE PERSONS ORDINANCE HAVING BEEN COMPLETED WE HAVE NO AUTHORITY TO ESCORT PATIENT OUTSIDE NWT VIDE PARA 12 PRI G. DIV C DEPT POLICY INSTRUCTIONS. MARINE INDUSTRIES LTD MONTREAL HAVE BEEN ADVISED DIRECT TO MAKE OTHER ARRANGEMENTS SINCE PATIENT NO LONGER HELD UNDER INSANE PERSONS NOT BE RESPONSIBILITY OF THIS FORCE. ADVISE SOONEST WHETHER HOSPITAL GUARD DUTIES BEING CARRIED OUT BY DETACHMENT PERSONNEL OR BY HIRED GUARDS

s.19(1)

19. On the above date Doctor L.L. MAINVILLE of the Indian and Northern Health Services, Frobisher Bay, N.W.T., escorted [REDACTED] to Montreal, Quebec, via NORDAIR Airline. No expenses were incurred by this Force. The following wire was sent to the Officer Commanding "G" Division, Re:-

FBR 18/19 Re G976 DR. MAINVILLE INDIAN AND NORTHERN HEALTH FROBISHER BAY ARRANGING REMOVAL OF PATIENT [REDACTED] AND ESCORT TO MONTREAL ON MEDICAL GROUNDS P.M. NINETEENTH STOP MARINE INDUSTRIES AT MONTREAL ADVISED DIRECT BY DR. MAINVILLE OF THIS ACTION STOP NO DETACHMENT PERSONNEL USED IN GUARDING OR ESCORT THIS PATIENT STOP REF G924 SUBJECT HAVING BEEN HELD UNDER JP WARRANT GUARDS TO BE PAID BY DETACHMENT CONTINGENCY UP TO AND INCLUDING SEPT NINE STOP INDIAN AND NORTHERN HEALTH WILL BILL MARINE INDUSTRIES DIRECT FOR GUARDS PERIOD SEPT TEN TO NINETEEN

CST TORRANCE

DIVISION FILE

NO.


RE:


N.W.T. Insane Persons Ordinance - Frobisher Bay, N.W.T.
(FROBISHER BAY DETACHMENT CASE)

Frobisher Bay, N.W.T.
CONTINUATION

s.19(1)

20. In view of the preceeding, and as [REDACTED] has now been escorted out of the Northwest Territories, no further Police Action is required in this case.
CONCLUDED HERE:


A/Sgt.
(R.D.V.N.)15306.
I/C. Detachment.


Cst.
(R.E. Boughen) #19140.
Frobisher Bay Detachment.

NORTHERN ADMINISTRATION & LANDS BRANCH
TEMPORARY FILE

FILE NO.

TEMP. FILE NO. 5077

SUBJECT

MAIN FILE IS CHARGED TO

[illegible]



CANADA

DEPUTY MINISTER
OF
NORTHERN AFFAIRS AND NATIONAL RESOURCES



Mr. Phillips
For action please.
B.G.S.
14 Oct 59

OTTAWA, October 16th, 1959.

Territorial - for action
Wellfare - to note
(209)
19/x
Northern Admin. Branch
Ottawa, Ont.

MEMORANDUM FOR MR. SIVERTZ

1395

⁵³⁰⁻⁴⁰
On September 1st you sent a memorandum to the Commissioner of the Northwest Territories, relating to the Insane Persons Ordinance.

Attached to it was a draft circular relating to the procedure to be followed in committing mentally ill persons.

On September 2nd I passed this to the Deputy Minister with the comment "this is O.K." He has now examined it and approves it.

With your memorandum there was also a draft letter to Judge Sissons. I passed this also to the Deputy Minister with the comment "This is O.K." He has now approved it and asked if Judge Sissons has replied. If he has, may we have a copy of his reply.

With your letter there was also a draft letter for the Commissioner to send to Mr. Jackett. I sent this, Mr. Robertson being absent, and sent you a copy.

Mr. Robertson on his return has read this material and has made the following general comment.

"I think this has been very well handled indeed. It was worth waiting for Ben and N.H. & W. to get going on it."

F.J.G. Cunningham
F.J.G. Cunningham,
Assistant Deputy Minister.

OTTAWA, October 16th, 1959.

MEMORANDUM FOR MR. SIVERTZ.

On September 1st you sent a memorandum to the Commissioner of the Northwest Territories, relating to the Insane Persons Ordinance.

Attached to it was a draft circular relating to the procedure to be followed in committing mentally ill persons.

On September 2nd I passed this to the Deputy Minister with the comment "this is O.K." He has now examined it and approves it.

With your memorandum there was also a draft letter to Judge Sissons. I passed this also to the Deputy Minister with the comment "This is O.K." He has now approved it and asked if Judge Sissons has replied. If he has, may we have a copy of his reply.

With your letter there was also a draft letter for the Commissioner to send to Mr. Jackett. I sent this, Mr. Robertson being absent, and sent you a copy.

Mr. Robertson on his return has read this material and has made the following general comment.

"I think this has been very well handled indeed. It was worth waiting for Ben and N.H. & W. to get going on it."

F.J.G. Cunningham
F.J.G. Cunningham,
Assistant Deputy Minister.

Department of Northern Affairs and National Resources

 OF THE DEPUTY MINISTER

TO: *Mr. M. Morin* DATE *Oct 20*

FOR:

	PREPARATION OF REPLY		DISCUSSION WITH UNDERSIGNED
	ACTION		MAY WE DISCUSS AT YOUR CONVENIENCE
	COMMENT		DIRECT REPLY
	APPROVAL		DIRECT REPLY, COPY TO THIS OFFICE
	INFORMATION		NOTE AND FILE
	SIGNATURE		NOTE AND RETURN
	TRANSLATION	<input checked="" type="checkbox"/>	AS REQUESTED

A. L. M.
—

000124

1745

40-2-15B

File.

OTTAWA, October 16th, 1959.

North Admin.	Lat. 10
Office	12
File No.	530-40
Refer To.	W-1

MEMORANDUM FOR MR. W77372

On September 1st you sent a memorandum to the Commissioner of the Northwest Territories, relating to the Insane Persons Ordinance.

Attached to it was a draft circular relating to the procedure to be followed in committing mentally ill persons.

On September 2nd I passed this to the Deputy Minister with the comment "This is O.K." He has now examined it and approves it.

With your memorandum there was also a draft letter to Judge Sizsons. I passed this also to the Deputy Minister with the comment "This is O.K." He has now approved it and asked if Judge Sizsons has replied. If he has, may we have a copy of his reply.

With your letter there was also a draft letter for the Commissioner to send to Mr. Jockett. I sent this, Mr. Robertson being absent, and sent you a copy.

Mr. Robertson on his return has read this material and has made the following general comment.

"I think this has been very well handled indeed. It was worth waiting for Ben and N.H. & W. to get going on it."

F.J.C. Cunningham,
Assistant Deputy Minister.

40-2-15 B

File
Lee

October 1962, 1969.

MINISTER OF THE ARMY

On September 14, you sent a memorandum to the
General and one of the Veterans' Commission, relating to the Insane
Persons' Commission.

Attached to it was a draft circular relating to
the procedure to be followed in handling mentally ill persons.

In September 1962, I sent this to the Deputy
Minister of the Veterans' Commission. He has now endorsed it
and returned it.

With your memorandum there was also a draft letter
to Judge Flanders. I passed this also to the Deputy Minister with
the comment "this is good". He has now approved it and asked if
Judge Flanders has replied. I am sure you will have a copy of his
reply.

With your letter there was also a draft letter for
the Commission to send to Mr. J. Smith. I sent this, Mr. Robertson,
being advised, and sent your copy.

Mr. Robertson on his return has read this material
and has made the following general comment.

"I think this has been very well handled indeed.
It was worth waiting for Ben and N.E. & W. to get going
on it."

F.J.C. Cunningham,
Assistant Deputy Minister.

Mr. Thompson

To clarify the financial situation,
it might be well to indicate in
Para 4 that maintenance of Indians
& Eskimos in a mental institution
is the responsibility of I & N. S.

M C Mann.

NORTHERN ADMINISTRATION & LANDS BRANCH
TEMPORARY FILE

FILE NO. TEMP. FILE NO.

SUBJECT 530-40 5099

Inmate Persons Ord. G. W. J.

MAIN FILE IS CHARGED TO
W1 30-9

REFERENCE				DISPOSAL			
REFERRED TO	REMARKS	DATE	INITIALS	DATE OF P.A. OR T.	DATE OF B.F.	INITIALS	REGISTRY INSPECTION
W1	15-10 #1466	21-10	WJ		20-11	WR	NOV 1 1959
CE R	15-10 #1466	20-11	ML	T			DEC 29 1959
B1	none	28-11	M	29/12/59			DEC 29 1959

GOVERNMENT
OF
CANADA

ACTION REQUEST

P. P. & S. Cat. 3433

TO (Mr. ~~Miss~~)

LOCATION

FOR:

FILE NO.

☐ ACTION

☐ APPROVAL

☐ COMMENTS

☐ DRAFT REPLY

☐ INFORMATION

☐ INVESTIGATION

☐ MORE DETAILS

☐ NOTE & FILE

☐ NOTE & FORWARD

☐ NOTE & RETURN

☐ REPLY, PLEASE

☐ SEE ME, PLEASE

☐ SIGNATURE

☐ TRANSLATION

☐ YOUR REQUEST

PREPARE MEMO TO:

REPLY FOR SIGNATURES OF:

REMARKS:

Please put this on
the agenda for the
Health Committee meeting

FROM (Mr., Mrs., Miss) PHONE

LOCATION DATE

(000129)

24-XI

Mr. Brown

I have this name to
discuss with Miss Countryman
she was here recently. The
recommendation may be useful
as a reference point for tomorrow
meeting.

Mr. Brown

P. Lee

note on p. 3

000130

1466



530-40

OUR FILE NO.....

YOUR FILE NO.....

NORTHERN ADMINISTRATION BRANCH

CANADA
DEPARTMENT
OF

NORTHERN AFFAIRS AND NATIONAL RESOURCES

Fort Smith, N. W. T.,
October 15, 1959

Nort. Aff. File No.	530-40
Refer To	W-1

MEMORANDUM FOR THE DIRECTOR:

Re: Treatment of Mentally Ill Persons & Insane Person's
Ordinance.

Increasing and serious concern is felt about the existing possible arrangements for the treatment of persons taken mentally ill in the Mackenzie District. This is a request that consideration be given to amending the pertinent legislation and to the purchase of services in Edmonton that would ensure better care for the ill than now is possible.

At the present time the procedure is that a person apparently mentally ill may be apprehended with or without a warrant by a peace officer, detained in jail "until the question of his mental condition is determined by the court" in a hearing open to the public and then discharged or committed to the custody of the R.C.M.P. until the pleasure of the Commissioner is known. Through the Commissioner's office in Ottawa arrangements can be made for the treatment of the person in an Alberta Mental Hospital.

You will appreciate the problems in this.

This procedure is designed for the protection of persons from a dangerous criminal whereas it should be designed for the immediate treatment of a very sick person. This latter can include devices for the protection of the person or others from his own hostile aggression, if this is part of his illness.

I think a Justice of the Peace rarely can know whether a person is "insane" although he often can know whether the person's behaviour is dangerous to others and whether the person's behavior is very bizarre. Even this latter, however, becomes increasingly difficult for anyone to know if the sick person is of a different or little understood culture.

.... /2

- 2 -

The unsuitability and at times dangers in our present method are reflected in the practical problems we face. Court records will indicate the lengths of time persons have been incarcerated in guard-rooms under this Ordinance awaiting trial or awaiting the completion of arrangements for treatment in a Mental Hospital. Included may be persons suffering severe depression with suicidal tendencies or suffering severe organic disorder such as brain tumor requiring immediate medical care. Included also may be persons who may not require anything more than normal treatment from their fellow-human beings. Their confinement in jail can be the last straw in a seeming chain of injustices and lack of consideration from others.

I think it is to the credit of Justices of the Peace and R.C.M.P. officers that, to my knowledge, there has not been flagrant misdirection of the intention of this Ordinance. But the humane way they have operated within an inhumane system should not blind us to the urgencies in correcting the system.

We require (1) diagnostic services and (2) treatment services for persons suffering mental illness. Diagnostic services should be available without recourse to special legislation just as diagnostic services for purely physical ailments are available. Treatment services should then be available as a result of a medical-psychiatric recommendation and not as a result of a public court hearing and an administrative decision.

I realize that the Ordinance applies to other than the Mackenzie District. Bearing only the latter in mind, however, I believe we now have medical services and a communications and travel system that would facilitate a more modern and effective handling of the problem.

I would suggest that negotiations be undertaken with the University Hospital in Edmonton for our purchase of diagnostic services for such persons as our medical officers recommend. Should hospitalization for treatment be indicated, the sick person could be transferred to a Mental Hospital in the same way as Alberta residents are. Possibly suitable action could be taken under a clause providing treatment and/or committment on a voluntary basis. This is usual in the provinces, certification by two physicians being required for compulsory committment.

In most instances of apparently very serious illness it would seem logical to bring the patient immediately to the nearest medical centre; such as Fort Smith, Aklavik or Inuvik, Yellowknife, Hay River, Fort Rae, where the attendant doctor can recommend, if advisable, immediate evacuation to Edmonton as is done with certain medical cases. I think

- 3 -

the hospitals should be prepared to care for the person temporarily rather than the police guard-rooms, however, and that this should be explored with Indian and Northern Health Services.

It would be appreciated if this matter could be given early consideration with a view to taking it before the Territorial Council at the earliest possible time.

MC/se

C. L. Merrill,
Administrator of the Mackenzie

Mr. Brown:
Miss Crowley - *measles is to a great extent*
correct. She wants to get at the heart of the
problem. She is still faced with the question
of committing persons to mental hospitals in
Alberta & to do this pursuant to the provisions of the
Commissioner is required by the Provincial authorities
persons requiring diagnostic services
have been & will continue to be able
to seek out their own doctors or ourselves
I also understand that this question is a health
matter not a welfare matter. Therefore
should be handled in the division. We
appreciate if we can get any assistance
available to get from any source.

7/12/

4-II-60
Mr. Hoffer:
When you have a free
moment, please pull together pertinent
files (including "20" file on Katie Jackson).
We will have to take over having re-
producible police in this.

530-40

Fort Smith, N. W. T.,
October 15, 1959

PA
AB

MEMORANDUM FOR THE DIRECTOR:

Re: Treatment of Mentally Ill Persons & Insane Person's
Ordinance.

Increasing and serious concern is felt about the existing possible arrangements for the treatment of persons taken mentally ill in the Mackenzie District. This is a request that consideration be given to amending the pertinent legislation and to the purchase of services in Edmonton that would ensure better care for the ill than now is possible.

At the present time the procedure is that a person apparently mentally ill may be apprehended with or without a warrant by a peace officer, detained in jail "until the question of his mental condition is determined by the court" in a hearing open to the public and then discharged or committed to the custody of the R.C.M.P. until the pleasure of the Commissioner is known. Through the Commissioner's office in Ottawa arrangements can be made for the treatment of the person in an Alberta Mental Hospital.

You will appreciate the problems in this.

This procedure is designed for the protection of persons from a dangerous criminal whereas it should be designed for the immediate treatment of a very sick person. This latter can include devices for the protection of the person or others from his own hostile aggression, if this is part of his illness.

I think a Justice of the Peace rarely can know whether a person is "insane" although he often can know whether the person's behaviour is dangerous to others and whether the person's behavior is very bizarre. Even this latter, however, becomes increasingly difficult for anyone to know if the sick person is of a different or little understood culture.

.... / 2

- 2 -

The unsuitability and at times dangers in our present method are reflected in the practical problems we face. Court records will indicate the lengths of time persons have been incarcerated in guard-rooms under this Ordinance awaiting trial or awaiting the completion of arrangements for treatment in a Mental Hospital. Included may be persons suffering severe depression with suicidal tendencies or suffering severe organic disorder such as brain tumor requiring immediate medical care. Included also may be persons who may not require anything more than normal treatment from their fellow-human beings. Their confinement in jail can be the last straw in a seeming chain of injustices and lack of consideration from others.

I think it is to the credit of Justices of the Peace and R.C.M.P. officers that, to my knowledge, there has not been flagrant misdirection of the intention of this Ordinance. But the humane way they have operated within an inhumane system should not blind us to the urgencies in correcting the system.

We require (1) diagnostic services and (2) treatment services for persons suffering mental illness. Diagnostic services should be available without recourse to special legislation just as diagnostic services for purely physical ailments are available. Treatment services should then be available as a result of a medical-psychiatric recommendation and not as a result of a public court hearing and an administrative decision.

I realize that the Ordinance applies to other than the Mackenzie District. Bearing only the latter in mind, however, I believe we now have medical services and a communications and travel system that would facilitate a more modern and effective handling of the problem.

I would suggest that negotiations be undertaken with the University Hospital in Edmonton for our purchase of diagnostic services for such persons as our medical officers recommend. Should hospitalization for treatment be indicated, the sick person could be transferred to a Mental Hospital in the same way as Alberta residents are. Possibly suitable action could be taken under a clause providing treatment and/or commitment on a voluntary basis. This is usual in the provinces, certification by two physicians being required for compulsory commitment.

In most instances of apparently very serious illness it would seem logical to bring the patient immediately to the nearest medical centre; such as Fort Smith, Aklavik or Inuvik, Yellowknife, Hay River, Fort Rae, where the attendant doctor can recommend, if advisable, immediate evacuation to Edmonton as is done with certain medical cases. I think

- 3 -

the hospitals should be prepared to care for the person temporarily rather than the police guard-rooms, however, and that this should be explored with Indian and Northern Health Services.

It would be appreciated if this matter could be given early consideration with a view to taking it before the Territorial Council at the earliest possible time.

C L Merrill

C. L. Merrill,
Administrator of the Mackenzie

MC/se

**Department of Northern Affairs and
National Resources**

OFFICE OF THE DEPUTY MINISTER

TO: MR. RUDNICKI,
WELFARE
FOR NORTHERN ADMIN. BR.

DATE 15/10/59

PREPARATION OF REPLY		DISCUSSION WITH UNDERSIGNED
ACTION		MAY WE DISCUSS AT YOUR CONVENIENCE
COMMENT		DIRECT REPLY
APPROVAL		DIRECT REPLY, COPY TO THIS OFFICE
INFORMATION		NOTE AND FILE
SIGNATURE		NOTE AND RETURN
TRANSLATION		AS REQUESTED

Here is a copy of the
material re Insane Persons
with comments of Mr. Cunning-
ham.

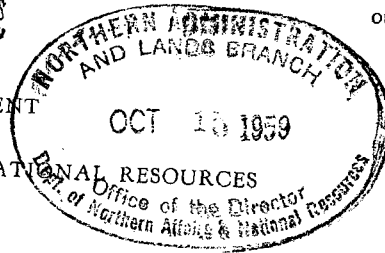
Gleason
Legal Division.

000137



CANADA
DEPARTMENT
OF

NORTHERN AFFAIRS AND NATIONAL RESOURCES



YOUR FILE NO.....

OUR FILE NO.....

530-40

LEGAL DIVISION

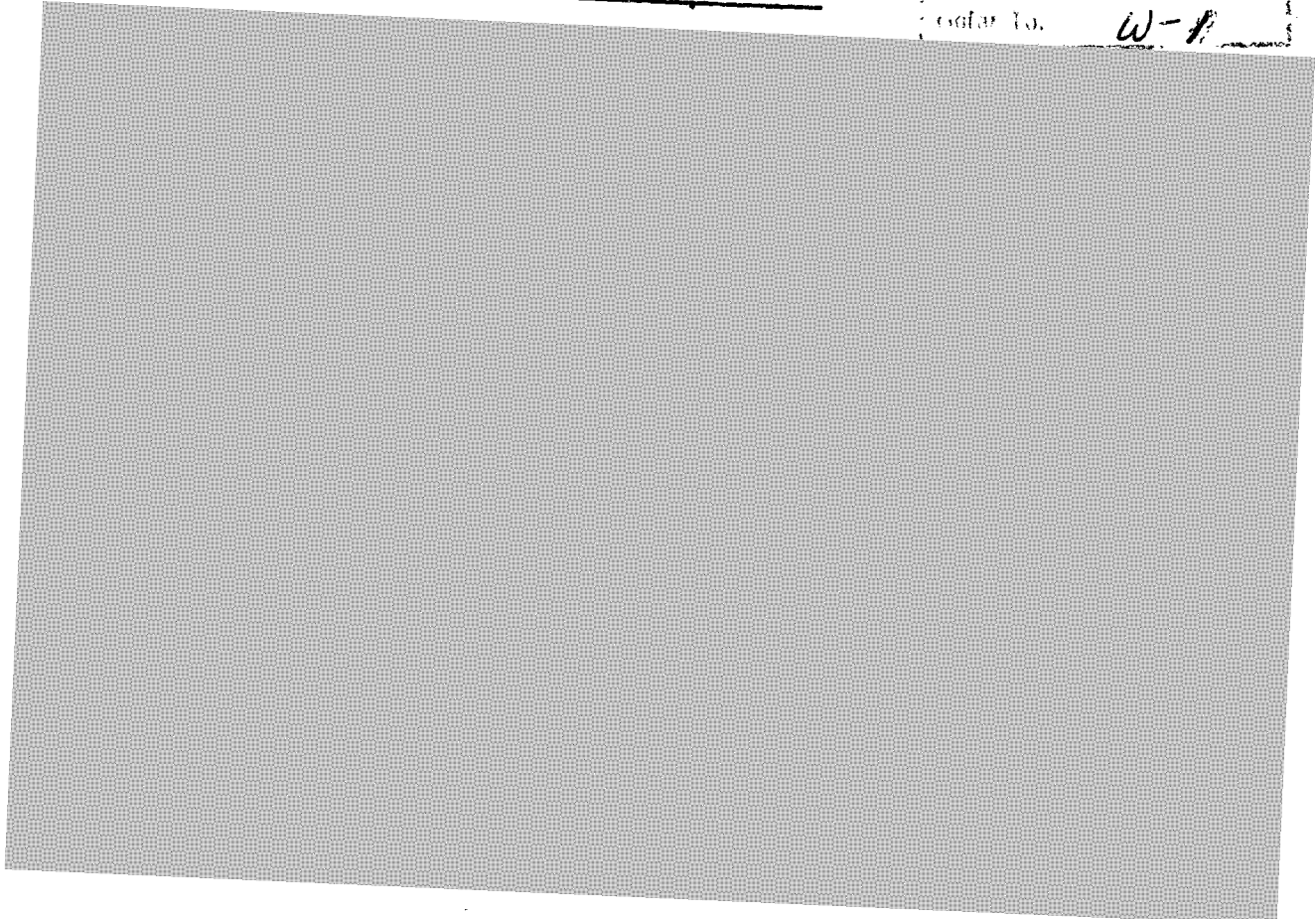
1344

Ottawa, 15 October, 1959.

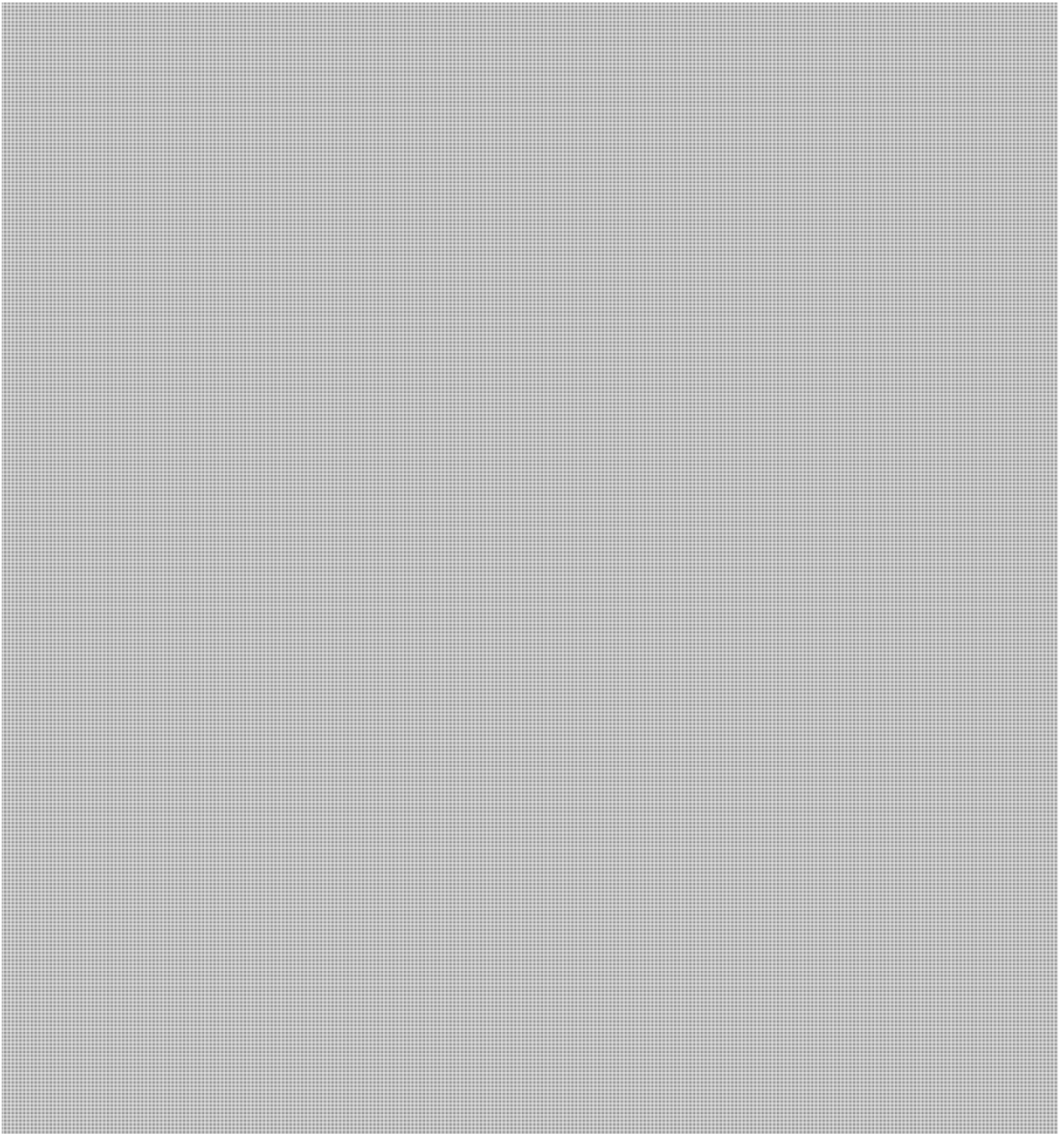
MEMORANDUM FOR MR. B.G. SIVERTZ,
DIRECTOR, NORTHERN ADMINISTRATION BRANCH:

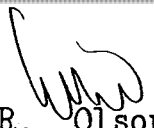
Insane Persons Ordinance

RECORDED
INDEXED
FILE NO. 530-40
COPIES TO: W-1



2.




E. R. Olson,
Chief, Legal Division.

Mrs. : Ken, please.

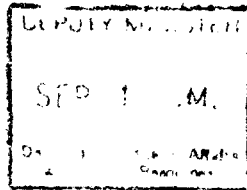
1 - eq 54

1. Hold until DIM has read.
2. If he approves, please mail from the Langerin Block & return copies to the Branch.

m.g.s.

Dealt with by Mr. Cunningham
before being received in D. M.'s
Office & copies returned to B. S. S.
H. M. K.

Sivertz/ss



CANADA

DEPARTMENT

OF

NORTHERN AFFAIRS AND NATIONAL RESOURCES

OFFICE OF THE DIRECTOR

Ottawa, 1 September, 1959.

File to Sec on return
[Signature]
MEMORANDUM FOR THE COMMISSIONER
OF THE NORTHWEST TERRITORIES

Insane Person's Ordinance

Attached for your approval are the following documents:

- (1) A draft circular to the field which sets out a new procedure for committing mentally ill persons under the Insane Person's Ordinance. The procedures are based on suggestions made by the Department of Justice and are intended to meet objections that have been made in the past in some cases when action has been taken under the Ordinance. The circular includes a general covering memorandum and the new admission procedures.
- (2) Minutes of a meeting held with representatives of the Department of Health and Welfare to review some of the medical and psychiatric implications of former and proposed admission procedures. The result is a long-term plan to study possible modifications in the present Ordinance through a greater emphasis on voluntary admission and admission by means of a short-term medical certificate. The possibility is also being explored of using mental health resources in the provinces more extensively and effectively, particularly in connection with preventative and diagnostic services in the north. These studies, however, need not delay the institution of the procedures outlined in the attached papers.
- (3) A letter to Judge Sissons from me. The Legal Adviser recommended this letter be as informal as possible.
- (4) A letter you may wish to send to Mr. Jackett.

[Signature]
B. G. Sivertz,
Director.

Mentally Ill Persons and
The Insane Persons Ordinance (N.W.T.)

There is general recognition of need to improve the procedures whereby mentally ill persons requiring treatment in hospital may obtain it. The Insane Persons Ordinance of the Northwest Territories and steps associated with it are those required if the patient is one whose condition is such that he has to be held under restraint and hospitalized, perhaps forcibly, under the authority of a Committal Order issued by the Commissioner of the Northwest Territories. In these cases assistance from the Police is often necessary. Court proceedings, which are intended to insure that the liberty of the subject is not curtailed unnecessarily, have sometimes tended to give an impression of the Police Court where the patient faces charges, rather than a thoughtful inquiry to insure that the proposed committal to hospital under restraint is, in fact, necessary in the interests of the safety and welfare of the patient or of other people.

It should be especially borne in mind that modern theories of mental illness place great importance on early treatment and on co-operation and willingness of the patient. To further these objectives and for other reasons which are obvious, there is great advantage in obtaining the consent of the patient to enter the mental hospital for examination, advice and treatment. Dr. J.E. Gilbert, Consultant in Psychiatry, Mental Health Division, Department of National Health and Welfare, with whom discussions on this subject are currently being held, estimates that 80% of all patients admitted to mental hospitals in Canada nowadays enter voluntarily. This is a very great change from even a few years ago.

The advice we have received suggests that every effort should be made to persuade sufferers from mental illness who require hospitalization to go voluntarily. As a general rule, the patient should be accompanied by a responsible person, and this should be someone in whom the patient has confidence. Reassurance and persuasion from trusted friends, with the help of medical sedation, that can be prescribed by the local doctor, are very often all that is needed to insure a safe and uneventful journey to the hospital.

When a person in the Northwest Territories is believed by a medical doctor or, in the absence of a doctor, by his family or friends to be mentally ill and requires examination by a psychiatrist, it is not necessary to have proceedings under the Insane Persons Ordinance if he can be persuaded to enter hospital voluntarily. From this point on speedy and consistent action is highly desirable.

Voluntary Admission

The following are the steps that should be taken:

- (1) The patient should be examined by a doctor. If there is no doctor in the settlement, the usual procedure for obtaining medical attention should be followed. If the doctor decides to advise admission to a mental hospital, or referral to a psychiatrist, he may arrange either or both privately and at private expense.
- (2) If the patient is an Eskimo or an Indian the doctor should proceed through the Northern Health Services in exactly the same manner. A patient suffering from a particular disease requires hospitalization in a particular special hospital.

2.

- (j) If the patient is neither Indian nor Indian, and if the doctor wishes to ask for action by the Territorial Government, he should send a telegram to the Administrator of the Northwest at Fort Smith or the Administrator of the Arctic at Etah, whichever is appropriate. He should state the person's name, age, sex, marital status, family situation, whether Indian, diagnosis, recommendation for admission to mental hospital, the patient's desire to enter hospital voluntarily, the doctor's recommendation regarding means of transportation, and who he wishes should accompany the patient on the journey.
- (k) The Administrator of the Northwest or the Administrator of the Arctic, as the case may be, will send a telegram with full particulars to the Deputy Commissioner of the Northwest Territories at Etah and ask him to make arrangements for hospitalization. When arrangements for hospitalization have been made, the Administrator of the Northwest or Administrator of the Arctic will reply to the doctor, giving instructions where the patient is to be hospitalized and how the journey is to be arranged.

General Order Indian Person's Ordinance

In cases where it is not possible to convince the person suffering from mental illness that he should enter a hospital voluntarily, it will be necessary to institute proceedings under the Indian Person's Ordinance. The following steps are to be followed:

- (1) When a person is brought before a Justice of the Peace on a complaint under the Indian Person's Ordinance, the latter will commit the person to the care and custody of the R.C.M.P. pending a hearing.
- (2) The Justice of the Peace will then communicate with the Clerk of the Court at Yellowknife by wire, advising him of the facts of the case including name, age, sex, marital status, family situation, whether Indian, whether Indian or Indian, and nature of illness; requesting that he make jurisdiction in favor of the Judge, and requesting instructions whether the Judge of the Territorial Court or the Police Magistrate will take the hearing, and, if so, where the hearing is to be. In the event that neither the Judge nor the Magistrate can take the hearing, the Clerk of the Court will instruct the Justice of the Peace to proceed.
- (3) In all cases where it is practical, the agent of the Attorney General should be requested by the Clerk of the Court to act as counsel for the Court at the hearing.
- (4) The Judge of the Territorial Court or the Police Magistrate, in consultation with counsel, will decide whether it is more expedient for the Court to travel to the place where the mentally ill person is in custody or whether the person should be brought to Yellowknife or any other suitable location. The decision will be governed by the condition of the patient, the nature of illness and general circumstances.

- (5) If it can be arranged, the person alleged to be mentally ill should be examined by a psychiatrist. This will rarely be possible in the Northwest Territories. Where he sees fit to do so, the Court might ask the Administrator to arrange for a psychiatrist to attend at the location where the Hearing is scheduled. The Administrator will do so if he can, but in circumstances where this is impossible or would create undue delay, arrangements will be made for a general practitioner in the area to examine the patient. Delay is to be avoided and passage of more than two days in awaiting the arrival of a psychiatrist should be considered undue delay. It should be noted that a specialist in psychiatry is rarely able to leave his duties on short notice.
- (6) After a hearing and on finding of insanity under the Ordinance, the presiding Judge, Magistrate, or Justice of the Peace, as the case may be, will place the person in the care and custody of the R.C.M. Police pending a Committal Order from the Commissioner. In all cases of finding insanity a report should be sent by the Court, by telegram, to the Commissioner of the Northwest Territories at Ottawa, advising him of the particulars and the finding, followed by a written report as soon as possible. Subject to this review of the proceedings, arrangements will be made with the appropriate provincial institution and a Committal Order will be issued by the Commissioner to the R.C.M. Police.

Northern Administration Branch,
Department of Northern Affairs
and National Resources,
Ottawa.

Yukon

fy 6 25-70

32 INSANE PERSONS ORDINANCE, AMENDMENT

CHAPTER 4

AN ORDINANCE TO AMEND "AN ORDINANCE RESPECTING INSANE PERSONS."

(Assented to May 2nd, 1938.)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of said Territory, enacts as follows:

1.

"An Ordinance respecting Insane Persons," being Chapter 46 of the Consolidated Ordinances of the Yukon Territory, 1914, is hereby amended by adding thereto the following immediately after Section 5 of the said Ordinance."

Judge may
appoint
Public
Administra-
tor to be
guardian of
estates of
persons
incapable of
managing
their affairs
by reason of
disease, age,
etc.

"6. In the case of a person who has not been found insane under this Ordinance, but with regard to whom it is proved to the satisfaction of a Judge in Chambers, by affidavit or otherwise, that such person is, through mental infirmity arising from disease or age or otherwise, incapable of managing his affairs, such Judge may by order appoint the Public Administrator to be the guardian of the estate and effects of such person with like powers as in the case of a person adjudged to be insane."

CHAPTER 3

AN ORDINANCE TO AMEND "THE DENTAL ORDINANCE."

(Assented to May 2nd, 1938.)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of said Territory, enacts as follows:

1. Sections 8 and 9 of "The Dental Ordinance," being Chapter 7 of the Ordinances of 1920, are hereby repealed.

2. The said Ordinance is further amended by adding thereto immediately after the word "section" in the tenth line of part (a) of Sub-section (2) of Section 10 of the said Ordinance as enacted by Chapter 6 of the Ordinances of 1937, the following: "and provided further that the Commissioner may permit a resident practitioner to be absent from the Territory for a period not exceeding three months in any year if there is another qualified dentist residing in the Territory during such period."

Commis-
sioner may
permit
resident
dentist to
be absent
3 months.

INTERDEPARTMENTAL COMMITTEE ON INSANE PERSON'S
ORDINANCE AND MENTAL HEALTH

The first meeting of this Committee was held in the office of the Director, Northern Administration Branch, Department of Northern Affairs and National Resources at 10:00 a.m., Thursday, May 28, 1959.

Those in attendance included:

Mr. W.G. Brown, Chief, Territorial Division;

Dr. J.E. Gilbert, Consultant in Psychiatry,
Mental Health Division, Dept. of National
Health & Welfare;

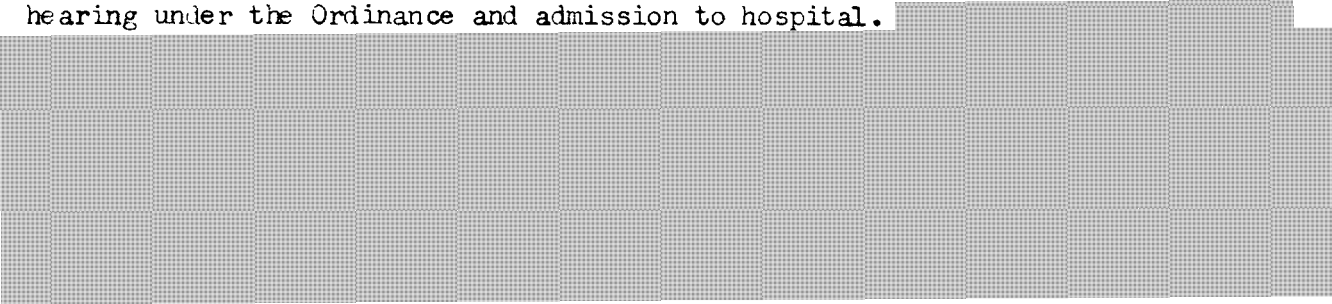
Dr. J.S. Willis, General Superintendent of
Northern Health, Dept. of National Health
& Welfare;

Mr. W. Rudnicki, Chief, Welfare Division;

Mr. R.J. Orange, Territorial Division;

Mr. P.B. Gorlick, Welfare Division.

Mr. Rudnicki outlined the purpose of the meeting which was to study the Insane Person's Ordinance and the difficulties that had been encountered recently with reference to delays between the time of the hearing under the Ordinance and admission to hospital.



Mr. Brown then outlined the procedure that has been used for committing mental patients to hospital. He mentioned that delays had been reported but he felt that these were the exceptions to the rule. He also stressed the point that the Commissioner of the Northwest Territories was the person who issued the committal order under the Insane Person's Ordinance. The Commissioner issued this order on receipt of certain

... 2

- 2 -

information from the Justice of the Peace. Mr. Brown went on to explain why it had been decided that such hearings should be taken out of the hands of J.P.'s and a Judge made responsible.

An earlier Committee recommended that a Judge preside at such hearings, and that the evidence of psychiatrists be made available. Mr. Brown went on to explain that when a person required mental treatment in one of the smaller settlements in the north, a Justice of the Peace could remand that person to the care and custody of the R.C.M.P., who would transport him to Yellowknife where the hearing could be conducted by a Judge, and two psychiatrists would be made available.

Dr. Gilbert wondered why we used a procedure that was out of date in the Provinces and appeared to be very complicated. This resulted in a discussion of the area involved and population densities. There was also some discussion about what takes place when a person becomes seriously ill (medical) in the territories. In such cases the patient is evacuated with all haste to a hospital or centre where he can receive adequate care. This led to a discussion of the pros and cons of handling mental cases in the same manner. The Committee felt that mental illness is a health matter and not a legal matter. This is accepted as the modern approach to mental health in the Provinces. The Committee did agree that evacuation was possible without a hearing under the Insane Person's Ordinance and it was suggested that most of the cases that are held under the Insane Person's Ordinance are cases where the patient is very disturbed and chronically ill. There was also some discussion at this point concerning the transportation of an individual outside the Northwest Territories.

Dr. Gilbert and Dr. Willis mentioned that it is now common practice in the Provinces for a general practitioner, acting without any legal procedure to commit a sick person to a hospital in the Province where

... 3

- 3 -

the patient is, or to a hospital in a neighbouring Province.

Mr. Brown wondered if a general practitioner was the person to decide if a person should be committed to a mental hospital. It was then explained that this was the common practice in the Provinces, in some Provinces a certificate from a general practitioner is necessary and in other Provinces two such certificates were necessary.

Statistics were introduced at this point that showed that in 1957, 87% of the individuals who were admitted to mental hospitals in Canada, either entered as voluntary patients or under medical certificates. Dr. Gilbert then went into a discussion of the modern aspects of mental health and mental care.

This included comments on courses in psychiatry for general practitioners, reference material prepared by the Department of National Health & Welfare and he also stressed the importance of voluntary admittance. He also suggested that the Department should investigate the possibility of entering into an agreement with Alberta for securing the services of a psychiatrist. This psychiatrist would undertake the preparation of mental health material for the Northwest Territories, be responsible for diagnosis, treatment, etc. He also stressed the fact that the University Hospital, Edmonton, which is a teaching centre, could be interested in carrying on psychiatry research in the Northwest Territories. The Committee agreed that because of cultural factors mental health may possibly become a serious problem in the future. This was not with reference to individuals who needed long term care but individuals who may require short term treatment and therapy.

Dr. Gilbert felt that the existing procedure should be cleared up, that patients should be committed on a certificate completed by a general practitioner, a certificate that was valid for a period of 7 days.

At the end of the meeting Mr. Brown requested Dr. Gilbert to forward his recommendations in writing, suggesting changes and outlining the procedures that are followed in the Provinces. It was also suggested that Dr. Gilbert stress the fact the general practitioners, not psychiatrists are able to admit people to mental hospitals in the Provinces.

It was also decided that a sub-committee be established, consisting of Dr. Gilbert, a staff member from Welfare Division and one from Territorial Division. This sub-committee would work with Dr. Gilbert and assist him in preparing his material.

P.B. Gorlick.

Copy for the Deputy Minister

Don't see in return



OUR FILE NO.

YOUR FILE NO.

PERSONAL

NORTHERN ADMINISTRATION BRANCH

DEPARTMENT

OF

NORTHERN AFFAIRS AND NATIONAL RES.

OFFICE OF THE DIRECTOR

Ottawa, 1st September, 1955

Hon. Mr. Justice John H. Sissons,
Judge of the Territorial Court,
Yellowknife, N. W. T.

Dear Judge Sissons:

I am writing personally and informally to you about a matter that I regard as both important and delicate. I think you know of the concern of Gordon Robertson, and indeed all of us, in discharging responsibilities in connection with Committal Orders under the Insane Persons Ordinance in cases where the hearings have been inconclusive. Sometimes queries result in delay and this in itself is a bad thing, since success in treating mental illness, as other diseases, is most likely when started early and without building up unnecessarily barriers of distrust and ill-will on the part of the patient.

We have also had talks with the Chief of the Mental Health Division and the Chief of Indian and Northern Health Services, both in the Department of National Health and Welfare. On the legal side, Mr. Robertson feels the situation leaves something to be desired. First, because the reports of hearings tend to read like criminal proceedings, and many incidents and words show rather meagre knowledge of the principles of good mental hygiene. This is, of course, understandable. The first thing Mr. Robertson would like to see is hearings under the Ordinance brought before you and have counsel rather than continue the practice of hearings solely before J.P.'s. If you would consent to this, I know Mr. Robertson would regard it as a great safeguard. It seems likely that a good number of hearings might still proceed before J.P.'s since you are often busy and there is almost always the question to weigh - accept undesirable delay or direct the J.P. to

2.

proceed. Also, it may be that the circumstances of some cases leave no room for doubt as to the fact of serious mental illness and it may seem pointless to go through motions that have no meaning.

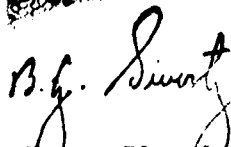
The second of the ways in which the present situation leaves something to be desired is the emphasis we have been giving all along to proceedings under the Ordinance as the only way for admitting mental patients to hospital. Voluntary admission is nowadays the rule rather than the exception all across Canada.

The third way is that the Ordinance needs revision if it is to be brought into line with average legislation in the Provinces, let alone the best.

In order to remedy these defects and in reverse order of the above list, we intend to (a) carry out a study of the subject with the advisers I have mentioned with a view to getting a new ordinance drafted; (b) suggest voluntary admission as the normal means for mental patients to enter hospital; and (c) ask for your interest and help.

The attached paper is an attempt at putting together the main principles we would like to see followed. As it involves you as a principal before going further, I am sending it to you and asking for your views and comments. If it seems good to you, I shall ask the Administrator of the Mackenzie at Fort Smith, and the Administrator of the Arctic at Ottawa, to give it wide distribution. I shall also ask Indian and Northern Health Services and the Royal Canadian Mounted Police to do the same.

Yours sincerely,


H. G. Sivest,
Director.

copy for the Deputy Minister's file.

B.G.Sivertz/jt

D to see in return

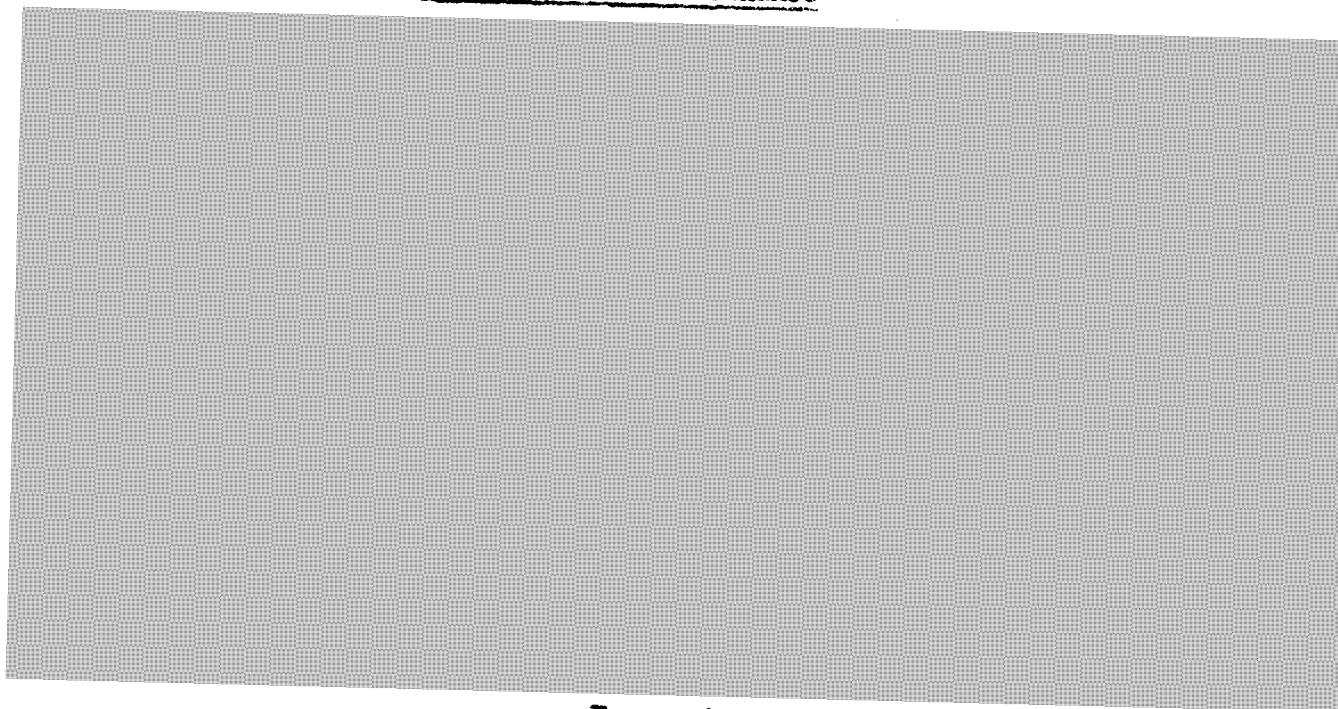
*T.C.
Ldet*

1st September, 1959.

W. R. Jackett, Esq.,
Deputy Minister of Justice,
Ottawa, Ontario.

Dear Mr. Jackett:

Insane Person's Ordinance



Yours sincerely,

APPROVED

B.G. Sivertz
Northern Administration

R.G. Robertson
R. G. Robertson,
Commissioner.



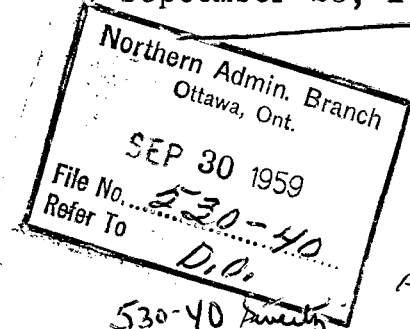
NORTHWEST TERRITORIES
TERRITORIAL COURT

9940

YELLOWKNIFE, September 28, 1959.

B. G. Sivertz, Esq.,
Director, Administration Branch,
Department of Northern Affairs,
Ottawa, Ontario.

Dear Mr. Sivertz:



I have your personal letter of September 1st. with
reference to the Insane Persons Ordinance.

I regret the delay in answering this. I was away
holding a criminal trial at Whitehorse, in the Yukon. From the
16th. to the 24th. I was in the Eastern Arctic on criminal work.

I am in accord with the views expressed in your
letter and am quite prepared and anxious to cooperate and be of
any assistance I can.

I realize that there are serious problems and diff-
iculties. There is no single or simple solution and each case
probably requires particular individual attention and approach.
There is always the general problem. Moreover, there seems to be
for some a North mental problem similar to what we used to in the
Peace River Country thirty years ago call "homesteaditis".

The Police Magistrate would be more helpful in
these matters than I would be.

Incidentally, in this connection and generally for
the better administration of justice, a well qualified travelling
Police Magistrate is urgently required at Frobisher Bay or some
such point to serve the Eastern and Northern Arctic.

Thanking you for your letter and with best of good
wishes.

Yours sincerely,

J. H. Sissons
J.T.C.

JHS.S

000154

NORTHERN ADMINISTRATION & LANDS BRANCH

B.F. NOTIFICATION MEMO

TO	<i>FWT</i>	DATE	<i>30-9</i>
FILE NO.	<i>530-40</i>	VOL. NO.	
SUBJECT	<i>Insane Persons Ord NWT</i>		
THE FILE NOTED ABOVE WHICH WAS B.F.'D FOR THIS DATE IS NOW CHARGED TO:			
<div style="border: 1px solid black; padding: 10px; text-align: center;"><i>LAC 07 30-9</i></div>			
PLEASE INDICATE ACTION REQUIRED ON LOWER PORTION OF THIS FORM AND RETURN IT TO THE REGISTRY			
			<i>MLL</i> _____ BRANCH REGISTRY

TO BRANCH REGISTRY	
<input type="checkbox"/> CANCEL B.F.	<input checked="" type="checkbox"/> B.F. AT <i>when available</i> DATE
OTHER INSTRUCTIONS _____ _____ _____	
<i>30-9</i> _____ DATE	<i>FWT</i> _____ SIGNATURE

000155

B.F. NOTIFICATION MEMO

TO	FWT	DATE	24-9
FILE NO.	530-40	VOL. NO.	
SUBJECT	Insurance Personalized FWT		
THE FILE NOTED ABOVE WHICH WAS B.F.'D FOR THIS DATE IS NOW CHARGED TO:			
WCB 23-9			
PLEASE INDICATE ACTION REQUIRED ON LOWER PORTION OF THIS FORM AND RETURN IT TO THE REGISTRY			
M.D. BRANCH REGISTRY			

TO BRANCH REGISTRY	
<input type="checkbox"/> CANCEL B.F.	<input checked="" type="checkbox"/> B.F. AT 30-9 DATE
OTHER INSTRUCTIONS	
23-9 DATE	
FWT SIGNATURE	



CANADA

s.19(1)

Delaute:im

PLEASE QUOTE

FILE.....

NORTHERN ADMINISTRATION
AND LANDS BRANCH

DEPARTMENT
OF
NORTHERN AFFAIRS AND NATIONAL RESOURCES

Frobisher Bay, N.W.T.,
September 10th, 1959.

Northern Admin. Branch
Ottawa, Ont.

Commissioner of the Northwest Territories,
Kent-Albert Building,
OTTAWA, Ontario.

SEP 15 1959
File No. 630-110
Refer To

8062

Dear Sir:

I enclose, herewith, the original and a copy of the evidence taken at an inquiry into the application of Robert Macfarlane Carsell charging [REDACTED] with suspected insanity.

You will observe that this inquiry was adjourned for the purpose of making further investigation into the matter. It was decided, as a result of this, that no further hearing or committal was required.

Yours sincerely,

J. F. Delaute


J. F. Delaute,
Justice of the Peace,
Northwest Territories.

*Mr Delaute is to be congratulated on
an excellent piece of work*
Law

FWT 16

s.19(1)

**AN INQUIRY
into the application
of
Robert Macfarlane CARSELL
charging that:**


is suspected and believed
to be insane.

**BEFORE HIS WORSHIP, Mr. J.F.
Delaute, A Justice of the
Peace in and for the
Northwest Territories, at
Frobisher Bay in the said
Northwest Territories,
September 3rd., 1959 A.D.**

EVIDENCE

DEPOSITION OF A WITNESS

CANADA

NORTHWEST
TERRITORIES

TO WIT:

I am Robert Macfarlane CARSELL,
Officer in Charge, Marine Section of the
Department of Transport at Frobisher Bay,
Northwest Territories.

s.19(1)

On September 2nd., 1959 I
saw [REDACTED] at the Frobisher
Bay Hospital, and from a view of his actions
and conduct, and from an investigation into
the circumstances surrounding his hospitalization,
am of the view that he is mentally disturbed.

I have signed an Affidavit
setting forth this view, which document is
now before me and being submitted to the
Court.

SWORN before me this
third day of September
A.D. 1959 at Frobisher Bay,
Northwest Territories.

* AFFIDAVIT entered as exhibit "A" into the
records of the Court.

J.F. Delaute - A Justice of
the Peace in and for the
Northwest Territories. (2)

Page TWO

DEPOSITION OF A WITNESS

CANADA

NORTHWEST
TERRITORIES

TO WIT:

I am Constable Reginald E. BOUGHEN,
a member of the Royal Canadian Mounted Police,
stationed at Frobisher Bay, Northwest Territories.

Just before noon hour on September 2nd, 1959 I received a telephone call from an unidentified person in the airport hangar at Frobisher Bay, N.W.T. in which the caller stated that "You had better come and get me - I am sick", whereupon he hung up the receiver. I immediately patrolled the area of the hangar and airport and found [REDACTED] Passengers from the aircraft which had just arrived from Cape Dyer, N.W.T. had complained that [REDACTED] who was also a passenger had been giving them a lot of trouble and that he had attempted to get out of the aircraft as it was in mid air.

I asked [REDACTED] to come with me to go to the hospital. I took him there and admitted him for medical examination by Dr. MAINVILLE. The doctor interviewed [REDACTED] and requested that the patient go to bed, however he would not comply with this. About six attempts were made to put him to bed, however he always ended up insisting on leaving.

[REDACTED] then began to talk about World War II when asked what day it was, and continued by saying that Canada was fighting a war with Germany and also England. He also stated that he had had a bowl of soup in London [REDACTED] then went on to say that he would not go into the room which we had reserved for him because he was not going to take any shocks, that he did not want cold and hot water and also steam, and that he did not want to get any gas.

s.19(1)

Following this he claimed that they (whoever this was) were out to shoot him, that they would put him in the small room and shoot him and then carry him out in a coffin. After this he decided to leave again and having just convinced him again that he should return to bed a couple of carpenters carried a closet by. [REDACTED] immediately explained that "There is the man they shot" and again changed his mind and wanted to leave.

He was then taken to the room of the hospital and undressed and put to bed.

Cont'd page THREE. REB

Page THREE

I identify the man before you as [redacted] who came down from Cape DYER, N.W.T. on September 2, 1959 aboard a Wheeler Airlines aircraft. He claims to be in the employment of the Department of Transport sea-lift operation and is returning to Montreal city. He is believed to be single, and has his home in the province of Newfoundland at a place called "Laun".

SWORN before me at
Frobisher Bay, Northwest
Territories, this third day
of September A.D. 1959.

J.F. Delaute, A Justice of
the Peace in and for the
Northwest Territories. (2)

s.19(1)

DEPOSITION OF A WITNESS

CANADA

NORTHWEST
TERRITORIES

TO WIT:

I am Doctor L.L. MAINVILLE,
Medical Officer in charge of the Frobisher Bay
Hospital.

On September 2, 1959 Cst. Reginald
BOUGHEN of the R.C.M.P. brought in [redacted]
[redacted] for my examination. He gave me a brief
history of what had happened, and that this man had
come from Cape Dyer, N.W.T.

I then examined and questioned
[redacted] and upon asking him where he came from
was told by [redacted] that he had come from Dyer ..
that he had been working on a ship there. He told
me that they had been unloading. When asked what
the date was he said "nine April 1940". In
response to my question as to whether we were at
war he replied that we were at war with Germany
and England. He then went on to add that he had

Page FOUR.....

a bowl of soup in Longon.

He told me that his home town was in Newfoundland.

My diagnosis of the condition of this man is that: He is in a MENTAL STATE MARKED BY THE MINGLING OF IDEAS WITH CONSEQUENT DISTURBANCE OF COMPREHENSION AND UNDERSTANDING LEADING TO BEWILDERMENT.

The patient told me that he was [REDACTED] He must have been treated for some mental disorder before because he knew about shock treatment and steam.

I consider [REDACTED] to be insane within the description of this by the Northwest Territories Insane Persons Ordinance, and consider that he should undergo treatment for this illness.

SWORN before me at Frobisher Bay, Northwest Territories this third day of September A.D. 1959.

J.F. Delaute, A Justice of the Peace in and for the Northwest Territories.

DEPOSITION OF A WITNESS

CANADA

s.19(1)

NORTHWEST
TERRITORIES

TO WIT:

I am Mrs. Mary BEREND, a nurse employed at the Frobisher Bay hospital, and have been here for over four months. I saw [REDACTED] for the first time yesterday. He told me that his name was [REDACTED] and that he had come from Cape Dyer, and that he did not want to enter the hospital. He seemed apprehensive, and his terminology indicated that he must have at some prior time received treatment for a mental condition. He was finally put to bed, and he then proceeded to undress completely and expose himself. His

Page FIVE

conversation was confused except that he was certain that he came from Newfoundland. He said that we were at war with Germany and England, also that he was [REDACTED]

[REDACTED] He claims that his parents are in Nova Scotia, and wanted them to be notified of his whereabouts. He kept telling us that they would put him in hot water and scald him, and that he was scared of getting the gas.

On the 4-12 shift he was put under sedation. After this he began disrobing, and at 2:00 a.m. he dressed in his street clothes and wanted to go home. He was persuaded to return to his bed, and was then given another sedation. At 6:00 this mornigg he again undressed competely after having just put on his clothese. Since then he has been quiet as he is now.

At all times he has had the control of his limbs.

SWORN before me at
Frobisher Bay, Northwest
Territories, this third
day of September A.D. 1959.

s.19(1)

J.P. Delaute, A Justice of the
Peace in and for the
Northwest Territories. (2)

QUESTIONS AND ANSWERS RECORDED
THROUGHOUT PROCEEDING

J.P. What is your name?

J.P. Are you married?

J.P. Do you work?
Yes, deckhand on ship.

J.P. Did you foreman know you were going
I did not advise him ... yes he knew...

J.P. Have you been drinking?
No, I dnn't drink.

Page SIX.....

[REDACTED] I figured they were going to put me in the hospital. I am not drinking.

J.P. Have you any money?
[REDACTED] Had \$20.00, not enough for transportation, have \$600.00 in a bank in Montreal.

J.P. Do you have any relatives? Where?
[REDACTED] Halifax..... Montreal, no not Montreal., they are friends. My home is at Lewn Newfoundland.

J.P. Has this happened before?
[REDACTED] I was in the hospital in November from drinking too much ... in the Montreal General, ... and

J.P. Were you in the Army? Merchant Marine?
[REDACTED] No. Merchant Marine, in London, France.

MAINVILLE You said yesterday/
[REDACTED] I remember what I said.

J.P. What day and month is it?
[REDACTED] After long pause "Don't remember".

MAINVILLE How old are you?
[REDACTED]

CARSELL What ship did you come from? s.19(1)
[REDACTED] ?Maple Branch"

[REDACTED] (A Cst. Boughen leaves room) looks at J.P. and confides "He never hit me or anything".

[REDACTED] I am not afraid of dying ... they have some reason to shoot me. May come and shoot me. Lots of guys roaring this morning.

J.P. Was it noise from the engines?
[REDACTED] No, it was people roaring. They were calling me a "Newfoundland bastard", I heard them hollering at me this morning.

MAINVILLE What men were about this morning?
[REDACTED] There was an old gentleman down the hall, he brought me a spoon of sugar. He said he was working for the stevedores.

[REDACTED] I am not a bastard

J.P. It made you angry when they hollered?
[REDACTED] Yes, then I wanted to go out.

MAINVILLE How many guys?
[REDACTED] two or three

J.P. You were on a plane, you were hollering, and heard a lot of noise?
[REDACTED] I heard people roaring, not the engine of the airplane.

J.P. Were they roaring at you?
[REDACTED] Yes.

Page SEVEN

J.P. Roaring at you?
[REDACTED] I roared bakk.

J.P. All of this talk about hot baths, showers,
[REDACTED] Hate to work at WISHER BAY (patient confused)

J.P. When was this?
[REDACTED] Yesterday, or the day before.
[REDACTED] I thought everyone was against me.

MAINVILLE That is why you thought they would want
[REDACTED] to give you shocks, hot water baths?...
[REDACTED] No reply, then "People are against me"

J.P. Why are people against you?
[REDACTED] Because people thought I was Irish.

(Patient then lit cigarette) Justice of
Peace took note of heavy stains from
cigarettes on fingers of [REDACTED]

Page EIGHT

DISMISSAL OF APPLICATION

CANADA

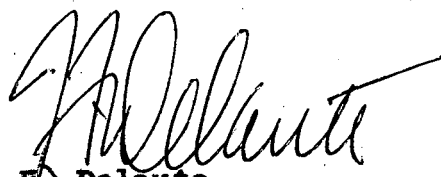
NORTHWEST
TERRITORIES

TO WIT:

I, Joseph Francois DELAUTE, a
Justice of the Peace in and for the Northwest
Territories, having regard to further
investigation made into the identity of
[REDACTED] and of his employers,
and to the information elicited thereby to the
effect that the patient's employer carried
insurance to cover the cost of removal from
the Northwest Territories to a place of
residence with escort if necessary, it was
decided that no further hearing and no
committal were required.

s.19(1)

Frobisher Bay, N.W.T.
September 9th. A.D. 1959


J.F. Delaute,
A Justice of the Peace in
and for the N.W.T.

AN INQUIRY
into the application
of
Robert Macfarlane CARSELL
charging that:

s.19(1)

is suspected and believed
to be insane.

BEFORE HIS WORSHIP, Mr. J.F.
Delaute, A Justice of the
Peace in and for the
Northwest Territories, at
Frobisher Bay in the said
Northwest Territories,
September 3rd., 1959 A.D.

EVIDENCE

DEPOSITION OF A WITNESS

CANADA

NORTHWEST
TERRITORIES

TO WIT:

I am Robert Macfarlane CARSELL,
Officer in Charge, Marine Section of the
Department of Transport at Frobisher Bay,
Northwest Territories.

s.19(1)

On September 2nd., 1959 I
saw [REDACTED] at the Frobisher
Bay Hospital, and from a view of his actions
and conduct, and from an investigation into
the circumstances surrounding his hospitalization,
am of the view that he is mentally disturbed.

I have signed an Affidavit
setting forth this view, which document is
now before me and being submitted to the
Court.

SWORN before me this
third day of September
A.D. 1959 at Frobisher Bay,
Northwest Territories.

* AFFIDAVIT entered as exhibit "A" into the
records of the Court.

J.F. Delaute - A Justice of
the Peace in and for the
Northwest Territories. (2)

Page TWO

DEPOSITION OF A WITNESS

CANADA

NORTHWEST
TERRITORIES

TO WIT:

I am Constable Reginald E. BOUGHEN,
a member of the Royal Canadian Mounted Police,
stationed at Frobisher Bay, Northwest Territories.

Just before noon hour on September
2nd, 1959 I received a telephone call from an
unidentified person in the airport hangar at
Frobisher Bay, N.W.T. in which the caller stated
that "You had better come and get me - I am sick",
whereupon he hung up the receiver. I immediately
patrolled the area of the hangar and airport and
found [REDACTED] Passengers from
the aircraft which had just arrived from Cape
Dyer, N.W.T. had complained that [REDACTED] who was
also a passenger had been giving them a lot of
trouble and that he had attempted to get out of
the aircraft as it was in mid air.

I asked [REDACTED] to come with me to
go to the hospital. I took him there and admitted
him for medical examination by Dr. MAINVILLE.
The doctor interviewed [REDACTED] and requested that
the patient go to bed, however he would not comply
with this. About six attempts were made to put
him to bed, however he always ended up insisting
on leaving.

[REDACTED] then began to talk about
World War II when asked what day it was, and
continued by saying that Canada was fighting a
war with Germany and also England. He also
stated that he had had a bowl of soup in London.
[REDACTED] then went on to say that he would not
go into the room which we had reserved for him
because he was not going to take any shocks, that
he did not want cold and hot water and also steam,
and that he did not want to get any gas.

Following this he claimed that they
(whoever this was) were out to shoot him, that
they would put him in the small room and shoot him
and then carry him out in a coffin. After this
he decided to leave again and having just convinced
him again that he should return to bed a couple of
carpenters carried a closet by. [REDACTED] immediately
explained that "There is the man they shot" and
again changed his mind and wanted to leave.

He was then taken to the room of the
hospital and undressed and put to bed.

Cont'd page THREE. REB

s.19(1)

Page THREE

I identify the man before you
as [REDACTED] who came down from
Cape DYER, N.W.T. on September 2, 1959 aboard
a Wheeler Airlines aircraft. He claims to be
in the employment of the Department of Transport
sea-lift operation and is returning to Montreal
city. He is believed to be single, and has
his home in the province of Newfoundland at a
place called "Laun".

SWORN before me at
Frobisher Bay, Northwest
Territories, this third day
of September A.D. 1959.

J.F. Delaute, A Justice of
the Peace in and for the
Northwest Territories. (2)

DEPOSITION OF A WITNESS

CANADA

NORTHWEST
TERRITORIES

TO WIT:

I am Doctor L.L. MAINVILLE,
Medical Officer in charge of the Frobisher Bay
Hospital.

On September 2, 1959 Cst. Reginald
BOUGHEN of the R.C.M.P. brought in [REDACTED]
[REDACTED] for my examination. He gave me a brief
history of what had happened, and that this man had
come from Cape Dyer, N.W.T.

I then examined and questioned
[REDACTED] and upon asking him where he came from
was told by [REDACTED] that he had come from Dyer ..
that he had been working on a ship there. He told
me that they had been unloading. When asked what
the date was he said "nine April 1940". In
response to my question as to whether we were at
war he replied that we were at war with Germany
and England. He then went on to add that he had

Page FOUR.....

a bowl of soup in Longon.

He told me that his home town was
in Newfoundland.

My diagnosis of the condition of
this man is that: He is in a MENTAL STATE MARKED
BY THE MINGLING OF IDEAS WITH CONSEQUENT DISTURBANCE
OF COMPREHENSION AND UNDERSTANDING LEADING TO
BEWILDERMENT.

The patient told me that he was
[REDACTED] He
must have been treated for some mental disorder
before because he knew about shock treatment and
steam.

I consider [REDACTED]
[REDACTED] to be insane within the description of
this by the Northwest Territories Insane Persons
Ordinance, and consider that he should undergo
treatment for this illness.

SWORN before me at Frobisher
Bay, Northwest Territories
this third day of September
A.D. 1959.

J.F. Delaute, A Justice of
the Peace in and for the
Northwest Territories.

s.19(1)

DEPOSITION OF A WITNESS

CANADA

NORTHWEST
TERRITORIES

TO WIT:

I am Mrs. Mary BEREND, a nurse
employed at the Frobisher Bay hospital, and have
been here for over four months. I saw William
[REDACTED] for the first time yesterday. He
told me that his name was [REDACTED] and that he had
come from Cape Dyer, and that he did not want to
enter the hospital. He seemed apprehensive, and
his terminology indicated that he must have at some
prior time received treatment for a mental condition.
He was finally put to bed, and he then proceeded to
undress completely and expose himself. His

Page FIVE

conversation was confused except that he was certain that he came from Newfoundland. He said that we were at war with Germany and England, also that he was [REDACTED]

[REDACTED] He claims that his parents are in Nova Scotia, and wanted them to be notified of his whereabouts. He kept telling us that they would put him in hot water and scald him, and that he was scared of getting the gas.

On the 4-12 shift he was put under sedation. After this he began disrobing, and at 2:00 a.m. he dressed in his street clothes and wanted to go home. He was persuaded to return to his bed, and was then given another sedation. At 6:00 this mornigg he again undressed competely after having just put on his clothese. Since then he has been quiet as he is now.

At all times he has had the control of his limbs.

SWORN before me at
Frobisher Bay, Northwest
Territories, this third
day of September A.D. 1959.

s.19(1)

J.F. Delaute, A Justice of the
Peace in and for the
Northwest Territories. (2)

QUESTIONS AND ANSWERS RECORDED
THROUGHOUT PROCEEDING

J.P. What is your name?

[REDACTED]

J.P. Are you married?
[REDACTED] No.

J.P. Do you work?
[REDACTED] Yes, deckhand on ship.

J.P. Did you foreman know you were going
[REDACTED] I did not advise him ... yes he knew...

J.P. Have you been drinking?
[REDACTED] No, I dnn't drink.

Page SIX.....

[REDACTED] I figured they were going to put me in the hospital. I am not drinking.

J.P. Have you any money?
[REDACTED] Had \$20.00, not enough for transportation, have \$600.00 in a bank in Montreal.

J.P. Do you have any relatives? Where?
[REDACTED] Halifax..... Montreal, no not Montreal., they are friends. My home is at Lewn Newfoundland.

J.P. Has this happened before?
[REDACTED] I was in the hospital in November from drinking too much ... in the Montreal General, ... and

J.P. Were you in the Army? Merchant Marine?
[REDACTED] No. Merchant Marine, in London, France.

MAINVILLE You said yesterday/
EDWARDS I remember what I said.

J.P. What day and month is it?
[REDACTED] After long pause "Don't remember".

MAINVILLE Howe old are you?
[REDACTED]

s.19(1)

CARSELL What ship did you come from?
[REDACTED] ?Maple Branch"

[REDACTED] (A. Cst. Boughen leaves room) looks at J.P. and confides "He never hit me or anything".

[REDACTED] I am not afraid of dying ... they have some reason to shoot me. May come and shoot me. Lots of guys roaring this morning.

J.P. Was it noise from the engines?
[REDACTED] No, it was people roaring. They were calling me a "Newfoundndland bastard", I heard them hollering at me this morning.

MAINVILLE What men were about this morning?
[REDACTED] There was an old gentleman down the hall, he brought me a spoon of sugar. He said he was working for the stevedores.

I am not a bastard

J.P. It made you angry when they hollered?
[REDACTED] Yes, then I wanted to go out.

MAINVILLE How many guys?
[REDACTED] two or three

J.P. You were on a plane, you were hollering, and heard a lot of noise?
[REDACTED] I heard people roaring, not the engine of the airplane.

J.P. Were they roaring at you?
[REDACTED] Yes.

000174

s.19(1)

Page SEVEN

J.P. Roaring at you?
[REDACTED] I roared bakkk.

J.P. All of this talk about hot baths, showers,
[REDACTED] Hate to work at WISHER BAY (patient confused)

J.P. When was this?
[REDACTED] Yesterday, or the day before.
 I thought everyone was against me.

MAINVILLE That is why you thought they would want
[REDACTED] to give you shocks, hot water baths?...
 No reply, then "People are agaĳnst me"

J.P. Why are people against you?
[REDACTED] Because people thought I was Irish.

(Patient then lit cigarette) Justice of
Peace took note of heavy stains from
cigarettes on fingers of EDWARDS.

s.19(1)

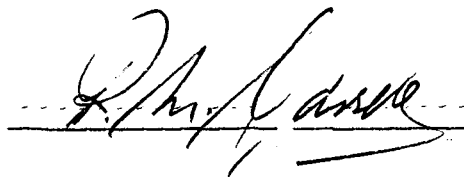
AFFIDAVIT

CANADA"

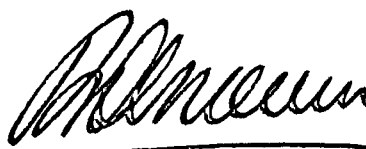
NORTHWEST
TERRITORIES

TO WIT:

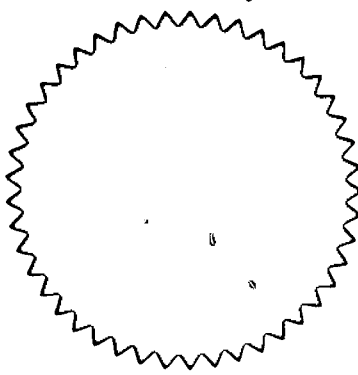
I, Robert Macfarlane CARSELL,
Officer In Charge, Marine Section, Department of
Transport at Frobisher Bay, Northwest Territories,
do solemnly declare that I believe [REDACTED]
[REDACTED] of Cape Dyer, Northwest Territories
to be suffering a disorder of the mind in that his
behaviour for the past two days has been
inconsistent with rational deportment, he has
threatened persons, and imagines that he is being
persecuted, and seems otherwise emotionally
disturbed, and I make this solemn declaration
conscientiously believing it to be true and
knowing that it is of the same force and effect
as if made under oath and by virtue of the
CANADA EVIDENCE ACT.



Declared before me at
Frobisher Bay in the
Northwest Territories, this
third day of September AD 1959.



R.D. Van Norman,
Notary Public - Commission
expires 30 December 1960.



*Exhibit "a" entered
September 7, 1959.
J. Macfarlane*

s.19(1)

FORM A

WARRANT OF APPREHENSION

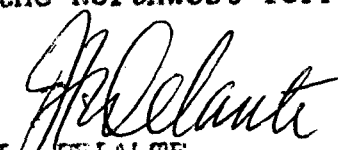
CANADA)
NORTHWEST)-
TERRITORIES)
TO WIT:)

To all peace officers in the
Northwest Territories

Whereas an application has been made to this
Court for an order declaring that [REDACTED]
of St. John's Newfoundland is an insane person:

I hereby command you, in the name of Her
Majesty the Queen, to apprehend the said [REDACTED]
and bring him before this Court, in order that
an inquiry may be made respecting the sanity of the said
[REDACTED] and that he may be further dealt
with according to law.

Given under my hand this 3rd., day of September, 1959,
in the Northwest Territories.


J.F. DELANTE

A Justice of the Peace in and for
the Northwest Territories.
with the power of (2)

Page EIGHT

s.19(1)

DISMISSAL OF APPLICATION


CANADA

NORTHWEST
TERRITORIES

TO WIT:

I, Joseph Francois DELAUTE, a
Justice of the Peace in and for the Northwest
Territories, having regard to further
investigation made into the identity of
[REDACTED] and of his employers,
and to the information elicited thereby to the
effect that the patient's employer carried
insurance to cover the cost of removal from
the Northwest Territories to a place of
residence with escort if necessary, it was
decided that no further hearing and no
committal were required.

Frobisher Bay, N.W.T.
September 9th. A.D. 1959


J.F. Delaute,
A Justice of the Peace in
and for the N.W.T.

- 2 -

"G" DIV. FILE: 59G 181-5-8

8627

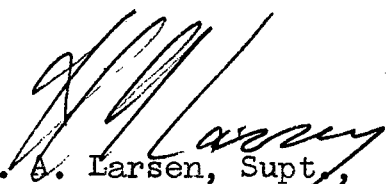
530-40
B-7

Re:

Frobisher Bay, N.W.T. Insane
Persons Ordinance, Frobisher Bay,
N.W.T. (FROBISHER BAY DET. CASE)

3. We note in a further communication from our Frobisher Bay Detachment you have directed that no further action be taken in respect to having this subject committed under the Insane Persons Ordinance, and that arrangements have been made with the Shipping Co., subject's employers, to have him evacuated outside the Territories for treatment.

4. Covering reports in this connection have not yet been received from Frobisher Bay, however a copy will be forwarded to you immediately they are received here.


H. A. Larsen, Supt.,
Officer Commanding "G" Division.

s.19(1)



"G" DIV. C.I.B.

DIV. FILE No. 59G 181-5-8

H.Q. FILE No.

Ottawa, Ont. Sept. 10th, 1959.

THE DEPUTY COMMISSIONER OF THE N.W.T.,
KENT - ALBERT BLDG.,
OTTAWA, ONT.

Re: [REDACTED]

Frobisher Bay, N.W.T. Insane
Persons Ordinance, Frobisher Bay,
N.W.T. (FROBISHER BAY DET. CASE)

Further to a recent telephone conversation between yourself and A/Cpl. Anderson of this Division Headquarters, embodied below for your information are the contents of a wireless message received on the 4-9-59 from our Frobisher Bay Detachment.

"URGENT [REDACTED]"

DISCHARGED FROM VESSEL MAPLE BRANCH AT DEWLINE
STATION DYER SEPTEMBER SECOND MEDICAL REASON
STOP ARRIVED FROBISHER BAY NOON SEPTEMBER SECOND
WHEELER AIRLINES AFTER THREATENING PASSENGERS
AND ATTEMPTING LEAVE PLANE WHILE IN AIR STOP
SUFFERING MENTAL CONFUSION DANGEROUS PUBLIC
AND SELF AND AIRLINES REFUSED TO CARRY ON WITH
EDWARDS TO MONTREAL THEREFORE EDWARDS HOSPITALIZED
STOP APPEARED BEFORE JUSTICE PEACE DELAUTE
SEPTEMBER THREE UNDER PROVISION NWT INSANE
PERSONS ORDINANCE STOP WARRANT APPREHEND ISSUED
AND EDWARDS NOW UNDER CONSTANT GUARD STOP NO
RELATIVES OR WIFE STOP BELIEVE PREVIOUSLY INMATE
ASYLUM STOP WOULD YOU CONTACT RITA MANNING ONE
FOUR FIVE FIVE FORT STREET APARTMENT TEN MONTREAL
TO DETERMINE EXTENT PREVIOUS ILLNESS WHO ARE
RESPONSIBLE NEXT OF KIN ETC AND ADVISE SOONEST
STOP PRESENTLY EMPLOYED BY MARINE INDUSTRIES
LIMITED SOREL QUEBC AND MEMBER SEAFARERS
INTERNATIONAL UNICN HALIFAX PROBATIONARY
NUMBER ONE ZERO EIGHT TWO NINE STOP JUSTICE
PREPARED SIGN WARRANT COMMITMENT WHEN REQUESTED
INFORMATION RECEIVED FOLLOWING WHICH FROBISHER
DETACHMENT WILL REQUEST FURTHER INSTRUCTION
CONCERNING CONFINEMENT AND ESCORT SOUTH"

2. Enquiries were subsequently carried out in Montreal, Que.,
and the following reply dispatched to Frobisher Bay.

"RE [REDACTED] INSANE PERSONS ORDINANCE
STOP PARENTS DECEASED ONLY LIVING N.O.K. [REDACTED]
[REDACTED] 7 JOHN ST., ST. JOHNS
NEWFOUNDLAND STOP SUBJECT ADMITTED TO ST. JEAN
DE DIEU MENTAL HOSPITAL MONTREAL ON 28-1-59
FOR TREATMENT OF ALCOHOLISM WITH DELIRIUM TREMENS
UNDER CARE OF ONE DR. TELLIER STOP DISCHARGED
AS CURED ON 24-2-59 AND WARNED THAT CONDITION
WOULD RECUR IF HE CONTINUED EXCESSIVE USE OF
ALCOHOL STOP SUGGEST THIS BE THOROUGHLY DISCUSSED
WITH JP AND LOCAL MEDICAL AUTHORITIES BEFORE
PROCEEDING WITH COMMITTAL ARRANGEMENTS AS
TERRITORIAL AND PROVINCIAL GOVERNMENTS NORMALLY
RELUCTANT TO ASSUME RESPONSIBILITY OF CASES
INVOLVING ALCOHOLICS STOP THIS HQ TO BE KEPT
ADVISED BY WIRE OF FURTHER ACTION TAKEN"

Central Registry -

The person referred to
in this telegram is a sailor
employed by Marine Industries
Ltd., Sorel, P.Q.

Sept. 11/59

C. M. ROBERT

000181

ADIAN NATIONAL TELEGRAPHS

J. R. WHITE, GENERAL MANAGER
TORONTO

NEW LETTER

CHARGE ACCT. NO.

2-200-55750 530-40

TOLLS

 COMPANY
ADDRESS
CITY

C.M. BOLGER:RB

 following message, subject to the terms on back hereof, which are hereby agreed to
(PRINT NAME AND ADDRESS)

Ottawa Sept. 4, 1959.

19

TO

 The Acting Regional Administrator,
Dept. of Northern Affairs,
Frobisher Bay, N.W.T.

 File No. 2-200-55750-10
Refer To

Paid A. Donohoe from Frobisher

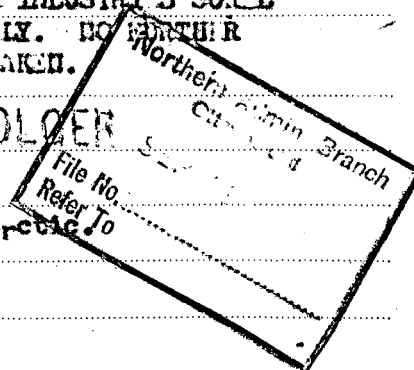
CARE OF OR APT. No.

STREET AND No.

PLACE

 REFERENCE INSANE PERSON CANADIAN MARITIME COMMISSION ADVISED EMPLOYER CANADIAN
INSURANCE TO COVER COST REMOVAL TO PLACE OF RESIDENCE WITH RECENT IF
NECESSARY. THIS CONFIRMED BY MISTER HELLER MAKING INDUSTRIAL SOLL
WHO WILL ARRANGE REMOVAL FROM TERRITORIES IMMEDIATELY. DO NOT
HEARING AND NO COURTIAL REQUIRED. ADVISE ACTION TAKEN.

 Confirmation
Central Registry
File Copy
Mr. Bolger

 C. M. Bolger,
Administrator of the Arctic


CANADIAN NATIONAL TELEGRAPH COMPANY

HEREINAFTER CALLED THE COMPANY.

TERMS AND CONDITIONS UPON WHICH TELEGRAPH AND CABLE MESSAGES SHALL BE TRANSMITTED AS PRESCRIBED BY ORDER NO. 49274, DATED DECEMBER 5TH, 1932, OF THE BOARD OF TRANSPORTATION COMMISSIONERS FOR CANADA AND PUBLISHED IN THE CANADA GAZETTE.

It is agreed between the sender of the message on the face of this form and this Company that said Company shall not be liable for damages arising from the failure to transmit or deliver, or for any error in the transmission or delivery of any unrepeatable telegram, whether happening from negligence of its servants or from causes beyond its control, for delays from interruptions in the working of its lines, for errors in cipher or obscure messages, or for errors from illegible writing, beyond the amount of the charge for sending the same.

To guard against errors, the Company will repeat back any telegram for an extra payment of one-half the regular rate; and, in that case, the Company shall be liable for damages suffered by the sender to an extent not exceeding \$200.00, due to the negligence of the Company in the transmission or delivery of the telegram.

Correctness in the transmission and delivery of messages can be insured by contract in writing, stating agreed amount of risk, and payment of premium at the following rates, in addition to the usual charge for repeated messages, viz.: one per cent for any distance not exceeding 1,000 miles, and two per cent for greater distance.

This Company shall not be liable for the act or omission of any other Company, but will endeavour to forward the telegram by any other Telegraph Company necessary to reaching its destination, but only if the agent of the sender and without liability therefor. The Company shall not be responsible for messages until the same are presented and accepted at one of its transmitting offices; if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the sender's agent; if by telephone, the person receiving the message acts therein as agent of the sender, being authorized to assent to these conditions for the sender. This Company shall not be liable in any case for damages, unless the same be claimed, in writing, within sixty days after receipt of the telegram for transmission.

No employee of the Company shall vary the foregoing.

CLASSES OF SERVICE

FULL RATE TELEGRAM

A full-rate expedited service.

DAY LETTER

A deferred day service at rates lower than the standard telegram rates as follows: One and one-half times the ten-word day message rate for the transmission of 50 words or less, and one-fifth of the initial rate for such 50 words for each additional 10 words or less.

Day letters may be forwarded by the Company as a deferred service, and the transmission and delivery of such Day Letters are, in all respects, subordinate to the priority of transmission and delivery of full-rate messages.

Day Letters may be delivered by the Company by telephoning the same to the addressees, and such deliveries shall be a complete discharge of the obligation of the Company to deliver.

Day Letters are received subject to the express understanding and agreement that the Company does not undertake that a Day Letter shall be delivered on the day of its date absolutely and at all events, but that the Company's obligation in this respect is subject to the condition that there shall remain sufficient time for the transmission and delivery of such Day Letter on the day of its date during regular office hours, subject to the priority of the transmission of full-rate messages under the conditions named above.

NIGHT LETTER

Accepted up to 2 a.m. at reduced rates, to be sent during the night and delivered on the morning of the next day after their date. At places where the Company's offices are not open on Sundays, delivery will be made on the morning of the next ensuing business day. The rates for Night Letters are lower than the standard telegram rates, as follows: The standard day rate for 10 words for the transmission of 50 words or less and one-fifth of the initial rate for such 50 words for each additional 10 words or less. The minimum charge for transmission over the Company's lines of any Night Letter will be 60 cents.

Night Letters may, at the option of the Company, be mailed at destination to the addressees, and the Company shall be deemed to have discharged its obligation in such cases with respect to delivery by mailing such Night Letters at destination, postage prepaid.

NORTHERN ADMINISTRATION & LANDS BRANCH
TEMPORARY FILE

FILE NO.

TEMP. FILE NO. 6081

SUBJECT

530-40

Insane Persons Ord. NWT

MAIN FILE IS CHARGED TO

B7 14-9

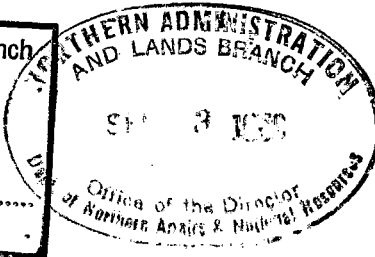
REFERENCE

DISPOSAL

REFERRED TO	REMARKS	DATE	INITIALS	DATE OF P.A. OR T.	DATE OF B.F.	INITIALS	REGISTRY INSPECTION
BBGS	1-94258BF	159	m2	T	10 Oct 59	136.1	SEP 17 1959
Mr. Brown	"	"	13.6.8.	T	23/9	W4B	SEP 17 1959
Mr. Radnicki	"	"	13.6.8.	17-IX		m	SEP 18 1959

Mr. Phillips TAF
Mr. Brown
Mr. Riedman

Northern Admin. Branch
Ottawa, Ont.
SEP 8 1959
File No. *530-40*
Refer To



B.F.
5 Sep 59
B.G.S.
mm

For information.

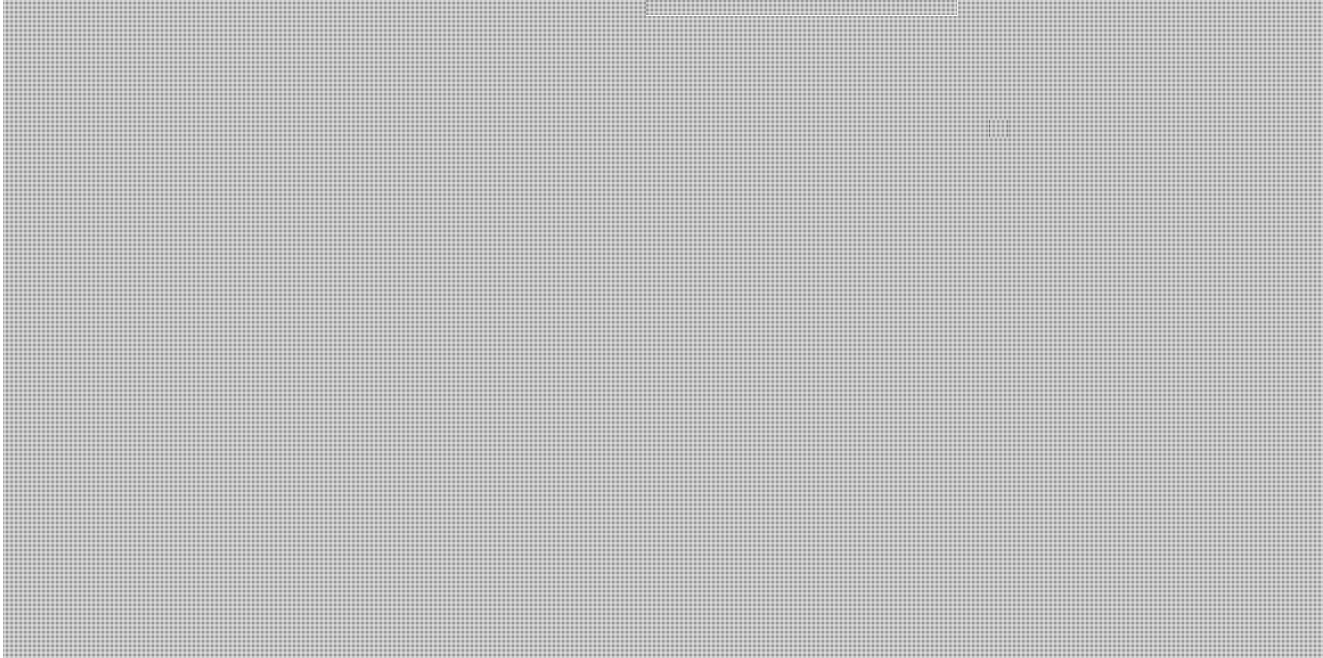
Next move awaits await Judge Mason's reply.
1st September, 1959.

U. R. Jackett, Esq.,
Deputy Minister of Justice,
Ottawa, Ontario.

B.G.S.
3 Sep.
#258

Dear Mr. Jackett:

Insane Person's Ordinance



Yours sincerely,

B.G. Sivertz

R.G. Robertson
R. G. Robertson,
Commissioner.

North Admin. & Lands Br.
Ottawa, Ont.
SEP 14 1959
File No. 520-40
Refer To

PA
A
PERSONAL

Ottawa, 1st September, 1959.

Hon. Mr. Justice John H. Sissons,
Judge of the Territorial Court,
Yellowknife, N. U. T.

Dear Judge Sissons:

I am writing personally and informally to you about a matter that I regard as both important and delicate. I think you know of the concern of Gordon Robertson, and indeed all of us, in discharging responsibilities in connection with Consittal Orders under the Insane Person Ordinance in cases where the hearings have been inconclusive. Sometimes queries result in delay and this in itself is a bad thing, since success in treating mental illness, as other diseases, is most likely when started early and without building up unnecessarily barriers of distrust and ill-will on the part of the patient.

We have also had talks with the Chief of the Mental Health Division and the Chief of Indian and Northern Health Services, both in the Department of National Health and Welfare. On the legal side, Mr. Robertson feels the situation leaves something to be desired. First, because the reports of hearings tend to read like criminal proceedings, and many incidents and words show rather meagre knowledge of the principles of good mental hygiene. This is, of course, understandable. The first thing Mr. Robertson would like to see is hearings under the Ordinance brought before you and have counsel rather than continue the practice of hearings solely before J.P.'s. If you would consent to this, I know Mr. Robertson would regard it as a great safeguard. It seems likely that a good number of hearings might still proceed before J.P.'s since you are often busy and there is almost always the question to weigh - accept undesirable delay or direct the J.P. to

Shouldn't we have more of these?

2.

proceed. Also, it may be that the circumstances of some cases leave no room for doubt as to the fact of serious mental illness and it may seem pointless to go through notions that have no meaning.

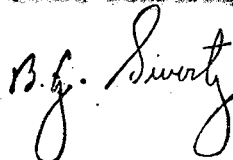
The second of the ways in which the present situation leaves something to be desired is the emphasis we have been giving all along to proceedings under the Ordinance as the only way for admitting mental patients to hospital. Voluntary admission is nowadays the rule rather than the exception all across Canada.

The third way is that the Ordinance needs revision if it is to be brought into line with average legislation in the Provinces, let alone the best.

In order to remedy these defects and in reverse order of the above list, we intend to (a) carry out a study of the subject with the advisers I have mentioned with a view to getting a new ordinance drafted; (b) suggest voluntary admission as the normal means for mental patients to enter hospital; and (c) ask for your interest and help.

The attached paper is an attempt at putting together the main principles we would like to see followed. As it involves you as a principal before going further, I am sending it to you and asking for your views and comments. If it seems good to you, I shall ask the Administrator of the Mackenzie at Fort Smith, and the Administrator of the Arctic at Ottawa, to give it wide distribution. I shall also ask Indian and Northern Health Services and the Royal Canadian Mounted Police to do the same.

Yours sincerely,



B. G. Siverts,
Director.

c.c. Deputy Minister.
Deputy Minister of Justice.



000187

North Admin. & Lands Br.
Ottawa, Ont.
SEP 2 1959
File No. 530-40
Refer To.

*Sub KJA
1-9-59*

Ottawa, 1 September, 1959.

*PA
AG.*

MEMORANDUM FOR THE COMMISSIONER
OF THE NORTHWEST TERRITORIES

Insane Person's Ordinance

Attached for your approval are the following documents:

- (1) A draft circular to the field which sets out a new procedure for committing mentally ill persons under the Insane Person's Ordinance. The procedures are based on suggestions made by the Department of Justice and are intended to meet objections that have been made in the past in some cases when action has been taken under the Ordinance. The circular includes a general covering memorandum and the new admission procedures.
- (2) Minutes of a meeting held with representatives of the Department of Health and Welfare to review some of the medical and psychiatric implications of former and proposed admission procedures. The result is a long-term plan to study possible modifications in the present Ordinance through a greater emphasis on voluntary admission and admission by means of a short-term medical certificate. The possibility is also being explored of using mental health resources in the provinces more extensively and effectively, particularly in connection with preventative and diagnostic services in the north. These studies, however, need not delay the institution of the procedures outlined in the attached papers.
- (3) A letter to Judge Sissons from me. The Legal Adviser recommended this letter be as informal as possible.
- (4) A letter you may wish to send to Mr. Jackett.

B. G. Sivertz
B. G. Sivertz,
Director.

[Signature]

Mentally Ill Persons and The Insane Persons Ordinance (N.W.T.)

There is general recognition of need to improve the procedures whereby mentally ill persons requiring treatment in hospital may obtain it. The Insane Persons Ordinance of the Northwest Territories and steps associated with it are those required if the patient is one whose condition is such that he has to be held under restraint and hospitalized, perhaps forcibly, under the authority of a Committal Order issued by the Commissioner of the Northwest Territories. In these cases assistance from the Police is often necessary. Court proceedings, which are intended to insure that the liberty of the subject is not curtailed unnecessarily, have sometimes tended to give an impression of the Police Court where the patient faces charges, rather than a thoughtful inquiry to insure that the proposed committal to hospital under restraint is, in fact, necessary in the interests of the safety and welfare of the patient or of other people.

It should be especially borne in mind that modern theories of mental illness place great importance on early treatment and on co-operation and willingness of the patient. To further these objectives and for other reasons which are obvious, there is great advantage in obtaining the consent of the patient to enter the mental hospital for examination, advice and treatment. Dr. J.E. Gilbert, Consultant in Psychiatry, Mental Health Division, Department of National Health and Welfare, with whom discussions on this subject are currently being held, estimates that 80% of all patients admitted to mental hospitals in Canada nowadays enter voluntarily. This is a very great change from even a few years ago.

The advice we have received suggests that every effort should be made to persuade sufferers from mental illness who require hospitalization to go voluntarily. As a general rule, the patient should be accompanied by a responsible person, and this should be someone in whom the patient has confidence. Reassurance and persuasion from trusted friends, with the help of medical sedation, that can be prescribed by the local doctor, are very often all that is needed to insure a safe and uneventful journey to the hospital.

When a person in the Northwest Territories is believed by a medical doctor or, in the absence of a doctor, by his family or friends to be mentally ill and requiring examination by a psychiatrist, it is not necessary to have proceedings under the Insane Persons Ordinance if he can be persuaded to enter hospital voluntarily. From this point on speedy and consistent action is highly desirable.

Voluntary Admission

The following are the steps that should be taken:

- (1) The patient should be examined by a doctor. If there is no doctor in the settlement, the usual procedures for obtaining medical attention should be followed. If the doctor decides to advise admission to a mental hospital, or referral to a psychiatrist, he may arrange either or both privately and at private expense.
- (2) If the patient is an Eskimo or an Indian the doctor should proceed through Indian and Northern Health Services in exactly the same way as when a patient suffering from any other disease requires hospitalization in a particular or special hospital.

- (3) If the patient is neither Eskimo nor Indian, and if the doctor wishes to ask for action by the Territorial Government, he should send a telegram to the Administrator of the Mackenzie at Fort Smith or the Administrator of the Arctic at Ottawa, whichever is appropriate. He should state the persons name, age, sex, marital status, family situation, whether indigent, diagnosis, recommendation for admission to mental hospital, the patient's desire to enter hospital voluntarily, the doctor's recommendation regarding means of transportation, and who he thinks should accompany the patient on the journey.
- (4) The Administrator of the Mackenzie or the Administrator of the Arctic, as the case may be, will send a telegram with full particulars to the Deputy Commissioner of the Northwest Territories at Ottawa and ask him to make arrangements for hospitalization. When arrangements for hospitalization have been made, the Administrator of the Mackenzie or Administrator of the Arctic will reply to the doctor, giving instructions - where the patient is to be hospitalized and how the journey is to be arranged.

Comittal Under Insane Persons Ordinance

In cases where it is not possible to convince the person suffering from mental illness that he should enter a hospital voluntarily, it will be necessary to institute proceedings under the Insane Persons Ordinance. The following steps are to be followed:

- (1) When a person is brought before a Justice of the Peace on a complaint under the Insane Persons Ordinance, the latter will remand the person to the care and custody of the R.C.M.P. pending a Hearing.
- (2) The Justice of the Peace will then communicate with the Clerk of the Court at Yellowknife by wire, advising him of the facts of the case including name, age, sex, marital status, family situation, whether indigent, whether Indian or Eskimo, and nature of illness; suggesting that he waive jurisdiction in favour of the Judge, and requesting instructions whether the Judge of the Territorial Court or the Police Magistrate will take the Hearing, and, if so, where the Hearing is to be. In the event that neither the Judge nor the Magistrate can take the Hearing, the Clerk of the Court will instruct the Justice of the Peace to proceed.
- (3) In all cases where it is practical, the agent of the Attorney General should be requested by the Clerk of the Court to act as Counsel for the Court at the Hearing.
- (4) The Judge of the Territorial Court or the Police Magistrate, in consultation with Counsel, will decide whether it is more expedient for the Court to travel to the place where the mentally ill person is in custody or whether the person should be brought to Yellowknife or any other suitable location. The decision would be governed by the condition of the patient, the numbers of witnesses and general convenience.

- (5) If it can be arranged, the person alleged to be mentally ill should be examined by a psychiatrist. This will rarely be possible in the Northwest Territories. Where he sees fit to do so, the Court might ask the Administrator to arrange for a psychiatrist to attend at the location where the Hearing is scheduled. The Administrator will do so if he can, but in circumstances where this is impossible or would create undue delay, arrangements will be made for a general practitioner in the area to examine the patient. Delay is to be avoided and passage of more than two days in awaiting the arrival of a psychiatrist should be considered undue delay. It should be noted that a specialist in psychiatry is rarely able to leave his duties on short notice.
- (6) After a hearing and on finding of insanity under the Ordinance, the presiding Judge, Magistrate, or Justice of the Peace, as the case may be, will place the person in the care and custody of the R.C.M. Police pending a Committal Order from the Commissioner. In all cases of finding insanity a report should be sent by the Court, by telegram, to the Commissioner of the Northwest Territories at Ottawa, advising him of the particulars and the finding, followed by a written report as soon as possible. Subject to this review of the proceedings, arrangements will be made with the appropriate provincial institution and a Committal Order will be issued by the Commissioner to the R.C.M. Police.

Northern Administration Branch,
Department of Northern Affairs
and National Resources,
Ottawa.

INTERDEPARTMENTAL COMMITTEE ON INSANE PERSON'S
ORDINANCE AND MENTAL HEALTH

The first meeting of this Committee was held in the office of the Director, Northern Administration Branch, Department of Northern Affairs and National Resources at 10:00 a.m., Thursday, May 28, 1959.

Those in attendance included:

Mr. W.G. Brown, Chief, Territorial Division;


Dr. J.E. Gilbert, Consultant in Psychiatry,
Mental Health Division, Dept. of National
Health & Welfare;


Dr. J.S. Willis, General Superintendent of
Northern Health, Dept. of National Health
& Welfare;

Mr. W. Rudnicki, Chief, Welfare Division;

Mr. R.J. Orange, Territorial Division;

Mr. P.B. Gorlick, Welfare Division.

Mr. Rudnicki outlined the purpose of the meeting which was to study the Insane Person's Ordinance and the difficulties that had been encountered recently with reference to delays between the time of the hearing under the Ordinance and admission to hospital. 



Mr. Brown then outlined the procedure that has been used for committing mental patients to hospital. He mentioned that delays had been reported but he felt that these were the exceptions to the rule. He also stressed the point that the Commissioner of the Northwest Territories was the person who issued the committal order under the Insane Person's Ordinance. The Commissioner issued this order on receipt of certain

- 2 -

information from the Justice of the Peace. Mr. Brown went on to explain why it had been decided that such hearings should be taken out of the hands of J.P.'s and a Judge made responsible.

An earlier Committee recommended that a Judge preside at such hearings, and that the evidence of psychiatrists be made available. Mr. Brown went on to explain that when a person required mental treatment in one of the smaller settlements in the north, a Justice of the Peace could remand that person to the care and custody of the R.C.M.P., who would transport him to Yellowknife where the hearing could be conducted by a Judge, and two psychiatrists would be made available.

Dr. Gilbert wondered why we used a procedure that was out of date in the Provinces and appeared to be very complicated. This resulted in a discussion of the area involved and population densities. There was also some discussion about what takes place when a person becomes seriously ill (medical) in the territories. In such cases the patient is evacuated with all haste to a hospital or centre where he can receive adequate care. This led to a discussion of the pros and cons of handling mental cases in the same manner. The Committee felt that mental illness is a health matter and not a legal matter. This is accepted as the modern approach to mental health in the Provinces. The Committee did agree that evacuation was possible without a hearing under the Insane Person's Ordinance and it was suggested that most of the cases that are held under the Insane Person's Ordinances are cases where the patient is very disturbed and chronically ill. There was also some discussion at this point concerning the transportation of an individual outside the Northwest Territories.

Dr. Gilbert and Dr. Willis mentioned that it is now common practice in the Provinces for a general practitioner, acting without any legal procedure to commit a sick person to a hospital in the Province where

- 3 -

the patient is, or to a hospital in a neighbouring Province.

Mr. Brown wondered if a general practitioner was the person to decide if a person should be committed to a mental hospital. It was then explained that this was the common practice in the Provinces, in some Provinces a certificate from a general practitioner is necessary and in other Provinces two such certificates were necessary.

Statistics were introduced at this point that showed that in 1957, 87% of the individuals who were admitted to mental hospitals in Canada, either entered as voluntary patients or under medical certificates. Dr. Gilbert then went into a discussion of the modern aspects of mental health and mental care.

This included comments on courses in psychiatry for general practitioners, reference material prepared by the Department of National Health & Welfare and he also stressed the importance of voluntary admittance. He also suggested that the Department should investigate the possibility of entering into an agreement with Alberta for securing the services of a psychiatrist. This psychiatrist would undertake the preparation of mental health material for the Northwest Territories, be responsible for diagnosis, treatment, etc. He also stressed the fact that the University Hospital, Edmonton, which is a teaching centre, could be interested in carrying on psychiatry research in the Northwest Territories. The Committee agreed that because of cultural factors mental health may possible become a serious problem in the future. This was not with reference to individuals who needed long term care but individuals who may require short term treatment and therapy.

Dr. Gilbert felt that the existing procedure should be cleared up, that patients should be committed on a certificate completed by a general practitioner, a certificate that was valid for a period of 7 days.

At the end of the meeting Mr. Brown requested Dr. Gilbert to forward his recommendations in writing, suggesting changes and outlining the procedures that are followed in the Provinces. It was also suggested that Dr. Gilbert stress the fact the general practitioners, not psychiatrists are able to admit people to mental hospitals in the Provinces.

It was also decided that a sub-committee be establish, consisting of Dr. Gilbert, a staff member from Welfare Division and one from Territorial Division. This sub-committee would work with Dr. Gilbert and assist him in preparing his material.

P.B. Gorlick.

000194

W. Rudnicki:mlm

Ottawa, August 24th, 1959.

MEMORANDUM FOR THE COMMISSIONER OF THE
NORTHWEST TERRITORIES:

Insane Person's Ordinance

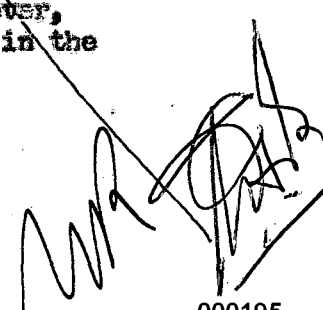
Attached for your approval are the following documents:-

(1) A draft circular to the field which sets out a new procedure for committing mentally ill persons under the Insane Person's Ordinance. The procedures are based on suggestions made by the Department of Justice and are intended to meet objections that have been made in the past in some cases when action has been taken under the Ordinance. The circular includes a general covering memorandum and the new admission procedures.

(2) A letter to the Deputy Minister of Justice acknowledging his participation in procedural changes that have been made in administering the Ordinance.

(3) Minutes of a meeting held with representatives of the Department of Health and Welfare to review some of the medical and psychiatric implications of former and proposed admission procedures. The result is a long-term plan to study possible modifications in the present Ordinance through a greater emphasis on voluntary admission and admission by means of a short-term medical certificate. The possibility is also being explored of using mental health resources in the provinces more extensively and effectively, particularly in connection with preventative and diagnostic services in the north. These studies, however, need not delay the institution of the procedures outlined in the attached papers.

B. G. Siverts,
Director.



000195

Mentally Ill Persons and The Insane Persons Ordinance (N.W.T.)

There is general recognition of need to improve the procedures whereby mentally ill persons requiring treatment in hospital may obtain it. The Insane Persons Ordinance of the Northwest Territories and steps associated with it are those required if the patient is one whose condition is such that he has to be held under restraint and hospitalized, perhaps forcibly, under the authority of a Committal Order issued by the Commissioner of the Northwest Territories. In these cases assistance from the Police is often necessary. Court proceedings, which are intended to insure that the liberty of the subject is not curtailed unnecessarily, have sometimes tended to give an impression of the Police Court where the patient faces charges, rather than a thoughtful inquiry to insure that the proposed committal to hospital under restraint is, in fact, necessary in the interests of the safety and welfare of the patient or of other people.

It should be especially borne in mind that modern theories of mental illness place great importance on early treatment and on co-operation and willingness of the patient. To further these objectives and for other reasons which are obvious, there is great advantage in obtaining the consent of the patient to enter the mental hospital for examination, advice and treatment. Dr. J. E. Gilbert, Consultant in Psychiatry, Mental Health Division, Department of National Health and Welfare, with whom discussions on this subject are currently being held, estimates that 80% of all patients admitted to mental hospitals in Canada nowadays enter voluntarily. This is a very great change from even a few years ago.

The advice we have received suggests that every effort should be made to persuade sufferers from mental illness who require hospitalization to go voluntarily. As a general rule, the patient should be accompanied by a responsible person, and this should be someone in whom the patient has confidence. Reassurance and persuasion from trusted friends, with the help of medical opinion, that can be prescribed by the local doctor, are very often all that is needed to insure a safe and uneventful journey to the hospital.

When a person in the Northwest Territories is believed by a medical doctor or, in the absence of a doctor, by his family or friends to be mentally ill and requiring examination by a psychiatrist, it is not necessary to have proceedings under the Insane Persons Ordinance if he can be persuaded to enter hospital voluntarily. From this point on speedy and consistent action is highly desirable.

Voluntary Admission

The following are the steps that should be taken:

- (1) The patient should be examined by a doctor. If there is no doctor in the settlement, the usual procedures for obtaining medical attention should be followed. If the doctor decides to advise admission to a mental hospital, or referral to a psychiatrist, he may arrange either or both privately and at private expense.
- (2) If the patient is an Eskimo or an Indian the doctor should proceed through Indian and Northern Health Services in exactly the same way as when a patient suffering from any other disease requires hospitalization in a particular or special hospital.

- (3) If the patient is neither Eskimo nor Indian, and if the doctor wishes to ask for action by the Territorial Government, he should send a telegram to the Administrator of the Mackenzie at Fort Smith or the Administrator of the Arctic at Ottawa, whichever is appropriate. He should state the person's name, age, sex, marital status, family situation, whether indigent, diagnosis, recommendation for admission to mental hospital, the patient's desire to enter hospital voluntarily, the doctor's recommendation regarding means of transportation, and who he thinks should accompany the patient on the journey.
- (4) The Administrator of the Mackenzie or the Administrator of the Arctic, as the case may be, will send a telegram with full particulars to the Deputy Commissioner of the Northwest Territories at Ottawa and ask him to make arrangements for hospitalization. When arrangements for hospitalization have been made, the Administrator of the Mackenzie or Administrator of the Arctic will reply to the doctor, giving instructions where the patient is to be hospitalized and how the journey is to be arranged.

Commitment Under Insane Persons Ordinance

In cases where it is not possible to convince the person suffering from mental illness that he should enter a hospital voluntarily, it will be necessary to institute proceedings under the Insane Persons Ordinance. The following steps are to be followed:

- (1) When a person is brought before a Justice of the Peace on a complaint under the Insane Persons Ordinance, the latter will commit the person to the care and custody of the R.C.M.P. pending a hearing.
- (2) The Justice of the Peace will then communicate with the Clerk of the Court at Yellowknife by wire, advising him of the facts of the case including name, age, sex, marital status, family situation, whether indigent, whether Indian or Eskimo, and nature of illness; suggesting that he take jurisdiction in favour of the Judge, and requesting instructions whether the Judge of the Territorial Court or the Police Magistrate will take the hearing, and, if no, where the hearing is to be. In the event that neither the Judge nor the Magistrate can take the hearing, the Clerk of the Court will instruct the Justice of the Peace to proceed.
- (3) In all cases where it is practical, the agent of the Attorney General should be requested by the Clerk of the Court to act as Counsel for the Court at the hearing.
- (4) The Judge of the Territorial Court or the Police Magistrate, in consultation with Counsel, will decide whether it is more expedient for the Court to travel to the place where the mentally ill person is in custody or whether the person should be brought to Yellowknife or any other suitable location. The decision would be governed by the condition of the patient, the number of witnesses and general convenience.

- (5) If it can be arranged, the person alleged to be mentally ill should be examined by a psychiatrist. This will rarely be possible in the Northwest Territories. Where he sees fit to do so, the Court might ask the Administrator to arrange for a psychiatrist to attend at the location where the hearing is scheduled. The Administrator will do so if he can, but in circumstances where this is impossible or would create undue delay, arrangements will be made for a general practitioner in the area to examine the patient. Delay is to be avoided and passage of more than two days in awaiting the arrival of a psychiatrist should be considered undue delay. It should be noted that a specialist in psychiatry is rarely able to leave his duties on short notice.
- (6) After a hearing and on finding of insanity under the Ordinance, the presiding Judge, Magistrate, or Justice of the Peace, as the case may be, will place the person in the care and custody of the R.C.M.P. Police pending a Committal Order from the Commissioner. In all cases of finding insanity a report should be sent by the Court, by telegram, to the Commissioner of the Northwest Territories at Ottawa, advising him of the particulars and the finding, followed by a written report as soon as possible. Subject to this review of the proceedings, arrangements will be made with the appropriate provincial institution and a Committal Order will be issued by the Commissioner to the R.C.M.P. Police.

Northern Administration Branch,
Department of Northern Affairs
and National Resources,
Ottawa.

1 September, 1959.

Mentally Ill Persons and
The Insane Persons Ordinance (N.W.T.)

There is general recognition of need to improve the procedures whereby mentally ill persons requiring treatment in hospital may obtain it. The Insane Persons Ordinance of the Northwest Territories and steps associated with it are those required if the patient is one whose condition is such that he has to be held under restraint and hospitalized, perhaps forcibly, under the authority of a Committal Order issued by the Commissioner of the Northwest Territories. In these cases assistance from the Police is often necessary. Court proceedings, which are intended to insure that the liberty of the subject is not curtailed unnecessarily, have sometimes tended to give an impression of the Police Court where the patient faces charges, rather than a thoughtful inquiry to insure that the proposed committal to hospital under restraint is, in fact, necessary in the interests of the safety and welfare of the patient or of other people.

It should be especially borne in mind that modern theories of mental illness place great importance on early treatment and on co-operation and willingness of the patient. To further these objectives and for other reasons which are obvious, there is great advantage in obtaining the consent of the patient to enter the mental hospital for examination, advice and treatment. Dr. J.E. Gilbert, Consultant in Psychiatry, Mental Health Division, Department of National Health and Welfare, with whom discussions on this subject are currently being held, estimates that 80% of all patients admitted to mental hospitals in Canada nowadays enter voluntarily. This is a very great change from even a few years ago.

The advice we have received suggests that every effort should be made to persuade sufferers from mental illness who require hospitalization to go voluntarily. As a general rule, the patient should be accompanied by a responsible person, and this should be someone in whom the patient has confidence. Reassurance and persuasion from trusted friends, with the help of medical sedation, that can be prescribed by the local doctor, are very often all that is needed to insure a safe and uneventful journey to the hospital.

When a person in the Northwest Territories is believed by a medical doctor or, in the absence of a doctor, by his family or friends to be mentally ill and requiring examination by a psychiatrist, it is not necessary to have proceedings under the Insane Persons Ordinance if he can be persuaded to enter hospital voluntarily. From this point on speedy and consistent action is highly desirable.

Voluntary Admission

The following are the steps that should be taken:

- (1) The patient should be examined by a doctor. If there is no doctor in the settlement, the usual procedures for obtaining medical attention should be followed. If the doctor decides to advise admission to a mental hospital, or referral to a psychiatrist, he may arrange either or both privately and at private expense.
- (2) If the patient is an Eskimo or an Indian the doctor should proceed through Indian and Northern Health Services in exactly the same way as when a patient suffering from any other disease requires hospitalization in a particular or special hospital.

- (3) If the patient is neither Indian nor Indian, and if the doctor wishes to ask for action by the Territorial Government, he should send a telegram to the Administrator of the Northwest at Fort Smith or the Administrator of the Arctic at Ottawa, whichever is appropriate. He should state the person's name, age, sex, marital status, family situation, whether indigent, diagnosis, recommendation for admission to mental hospital, the patient's desire to enter hospital voluntarily, the doctor's recommendation regarding means of transportation, and who he thinks should accompany the patient on the journey.
- (4) The Administrator of the Northwest or the Administrator of the Arctic, as the case may be, will send a telegram with full particulars to the Deputy Commissioner of the Northwest Territories at Ottawa and ask him to make arrangements for hospitalization. When arrangements for hospitalization have been made, the Administrator of the Northwest or Administrator of the Arctic will reply to the doctor, giving instructions where the patient is to be hospitalized and how the journey is to be covered.

Criminal Under Inmate Persons Ordinance

In cases where it is not possible to convince the person suffering from mental illness that he should enter a hospital voluntarily, it will be necessary to institute proceedings under the Inmate Persons Ordinance. The following steps are to be followed:

- (1) When a person is brought before a Justice of the Peace on a complaint under the Inmate Persons Ordinance, the latter will commit the person to the care and custody of the S.C.M.P. pending a hearing.
- (2) The Justice of the Peace will then communicate with the Clerk of the Court at Yellowknife by wire, advising him of the facts of the case including name, age, sex, marital status, family situation, whether indigent, whether Indian or Indian, and nature of illness; suggesting that he waive jurisdiction in favour of the Judge, and requesting instructions whether the Judge of the Territorial Court or the Police Magistrate will take the hearing, and, if so, where the hearing is to be. In the event that neither the Judge nor the Magistrate can take the hearing, the Clerk of the Court will instruct the Justice of the Peace to proceed.
- (3) In all cases where it is practical, the agent of the Attorney General should be requested by the Clerk of the Court to act as Counsel for the Court at the hearing.
- (4) The Judge of the Territorial Court or the Police Magistrate, in consultation with Counsel, will decide whether it is more expedient for the Court to travel to the place where the mentally ill person is in custody or whether the person should be brought to Yellowknife or any other suitable location. The decision would be governed by the condition of the patient, the number of witnesses and general convenience.

3.

- (5) If it can be arranged, the person alleged to be mentally ill should be examined by a psychiatrist. This will rarely be possible in the Northwest Territories. Where he sees fit to do so, the Court might ask the Administrator to arrange for a psychiatrist to attend at the location where the hearing is scheduled. The Administrator will do so if he can, but in circumstances where this is impossible or would create undue delay, arrangements will be made for a general practitioner in the area to examine the patient. Delay is to be avoided and passage of more than two days in awaiting the arrival of a psychiatrist should be considered undue delay. It should be noted that a specialist in psychiatry is rarely able to leave his duties on short notice.
- (6) After a hearing and on finding of insanity under the Ordinance, the presiding Judge, Magistrate, or Justice of the Peace, as the case may be, will place the person in the care and custody of the R.C.M.P. pending a Comittal Order from the Commissioner. In all cases of finding insanity a report should be sent by the Court, by telegram, to the Commissioner of the Northwest Territories at Ottawa, advising him of the particulars and the finding, followed by a written report as soon as possible. Subject to this review of the proceedings, arrangements will be made with the appropriate provincial institution and a Comittal Order will be issued by the Commissioner to the R.C.M.P.

Northern Administration Branch,
Department of Northern Affairs
and National Resources,
Ottawa.

PA
AG.

sent KLD
1-9-59

North Admin. & Lands Br.
Ottawa, Ont.
SEP
File No. 530-40
Refer To.

1st September, 1959.

W. R. Jackett, Esq.,
Deputy Minister of Justice,
Ottawa, Ontario.

Dear Mr. Jackett:

Insane Person's Ordinance



Yours sincerely,

B.G. Sivory

s.23

R. G. Robertson,
Commissioner.

[Handwritten signature]

Copy for Deputy Minister's File

, August 23, 1959.

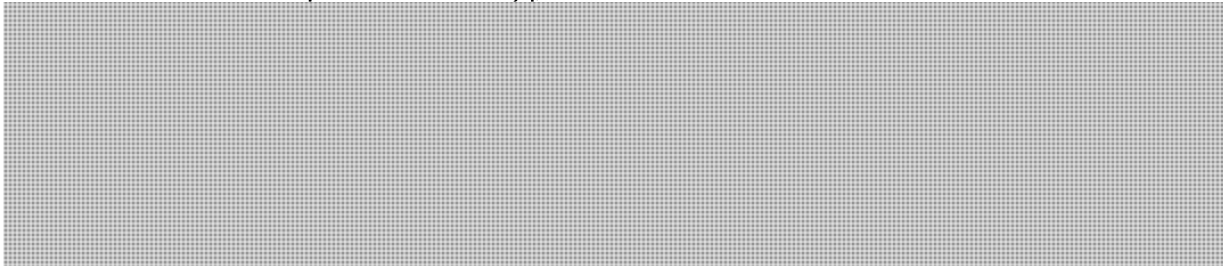
M.R. Jackott, Esq.,
Deputy Minister of Justice,
Ottawa, Ontario.

Dear Mr. Jackott:

*improve the situation
and ~~change~~ ~~method~~*

Insane Person's Ordinance

- 2 -



Yours sincerely,

R.G. Robertson,
Commissioner of the
Northwest Territories.

s.23

000204



CANADA

DEPARTMENT

OF

NORTHERN AFFAIRS AND NATIONAL RESOURCES

NORTHERN ADMINISTRATION

AND LANDS BRANCH

OFFICE OF THE DIRECTOR

PLEASE QUOTE

FILE.....

530-40

Ottawa, August 27th, 1959.

MEMORANDUM FOR THE ADMINISTRATOR
OF THE MACKENZIE:

During recent months consideration has been given to the desirability of continuing the practice of Justices of the Peace holding hearings under the Insane Person's Ordinance. As most Justices of the Peace cannot be expected to have a knowledge of judicial proceedings and as the consequences of a finding under this Ordinance are serious and far-reaching in respect to the individual concerned, it has been decided that, where possible, a member of a higher court will take all hearings under the Insane Person's Ordinance.

In addition to the legal aspects of committals which have been under review for several months, consideration has also been given to procedures that would be consistent with good medical and psychiatric practices. It is assumed that action under the Ordinance is taken mostly in instances where a person is disturbed and irrational to the point where he cannot appreciate the need for hospital admission and treatment. There are no doubt many cases of mental illness which can be managed medically without recourse to the provisions of the Insane Person's Ordinance. In these instances, it is desirable that, whenever a doctor is available, the patient be encouraged or assisted to seek medical advice. The doctor in turn is encouraged to effect a voluntary admission to a mental hospital in one of the provinces if he is of the opinion that his patient needs treatment.

- 2 -

~~The attached directive sets out a new procedure for committing mentally ill persons whenever it is necessary to do so under the Insane Person's Ordinance.~~ These new procedures are intended to meet the objections that have been raised in the past about the management of patients under the Ordinance. You will note that this memorandum deals only with the aspects of judicial proceedings. Guidance on other aspects of handling such problems will be provided from time to time.

Please send copies of this circular to Departmental staff in your district. Copies of this circular are intended for Regional and Area Administrators of this Department, welfare officers, R.C.M.P. detachments, medical staff, and representatives of Indian Affairs Branch.

B. G. Sivertz,
Director.

Admission Procedures Under the Insane Person's
Ordinance - Northwest Territories

The following procedures have been approved for dealing with applications under the Insane Person's Ordinance and are effective immediately:-

- (1) When a person is brought before a Justice of the Peace on a complaint under the Insane Person's Ordinance, the latter will remand the person to the care and custody of the R.C.M.P. pending a Hearing.
- (2) The Justice of the Peace will then communicate with the Clerk of the Court at Yellowknife by wire, advising him of the facts of the case including name, age, sex, and race of the patient, and requesting instructions on whether the Judge of the Territorial Court or the Police Magistrate will take the Hearing. In the event that neither the judge nor the magistrate can take the hearing, the Clerk of the Court will instruct the J.P. to proceed.
- (3) In all cases where it is practical, the agent of the Attorney General should be requested by the Clerk of the Court to act as counsel for the Court at the hearing.
- (4) The Judge of the Territorial Court or the Police Magistrate in consultation with counsel will decide whether it is more expedient for the Court to travel to the place where the mentally ill person is in custody or whether the person should be brought to Yellowknife or any other suitable location. The decision would be governed by the condition of the patient, the numbers of witnesses and general convenience.
- (5) It is considered desirable that, whenever possible, the person alleged to be mentally ill be examined by a psychiatrist. In each case, the Court will request the Administrator to arrange for a psychiatric to attend at the location where the Hearing is scheduled. The Administrator will make these arrangements when possible and in circumstances where this is impossible or would create undue delay, arrangements will be made for a general practitioner in the area to examine the patient.
- (6) After a hearing and on a finding of insanity under the Ordinance, the presiding Judge, Magistrate, or Justice of the Peace, as the case may be, will place the person in the care and custody of the R.C.M. Police pending a Committal Order from the Commissioner. The proceedings of the hearing will be sent at the earliest possible date by the quickest method to the Commissioner, at Ottawa, for review and subject to this review of the proceedings arrangements will be made with the appropriate provincial institution and a Committal Order will be issued by the Commissioner to the R.C.M. Police.

PA to 530-40
530-40
DEPARTMENT OF NATIONAL HEALTH AND
WELFARE

Northern Admin. Branch Ottawa, Ont.	
OCT 9	1053-300(112)
File No.	
Refer To	

OTTAWA, August 10, 1959.

Mr. B.G. Sivertz,
Director,
Northern Administration Branch,
Dept. of Northern Affairs & National Resources,
OTTAWA, Canada.

Dear Mr. Sivertz:

Evacuation of Mentally Ill - N.W.T.

We commend the action reported in your 20 Jacobson Katie W3-236 of June 19, 1959, because it demonstrates the sort of joint action which should come to bear on medical problems in the more isolated areas. In this instance the cost of removal to Edmonton and any charges associated with establishing a firm diagnosis should be borne by Indian and Northern Health Services. The removal to Winnipeg and maintenance at St. Agnes School lies in a grey zone which may have to be settled in individual cases.

Recapitulating for the benefit of I. & N.H.S. officers receiving copies of this letter, Katie, a fourteen-year old Eskimo of Aklavik, demonstrated bizarre conduct with suicidal and violent episodes. This required skilled evaluation and outline of treatment which could not be obtained closer than Edmonton. There, admission to an institution providing case work was recommended and found at Winnipeg.

*Orig on 252-3 (Vol. 7)
Medical Services (Gen & Patient file)*

..... 2

Director, N.A.B.-- page two

August 10, 1959.

Being an orphan, Katie was put under the care of the Supervisor of Child Welfare for the Northwest Territories and subsequently under the supervision of the Children's Aid Society in Winnipeg. These are technically legal details of considerable administrative importance but do not apparently alter her Eskimo status.

In summary, Indian and Northern Health Services will accept the costs incurred in obtaining a firm diagnosis in any instance for an indigent Indian or Eskimo. I. & N.H.S. welcomes and in fact must depend upon actions by officers of other agencies. If there can be prior discussion of proposed arrangements so much the better but in an emergency the officer on the ground must act and expect full understanding from the medical service. What is an emergency is always an open question but in practice any intelligent person can recognize one and no discipline is immune from panic.

In this memorandum we wish to deliberately avoid involving the Insane Persons Ordinance. We believe that if this legislation is invoked the matter passes out of medical hands and I. & N.H.S. will decline charges.

So far as maintenance in an institution is concerned, it will be necessary to assess in each instance whether the program is education with expectation of returning the person to society as an improved product or whether it is strictly medical treatment aimed at physical recovery. We assume that in this instance the balance is in favour of social improvement as the maintenance is being accepted by the administrative agency along with the costs involved in placement at the most appropriate school. We assume that if medical therapy alone was indicated it would have been arranged in Edmonton as a charge against I. & N. H. S.

Other questions will arise when Katie has completed the present course. If she is returning directly to Aklavik, presumably Indian and Northern Health Services should accept costs between home and Edmonton.

Yours very truly,

c.c.Reg.Supt.Foothills
Reg.Supt., Central
Reg. Supt., Eastern.

P.E. Moore, M.D., D.P.M.,
Director, Indian and Northern Health Services.

Ottawa, 6 July, 1959. *b*

INTERDEPARTMENTAL COMMITTEE ON INSANE PERSONS
ORDINANCE AND MENTAL HEALTH

The first meeting of this Committee was held in the office of the Director, Northern Administration Branch, Department of Northern Affairs and National Resources at 10.00 a.m., Thursday, May 28, 1959.

Those in attendance included:

Mr. W.G. Brown, Chief, Territorial Division;

Dr. J.D. Gilbert, Consultant in Psychiatry,
Mental Health Division, Dept. of National
Health & Welfare;

Dr. J.S. Willis, General Superintendent of
Northern Health, Dept. of National Health
& Welfare;

Mr. V. Rudnicki, Chief, Welfare Division;

Mr. R.J. Orange, Territorial Division;

Mr. P.B. Gorlick, Welfare Division.

Mr. Rudnicki outlined the purpose of the meeting which was to study the Insane Persons Ordinance and the difficulties that had been encountered recently with reference to delays between the time of the hearing under the Ordinance and admission to hospital.

Mr. Brown then outlined the procedure that has been used for committing mental patients to hospital. He mentioned that delays had been reported but he felt that these were the exceptions to the rule. He also stressed the point that the Commissioner of the Northwest Territories was the person who issued the committal order under the Insane Persons Ordinance. The Commissioner issued this order on receipt of certain information from the Justice of the Peace. Mr. Brown went on to explain why it had been decided that such hearings should be taken out of the hands of J.P.'s and a Judge made responsible.

An earlier Committee recommended that a Judge preside at such hearings, and that the evidence of psychiatrists be made available. Mr. Brown went on to explain that when a person required mental treatment in one of the smaller settlements in the north, a Justice of the Peace could remand that person to the care and custody of the R.C.M.P., who would transport him to Yellowknife where the hearing could be conducted by a Judge, and two psychiatrists would be made available.

... 2

Dr. Gilbert wondered why we used a procedure that was out of date in the Provinces and appeared to be very complicated. This resulted in a discussion of the area involved and population densities. There was also some discussion about what takes place when a person becomes seriously ill (medical) in the territories. In such cases the patient is evacuated with all haste to a hospital or center where he can receive adequate care. This led to a discussion of the pros and cons of handling mental cases in the same manner. The Committee felt that mental illness is a health matter and not a legal matter. This is accepted as the modern approach to mental health in the Provinces. The Committee did agree that evacuation was possible without a hearing under the Insane Persons Ordinance and it was suggested that most of the cases that are held under the Insane Persons Ordinances are cases where the patient is very disturbed and chronically ill. There was also some discussion at this point concerning the transportation of an individual outside the Northwest Territories.

Dr. Gilbert and Dr. Willis mentioned that it is now common practice in the Provinces for a general practitioner, acting without any legal procedure to commit a sick person to a hospital in the Province where the patient is, or to a hospital in a neighbouring Province.

Mr. Brown wondered if a general practitioner was the person to decide if a person should be committed to a mental hospital. It was then explained that this was the common practice in the Provinces, in some Provinces a certificate from a general practitioner is necessary and in other Provinces two such certificates were necessary.

Statistics were introduced at this point that showed that in 1957, 87% of the individuals who were admitted to mental hospitals in Canada, either entered as voluntary patients or under medical certificates. Dr. Gilbert then went into a discussion of the modern aspects of mental health and mental care.

This included comments on courses in psychiatry for general practitioners, reference material prepared by the Department of National Health & Welfare and he also stressed the importance of voluntary admittance. He also suggested that the Department should investigate the possibility of entering into an agreement with Alberta for securing the services of a psychiatrist. This psychiatrist would undertake the preparation of mental health material for the Northwest Territories, be responsible for diagnosis, treatment, etc. He also stressed the fact that the University Hospital, Edmonton, which is a teaching centre, could be interested in carrying on psychiatry research in the Northwest Territories. The Committee agreed that because of cultural factors mental health may possibly become a serious problem in the future. This was not with reference to individuals who needed long term care but individuals who may require short term treatment and therapy.

Dr. Gilbert felt that the existing procedure should be cleared up, that patients should be committed on a certificate completed by a general practitioner, a certificate that was valid for a period of 7 days.

At the end of the meeting Mr. Brown requested Dr. Gilbert to forward his recommendations in writing, suggesting changes and outlining the procedures that are followed in the Provinces. It was also suggested that Dr. Gilbert stress the fact that general practitioners, not psychiatrists are able to admit people to mental hospitals in the Provinces.

It was also decided that a sub-committee be established, consisting of Dr. Gilbert, a staff member from Welfare Division and one from Territorial Division. This sub-committee would work with Dr. Gilbert and assist him in preparing his material.



NORTHWEST TERRITORIES
POLICE MAGISTRATE'S COURT

Mr. Hunt:
Revised version of report will
be submitted into new instructions on disorderly
the will be going to the field.

YELLOWKNIFE,
June 9th, 1959.

W. G. Brown, Esq.,
Deputy Commissioner of the
Northwest Territories,
Ottawa, Ontario.

2986

North Admin. & Lands Br.
Ottawa, Ont.
JUN 15 1959
File No. 530-40
Refer To. B-7

Dear Mr. Brown: Re: Insane Persons Ordinance.

There have been several hearings under the Insane Persons Ordinance taken by Justices of the Peace in places other than Yellowknife. It would appear from an examination of the materials submitted that it would be useful to have the former report used in connection with hearings revised and made available to the various Police Detachments in the Northwest Territories.

I have gone over the mimeographed report that was formerly used and have redrafted it in accordance with the terms of the new Insane Persons Ordinance. I enclose herewith two copies of the draft report for your consideration.

The old report suggested that a person found insane be left in the custody of friends or relatives pending the decision of the Commissioner. The previous Insane Persons Ordinance permitted this but the Ordinance as it presently stands requires that the insane person be remanded into the custody of the R. C. M. P. and no discretion is permitted in this regard. It was necessary therefore to modify the suggestions in the former report in line with the new Ordinance.

I thought it might be useful to include in the instructions a direction that the presiding Justice send an

. 2

June 9th, 1959.

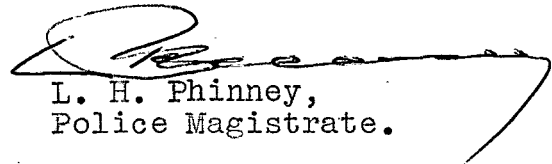
W. G. Brown, Esq.

- 2 -

immediate telegram to your office advising of the committal and that the formal report had gone forward. I have not included in the draft report a direction to that effect as I was not sure whether it would meet with your approval, but if you should consider this advisable you may wish to have appropriate wording added to the directions.

As it is necessary to use at least five copies of the report in connection with each hearing and as a reasonable number of the reports should be sent to each of the Police Detachments I would suggest that a minimum of 1000 copies be made available. It would simplify the handling of the papers if they were printed rather than mimeographed. It is difficult to get more than about three satisfactory copies when they are printed on the usual mimeograph paper.

Yours truly,



L. H. Phinney,
Police Magistrate.

LHP/md
Encls.

R E P O R T

Under the Provisions of Section 3 of the Consolidated Ordinances, Northwest Territories, 1956, Chapter 30, "An Ordinance Respecting Insane Persons."

.....

..... 195

Sir:

I have the honour to submit, for the consideration of the Commissioner, Northwest Territories, under the provisions of "An Ordinance respecting Insane Persons" the annexed Report, in duplicate, regarding the alleged ~~insanity of~~ *mental illness of*

.....

of
and I enclose herewith a copy of the Information and a transcript of the evidence.

Your obedient servant,

Judge of the Territorial Court & Police Magistrate
~~Justice of the Peace in and for the~~
for the Northwest Territories.

The Commissioner,
Northwest Territories,
Ottawa, Ontario.

This Report is to be made in duplicate at the close of the inquiry and forwarded immediately to the Commissioner, Northwest Territories, Ottawa, together with a copy of the Information and depositions of witnesses (to be taken as in ordinary cases) and the Minute of adjudication.

It should be noted that under the provisions of Section 6 (2) ~~a mentally ill~~ ~~the insane~~ person shall be committed by warrant in Form B to the Custody of the Royal Canadian Mounted Police to remain in such custody until the wishes of the Commissioner are made known. The Commissioner alone has authority under the Northwest Territories Act, by his warrant, to have the patient conveyed to ~~an asylum~~ *a hospital*.

In the case of men committal should be made to the custody of the Royal Canadian Mounted Police at the nearest point where a detachment is stationed and the necessary accommodation exists. *Women* ~~Female lunatics~~, however, should not be committed to a Guard Room as no proper facilities are available for their care, but they should be committed to the nearest Gaol where facilities are available.

Extract from Northwest Territories Act, Chapter 331, R.S.C. 1952

43 (1) The Commissioner may, subject to the approval of the Minister, arrange with any province of Canada for the removal of insane persons from the Territories to mental institutions, asylums or other suitable places of confinement in that province, for their confinement, care and maintenance therein until the pleasure of the Commissioner is made known or until they are discharged by law and for the compensation to be paid to that province in respect of the confinement, care and maintenance of such insane persons.

R E P O R T
(To be completed in duplicate)

The information here called for may be elicited by the Justice of the Peace from the witnesses examined at the inquiry and is intended to be supplementary to the evidence proving insanity. The evidence of a legally qualified medical practitioner should always be taken.

QUESTIONS	ANSWERS
1. Date inquiry held	
2. Name in full of alleged lunatic	
3. Age	Years and Months
4. Has ..he any, and if so, what property?	Land Other property
5. Occupation, calling or profession	
6. Other means of support	
7. Religion	
8. Country where born	
9. Time ..he has resided in the Territories	
10. Place of residence during the 6 mos. previous to this inquiry	
11. Married, single or widowed	
12. How many persons are dependent upon h.. for support?	
13. No. of children, if any	Male under 14 yrs. over 14 yrs. Female under 14 yrs. over 14 yrs.
14. Names & address of parents	
15. Names and address of relatives residing nearest to place of residence of alleged lunatic <i>mentally ill person</i>	
16. How such relatives connected?	
17. How long has ..he been insane? <i>mentally ill</i>	

QUESTIONS	ANSWERS
18. Duration of present attack <i>symptoms</i> .	
19. Is it the first?	
20. How first shown	
21. Supposed causes (here give any information that may aid the medical superintendent of the asylum in treatment of case) <i>hospital</i>	
22. Has ..he any delusions, and what are they?	
23. Is ..he suicidal?	
24. Is ..he dangerous to others?	
25. Has ..he ever committed any Offence?	
26. Has ..he been convicted of same?	
27. Give particulars	
28. Is ..he subject to epilepsy?	
29. Is ..he subject to paralysis?	
30. Is ..he suffering from any infectious disease?	
31. Has any other member of the family shown signs of insanity ? <i>mental illness</i>	
32. Has ..he ever been in an asylum <i>a mental hospital</i> for the insane?	
33. When and where?	
34. What have been h... habits as to temperance, industry and general conduct?	

QUESTIONS

ANSWERS

35. In what manner has ..he
changed?

36. Has change been recent,
gradual or sudden?

37. Has ..he been subject to
bodily ailments?

38. Of what nature are they?

39. Degree of education

40. Is ..he idiotic, imbecile or
incurable?

41. Should ..he be sent back to
former residence on recovery?

42. If so at whose cost?

43. Date of present committal as
~~an insane person~~ *a mentally ill*
person.

44. To what gaol committed?

45. If not committed to a gaol to
whose custody and where held?

46. Remarks.

(Here give any other information which in the opinion of the ~~Magistrate~~ *Court*
should be brought to the notice of the Commissioner or which may be of
use to the medical superintendent of the ~~asylum~~ *hospital* in treatment of the
case)

DATED AT this
day of A.D. 1959

Judge of the Territorial Court or Police Magistrate
~~A Justice of the Peace in and for the~~
for the Northwest Territories.

R E P O R T

Under the Provisions of Section 3 of the Consolidated Ordinances, Northwest Territories, 1956, Chapter 30, "An Ordinance Respecting Insane Persons."

.
. 195

Sir:

I have the honour to submit, for the consideration of the Commissioner, Northwest Territories, under the provisions of "An Ordinance respecting Insane Persons" the annexed Report, in duplicate, regarding the alleged insanity of

.

of
and I enclose herewith a copy of the Information and a transcript of the evidence.

Your obedient servant,

.
Justice of the Peace in and for the
Northwest Territories.

The Commissioner,
Northwest Territories,
Ottawa, Ontario.

This Report is to be made in duplicate at the close of the inquiry and forwarded immediately to the Commissioner, Northwest Territories, Ottawa, together with a copy of the Information and depositions of witnesses (to be taken as in ordinary cases) and the Minute of adjudication.

It should be noted that under the provisions of Section 6 (2) the insane person shall be committed by warrant in Form B to the Custody of the Royal Canadian Mounted Police to remain in such custody until the wishes of the Commissioner are made known. The Commissioner alone has authority under the Northwest Territories Act, by his warrant, to have the patient conveyed to an asylum.

In the case of men committal should be made to the custody of the Royal Canadian Mounted Police at the nearest point where a detachment is stationed and the necessary accommodation exists. Female lunatics, however, should not be committed to a Guard Room as no proper facilities are available for their care, but they should be committed to the nearest Gaol where facilities are available.

Extract from Northwest Territories Act, Chapter 331, R.S.C. 1952

43 (1) The Commissioner may, subject to the approval of the Minister, arrange with any province of Canada for the removal of insane persons from the Territories to mental institutions, asylums or other suitable places of confinement in that province, for their confinement, care and maintenance therein until the pleasure of the Commissioner is made known or until they are discharged by law and for the compensation to be paid to that province in respect of the confinement, care and maintenance of such insane persons.

R E P O R T
(To be completed in duplicate)

The information here called for may be elicited by the Justice of the Peace from the witnesses examined at the inquiry and is intended to be supplementary to the evidence proving insanity. The evidence of a legally qualified medical practitioner should always be taken.

QUESTIONS	ANSWERS
1. Date inquiry held	
2. Name in full of alleged lunatic	
3. Age	Years and Months
4. Has ..he any, and if so, what property?	Land Other property
5. Occupation, calling or profession	
6. Other means of support	
7. Religion	
8. Country where born	
9. Time ..he has resided in the Territories	
10. Place of residence during the 6 mos. previous to this inquiry	
11. Married, single or widowed	
12. How many persons are dependent upon h.. for support?	
13. No. of children, if any	Male under 14 yrs. over 14 yrs. Female under 14 yrs. over 14 yrs.
14. Names & address of parents	
15. Names and address of relatives residing nearest to place of residence of alleged lunatic	
16. How such relatives connected?	
17. How long has ..he been insane?	

QUESTIONS	ANSWERS
18. Duration of present attack	
19. Is it the first?	
20. How first shown	
21. Supposed causes (here give any information that may aid the medical superintendent of the asylum in treatment of case)	
22. Has ..he any delusions, and what are they?	
23. Is ..he suicidal?	
24. Is ..he dangerous to others?	
25. Has ..he ever committed any offence?	
26. Has ..he been convicted of same?	
27. Give particulars	
28. Is ..he subject to epilepsy?	
29. Is ..he subject to paralysis?	
30. Is ..he suffering from any infectious disease?	
31. Has any other member of the family shown signs of insanity?	
32. Has ..he ever been in an asylum for the insane?	
33. When and where?	
34. What have been h... habits as to temperance, industry and general conduct?	

QUESTIONS

ANSWERS

35. In what manner has ..he
changed?

36. Has change been recent,
gradual or sudden?

37. Has ..he been subject to
bodily ailments?

38. Of what nature are they?

39. Degree of education

40. Is ..he idiotic, imbecile or
incurable?

41. Should ..he be sent back to
former residence on recovery?

42. If so at whose cost?

43. Date of present committal as
an insane person

44. To what gaol committed?

45. If not committed to a gaol to
whose custody and where held?

46. Remarks.

(Here give any other information which in the opinion of the J.P.
should be brought to the notice of the Commissioner or which may be of
use to the medical superintendent of the asylum in treatment of the
case)

DATED AT this
day of A.D. 1959

A Justice of the Peace in and for the
Northwest Territories.

Mr. Oudry

DA

Had the letter
from DM Justice is
received - now in
mail

DA

The letter not
received in B7.

15/6/59

Mr. Brown

1.5.59

Dept of Justice p 7
all expenses connected
with the Coroners Ordinance
Is there any difference between
this Ordinance & the Insane
Persons Ordinance.

I always understood that
Dept of Justice paid these
expenses acting as the A.G.
for the Territorial Govt.
Possibly we should look
into this further

000224

Department of Northern Affairs and
National Resources

OFFICE -- THE DEPUTY MINISTER

TO: MR. W. G. BROWN DATE *21/4/59*
DEPUTY COMMISSIONER OF THE
FOR: N. W. T.

PREPARATION OF REPLY	DISCUSSION WITH UNDERSIGNED
ACTION	MAY WE DISCUSS AT YOUR CONVENIENCE
COMMENT	DIRECT REPLY
APPROVAL	DIRECT REPLY, COPY TO THIS OFFICE
INFORMATION	NOTE AND FILE
SIGNATURE	NOTE AND RETURN
AND LANDS BRANCH	AS REQUESTED
TRANSLATION	

APR 22 1959

Office of the Director
Dept. of Northern Affairs & National Resources

For your
information and file.

Glennan
Legal Division.

ERO/gfc

MEMORANDUM FOR MR. D.H.W. HENRY:

166266-5

North Admin. C. L. 22-01.
MAY 8 1966
File No. 530-40
Refer To North Admin. C. L. 22-01.

9

0

Needs for preparation for presentation
MTD

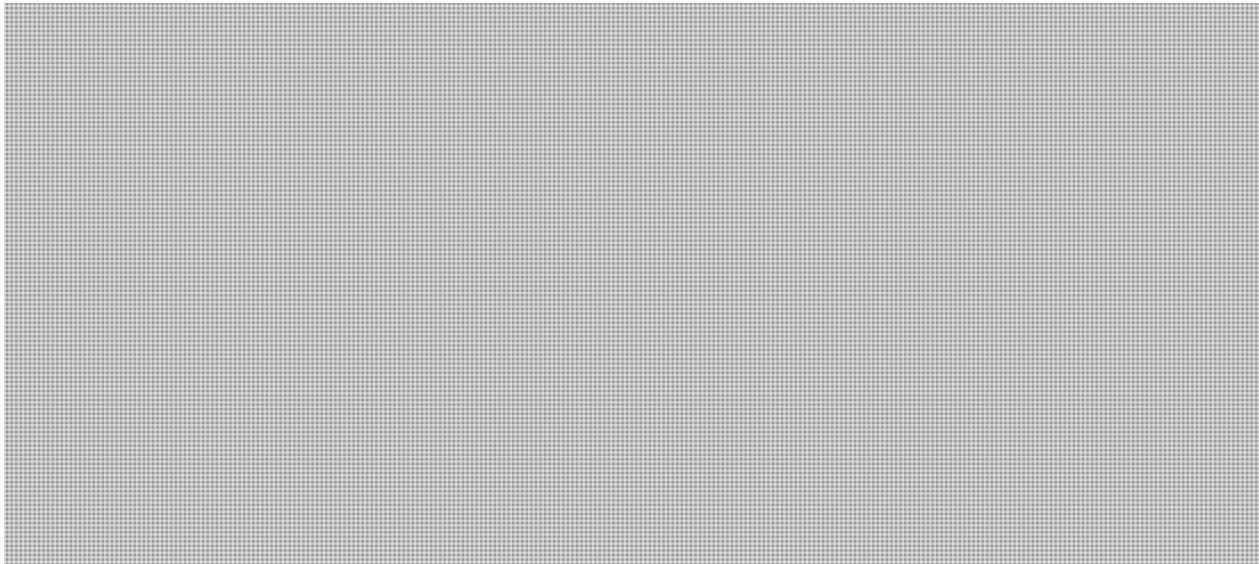
E. R. O.

DHWH/hp

April 17, 1959.

MEMORANDUM FOR MR. OLSON:

166266-5



D. H. W. H.



CANADA

DEPUTY MINISTER
OF

NORTHERN AFFAIRS AND NATIONAL



Ottawa, 7 May, 1959.

MEMORANDUM FOR MR. SIVERTZ

North Admin. Br.
Ottawa, Ont.
AUG 21 1959
File No. 530-40
Refer To W1

PROCEDURES UNDER THE INSANE PERSONS ORDINANCE

I am sending herewith the following items concerning the discussion of procedures under the Insane Persons Ordinance.

- (a) The original of your memorandum of April 29th with a note by myself. Attached to it is the draft letter to Mr. de Weerdts which I do not wish to send without further consideration by you.
- (b) The branch copies of a somewhat revised letter to Dr. Newton to cover the lapse of time since the original one was drafted.

I am not sure how soon Mr. Rudnicki is to be back. If he is returning very shortly after having talked to Dr. Newton, Mr. Merrill and Miss Crawley,

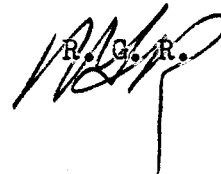
I do think that there is no way of escaping the basic and crucial point that incarceration under the ordinance is a deprivation of liberty and that it can only follow some quick but adequate legal procedure. In point of time and in point of importance, this strikes me as being first - and I

- 2 -

do not, myself, see how there can be adequacy from the point of view of the protection of the liberties of the individual except by a procedure before a judge. [REDACTED]

If after looking into this whole thing further you think there is anything that should be discussed, please let me know, but I would prefer to have it settled [REDACTED]

c.c. Mr. Olson

R. G. R.


C. C. M. Smyth

replacing your draft of 29 April

Smyth to Smyth
21-10-59
M

May 7, 1959.

Dr. John B. Newton,
Medical Officer,
Fort Smith, N. W. T.

North Admin. Br. Ottawa, Ont.
AUG 21 1959
File No. 530-40
Refer To

Dear Dr. Newton,

I very much regret delaying a reply to your letter of November 20th, 1958, in which you discussed the Indian Persons Ordinance with particular reference to Section 6.

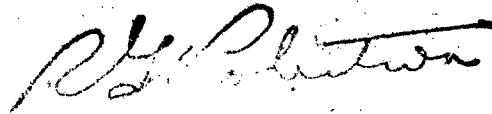
Officers of the Northern Administration Branch and the Legal Council have been meeting with a view to devising a new and better procedure and various recommendations have been made to me. You will realise, of course, that whatever procedure is adopted we must have the agreement of the provincial authorities who handle such cases for us since we have no mental institution in the Northwest Territories.

You made special mention of the case of Rosa Soufrere and the inability of the R.C.M. Police to move the patient until various documents were processed. There was regrettable delay in this particular case, and this was due to a combination of unfortunate circumstances. Actually from the date of the court hearing to the date when Mrs. Soufrere was admitted to hospital by order of the Commissioner required a total of nine days, namely from November 4th to the 13th, but I agree with you that such a delay is not undesirable. As I explained to you earlier the question of devising a satisfactory procedure has been under consideration for some time and it is necessary to resolve the differences between the legal and medical professions. I hope that when the new proposals are put into effect the difficulties you mention will be substantially less.

- 2 -

Mr. Walter Rudnicki, Chief of the Welfare Division, will by now have been in Fort Smith - I believe he was to arrive there on April 29th. He was going to make a point of speaking to you about this subject. If you have suggestions, I shall welcome them.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "R. G. Robertson".

R. G. Robertson,
Commissioner.

May 7, 1959.

Dr. John D. Newton,
Medical Officer,
Fort Smith, N. W. T.

Dear Dr. Newton,

I very much regret delaying a reply to your letter of November 20th, 1958, in which you discussed the Insane Persons Ordinance with particular reference to Section 6.

Officers of the Northern Administration Branch and the Legal Counsel have been meeting with a view to devising a new and better procedure and various recommendations have been made to me. You will realize, of course, that whatever procedure is adopted we must have the agreement of the provincial authorities who handle such cases for us since we have no mental institution in the Northwest Territories.

You made special mention of the case of Rosa Sonfrero and the inability of the R.C.M. Police to move the patient until various documents were processed. There was regrettable delay in this particular case, and this was due to a combination of unfortunate circumstances. Actually from the date of the court hearing to the date when Mrs. Sonfrero was admitted to hospital by order of the Commissioner required a total of nine days, namely from November 4th to the 13th, but I agree with you that such a delay is not undesirable. As I explained to you earlier the question of devising a satisfactory procedure has been under consideration for some time and it is necessary to resolve the differences between the legal and medical professions. I hope that when the new proposals are put into effect the difficulties you mention will be substantially less.

- 2 -

Mr. Walter Rudnicki, Chief of the Welfare Division, will by now have been in Fort Smith - I believe he was to arrive there on April 29th. He was going to make a point of speaking to you about this subject. If you have suggestions, I shall welcome them.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "R. G. Robertson".

R. G. Robertson,
Commissioner.

Copy to be returned to Mr. Sivertz

Sivertz/so

27 March, 1959.

Dr. John B. Newton,
Medical Officer,
Fort Smith, N.W.T.

Dear Dr. Newton:

I very much regret delaying a reply to your letter of November 20th, 1958, in which you discussed the Inmate Persons Ordinance with particular reference to Section 6. As you pointed out, we must have earnest consideration to devising a procedure whereby persons committed under the Inmate Ordinance could be transferred to a mental hospital for immediate care.

Officers of the Northern Administration Branch and the Legal Council have been meeting with a view to devising such a procedure and various recommendations have been made to me. You will realize, of course, that whatever procedure is adopted we must have the agreement of the provincial authorities who handle such cases for us since we have no mental institution in the Northwest Territories.

You made special mention of the case of Ross Soufere and the inability of the R.C.M. Police to move the patient until various documents were processed. There was regrettable delay in this particular case, and this was due to a combination of unfortunate circumstances. Actually from the date of the court hearing to the date when Mrs. Soufere was admitted to hospital by order of the Commissioner required a total of nine days, namely from November 4th to the 13th, but I agree with you that such periods must be shortened

As I explained to you earlier the question of devising a satisfactory procedure has been under consideration for some time and it is necessary to resolve the differences between the legal and medical professions. Certain proposals have been made to me by the committee that studied the procedure and I hope to advise you of the new proposals when all formalities have been cleared. This includes the provincial medical authorities in Alberta.

I hope that when the new proposals are put into effect the difficulties you mention will be substantially less.

Mr. Walter Rukhiski, Chief of the Welfare Division, will be in Fort Smith later this month. He will make a point of speaking to you about this subject. If you have suggestions, I shall welcome them.

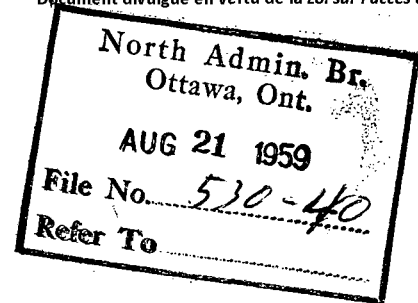
Yours sincerely,

B. G. Robertson,
Commissioner.

B. G. Sivert



OFFICE OF THE COMMISSIONER
NORTHWEST TERRITORIES
CANADA



OTTAWA

4 May, 1959.

MEMORANDUM FOR MR. SIVERTZ,
DIRECTOR, NORTHERN ADMINISTRATION BRANCH:

Insane Persons Ordinance NWT

I have your memorandum of April 29 together
with draft letters.

I have not signed the draft letters since they
do not reflect the position which I previously approved.
Nothing has been brought to my attention which would
lead me to approve any change in that position.

2.

In your memorandum and in your draft letters you make the point that the incarceration under the Ordinance is in no sense a "sentence" but rather merely a means of obtaining treatment. I cannot share this view. The effect of a finding of insanity under the Ordinance means the deprivation of the liberty of a citizen and we must make every effort to see that such extraordinary remedies are not abused and are not given unless the citizen is clearly within the definition in the Ordinance. Expediency cannot be an excuse for unlawful interference with the liberty of a citizen.

Your remarks might better be directed to a discussion of whether or not the class of person to which the Ordinance applies is the proper one. The class presently defined is quite a limited one and it may be that your investigations and researches will lead to a conclusion that the class should be enlarged. If such is the case the matter then becomes one for the territorial council.

I feel it is quite important that the new practice be implemented as quickly as possible.



R. G. Robertson,
Commissioner.

M. Sweeney:

This was prepared by M. Cunningham before his illness. On the substance of the matter, I think he is right - Please consider further.



200 by Mr. Smith
17-21-1959

NORTHERN ADMINISTRATION
~~AND~~ BRANCH



CANADA
DEPARTMENT

OF

NORTHERN AFFAIRS AND NATIONAL RESOURCES

OFFICE OF THE DIRECTOR

Sivertz/ss

DEPUTY MINISTER

APR 29 A.M.

Dept. of Northern Affairs
& National Resources

MEMORANDUM FOR THE COMMISSIONER
OF THE NORTHWEST TERRITORIES

Ottawa, 29 April, 1959.

Insane Persons Ordinance

North Admin. Br.
Ottawa, Ont.

AUG 21 1959

File No. 570-40

Refer To

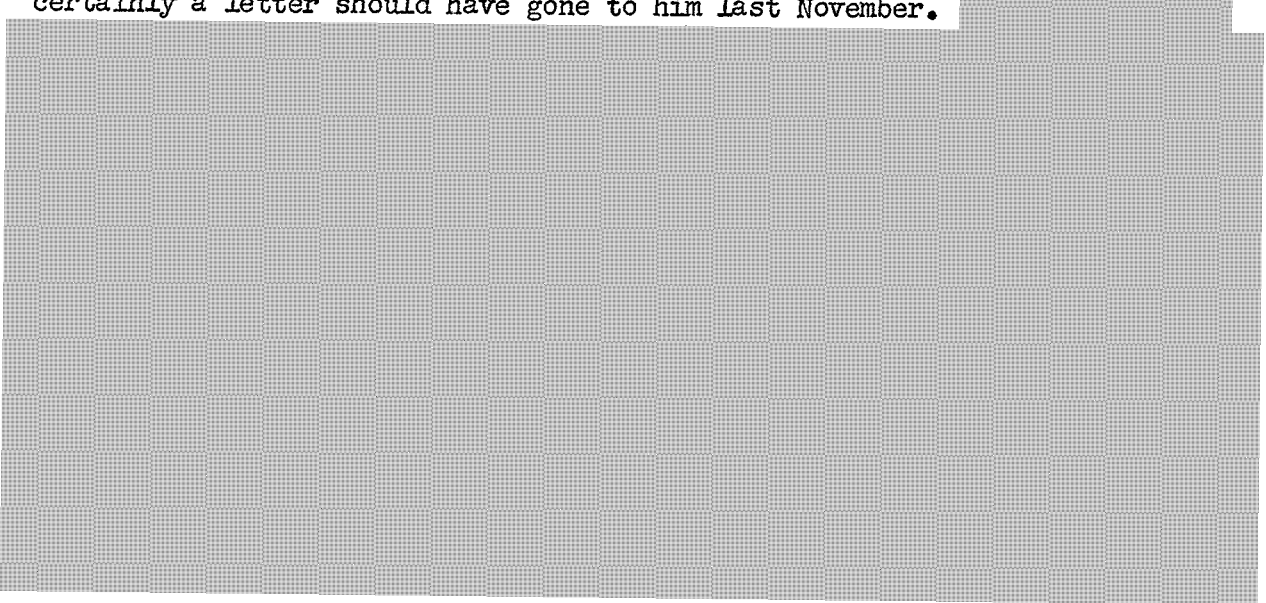
On March 5th I wrote you a memorandum which dealt in part with the specific Committal Order for removing and confining Mrs. Rosa Sonfrere to the Provincial Mental Institute at Oliver, Alberta. Before signing this memorandum, which was prepared for my signature, I am afraid I did not fully appreciate all the statements on page 1. On that page a new procedure is set out for committing mentally ill persons to custody. One of the sentences implies my support for the proposed new procedure. I am sorry to have to write at this juncture and tell you that I would like to ask for further consideration of this matter. I wrote to Mr. Brown on March 13th saying:

"Two things relating to this subject have been on my desk recently.

1. A memorandum from me to the Deputy Minister recommending a changed system of committal involving Judge Sissons and two psychiatrists. I signed this without realizing the extent of it, but fortunately the Deputy Minister also overlooked the policy recommendation and dealt only with the particular case in hand, returning the memorandum to me. I say fortunately because I do not support the proposal at all.
2. Dr. John B. Newton wrote on November 20th urging faster arrangements for getting mental patients into a mental hospital. A reply came to me for the Deputy Minister to sign on March 12th. This long delay is not explained.

"Mr. Rudnicki has a great deal of experience in this field and I would therefore like you to ask him to look at both these papers and let you have his advice."

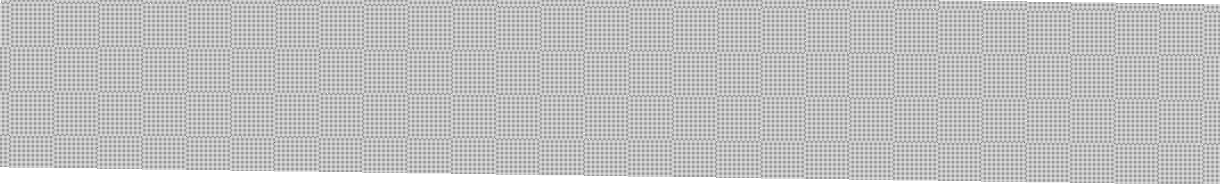
-- Since then the matter has been discussed by Mr. Rudnicki, Mr. Brown and me. As a result, I now attach a draft letter for you to send to Dr. Newton with my apologies for placing on your desk a reply dated so long after the incoming letter. Perhaps there is a saving aspect to this in that Mr. Rudnicki will shortly be going to Fort Smith. The occasion is, therefore, a reasonable one on which to write to Dr. Newton although -- certainly a letter should have gone to him last November.



All of this presupposes a sort of finality about entry to a mental hospital. On the other hand as I understand it, diagnoses, except in the most obvious cases of mental illness, can only be made after a considerable period of observation, treatment and study. It is my impression that not only would we be quite unlikely to find a psychiatrist in any city in Canada willing to go off to the north to examine a patient and testify before a judge as to the patient's condition, but also that first and foremost the treatment of a serious mental disease nowadays requires that the patient be brought into a mental hospital. It is quite impossible for a psychiatrist to make a quick diagnosis except in extreme cases. The treatment of mental diseases envisages as short a stay as possible in a mental hospital, frequent reviews of condition, and discharge as soon as the patient can return to an outside environment. Committal, therefore, is in no sense a sentence, let alone a sentence for life.

3.

There is at the present time a great deal of interest in every part of Canada concerning the treatment of mental diseases, and the question of admission is particularly to the fore.



At this time I would like to ask for a delay in this matter, before any further move is undertaken, so that Mr. Rudnicki can discuss it with Dr. Newton, Mr. Merrill, Miss Crawley and possibly others at Fort Smith. I would also like to have the opinion of the Mental Health Division of the Department of National Health and Welfare and ask for your indulgence in suspending action on my memorandum of March 5th.

s.23

B. G. Sivertz
B. G. Sivertz,
Director.

P.S. Mrs. Rudnicki arrives in Fort Smith April 29 for a 4 or 5 day stay.

B. G. Sivertz :

I have revised the letter to Dr. Newton, since it is now out-of-date. (Mr. Rudnicki will already have seen him). I have not signed the letter to Mr. de Weert because it conflicts in part with the new policy covered in Mr. Jacobell's letter and referred to in my memo to you (dated May 4) which I am sending herewith. After consideration, please do another letter to him.

B. G. S.
MSR 7/6/59.

000240

Department of Northern Affairs and National Resources

OFFICE of THE DEPUTY MINISTER

TO: *Mr. Brown*
~~MR. SIVERTS~~

DATE Apr. 27

FOR: *B. G. S.*

	PREPARATION OF REPLY		DISCUSSION WITH UNDERSIGNED
	ACTION		MAY WE DISCUSS AT YOUR CONVENIENCE
	COMMENT		DIRECT REPLY
	APPROVAL		DIRECT REPLY, COPY TO THIS OFFICE
<input checked="" type="checkbox"/>	INFORMATION		NOTE AND FILE
	SIGNATURE		NOTE AND RETURN
	TRANSLATION		AS REQUESTED



COPY

MARK M. deWEERDT

P.O.Box 127,
Yellowknife, N.W.T.,
April 24, 1959.

530-40

B-5

B1 4

R. G. Robertson, Esq.,
Commissioner of the N.W.T.,
Ottawa.

Dear Mr. Robertson:

Insane Persons Ordinance

not recorded

13, 1959.

Thank you very much for your letter dated April

I am indeed glad that these cases have been given
such close attention and that the present legislation is to be
supplemented with the instructions which you mention.

Yours truly,

(sgd) Mark M. de Weerd.

COPY

MARK M. deWEERDT

P.O.Box 127,
Yellowknife, N.W.T.,
April 24, 1959.

R. G. Robertson, Esq.,
Commissioner of the N.W.T.,
Ottawa.

Dear Mr. Robertson:

Insane Persons Ordinance

Thank you very much for your letter dated April
13, 1959.

I am indeed glad that these cases have been given
such close attention and that the present legislation is to be
supplemented with the instructions which you mention.

Yours truly,

(sgd) Mark M. de Weerd.

GOVERNMENT
OF
CANADA

ACTION REQUEST

CGSB 6-GP-12
P.P. & S. Cat. 3433

TO

LOCATION

FOR:

FILE NO.

☐ ACTION

☐ APPROVAL

☐ COMMENTS

☒ DRAFT REPLY

☐ INFORMATION

☐ INVESTIGATION

☐ MORE DETAILS

☐ NOTE & FILE

☐ NOTE & FORWARD

☐ NOTE & RETURN

☐ REPLY, PLEASE

☐ SEE ME, PLEASE

☐ SIGNATURE

☐ TRANSLATION

☐ YOUR REQUEST

PREPARE MEMO TO:

REPLY FOR SIGNATURES OF:

REMARKS:

FROM

PHONE

LOCATION

DATE

000245

**Department of Northern Affairs and
National Resources**

OFFICE OF THE DEPUTY MINISTER

TO: MR. SIVERTZ

DATE Apr. 27

FOR:

<input checked="" type="checkbox"/>	PREPARATION OF REPLY		DISCUSSION WITH UNDERSIGNED
<input checked="" type="checkbox"/>	ACTION		MAY WE DISCUSS AT YOUR CONVENIENCE
	COMMENT		DIRECT REPLY
	APPROVAL		DIRECT REPLY, COPY TO THIS OFFICE
<input checked="" type="checkbox"/>	INFORMATION		NOTE AND FILE
	SIGNATURE		NOTE FOR RETURN
	TRANSLATION		AS REQUESTED

*Please consult Mr Olson
re reply.*

U

[Handwritten signature]

000246

WRJ/RL

185149

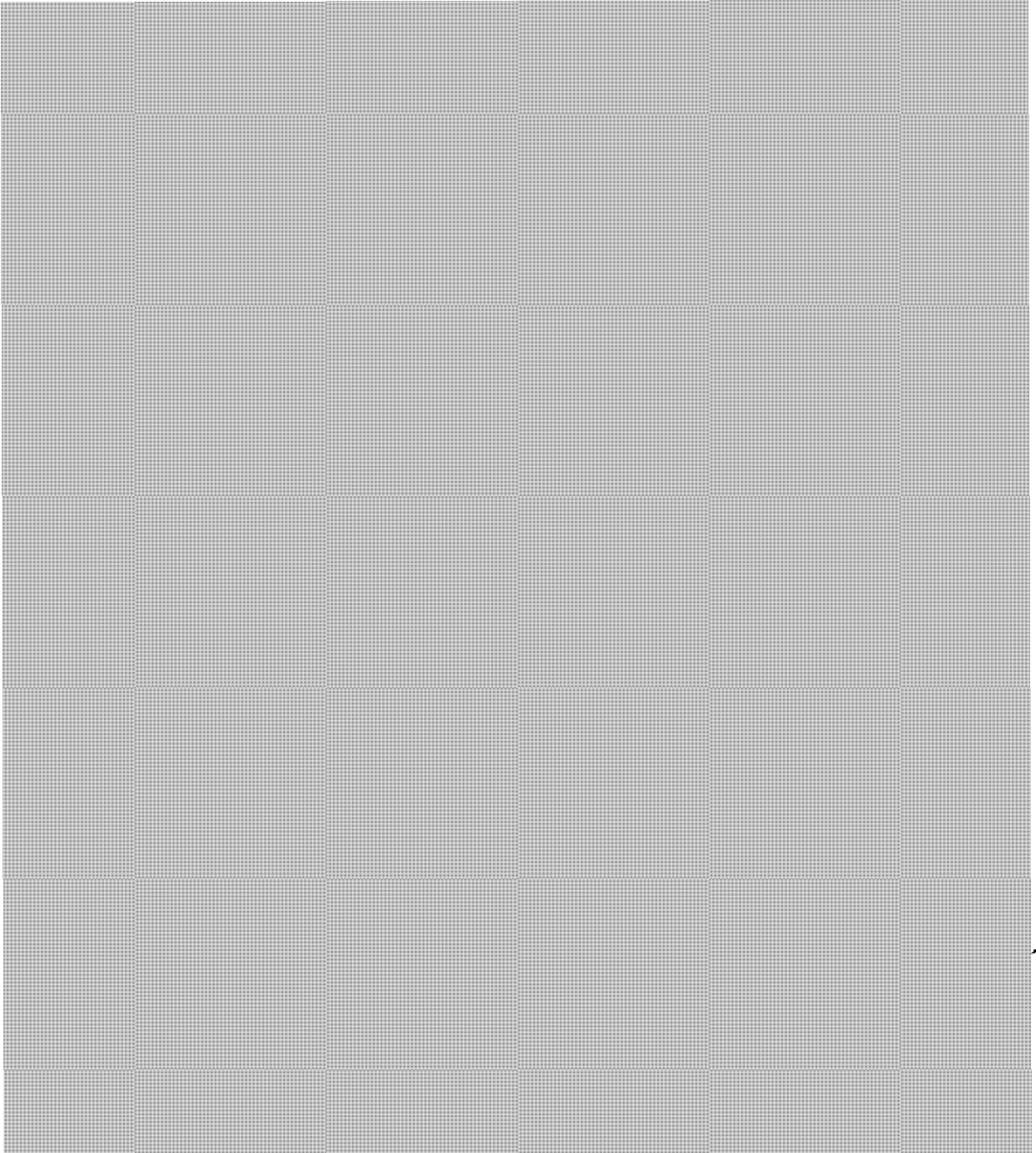
April 23, 1959

R. G. Robertson, Esq.,
Commissioner of the Northwest Territories,
Langlois Block,
Ottawa, Ontario.

North Admin. C. 12-1-17.	
Ottawa, Ont.	
MAY 2 1959	
File No.	530-40
Refer To	B-1

Dear Mr. Robertson:

revised

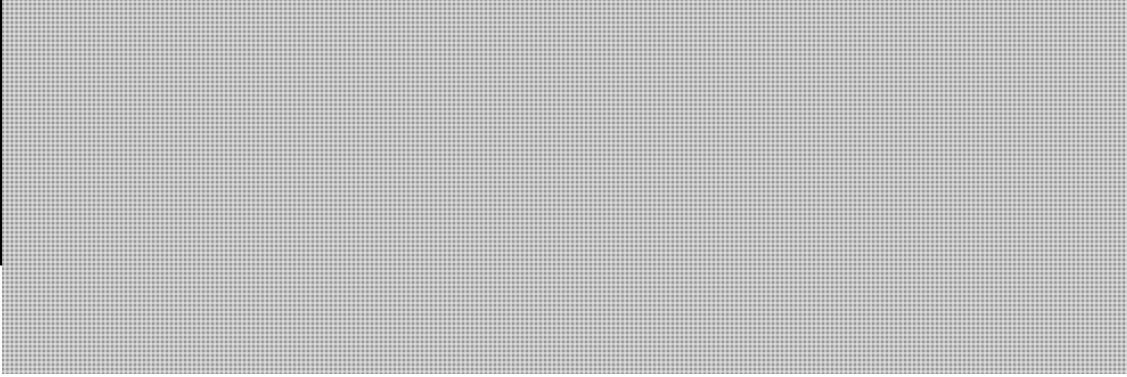


Page 248

**is withheld pursuant to section
est retenue en vertu de l'article**

23

**of the Access to Information Act
de la Loi sur l'accès à l'information**



Yours truly,

W R Jaschitt

Deputy Minister.

Dept. of Justice

s.23



CANADA

DEPARTMENT

OF

NORTHERN AFFAIRS AND NATIONAL RESOURCES

NORTHERN ADMINISTRATION
AND LANDS BRANCH

YOUR FILE NO.

OUR FILE NO.

Rudnicki/LG

~~ARCTIC DIVISION~~
Welfare Division

Ottawa, 7 April, 1959 North Admin. Br.
Ottawa, Ont.

See by Mr. Brown
PP 20/11
MA
MEMORANDUM FOR MR. W.G. BROWN

INSANE PERSONS' ORDINANCE

AUG 21 1959
File No. 530-40
Refer To.....

A couple of weeks ago, you asked me to comment on background material and proposals concerning the Insane Persons' Ordinance. Although, in the present situation, I am unable to give this kind of problem the study it deserves, I can tell you about how it is handled in some provinces. As there apparently have been meetings on this subject, I may be going over old ground and suggesting things that, for good reasons, have already been considered and discarded as unrealistic in the Territories. If this is so, I ask your indulgence.

As you know, any procedures set up for admission of mentally ill persons to hospital should take into account three key factors. These are:

(1) In many cases, mental illness can be treated successfully if the time lag between onset and treatment is reduced to a minimum. The implication in the Territories, therefore, is that admission procedures should facilitate rather than hinder the possibilities of effective treatment.

(2) Admission procedures should also take into account what is realistic in the north in terms of available medical or psychiatric services and, at the same time, provide safeguards against the remote possibilities of anyone being "rail-roaded" into a mental hospital.

(3) In recognition of the fact that there are many kinds of mental disturbances that need treatment, admission procedures should have provisions to admit persons either on a voluntary basis or as committed patients.

... 2

000250

2.

An acceptance of these factors as a guide for working out admission procedures would necessarily involve changes in the present Insane Persons' Ordinance. (The wording of this Ordinance title is a little archaic too.) These changes would, moreover, bring admission procedures in line with those employed in many provinces where, for example, the services of psychiatrists, judges and magistrates are not always necessary. Modifications in the Ordinance and admission procedures would perhaps overcome most problems associated with the detention of mentally ill persons in jails for lengthy periods of time. I do not know how typical this existing procedure is in the Northwest Territories but, you will no doubt agree, it defeats later attempts at treatment and have nothing to recommend it except expediency.

I would, therefore, support proposals that mentally ill persons in the Northwest Territories be admitted to hospital in one of the following two ways and that the Ordinance be amended accordingly:

(1) Where a mentally ill person is incapable of appreciating his condition, committal would be needed. This could be carried out as follows:

- (a) The patient is examined by two doctors (general practitioners and not necessarily psychiatrists) who complete and sign statements on the patient's condition and symptoms.
- (b) Relatives or guardians complete a statement which is, in effect, a personal history form. A relative or guardian signs the statement and this is witnessed by a notary public (who could be a Departmental representative) or a Justice of the Peace, if one is available.
- (c) With these documents, the patient is sent to hospital by next available transportation.

(2) In cases where a mentally ill person is aware of his need for treatment, voluntary admission procedures should always be employed. The approach usually is as follows:

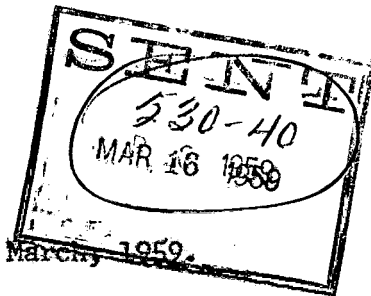
3.

- (a) The patient is examined by a doctor who, on confirming the need for treatment, fills out a voluntary admission form which includes a brief statement of symptoms. This is signed by the doctor and the patient. In signing the form, the patient agrees to give notice of a specified number of days, if he decides to seek his own discharge from hospital before treatment is completed.
- (b) Whenever possible, a personal history is also completed by a Departmental representative. This is not necessary to the admission procedures, but is merely an aid to diagnosis and treatment in hospital.
- (c) The patient is sent to hospital with these documents by next available transportation.

If there are any further comments or questions on this matter, please let me know.



W. Rudnicki,
Chief,
Welfare Division.



Ottawa, 13th March, 1959.

Memorandum for Mr. Brown:

Insane Persons' Ordinance

Two things relating to this subject have been on my desk recently.

1. A memorandum from me to the Deputy Minister recommending a changed system of committal involving Judge Sissons and two psychiatrists. I signed this without realizing the extent of it, but fortunately the Deputy Minister also overlooked the policy recommendation and dealt only with the particular case in hand, returning the memorandum to me. I say fortunately because I do not support the proposal at all.
2. Dr. John B. Newton wrote on November 20th urging faster arrangements for getting mental patients into a mental hospital. A reply came to me for the Deputy Minister to sign on March 12th. This long delay is not explained.

Mr. Rudnicki has a great deal of experience in this field and I would therefore like you to ask him to look at both these papers and let you have his advice.

B. G. Sivertz,
Director.



NORTHWEST TERRITORIES

Ottawa, 18 September, 1957. Lands Br.

MEMORANDUM FOR JUSTICES OF THE PEACE
IN THE NORTHWEST TERRITORIES

Insane Persons Ordinance

Under the Insane Persons Ordinance a person adjudged insane within the meaning of the Ordinance is committed to the care and custody of the R.C.M. Police pending the wishes of the Commissioner being made known. According to the established procedure, the Justice of the Peace wires the Commissioner of the Northwest Territories advising him of the Court findings. The wire includes age, sex, occupation and racial status of the patient. The Commissioner, in turn, makes arrangements for the hospitalization of the patient and issues an Order for Removal and Confinement. This Order is delivered to the R.C.M. Police for execution.

As you are aware, there are no facilities for the care and treatment of insane persons in the Northwest Territories and we must rely on arrangements that can be made with provincial authorities. In the past we have received excellent co-operation from them and it is important that we endeavour to continue our good relationships.

Recently one of the provinces brought to our attention the case of a boy who was declared insane under section 2(b)(i) of the Ordinance and who, according to the medical diagnosis, was classed as a low grade mental defective or moron. This province pointed out that mental hospitals are not equipped to provide care for this sort of individual and that there were special institutions for this type of case. They indicated some concern lest we continue to send this type of case to them and asked that care be taken in the future not to send such persons to their mental hospitals.

It is therefore requested that all Justices of the Peace, when advising the Commissioner of an insane case, incorporate in the notification the medical diagnosis as given by a doctor in order that only bona fide cases of mental disturbance will be sent to provincial mental institutions. Your assistance and co-operation in this matter is requested.

W. G. Brown,
Deputy Commissioner.

000254

DEPARTMENT OF NORTHERN AFFAIRS AND
NATIONAL RESOURCES

Northern Administration and Lands Branch.

Date;

10.9

PA

To;

M. Beaman PD

For Action:

For Direct Reply:

For Preparation of Reply:

For Reply for Director's Signature:

For Comment:

For Approval:

✓

To Note and File:

For Discussion with Undersigned:

For Signature:

For Information:

Re: Telephone Conversation:



.....
Signature

000255

DRAFT

Orange/ss

North Admin. & Lands Br.

Ottawa, 13 September, 1957.

File No. 530-40

Refer To

MEMORANDUM FOR ~~THE~~ JUSTICES OF THE
PEACE IN THE NORTHWEST TERRITORIES

Insane Persons Ordinance

Under the Insane Persons Ordinance a person adjudged insane within the meaning of the Ordinance is committed to the care and custody of the R.C.M. Police pending the wishes of the Commissioner being made known. According to the established procedure, the Justice of the Peace wires the Commissioner of the Northwest Territories advising him of the Court findings. The wire includes age, sex, occupation and racial status of the patient. The Commissioner, in turn, makes arrangements for the hospitalization of the patient and issues an Order for Removal and Confinement ^{this order is given delivered} to the R.C.M. Police. ^{for execution.}

As you are aware, there are no facilities for the care and treatment of insane persons in the Northwest Territories and we must rely on arrangements that can be made with provincial authorities. In the past we have received excellent co-operation from them and it is important that we endeavour to continue our good relationships.

Recently one of the provinces brought to our attention the case of a boy who was declared insane under section 2(b)(i) of the Ordinance and who, according to the medical diagnosis, was classed as a low grade mental defective or moron. This province pointed out that ^{hospitals} mental institutions are not equipped to provide care ^{for} to this ^{sort} type of individual and that there were special ^{institutions} hospitals ^{case} for this type of case. They indicate ^d some concern lest we continue to send ^{this} that type of case to them, ^{and asked} They ~~requested~~ that care be taken in the future not to include ^{send} to their mental hospitals. such persons ~~when requesting the use of provincial facilities.~~

It is therefore requested that all Justices of the Peace, when advising the Commissioner of an insane case, incorporate in the ^{notification} telegram the medical diagnosis as given by a doctor in order that only

bona fide cases of mental disturbance will be sent to provincial ~~mental~~
institutions. ~~If a doctor's diagnosis is not available, you should~~
~~indicate whether insanity is temporary or permanent, that is, as a~~
~~result of birth or childhood. For these other cases we will of course~~
~~make every attempt to ensure that they are hospitalized in the proper~~
~~type of institution.~~ Your assistance and co-operation in this matter
is requested.

W. G. Brown

Deputy *Committee*

applied
16.9.57

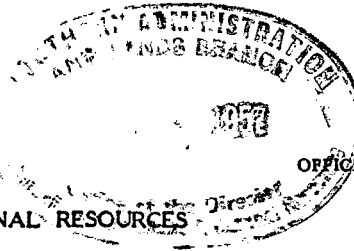


CANADA

DEPARTMENT
OF

NORTHERN AFFAIRS AND NATIONAL RESOURCES

NORTHERN ADMINISTRATION
AND LANDS BRANCH



PLEASE QUOTE
FILE 530-40

Orange/ss

OFFICE OF THE DIRECTOR

7433

Ottawa, July 2, 1957.

NORTH ADMIN. & Lands Br.
Ottawa, Ont.

JUL 4 1957

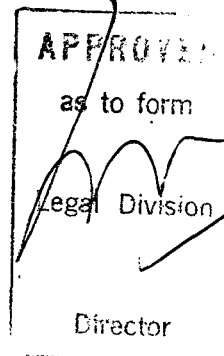
File No. 530-40
Refer To 6-5

MEMORANDUM FOR THE COMMISSIONER
OF THE NORTHWEST TERRITORIES

Insane Persons Ordinance

--
I attach for your approval and signature a draft Order authorizing Mr. F.J.G. Cunningham to act as Commissioner for the purposes of the Insane Persons Ordinance in the event that both yourself and the Deputy Commissioner are absent or unable to act. This is in accordance with the amendment to the Ordinance which was passed at the January session of the Territorial Council.

B. G. Sivertz,
Director.



s.23

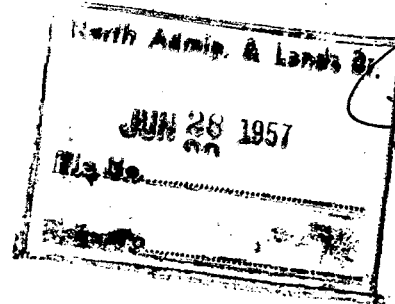
CONFIDENTIAL

...to the authority conferred on me by subsection
(2) of section 2 of the Access to Information Act, I
have to report that the above-mentioned ... to ...
...for the purpose of the ...
...during the ... of the ...
...and ... are both ... to ...

Given at Ottawa, this 3rd day of July 1981.

R. G. Robertson

Minister of Justice
1981-1982



530-40

Orange/ss

Ottawa, July 2, 1957.

MEMORANDUM FOR THE COMMISSIONER
OF THE NORTHWEST TERRITORIES

Insane Persons Ordinance

--

I attach for your approval and signature a draft Order authorizing Mr. F.J.G. Cunningham to act as Commissioner for the purposes of the Insane Persons Ordinance in the event that both yourself and the Deputy Commissioner are absent or unable to act. This is in accordance with the amendment to the Ordinance which was passed at the January session of the Territorial Council.



B. G. Sivertz,
Director.

B-1

530-40

Stark
Stark Admin. & Legal Br. Orange/ss

JUN 28 1957

To No.

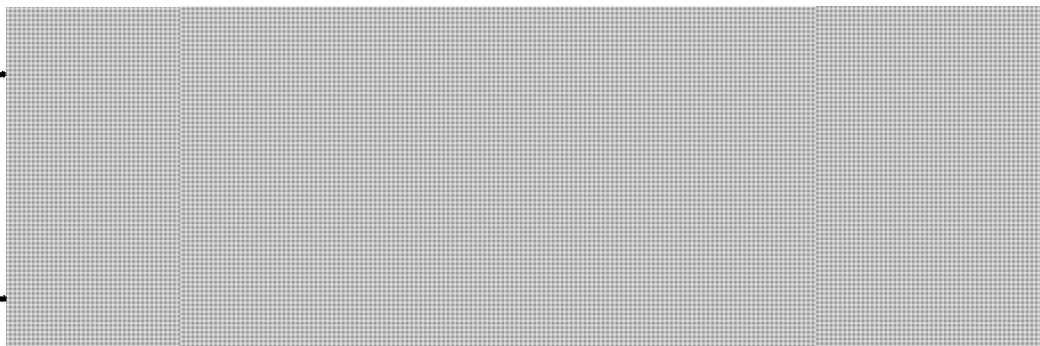
Refer To

Ottawa, June 28, 1957.

Handwritten signature

MEMORANDUM FOR MR. W. NASON

Insane Persons Ordinance



B. G. Sivertz
B. G. Sivertz,
Director.

Handwritten initials/signature

Page 262

**is withheld pursuant to section
est retenue en vertu de l'article**

23

**of the Access to Information Act
de la Loi sur l'accès à l'information**

BILL 2

INSANE PERSONS ORDINANCE - AMENDMENT

Supplementary Notes for Sponsor -
Mr. Porritt

~~(References are to sections in the Bill).~~

PA
RHP

No. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

ES 8 10.

No. 530-40

Refer To

Under the Insane Persons Ordinance where the Court is satisfied that the person charged is insane the Court is required to commit such person to the custody of the Royal Canadian Mounted Police pending instructions from the Commissioner of the Northwest Territories. Upon receipt of notification that an insane person has been committed to the custody of the R.C.M. Police the Commissioner arranges for such person to receive treatment in a mental hospital in one of the provinces, usually Alberta, and then issues an Order for the persons removal to and confinement in the provincial hospital.

As many of the people committed to the custody of the R.C.M. Police under this Ordinance are seriously ill, it is important that they be removed to hospital as quickly as possible.

At the present time the Deputy Commissioner has all the powers of the Commissioner in respect of the issue of these Orders for removal and confinement by virtue of Section 16(2) of the Interpretation Ordinance. However, when both the Commissioner and Deputy Commissioner are absent from Ottawa at the same time, there is no one who has the power to order the removal to and confinement in a mental hospital of a person found to be insane by the Court. The new subsection (2) of Section 9 is to authorize the Commissioner to appoint someone to act in his place in those matters when both he and the Deputy Commissioner are absent at the same time.

The proposed new subsection (1) of Section 9 is to clarify the powers of the Deputy Commissioner.

011:gle

North Admin. & Lands Br.

NOV 27 1956

File No. 530-40

Refer To. _____

590-1
590-2
590-3
590-4

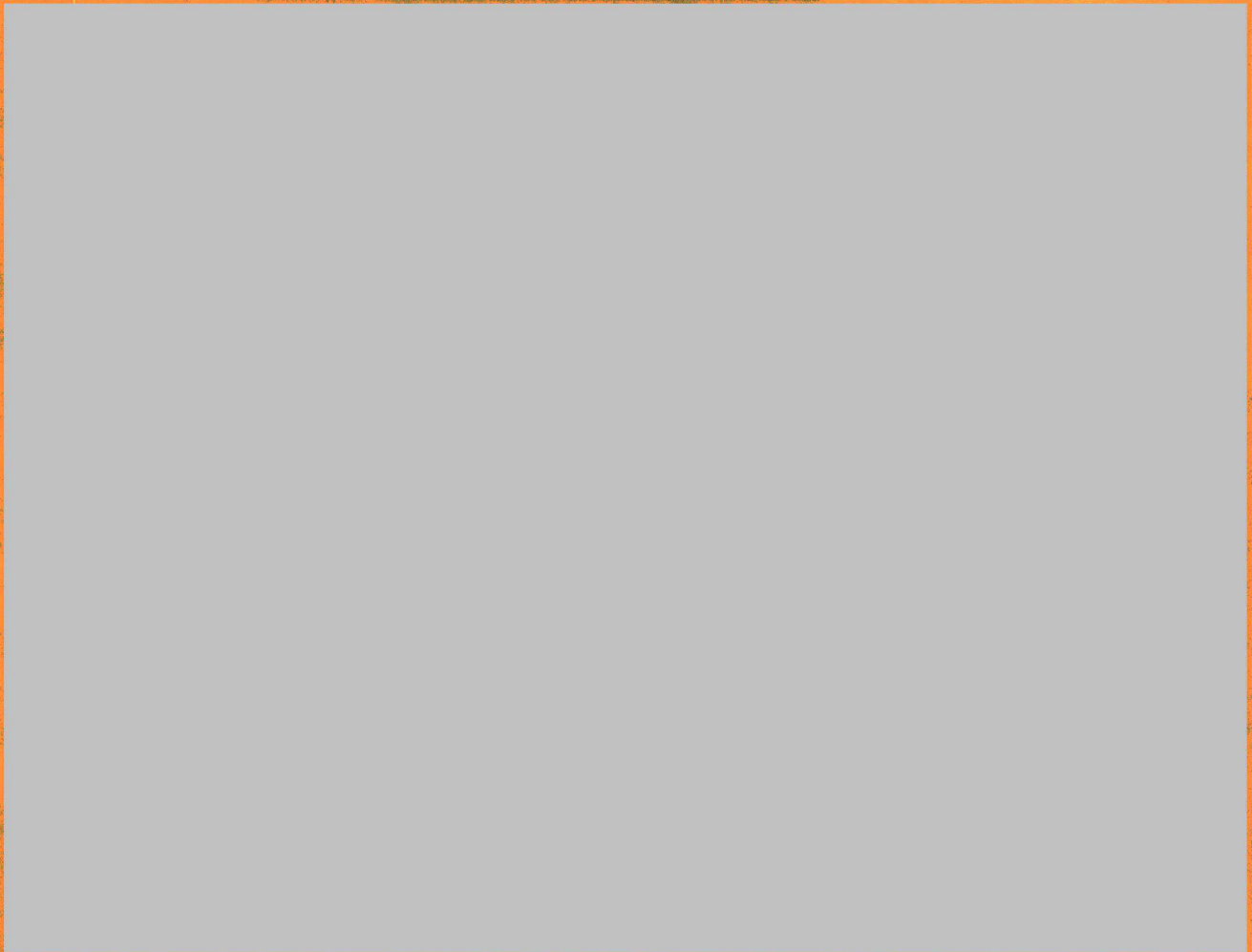
PA
LP


27

Ottawa, 26 November, 1956.

MEMORANDUM FOR THE COMMISSIONER
OF THE NORTHWEST TERRITORIES

Delegation of Powers of Commissioner.





J. G. Cunningham

**J. G. Cunningham,
Director.**

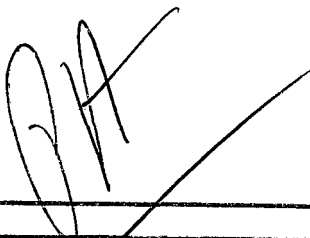
DEPARTMENT OF NORTHERN AFFAIRS AND
NATIONAL RESOURCES

Northern Administration and Lands Branch.

Date; 7 1956

To;

B5



For Action:

For Direct Reply:

For Preparation of Reply:

For Reply for Director's Signature:

For Comment:

For Approval:

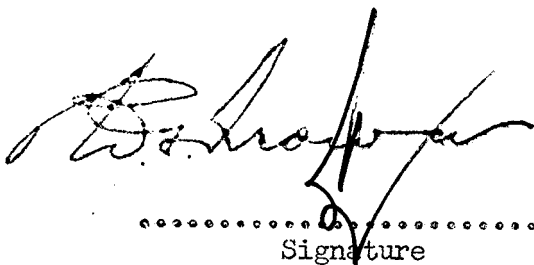
To Note and File:

For Discussion with Undersigned:

For Signature:

For Information:

Re: Telephone Conversation:



.....
Signature

000267



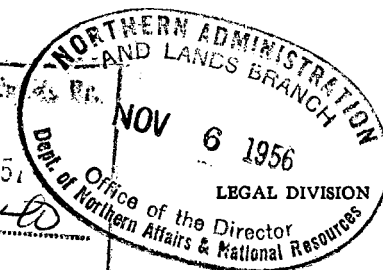
CANADA

DEPARTMENT

OF

File 530-40

NORTHERN AFFAIRS AND NATIONAL RESOURCES



ADMINISTRATION BRANCH

PAP
Ottawa, November 5, 1956. *

Mr. Brown *PAP*

MEMORANDUM FOR THE DIRECTOR, NORTHERN ADMINISTRATION
AND LANDS BRANCH.

Re: Amendment to Insane Persons Ordinance.



W. Nason
W. Nason,
Legal Adviser.

HWI Act

HWI Insane Persons Ord.
HWI Liquor Ordinance

001:10

SENT

OCT 24 1956

500-9
530-40
590-1

Ottawa, 24 October, 1956.

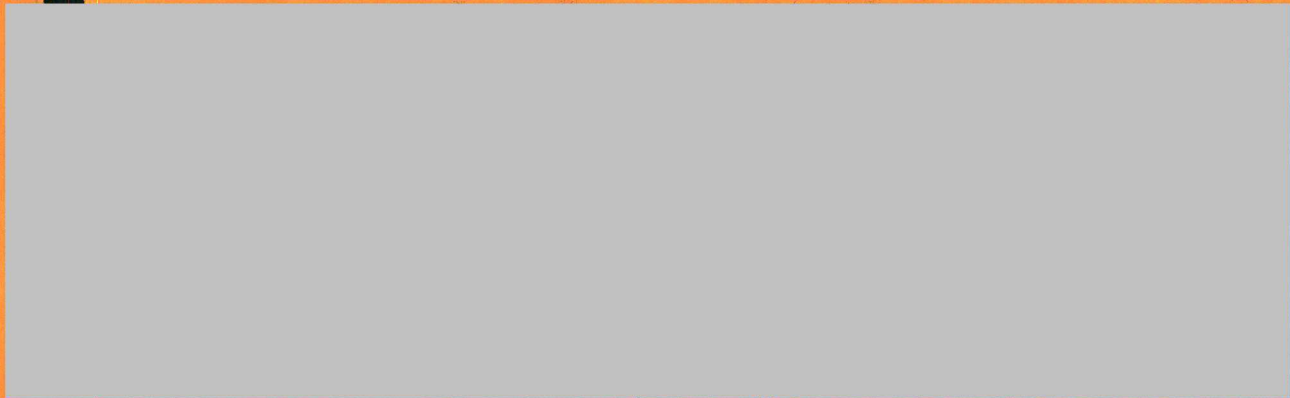
PA
LP

MEMORANDUM FOR MR. H. HANCOCK

Insane Persons Ordinance HWI

file
552-4

2.



P. J. G. Cunningham

**P. J. G. Cunningham,
Director.**

C.C. R.A. Bishop

s.23

000270

Original in 552-4

North Admin. & Lands B.
AUG 28 1956
File No. <u>230-40</u>
Refer To <u>B5</u>

530-40-1

07145

s.19(1)

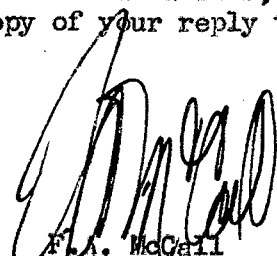
Fort Smith, N.W.T.
August 25, 1956.

MEMORANDUM FOR THE ACTING DIRECTOR.

Re: Mental Cases - Northwest Territories.

Attached you will find a copy of a letter *(on file 552-4)* we have received from Dr. L.E.C. Davies, Zone Superintendent for the Department of National Health and Welfare, in which he raises four points which require clarification in connection with mental cases. No doubt these questions can be answered under the Ordinance Respecting Insane Persons, but we are referring them to your office for an answer as there may be policy matters in connection with the removal of mental cases from the Northwest Territories we are not aware of in this office. I might mention the recent case of [REDACTED] of Aklavik which was mis-handled by our office.

We are advising Dr. Davies that we are forwarding his letter to your office for an answer, and we would appreciate receiving a copy of your reply to him.


F.A. McCall
A/District Administrator.

FAM/MB
Att.

530-40

COUNCIL OF THE NORTHWEST TERRITORIES
FOURTH SESSION

JUNE 25, 1953

BILL NO. 29

AN ORDINANCE TO AMEND AN ORDINANCE
RESPECTING INSANE PERSONS

First Reading -

Second Reading -

Third Reading -

Assented to -

Chapter No. -

BILL NO. 29

AN ORDINANCE TO AMEND AN ORDINANCE
RESPECTING INSANE PERSONS

The Commissioner of the Northwest Territories, by
and with the advice and consent of the Council of the
said Territories, enacts as follows:

1. Section ten of the Insane Persons Ordinance, being
Chapter three of the Ordinances of 1952, Second Session,
is repealed and the following substituted therefor:

"Effective
date.

"10. This Ordinance shall come into force on
the day on which The Northwest Territories Act,
Chapter three hundred and thirty-one of the Revised
Statutes of Canada, 1952 comes into force. "

INSANE PERSONS ORDINANCE

Explanatory Notes

The purpose of this Bill is to clarify the reference made in the Ordinance to the new Northwest Territories Act.

Section 10

This Ordinance shall come into force on the day on which The Northwest Territories Act, Chapter forty-six of the Statutes of Canada, 1952, comes into force.

N.B. - When the present Ordinance was passed the new Northwest Territories Act was identified by its chapter number and year of passage. It is preferable to identify it by its chapter number in the new Revised Statutes of Canada, 1952.

CHANGES TO BE MADE TO BILL NO. 3

Insane Persons Ordinance

9583.
By r
RB

Section 2 (b) (ii) to read

"(ii) who is suffering from such a disorder of the mind"

Section 3 (i) Insert comma after the word "be"

Add Subsection (3) to Section 4

Retention
without
warrant.

- (3) Any person apparently mentally ill or mentally defective and conducting himself in a manner in which a normal person would be disorderly, may be apprehended without a warrant by any constable or peace officer and detained in the custody of the Royal Canadian Mounted Police until the question of his mental condition is determined by the Court.

ALTERNATIVE

- (3) Any person apparently mentally ill or mentally defective and conducting himself in a manner which may be dangerous to himself or others, may be apprehended without a warrant by a constable or peace officer, and detained in the custody of the Royal Canadian Mounted Police until the question of his mental condition is determined by the Court.

Section 5 - Add to Para (d) the word "and"

Delete para (e)

Renumber Para (f) as Para (e).

Section 6 (3) - Insert after the words "thereof" the words

"and the evidence produced before it".

Section 7 (4) (5) - For the words "the Court" substitute

"A Judge of the Territorial Court".

Section 7 (6) - The Public Administrator is liable to render an account of his management of the estate of an insane person to a Judge of the Territorial Court and the Commissioner.

Section 8 - For the words "the Court", substitute

"A Judge of the Territorial Court".

SCHEDULE

Delete the words

"on the day of 19 ".

AN ORDINANCE RESPECTING THE GUARDIANSHIP
OF ESTATES OF INSANE PERSONS

(Assented to)

The Commissioner of the Northwest Territories by and with the advice and consent of the Council of the said Territories enacts as follows:

1. This Ordinance may be cited as "The Guardian of Estates of Insane Persons Ordinance".

2. Where a person is committed to a gaol under section three of an Ordinance respecting Insane Persons, being chapter ninety of the Consolidated Ordinances of the Northwest Territories, 1898, and there is no other guardian or committee of his estate, upon the filing of an affidavit by the Public Administrator with a stipendiary magistrate that the estate of the said insane person does not exceed in value the sum of five hundred dollars, the Public Administrator shall be the guardian of such estate and while acting as such guardian shall have all the powers of a guardian appointed pursuant to Order XLIV of the Rules of Court.

3. The Public Administrator as guardian of the estate of an insane person shall manage, handle, administer and care for the property either real or personal of the insane person and may, without applying to or petitioning a stipendiary magistrate for a declaration of lunacy or for an order affecting the estate or for directions, do all acts and take all proceedings necessary for the performance of his duties and without in any way limiting the generality of the foregoing shall have power and authority to mortgage, lease or sell the real or personal property, or any portion thereof, of the insane person, to execute the necessary transfers, deeds, conveyances, or agreements for sale and to accept mortgages and securities for the purchase money or any part thereof.

4. (1) The Public Administrator shall, within six months after the filing of an affidavit pursuant to section two of this Ordinance, file with the stipendiary magistrate a true inventory of the whole real and personal property and estate of the insane person, stating the income and profits thereof and setting forth the debts, credits and effects of the insane person so far as the same have come to the knowledge of the Public Administrator.

(2) If any property belonging to the estate be discovered after the filing of the inventory, the Public Administrator shall file true accounts thereof from time to time as the said property is discovered.

(3) Every inventory shall be verified by the oath of the Public Administrator.

5. The Public Administrator shall be liable to render an account of his management of the estate of an insane person in the same way and subject to the same responsibilities as any guardian duly appointed for a similar purpose by a stipendiary magistrate, but he shall be liable only for wilful misconduct.

6. The work and operation of the office of the Public Administrator as guardian of the estate of an insane person and his dealings and acts in connection with estates or property coming into his hands by virtue of the said office shall be subject to inspection, examination and audit by the Auditor General of Canada or by any officer deputed by him for that purpose.

AN ORDINANCE RESPECTING THE GUARDIANSHIP
OF ESTATES OF INSANE PERSONS

(Assented to)

The Commissioner of the Northwest Territories by and with the advice and consent of the Council of the said Territories enacts as follows:

1. This Ordinance may be cited as "The Guardian of Estates of Insane Persons Ordinance".

2. Where a person is committed to a gaol under section three of an Ordinance respecting Insane Persons, being chapter ninety of the Consolidated Ordinances of the Northwest Territories, 1898, and there is no other guardian or committee of his estate, upon the filing of an affidavit by the Public Administrator with a stipendiary magistrate that the estate of the said insane person does not exceed in value the sum of five hundred dollars, the Public Administrator shall be the guardian of such estate and while acting as such guardian shall have all the powers of a guardian appointed pursuant to Order XLIV of the Rules of Court.

3. The Public Administrator as guardian of the estate of an insane person shall manage, handle, administer and care for the property either real or personal of the insane person and may, without applying to or petitioning a stipendiary magistrate for a declaration of lunacy or for an order affecting the estate or for directions, do all acts and take all proceedings necessary for the performance of his duties and without in any way limiting the generality of the foregoing shall have power and authority to mortgage, lease or sell the real or personal property, or any portion thereof, of the insane person, to execute the necessary transfers, deeds, conveyances, or agreements for sale and to accept mortgages and securities for the purchase money or any part thereof.

4. (1) The Public Administrator shall, within six months after the filing of an affidavit pursuant to section two of this Ordinance, file with the stipendiary magistrate a true inventory of the whole real and personal property and estate of the insane person, stating the income and profits thereof and setting forth the debts, credits and effects of the insane person so far as the same have come to the knowledge of the Public Administrator.

(2) If any property belonging to the estate be discovered after the filing of the inventory, the Public Administrator shall file true accounts thereof from time to time as the said property is discovered.

(3) Every inventory shall be verified by the oath of the Public Administrator.

5. The Public Administrator shall be liable to render an account of his management of the estate of an insane person in the same way and subject to the same responsibilities as any guardian duly appointed for a similar purpose by a stipendiary magistrate, but he shall be liable only for wilful misconduct,

6. The work and operation of the office of the Public Administrator as guardian of the estate of an insane person and his dealings and acts in connection with estates or property coming into his hands by virtue of the said office shall be subject to inspection, examination and audit by the Auditor General of Canada or by any officer deputed by him for that purpose.

9583



CANADA

DEPARTMENT

OF

LEGAL DIVISION

ADMINISTRATION BRANCH

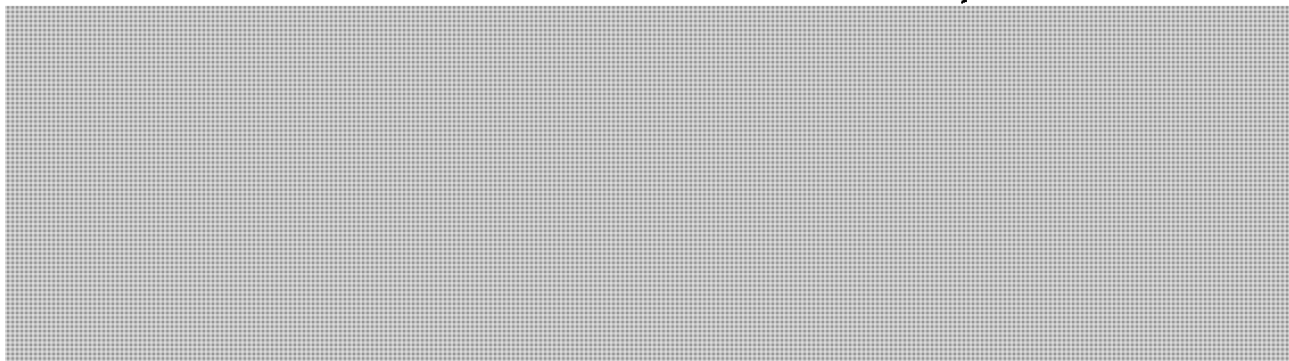


RESOURCES AND DEVELOPMENT

November 20, 1952.

MEMO FOR MR. J.R.E. BOUCHARD
SECRETARY, N.W.T. COUNCIL:

INSANE PERSONS ORDINANCE -N.W.T.



W. Nason
Legal Adviser

encl.

s.23

000278

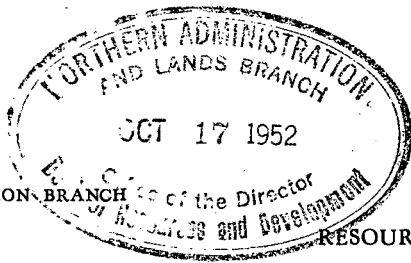
Pages 279 to / à 283
are withheld pursuant to section
sont retenues en vertu de l'article

23

of the Access to Information Act
de la Loi sur l'accès à l'information

9583.

Cpy please for 22850.



DEPARTMENT

OF

RESOURCES AND DEVELOPMENT

October 17, 1952.

LEGAL DIVISION

MEMO FOR MR. J.R.E. BOUCHARD

Bay

RR



W. Nason

W. Nason
Legal Adviser

RB/fw

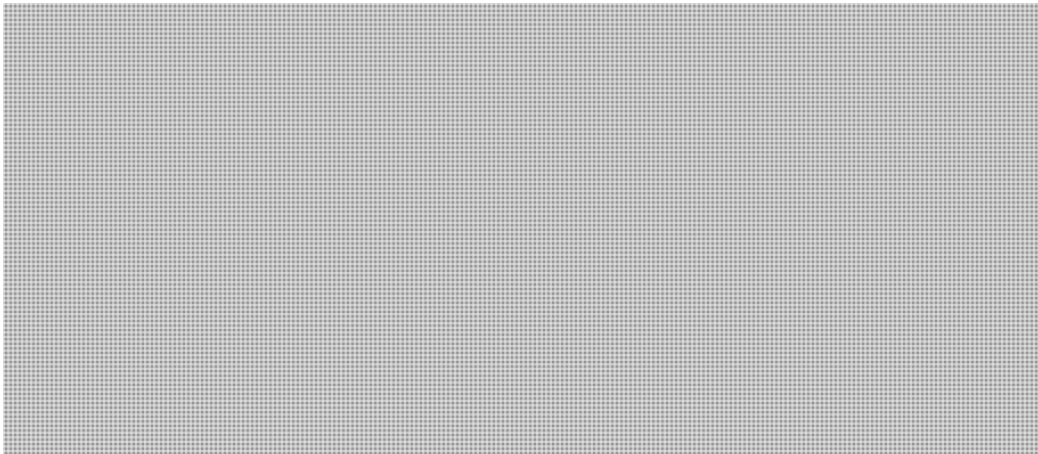
22850

SENT
AUG 16 1952

Ottawa, 16 October, 1952.

*Recall
Oct 30
RB
as*

MEMORANDUM FOR MR. W. NASON,
LEGAL ADVISER:



RB
f F.J.G. Cunningham,
Director.

NORTHERN ADMINISTRATION AND LANDS BRANCH
DEPARTMENT OF RESOURCES AND DEVELOPMENT

DATE

3/9/52

To:

For Action:

For Direct Reply:

For Preparation of Reply:

For Comment:

For Approval:

To Note and File:

To Note and Return:

For Discussion with Undersigned:

For Signature:

For Information:

Recall

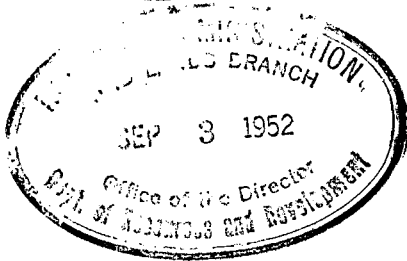
JGC
per wch.

000286

Mr. Cunningham.

WSD/pa

9583



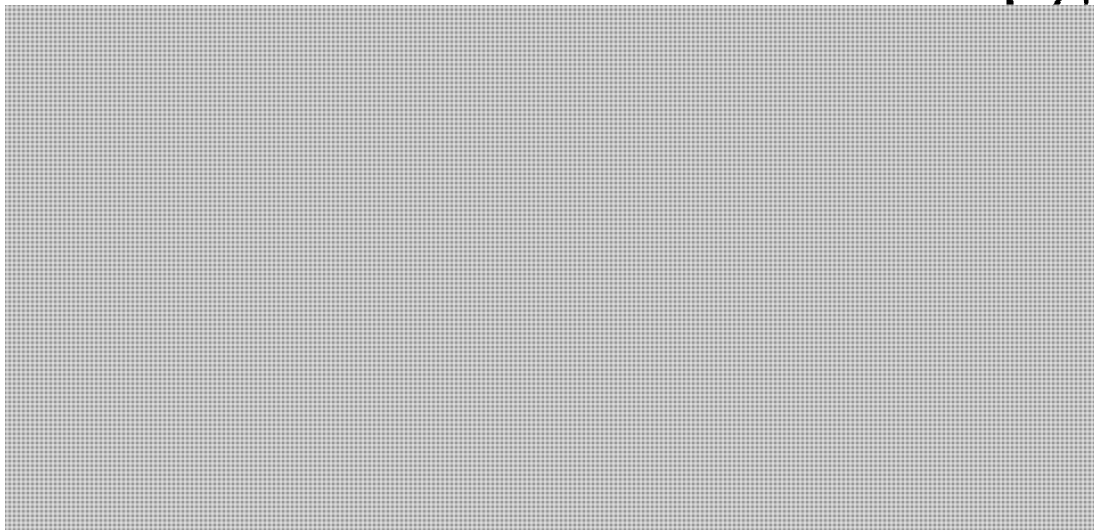
29 August, 1952.

F. P. Varcoe, Esq.,
Deputy Minister,
~~Department of Justice,~~
Ottawa, Ontario.

Dear Mr. Varcoe:

Re: Insane Persons Ordinance.

PM
PR



Yours sincerely,

P. E. Young
P. E. Young,
for Commissioner.

1800/MCM

9583.

See form

By

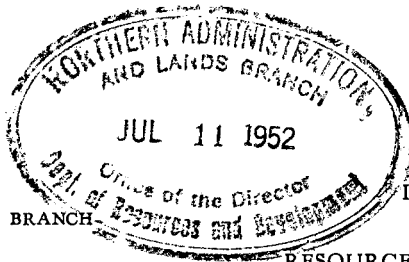
Ottawa, 16 July, 1952.

RH

MEMORANDUM FOR MR. NASON



F.J.G. Cunningham,
Acting Director.



ADMINISTRATION BRANCH

DEPARTMENT

OF

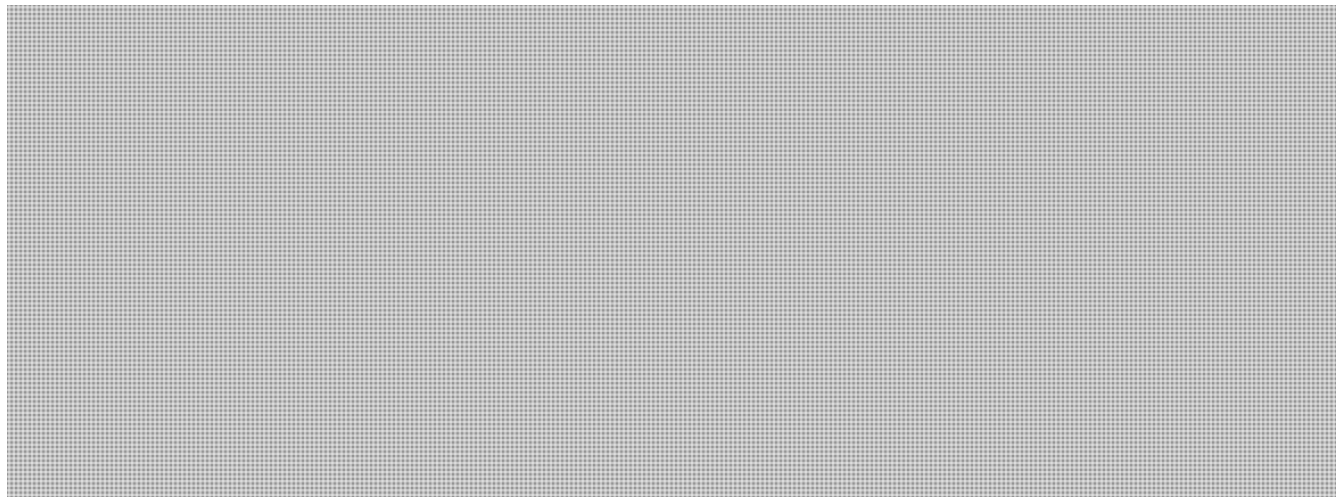
RESOURCES AND DEVELOPMENT

LEGAL DIVISION

July 11, 1952.

MEMO FOR MR. F.J.G. CUNNINGHAM
DEPUTY COMMISSIONER -N.W.T.

INSANE PERSONS ORDINANCE



W. Nason
Legal Adviser

attach.

80BY

JDA:AJ

DEPARTMENT OF JUSTICE

CANADA

BY HAND

Ottawa 4, June 30, 1952.

Dear Sir:

137324

Re: Northwest Territories
Ordinances - The Insane
Persons Ordinance.



Yours truly,

(Sgd) E. A. Driedger.

for Deputy Attorney General of Canada.

The Deputy Minister,
Department of Resources & Development,
OTTAWA, Ontario.

In discussion for purposes only
Bill

An Ordinance respecting Insane Persons.

The Commissioner of the Northwest Territories, by and with the advice and consent of the Council of the said Territories, enacts as follows:

- Short title 1. This Ordinance may be cited as the Insane Persons Ordinance.
- Information 2.(1) Any person may lay an information, supported by an affidavit giving reasons therefor, before a justice of the peace alleging that a person is or is suspected and believed to be insane.
- Warrant. (2) The justice of the peace before whom an information is laid under subsection one shall, where he is satisfied that its contents and the supporting affidavit warrant a hearing or where he is directed to do so by the Commissioner, issue his warrant, in Form A in the Schedule, to apprehend the person charged and cause him to be brought before him or some other justice of the peace for a hearing.
- Nature of hearing 3.(1) The justice of the peace shall, at the hearing of the person charged, hear evidence under oath or affirmation concerning,
- (a) the alleged insanity of the person charged, including medical evidence where practicable;
 - (b) the residence of the person charged for the period of at least six months prior to the hearing;
 - (c) his calling, profession or occupation;
 - (d) his means of support;
 - (e) his marital status and dependents, if any;
 - (f) where, if committed under this Ordinance, he will be sent and what provisions, if any, are to be made for the cost of his maintenance and care; and
 - (g) such other matters as the justice of the peace deems relevant to the question of the sanity of the person charged, his future maintenance and care or otherwise pertinent to the case.
- Powers of justice of the peace. (2) A justice of the peace has, with reference to a hearing under this Ordinance, the like authority for compelling the attendance of witnesses and the production of documents as he has with reference to summary convictions under any statute, Ordinance or other law in force in the Territories and is entitled to the same fees.
- Discharge. 4.(1) Where he is not satisfied from the evidence adduced at a hearing that the person concerned is insane, the justice of the peace shall discharge such person.
- Committal (2) Where he is satisfied from the evidence adduced at a hearing that the person concerned is insane, the justice of the peace shall commit such person, by warrant in Form B in the Schedule, to the custody of the Royal Canadian Mounted Police to remain in such custody until the pleasure of the Commissioner is known or until such person is discharged by law.
- Report of committal (3) Where a justice of the peace commits a person under subsection two he shall forthwith send a complete report of the case to the Commissioner, together with the information laid and the evidence taken at the hearing.
- Power to make further inquiry. (4) The Commissioner may at any time in his discretion order that the hearing of a committed person be re-opened or that a new hearing be held or that such other inquiries and steps be taken as he deems advisable.
- May appoint guardian. 5.(1) A justice of the peace may appoint a responsible person to act as guardian of the estate of an insane person.
- Where no guardian appointed (2) Where no guardian has been appointed under subsection one and the Public Administrator files an affidavit, satisfactory to a justice of the peace, that the total value of the estate of an insane person does not exceed five hundred dollars, the Public Administrator shall be the guardian of such estate.

Powers over
estate

6. A guardian appointed by a justice of the peace or the Public Administrator, as the case may be, shall manage, administer and ~~care~~ for the property, real and personal, of the insane person concerned and may do all acts and take all proceedings necessary for the performance of his duties and, without limiting the generality of the foregoing, has power and authority to mortgage, lease or sell any such property and to execute all documents required in that behalf or accept any mortgage or security so required.

Filing of
affidavit of
estate.

7. (1) A guardian appointed by a justice of the peace or the Public Administrator, as the case may be, shall, within six months after his appointment or filing the affidavit referred to in section five, file with the justice of the peace who committed the insane person, a true inventory of all property, real and personal, of the insane person concerned, stating the income and profits thereof and setting forth all debts or credits in so far as he is aware of them.

Further
affidavits

(2) If any property of the estate is discovered after the filing of the affidavit referred to in subsection one, further affidavits shall be filed from time to time respecting such additional property.

Verification

(3) All affidavits filed under this section shall be verified by the oath of the guardian or Public Administrator.

Liability to
account.

8. A guardian or Public Administrator is liable to render an account of his management of the estate of an insane person to the justice of the peace appointing or authorizing him but is otherwise liable only for wilful misconduct.

Reference to
Court

9. (1) Any direction or order made by a justice of the peace under this Ordinance may be appealed to a judge of the Court and a judge of the Court may, upon application therefor, transfer the management of the estate of an insane person from the guardian appointed by a justice of the peace or the Public Administrator to a person appointed by such judge of the Court.

Where
transfer

(2) Where a transfer of the management of an estate is made under subsection one, the person to whom the transfer is made shall, thereafter, have all the powers and authorities and be subject to the duties and responsibilities described in this Ordinance with reference to guardians appointed by a justice of the peace and the person from whom the transfer is made shall forthwith cease to have any powers or authority as guardian of the estate concerned.

Audit of work
of Public
Administrator

10. The work and office of the Public Administrator as guardian of the estates of insane persons and all transactions or other matters taken by him in that connection are subject to inspection, examination and audit by the Auditor General of Canada or a person appointed by him for that purpose.

Repeal.

11. An Ordinance respecting Insane Persons, chapter ninety of the Consolidated Ordinances of 1898, An Ordinance to amend Chapter 90 of The Consolidated Ordinances of 1898, intituled "An Ordinance respecting Insane Persons", chapter twenty-four of the Ordinances of 1899, and An Ordinance Respecting the Guardianship of Estates of Insane Persons, assented to on the twelfth day of June, 1945, are repealed.

-3-

SCHEDULE

FORM A

Warrant for Apprehension

Canada)	
)	
Northwest)	To all or any constables or other
Territories)	peace officers in the Territories:
)	
To Wit:)	
)	

Whereas information upon oath hath been
laid before me,
a justice of the peace in and for the said Territories,
on the day of , 19 ,
that of is
insane or is suspected and believed to be insane.

I hereby command you, in the name of Her
Majesty, to apprehend the said
and bring him (or her) before me (or
another justice of the peace), in order that an
inquiry may be made respecting the sanity of the
said and that he (or she)
may be further dealt with according to law.

Given under my hand this day of
 , 19 , at in the
said Territories.

.....
Justice of the Peace.

FORM B.

Warrant of Committal.

Canada.)
)
Northwest) To all or any constables or other
Territories) peace officers in the Territories.
)
To Wit:)
)

Whereas an information was laid before
me, , (or before)
a justice of the peace in and for the said Terri-
tories that , of , was
insane or was suspected and believed to be insane;

And whereas inquiry was duly held by me
and I have found and adjudged the said
to be insane.

I hereby command you, in the name of Her
Majesty, to take the said and safely
convey him (or her) to the Royal Canadian Mounted
Police at and to deliver him
(or her) to the said Royal Canadian Mounted Police,
together with this warrant.

And I do hereby command, in the name of
Her Majesty, the said Royal Canadian Mounted Police
at to receive the said
into custody and safely keep the said
until the pleasure of the Commissioner be known or
until the said is discharged by law.

And this shall be your full and sufficient
power and authority for so doing.

Given under my hand this day of
, 19 , at in the said
Territories.

.....
Justice of the Peace.

For Discussion Purposes Only

An Ordinance respecting Insane Persons.

The Commissioner of the Northwest Territories, by and with the advice and consent of the Council of the said Territories, enacts as follows:

Short title	1. This Ordinance may be cited as the Insane Persons Ordinance.
Information	2.(1) Any person may lay an information, supported by an affidavit giving reasons therefor, before a justice of the peace alleging that a person is or is suspected and believed to be insane.
Warrant.	(2) The justice of the peace before whom an information is laid under subsection one shall, where he is satisfied that its contents and the supporting affidavit warrant a hearing or where he is directed to do so by the Commissioner, issue his warrant, in Form A in the Schedule, to apprehend the person charged and cause him to be brought before him or some other justice of the peace for a hearing.
Nature of hearing	3.(1) The justice of the peace shall, at the hearing of the person charged, hear evidence under oath or affirmation concerning, <ul style="list-style-type: none">(a) the alleged insanity of the person charged, including medical evidence where practicable;(b) the residence of the person charged for the period of at least six months prior to the hearing;(c) his calling, profession or occupation;(d) his means of support;(e) his marital status and dependents, if any;(f) where, if committed under this Ordinance, he will be sent and what provisions, if any, are to be made for the cost of his maintenance and care; and(g) such other matters as the justice of the peace deems relevant to the question of the sanity of the person charged, his future maintenance and care or otherwise pertinent to the case.
Powers of justice of the peace.	(2) A justice of the peace has, with reference to a hearing under this Ordinance, the like authority for compelling the attendance of witnesses and the production of documents as he has with reference to summary convictions under any statute, Ordinance or other law in force in the Territories and is entitled to the same fees.
Discharge.	4.(1) Where he is not satisfied from the evidence adduced at a hearing that the person concerned is insane, the justice of the peace shall discharge such person.
Committal	(2) Where he is satisfied from the evidence adduced at a hearing that the person concerned is insane, the justice of the peace shall commit such person, by warrant in Form B in the Schedule, to the custody of the Royal Canadian Mounted Police to remain in such custody until the pleasure of the Commissioner is known or until such person is discharged by law.
Report of committal	(3) Where a justice of the peace commits a person under subsection two he shall forthwith send a complete report of the case to the Commissioner, together with the information laid and the evidence taken at the hearing.
Power to make further inquiry.	(4) The Commissioner may at any time in his discretion order that the hearing of a committed person be re-opened or that a new hearing be held or that such other inquiries and steps be taken as he deems advisable.
May appoint guardian.	5.(1) A justice of the peace may appoint a responsible person to act as guardian of the estate of an insane person.
Where no guardian appointed	(2) Where no guardian has been appointed under subsection one and the Public Administrator files an affidavit, satisfactory to a justice of the peace, that the total value of the estate of an insane person does not exceed five hundred dollars, the Public Administrator shall be the guardian of such estate.

**Powers over
estate**

6. A guardian appointed by a justice of the peace or the Public Administrator, as the case may be, shall manage, administer and care for the property, real and personal, of the insane person concerned and may do all acts and take all proceedings necessary for the performance of his duties and, without limiting the generality of the foregoing, has power and authority to mortgage, lease or sell any such property and to execute all documents required in that behalf or accept any mortgage or security so required.

**Filing of
affidavit of
estate.**

7. (1) A guardian appointed by a justice of the peace or the Public Administrator, as the case may be, shall, within six months after his appointment or filing the affidavit referred to in section five, file with the justice of the peace who committed the insane person, a true inventory of all property, real and personal, of the insane person concerned, stating the income and profits thereof and setting forth all debts or credits in so far as he is aware of them.

**Further
affidavits**

(2) If any property of the estate is discovered after the filing of the affidavit referred to in subsection one, further affidavits shall be filed from time to time respecting such additional property.

Verification

(3) All affidavits filed under this section shall be verified by the oath of the guardian or Public Administrator.

**Liability to
account.**

8. A guardian or Public Administrator is liable to render an account of his management of the estate of an insane person to the justice of the peace appointing or authorizing him but is otherwise liable only for wilful misconduct.

**Reference to
Court**

9. (1) Any direction or order made by a justice of the peace under this Ordinance may be appealed to a judge of the Court and a judge of the Court may, upon application therefor, transfer the management of the estate of an insane person from the guardian appointed by a justice of the peace or the Public Administrator to a person appointed by such judge of the Court.

**Where
transfer**

(2) Where a transfer of the management of an estate is made under subsection one, the person to whom the transfer is made shall, thereafter, have all the powers and authorities and be subject to the duties and responsibilities described in this Ordinance with reference to guardians appointed by a justice of the peace and the person from whom the transfer is made shall forthwith cease to have any powers or authority as guardian of the estate concerned.

**Audit of work
of Public
Administrator**

10. The work and office of the Public Administrator as guardian of the estates of insane persons and all transactions or other matters taken by him in that connection are subject to inspection, examination and audit by the Auditor General of Canada or a person appointed by him for that purpose.

Repeal.

11. An Ordinance respecting Insane Persons, chapter ninety of the Consolidated Ordinances of 1898, An Ordinance to amend Chapter 90 of The Consolidated Ordinances of 1898, intituled "An Ordinance respecting Insane Persons", chapter twenty-four of the Ordinances of 1899, and An Ordinance Respecting the Guardianship of Estates of Insane Persons, assented to on the twelfth day of June, 1945, are repealed.

-3-

SCHEDULE

FORM A

Warrant for Apprehension

Canada)	
)	
Northwest)	To all or any constables or other
Territories)	peace officers in the Territories:
)	
To Wit:)	
)	

Whereas information upon oath hath been
laid before me,
a justice of the peace in and for the said Territories,
on the day of , 19 ,
that of is
insane or is suspected and believed to be insane.

I hereby command you, in the name of Her
Majesty, to apprehend the said
and bring him (or her) before me (or
another justice of the peace), in order that an
inquiry may be made respecting the sanity of the
said and that he (or she)
may be further dealt with according to law.

Given under my hand this day of
 , 19 , at in the
said Territories.

.....
Justice of the Peace.

- 4. -

FORM B.

Warrant of Committal.

Canada)
)
Northwest) To all or any constables or other
Territories) peace officers in the Territories.
)
To Wit:)
)

Whereas an information was laid before
me, , (or before)
a justice of the peace in and for the said Terri-
tories that , of , was
insane or was suspected and believed to be insane;

And whereas inquiry was duly held by me
and I have found and adjudged the said
to be insane.

I hereby command you, in the name of Her
Majesty, to take the said and safely
convey him (or her) to the Royal Canadian Mounted
Police at and to deliver him
(or her) to the said Royal Canadian Mounted Police,
together with this warrant.

And I do hereby command, in the name of
Her Majesty, the said Royal Canadian Mounted Police
at to receive the said
into custody and safely keep the said
until the pleasure of the Commissioner be known or
until the said is discharged by law.

And this shall be your full and sufficient
power and authority for so doing.

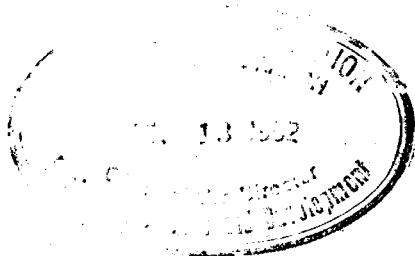
Given under my hand this day of
, 19 , at in the said
Territories.

.....
Justice of the Peace.

c.c. Mr. Cunningham,
Northern Administration.

11/pd

9583.



12 June, 1952.

F. P. Varcoe, Esq.,
Deputy Minister,
Department of Justice,
Ottawa, Ontario.

Dear Mr. Varcoe:

Re: Insane Persons Ordinance



Yours sincerely,

signed H. A. Young

H. A. Young,
Deputy Minister.

Encl.

*P. L. missing.
no comment.
JFR.
16.6.52*

**Pages 300 to / à 302
are withheld pursuant to section
sont retenues en vertu de l'article**

23

**of the Access to Information Act
de la Loi sur l'accès à l'information**

TFB/OKD

10803
9583
14900

June 15, 1945

A. D. P. Heeney, Esq., M.A., LL.B., Clerk of the Privy Council,
Ottawa.

In accordance with Section 13, Chapter 142, R.S.C. 1927,
The Northwest Territories Act, which provides for the transmission
of every Ordinance made by the Commissioner in Council of the
Northwest Territories to the Governor in Council within ten days
after the passing thereof, I am attaching hereto copies of the
undermentioned:

"An Ordinance to Amend The Local Administrative
District Ordinance"

(Assented to June 12, 1945)

"The Guardian of Estates of Insane Persons
Ordinance"

(Assented to June 12, 1945)

A.H. ("The Armed Forces Moratorium Ordinance")

(Assented to June 12, 1945)


R. A. Gibson,
Deputy Commissioner.

COPY

483
9583
14900
10803
9387

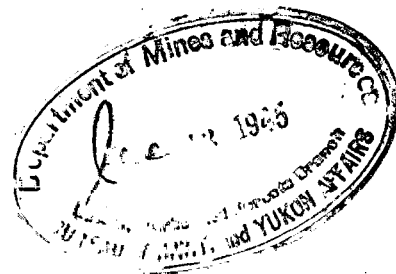
Ottawa,
June 12, 1945.

Mr. Cumming

At this morning's meeting of the Northwest Territories Council three of the items of legislation (Nos. 1, 2 and 4) were passed in final shape. The remaining item was approved in principle to be considered at the next meeting of Northwest Territories Council.

Will you please have a note made on the agenda for the next meeting and have the legislation in proper shape with an adequate explanation.

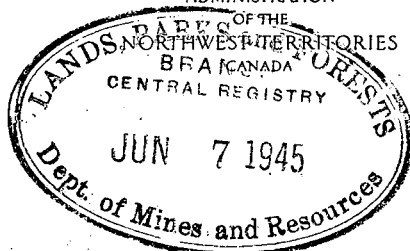
sgd. R. A. Gibson
Deputy Commissioner.



OFFICE OF THE
DEPUTY COMMISSIONER



ADMINISTRATION



MR. CUMMING

9583 NWT & Y.

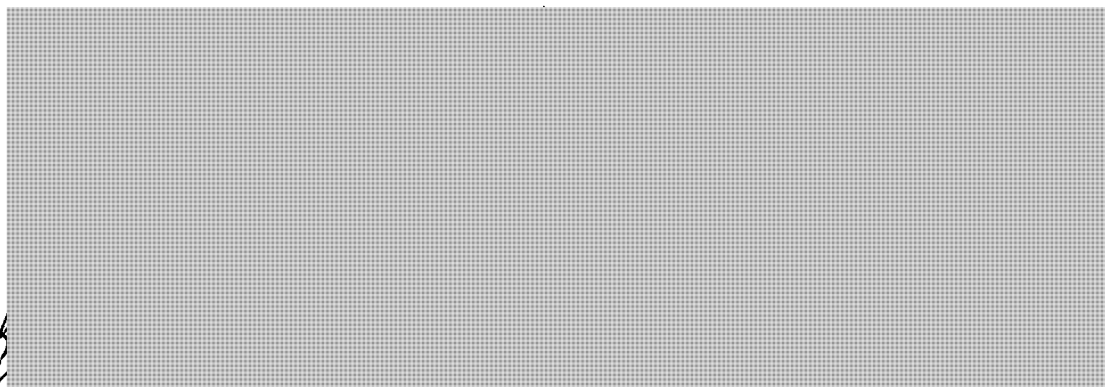
88/1

OTTAWA

5th June, 1945.

M. Gibson
K. R. Daly
K. R. Daly, Esq., Senior Solicitor, Department of Mines and Resources,
Ottawa.

Re "The Guardian of Estates of Insane
Persons Ordinance".



220-20

s.23

R. A. Gibson

R. A. Gibson,
Deputy Commissioner.

Noted
I shall be glad to.

K. R. Daly

Approved - 161 Session NWT Council
12 June 1945

TFB/RLD

BUREAU OF
NORTHWEST TERRITORIES AND YUKON AFFAIRS

MEMORANDUM

FILE.....9583

[Signature]
Ottawa, April 5, 1945.

A. J. Baxter, Acting Chief Editor.

Would you please arrange to have twenty-five copies of the attached stencil mimeographed.

*The Guardian of Estates
of Insane Persons
Ordinance is ready
for consideration at
the next meeting of Council.*
[Signature]
A. L. Cumming.

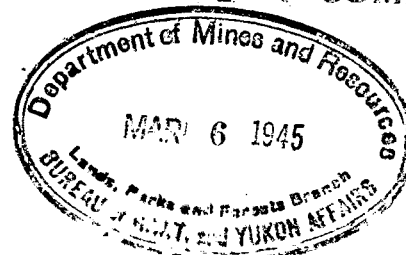
000306

M^r Com

EAD/CD



MR. CUMMING



PLEASE ADDRESS
DEPUTY MINISTER OF JUSTICE
OTTAWA

Deputy Commissioner.

Noted on 5/4/45

OTTAWA March 1st, 1945.

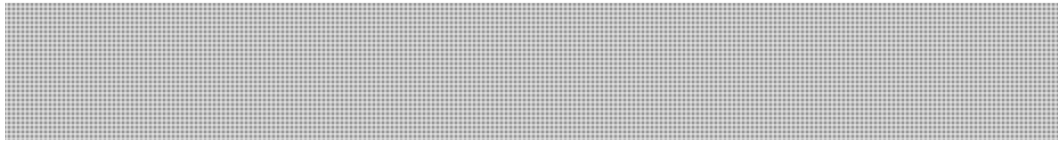
J.R. 10-393-45

Mr. Cumming

5/3/45.

The Deputy Commissioner of the
Northwest Territories,
O T T A W A .

- 2 -



Encl.

F. F. Varcoe

Deputy Minister.

s.23

000308

AN ORDINANCE RESPECTING THE GUARDIANSHIP
OF ESTATES OF INSANE PERSONS

(Assented to June 12, 1945)

The Commissioner of the Northwest Territories by and with the advice and consent of the Council of the said Territories enacts as follows:

1. This Ordinance may be cited as "The Guardian of Estates of Insane Persons Ordinance".

2. Where a person is committed to a gaol under section three of an Ordinance respecting Insane Persons, being chapter ninety of the Consolidated Ordinances of the Northwest Territories, 1898, and there is no other guardian or committee of his estate, upon the filing of an affidavit by the Public Administrator with a stipendiary magistrate that the estate of the said insane person does not exceed in value the sum of five hundred dollars, the Public Administrator shall be the guardian of such estate and while acting as such guardian shall have all the powers of a guardian appointed pursuant to Order XLIV of the Rules of Court.

3. The Public Administrator as guardian of the estate of an insane person shall manage, handle, administer and care for the property either real or personal of the insane person and may, without applying to or petitioning a stipendiary magistrate for a declaration of lunacy or for an order affecting the estate or for directions, do all acts and take all proceedings necessary for the performance of his duties and without in any way limiting the generality of the foregoing shall have power and authority to mortgage, lease or sell the real or personal property, or any portion thereof, of the insane person, to execute the necessary transfers, deeds, conveyances, or agreements for sale and to accept mortgages and securities for the purchase money or any part thereof.

4. (1) The Public Administrator shall, within six months after the filing of an affidavit pursuant to section two of this Ordinance, file with the stipendiary magistrate a true inventory of the whole real and personal property and estate of the insane person, stating the income and profits thereof and setting forth the debts, credits and effects of the insane person so far as the same have come to the knowledge of the Public Administrator.

(2) If any property belonging to the estate be discovered after the filing of the inventory, the Public Administrator shall file true accounts thereof from time to time as the said property is discovered.

(3) Every inventory shall be verified by the oath of the Public Administrator.

5. The Public Administrator shall be liable to render an account of his management of the estate of an insane person in the same way and subject to the same responsibilities as any guardian duly appointed for a similar purpose by a stipendiary magistrate, but he shall be liable only for wilful misconduct.

6. The work and operation of the office of the Public Administrator as guardian of the estate of an insane person and his dealings and acts in connection with estates or property coming into his hands by virtue of the said office shall be subject to inspection, examination and audit by the Auditor General of Canada or by any officer deputed by him for that purpose.

AN ORDINANCE RESPECTING THE GUARDIANSHIP
OF ESTATES OF INSANE PERSONS

(Assented to)

The Commissioner of the Northwest Territories by and with the advice and consent of the Council of the said Territories enacts as follows:

1. This Ordinance may be cited as "The Guardian of Estates of Insane Persons Ordinance".

2. Where a person is committed to a gaol under section three of an Ordinance respecting Insane Persons, being chapter ninety of the Consolidated Ordinances of the Northwest Territories, 1898, and there is no other guardian or committee of his estate, upon the filing of an affidavit by the Public Administrator with a stipendiary magistrate that the estate of the said insane person does not exceed in value the sum of five hundred dollars, the Public Administrator shall be the guardian of such estate and while acting as such guardian shall have all the powers of a guardian appointed pursuant to Order XLIV of the Rules of Court.

3. The Public Administrator as guardian of the estate of an insane person shall manage, handle, administer and care for the property either real or personal of the insane person and may, without applying to or petitioning a stipendiary magistrate for a declaration of lunacy or for an order affecting the estate or for directions, do all acts and take all proceedings necessary for the performance of his duties and without in any way limiting the generality of the foregoing shall have power and authority to mortgage, lease or sell the real or personal property, or any portion thereof, of the insane person, to execute the necessary transfers, deeds, conveyances, or agreements for sale and to accept mortgages and securities for the purchase money or any part thereof.

4. (1) The Public Administrator shall, within six months after the filing of an affidavit pursuant to section two of this Ordinance, file with the stipendiary magistrate a true inventory of the whole real and personal property and estate of the insane person, stating the income and profits thereof and setting forth the debts, credits and effects of the insane person so far as the same have come to the knowledge of the Public Administrator.

(2) If any property belonging to the estate be discovered after the filing of the inventory, the Public Administrator shall file true accounts thereof from time to time as the said property is discovered.

(3) Every inventory shall be verified by the oath of the Public Administrator.

5. The Public Administrator shall be liable to render an account of his management of the estate of an insane person in the same way and subject to the same responsibilities as any guardian duly appointed for a similar purpose by a stipendiary magistrate, but he shall be liable only for wilful misconduct.

6. The work and operation of the office of the Public Administrator as guardian of the estate of an insane person and his dealings and acts in connection with estates or property coming into his hands by virtue of the said office shall be subject to inspection, examination and audit by the Auditor General of Canada or by any officer deputed by him for that purpose.

DRAFT ORDINANCE

The Commissioner of the Northwest Territories by and with the advice and consent of the Council of the said Territories enacts as follows:

1. This Ordinance may be cited as "The Guardian of Estates of Insane Persons Ordinance".

2. Where a person is committed to a gaol under section three of an Ordinance respecting Insane Persons, being chapter ninety of the Consolidated Ordinances of the Northwest Territories, 1898, and there is no other guardian or committee of his estate, upon the filing of an affidavit by the Public Administrator with a stipendiary magistrate that the estate of the said insane person does not exceed in value the sum of five hundred dollars, the Public Administrator shall be the guardian of such estate and while acting as such guardian shall have all the powers of a guardian appointed pursuant to Order XLIV of the Rules of Court.

3. The Public Administrator as guardian of the estate of an insane person shall manage, handle, administer and care for the property either real or personal of the insane person and may, without applying to or petitioning a stipendiary magistrate for a declaration of lunacy or for an order affecting the estate or for directions, do all acts and take all proceedings necessary for the performance of his duties and without in any way limiting the generality of the foregoing shall have power and authority to mortgage, lease or sell the real or personal property, or any portion thereof, of the insane person, to execute the necessary transfers, deeds, conveyances, or agreements for sale and to accept mortgages and securities for the purchase money or any part thereof.

4. (1) The Public Administrator shall, within six months after the filing of an affidavit pursuant to section two of this Ordinance, file with the stipendiary magistrate a true inventory of the whole real and personal property and estate of the insane person, stating the income and profits thereof and setting forth the debts, credits and effects of the insane person so far as the same have come to the knowledge of the Public Administrator.

(2) If any property belonging to the estate be discovered after the filing of the inventory, the Public Administrator shall file true accounts thereof from time to time as the said property is discovered.

(3) Every inventory shall be verified by the oath of the Public Administrator.

5. The Public Administrator shall be liable to render an account of his management of the estate of an insane person in the same way and subject to the same responsibilities as any guardian duly appointed for a similar purpose by a stipendiary magistrate, but he shall be liable only for wilful misconduct.

6. The work and operation of the office of the Public Administrator as guardian of the estate of an insane person and his dealings and acts in connection with estates or property coming into his hands by virtue of the said office shall be subject to inspection, examination and audit by the Auditor General of Canada or by any officer deputed by him for that purpose.

9583
14900

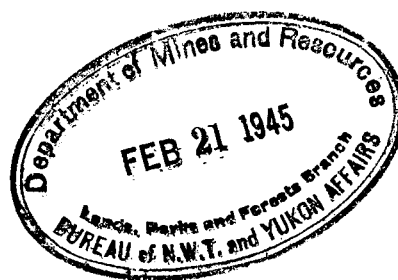
Extract from the Minutes of the
One Hundred and Sixtieth Session
of the Northwest Territories Council
held on 13th February, 1945.

[Handwritten signature and scribbles]

2. Legislation -

- | | |
|--|-------|
| (i) Insane Persons Ordinance | 9583 |
| (ii) Volunteer and Reservists Relief Ordinance | 14900 |

Passed in principle 30th January, 1945, and referred to the
Department of Justice. Stand.



H. MILTON MARTIN
PUBLIC ADMINISTRATOR
For the District of Mackenzie N.W.T.
721 Tegler Building
EDMONTON
CANADA

6th February, 1945.

R.A. Gibson, Esq.,
Deputy Commissioner N.W.T.
Ottawa.

Dear Mr. Gibson,

Re :- Amendment to N.W.T. Ordinances.

I beg to acknowledge receipt of your telegram of the
3rd inst., together with the confirmation thereof which was
received today, as follows:-

"Reference Letter Twenty-third instant amendment
to Judicature Ordinance assented to thirtieth January
increasing the limit of estates which can be administered
without Letters of Administration up to Five Hundred
Dollars Stop A similar amendment to the Insane Ordinance
is now before Justice for Approval" (Sgd.) R.A. Gibson,
Deputy Commissioner

I shall look forward to receiving the amendment to the
Ordinance and I hope that at the same time an Ordinance was
passed providing that advertising for creditors may be done
without the necessity of incurring the expense of getting a
Court Order.

Thanking you ;

I am,

Yours faithfully,

'Sgd.' H. Milton Martin

Mr. Cumming
This should be dealt
with promptly.

'Sgd.' R.A.G.
Deputy Comm'r.

(H.Milton Martin)
Public Administrator.

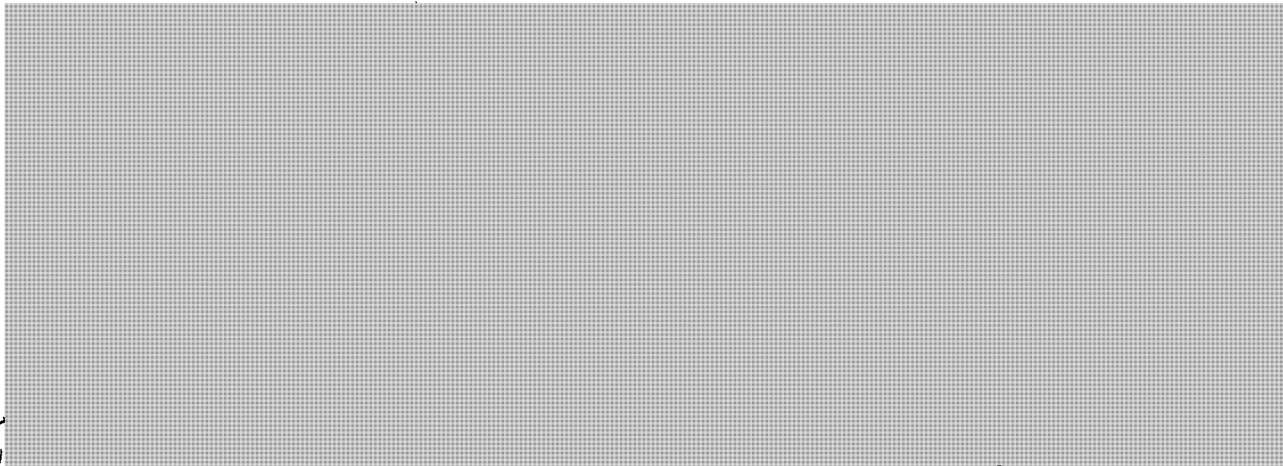
10/2/45

TFB/BAB

Recall
28 February 1945
S.D.
[Signature]

February 8, 1945.

F.P. Varcoe, Esq., K.C., Deputy Minister of Justice,
Ottawa.



[Signature]
A.W.

ENCL.

[Signature]

R.A. Gibson,
Deputy Commissioner.

Page 315

**is withheld pursuant to section
est retenue en vertu de l'article**

23

**of the Access to Information Act
de la Loi sur l'accès à l'information**

BUREAU OF
NORTHWEST TERRITORIES AND YUKON AFFAIRS

Ottawa, January 25, 1945

MEMORANDUM

Mr. Gibson14701
FILE 4408
9583

Referring to your notation on the copy of the letter of the 23rd instant to Mr. H. Milton Martin, the proposed amendment to the Judicature Ordinance applies to estates of insane persons only.

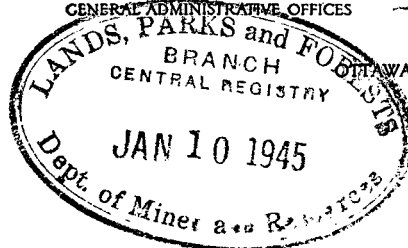
According to Mr. Martin's letter of the 16th November, 1944, he asked for two amendments in August last. It is quite evident from his letter of the 17th instant that he expects one of the promised amendments to cover all estates of less than \$500 that go into his hands.

D. L. McKeand.

LEGAL DIVISION



CANADA
DEPARTMENT
OF
MINES AND RESOURCES
GENERAL ADMINISTRATIVE OFFICES



10th January, 1944.

MEMORANDUM:

Mr. Gibson.

Major McKeand

Senior Solicitor.

10/1/45.

Deputy Commissioner.

s.23

000317

Page 318

**is withheld pursuant to section
est retenue en vertu de l'article**

23

**of the Access to Information Act
de la Loi sur l'accès à l'information**

C O P Y

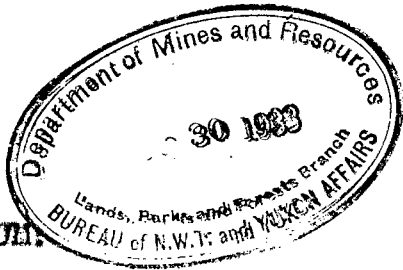
Original on file 3037

2570
6350
3

Legal Division

DEPARTMENT OF MINES AND RESOURCES

General Administrative Offices



Ottawa, 26th August, 1938.

MEMORANDUM.

R. A. Gibson, Esq.,
Deputy Commissioner.

(Sgd.) K. R. Daly,
Senior Solicitor.