

1937

c 311 Maternity Boarding House Act

Ontario

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9. PROTECTION OF THE PERSON.

CHAPTER 311.

The Maternity Boarding Houses Act.

1. In this Act "medical officer of health" shall mean the medical officer of health of the municipality in which any house required by this Act to be registered is situate, and where the house is situate in territory without municipal organization, shall mean and include the medical officer of health appointed for the locality under *The Public Health Act*. R.S.O. 1927, c. 278, s. 1.

"Medical health officer," meaning of.

Rev. Stat., c. 299.

2. No person shall receive or retain for hire or reward any woman or girl for accouchement, or keep unmarried women or girls, being mothers of infants with infants for board or lodging, or keep a maternity boarding house, unless registered under this Act. R.S.O. 1927, c. 278, s. 2.

Maternity boarding houses to be registered.

3. No person shall retain or receive for hire or reward one or more infants under the age of three years, for the purpose of nursing or maintaining such infant or infants, for a longer period than twenty-four hours, except in a house which has been registered as herein provided, but any person may be exempted from the provisions of this section by the medical officer of health of a city or by the Superintendent of Neglected and Dependent Children on proof that one child only is thus cared for. R.S.O. 1927, c. 278, s. 3.

Home for infant children to be registered.

Exception.

4.—(1) The medical officer of health or any officer specially appointed by him for that purpose shall keep a register of the names of persons applying to register under this Act, and therein shall cause to be registered the name and house of every person so applying and the situation of the house, and the medical officer of health shall fix the number of women or girls or infants who may be received into any house so registered.

Register of maternity boarding houses and infants' homes.

(2) The registration shall remain in force for one year, and a fee, not exceeding \$10, shall be charged for registration. R.S.O. 1927, c. 278, s. 4.

Registration, duration and fee for.

Discretion
tion as to
registra-
tion.

5. The medical officer of health may refuse to register any house unless satisfied that it is suitable for the purposes for which it is to be registered, and unless satisfied by the production of certificates that the person applying to be registered is of good character and able to maintain, keep and properly lodge such women or girls or infants. R.S.O. 1927, c. 278, s. 5.

Cancelling
registra-
tion.

6. If it is shown to the satisfaction of the medical officer of health that a person whose house has been so registered as aforesaid has been guilty of serious neglect or is incapable of providing the women or girls or infants entrusted to his care with proper food and attention, or that the house specified in the register has become unfit for the reception of women or girls or infants, the medical officer of health may remove the name and house from the register. R.S.O. 1927, c. 278, s. 6.

Register to
be kept by
keeper of
boarding
house or
home.

7. Every person registered as aforesaid shall immediately enter in a register to be kept by him the name and age of every woman or girl or infant and also the place from which such woman or girl or infant came before entering such house, and shall also enter in the register the name of the medical practitioner who attended at any birth taking place in such house or who attended any infant in such house, and when such woman or girl or infant leaves the house, the place to which they are removed, and the date of such removal, and also whether the infant was taken away with the mother or how otherwise disposed of, or how children boarded without their mothers are disposed of, and shall forthwith transmit to the medical officer of health a copy of every entry made in the register, and shall produce the register when required by the medical officer of health or any person appointed by him, and in the event of his refusing so to produce the register or neglecting to enter in a register the particulars hereinbefore required, he shall incur a penalty not exceeding \$20. R.S.O. 1927, c. 278, s. 7.

Forms for
registra-
tion to be
furnished to
keepers.

8. The person registered shall be entitled to receive gratuitously from the medical officer of health a book of forms for the registration of persons received into such house, which shall also contain a printed copy of this Act. R.S.O. 1927, c. 278, s. 8.

Births in
houses to
be attended
by phy-
sician.

9. The person so registered shall see that every birth which takes place in such house shall be attended by a legally qualified medical practitioner, who shall forthwith report to the medical officer of health the fact of such birth having taken place and shall also register the same in the manner provided by *The Vital Statistics Act*. R.S.O. 1927, c. 278, s. 9.

Rev. Stat.,
c. 88.

10. The person so registered shall within twenty-four hours after the death of any inmate of such house, whether a woman, a girl, or an infant born therein or brought there-^{Notice of deaths to M.O.H.} as a boarder, cause notice thereof to be given to the medical officer of health, who shall immediately call the coroner to hold an inquest on the body of such person, unless a certificate under the hand of a registered medical practitioner is produced to him by the person so registering that such medical practitioner had personally attended or examined the person so dying and also specifying the cause of death, and the medical officer of health is satisfied by certificate that there is no ground for holding an inquest. R.S.O. 1927, c. 278, s. 10.

11. The medical officer of health shall provide for the visit-^{Visitation and inspection.} ing and inspecting, from time to time, of every house so registered, and the person appointed to inspect shall be entitled to enter the house at any time and examine every part thereof, and call for and examine the register kept by the person registering the house, and to inquire into all matters concerning the house and the inmates thereof, and the person registered shall give all reasonable information to the person making the inspection, and afford him every reasonable facility for viewing and inspecting the premises, and seeing the inmates thereof. R.S.O. 1927, c. 278, s. 11.

12. No child under three years old, whether an inmate of such house or born therein or brought thereto or otherwise,^{Adoption of children from homes.} shall be given out for adoption except by and with the consent of a children's aid society, or other duly incorporated benevolent or charitable institution or society, or of the Superintendent of Neglected and Dependent Children, under such rules and regulations in that behalf as may be approved of by the Lieutenant-Governor in Council. R.S.O. 1927, c. 278, s. 12.

13. No person registered under this Act shall advertise that he will adopt a child or children or hold out inducements to^{Advertising for children for adoption prohibited.} parents to part with their offspring, and when any such child is transferred by his parents or is given out for adoption to other persons, such transfer shall be made with the knowledge and consent of the agent or secretary of the children's aid society, or of the Superintendent of Neglected and Dependent Children. R.S.O. 1927, c. 278, s. 13.

14. No person shall make any false representation for the purpose of obtaining registration under this Act, or make use^{Securing registration by false representation, etc.} of any false certificate knowing it to be false, or falsify any register kept in pursuance of this Act. R.S.O. 1927, c. 278, s. 14.

Registers,
contents of,
not to be
disclosed.

15. The medical officer of health shall not, nor shall any officer employed by him, nor shall the person registered as keeper of any house, divulge or disclose the contents of the register or any of the particulars entered therein, except upon inquiry before a court of law, or at a coroner's inquest, or before some other competent tribunal, or, in the case of such officer or registered person, for the information of the medical officer of health. R.S.O. 1927, c. 278, s. 15.

Record of
antecedents
of inmates.

16. The managers of every maternity hospital, infants' home or other refuge for women, shall ascertain and record the antecedents of women and girls coming under their care, and shall furnish to the medical officer of health such information in their possession as may be called for from time to time. R.S.O. 1927, c. 278, s. 16.

Penalty for
violation
of Act.
Rev. Stat.,
c. 136.

17.—(1) Every person who contravenes any of the provisions of this Act shall incur a penalty not exceeding \$100, recoverable under *The Summary Convictions Act* and when registered under this Act shall in addition be liable to have his name and house removed from the register.

Trial of
offences
against
Act.

(2) Every prosecution under this Act shall take place before a magistrate or two justices of the peace. R.S.O. 1927, c. 278, s. 17.

Expenses of
execution
of Act.

18. All expenses incurred in and about the execution of this Act and the trial of offenders thereunder shall be borne by the municipality in which the registered house is situated, or in case it is situated in territory without municipal organization, by the Province. R.S.O. 1927, c. 278, s. 18.
