1950

c 16 Anatomy Act

Ontario
CHAPTER 16

The Anatomy Act

1. In this Act, "school" means the Faculty of Medicine of the University of Toronto, of Queen's University, of the University of Western Ontario or of the University of Ottawa, the Hamilton School of Anatomy and the Canadian Memorial Chiropractic College, and includes any other institution which the Lieutenant-Governor in Council may declare to be a school for the purposes of this Act. R.S.O. 1937, c. 226, s. 1; O.Reg. 8/48; O.Reg. 77/50, amended.

2. The Lieutenant-Governor in Council may appoint a general inspector of anatomy for Ontario and local inspectors for such places as may be deemed advisable, and may make regulations defining the duties of the general inspector and imposing duties on the local inspectors in addition to the duties imposed by this Act and otherwise for carrying out this Act, and may fix the fees to be received by the general inspector and local inspectors for services performed under this Act and under such regulations. R.S.O. 1937, c. 226, s. 2.

3.—(1) The body of any dead person found publicly exposed or sent to a public morgue, upon which a coroner after having viewed it deems an inquest unnecessary or of any person who immediately before death was supported in and by any public institution, shall be immediately placed under the control of the local inspector of anatomy.

(2) Unless such body within twenty-four hours after being so found or sent to a public morgue, or after death where the death takes place in a public institution, is claimed by,

(a) a relative or a bona fide friend; or

(b) a person who produces an order made under subsection 3 and pays $5 to defray the funeral expenses; or

(c) in the case of the body of a person who was supported in a county home for the aged, a county councillor, the same shall be delivered by the local inspector to some person qualified as hereinafter provided.
Order by magistrate.

(3) An order (Form 1) may be obtained from the magistrate, or where there is no magistrate, from a justice of the peace having jurisdiction in the locality.

Where not to apply.

(4) This section shall not apply to the body of a mentally incompetent person who has died in an institution under The Mental Hospitals Act. R.S.O. 1937, c. 226, s. 3.

Duty of interment.

4.—(1) It shall be the duty of the relative or friend to whom a dead body is delivered under section 3 to cause it to be decently interred, or he may upon payment to them of $5, require the authorities under whose care the dead body was, to inter it.

(2) Where the body of a person who dies in a county home for the aged is delivered to a county councillor as provided by subsection 2 of section 3 the body shall be decently interred and the county shall bear the expense of burial to the extent of $30. R.S.O. 1937, c. 226, s. 4.

County's liability for expense.

5. The persons qualified to receive such unclaimed bodies shall be the teachers of anatomy or surgery in a school, and if there is any school in the locality where there is a body to be delivered to persons so qualified, such school shall have the first claim to the body. R.S.O. 1937, c. 226, s. 5.

To whom unclaimed bodies shall be delivered.

6.—(1) Any school obtaining a body shall keep and preserve the same for not less than fourteen days, and in the event of a relative or bona fide friend claiming it within that time the school shall deliver the body to such relative or friend upon receipt of the reasonable costs and charges for preserving and keeping the same, not to exceed $10.

(2) Every such school shall keep such records as may be prescribed by the regulations, and the same shall at all times be open to inspection by the general inspector and by a local inspector. R.S.O. 1937, c. 226, s. 6.

Records.

7. Every local inspector of anatomy shall,

(a) keep a register showing the name, age, sex, birthplace and religious denomination of every person whose unclaimed body has been received by him, and the name of the school to which such body was delivered, with the date of delivery;

(b) keep a register of the schools qualified to receive and desirous of receiving bodies for the instruction of students;
(c) subject to section 5 distribute all bodies, in rotation, to such schools in proportion to the number of persons actually engaged in the study of human anatomy in each school, as shown by their official registers, which he shall be allowed to inspect; R.S.O. 1937, c. 226, s. 7, cls. (a-c).

(d) keep his registers open for the inspection of any registered medical practitioner who may desire to inspect them;

(e) enter in the morgue register, for the purpose of identification, a description of every body received by him, and of the clothing and effects found thereon, and the name of the school to which such body was delivered; and

(f) furnish to the general inspector the name of the deceased and of the school to which the body was sent. R.S.O. 1937, c. 226, s. 7, cls. (e-g).

8. Every local inspector shall, without delay, give notice of his appointment to all persons mentioned in sections 9 to 12. R.S.O. 1937, c. 226, s. 8.

9. Every coroner, whether he does or does not hold an inquest on a body found publicly exposed, to which his attention has been called, and which is not claimed in accordance with section 3, shall give notice to the local inspector, if there is one, and if there is none, he shall cause the body to be interred at the expense of the municipality in which it was found. R.S.O. 1937, c. 226, s. 9.

10. Where the body is placed in a public morgue the person in charge of the morgue shall forthwith give notice thereof to the local inspector. R.S.O. 1937, c. 226, s. 10.

11. The head of any municipality in which a dead body to which this Act applies is found and of which he has notice shall cause notice thereof to be given within twenty-four hours to the local inspector. R.S.O. 1937, c. 226, s. 11.

12.—(1) The superintendent of every public institution to which this Act applies shall, upon the death of an inmate of the institution, give notice thereof within twenty-four hours to the local inspector.

(2) Every such superintendent shall keep a register showing the name, age, sex, birthplace and religious denomination...
Body to be delivered to school on order only.

(3) No superintendent shall deliver a body to a school except on the written order of the local inspector. R.S.O. 1937, c. 226, s. 12.

Schools availing themselves of this Act to give security.

13. A school desiring to avail itself of the benefits of this Act shall give a bond to the general inspector in the sum of $80, with two sufficient sureties to his satisfaction in the sum of $40 each, for the decent interment of the bodies after they have served the purposes required, and thereupon the general inspector shall deliver to such school a written authority to open a practical anatomy room entitled to the benefits of this Act. R.S.O. 1937, c. 226, s. 13.

Penalty for neglect of duty.

14. Every person who neglects to discharge the duties imposed upon him by this Act or any regulation made thereunder, or who contravenes any provision thereof, shall be guilty of an offence and on summary conviction shall be liable to a penalty of not more than $20 for each offence. R.S.O. 1937, c. 226, ss. 14, 16.

Removal of bodies from Ontario.

15. No person shall send or take a dead body out of Ontario for surgical or practical anatomical purposes, and every person who contravenes this section shall be guilty of an offence and on summary conviction shall be liable to a penalty of $100 for each offence. R.S.O. 1937, c. 226, ss. 15, 16.

Shipment of body.

16. No person shall accept for shipment or ship a dead body from any place within Ontario to any place outside of Ontario unless a certificate of a duly qualified medical practitioner has been obtained certifying that the cause of death has been definitely ascertained and that there exists no other cause for inquiry or examination. 1942, c. 34, s. 2; 1946, c. 89, s. 6.

Burial of unclaimed bodies.

17. Subject to this Act, any unclaimed dead body found within the limits of a city, town, village or township shall be interred at the expense of the corporation thereof, but the corporation may recover such expense from the estate of the deceased or from any person whose duty it was to inter the dead body. R.S.O. 1937, c. 226, s. 17.
To all whom it may concern:

Whereas A.B. of (here state the name, residence and occupation of the person by whom or on whose behalf the order is applied for) has satisfied me that he is a relative (or bona fide friend) of C.D., deceased, and is entitled to have his body delivered to him for the purpose of interment.

I hereby authorize and order every person and authority having the present custody or control of the body forthwith upon presentation of this order to deliver it to the said A.B. for interment.

Witness my hand and seal as Magistrate (or Justice of the Peace) of and for ........................................... (as the case may be) this .............. day of ....................., 19........

R.S.O. 1937, c. 226, Form 1.