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# c 225 Maternity Boarding Houses Act

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## CHAPTER 225

**The Maternity Boarding Houses Act**

**1.** In this Act "medical officer of health" means 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, means the medical officer of health appointed for the locality under *The Public Health Act*. R.S.O. 1937, c. 311, s. 1. Interpretation.  
Rev. Stat., c. 306.

**2.—(1)** 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. 1937, c. 311, s. 2. Maternity boarding houses to be registered.

(2) No person whose house is registered under this section shall receive or retain therein for hire or reward any person except women or girls for accouchement, or mothers with infants. 1940, c. 28, s. 18 (1). Persons who may be received in maternity boarding houses.

**3.—(1)** No person shall receive or retain for hire or reward one or more infants under three years of age for the purpose of nursing or maintaining such infant or infants for a longer period than twenty-four hours, except in a house which is registered under this Act, but any person may be exempted from 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. 1937, c. 311, s. 3. Homes for infant children to be registered.

(2) No person whose house is registered under this section shall receive or retain therein for hire or reward any person except infants under three years of age. 1940, c. 28, s. 18 (2). Only children under 3 to be received.

**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 a house so registered. Register.

Registration, duration and fee.

(2) The registration shall remain in force for one year, and a fee, not exceeding \$10, shall be charged for registration. R.S.O. 1937, c. 311, s. 4.

Discretion as to registration

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. 1937, c. 311, s. 5.

Cancelling registration.

6. If it is shown to the satisfaction of the medical officer of health that a person whose house is registered under this Act 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. 1937, c. 311, s. 6.

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

7. Every person registered under this Act 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 the woman or girl or infant came before entering the house, and shall also enter in the register the name of the medical practitioner who attended at any birth taking place in the house or who attended any infant in the house, and when any such woman or girl or infant leaves the house, the place to which they are removed, and the date of the 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 by 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 required particulars, he shall be liable to a penalty of not more than \$20. R.S.O. 1937, c. 311, s. 7.

Forms for registration 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 the house, which book shall also contain a printed copy of this Act. R.S.O. 1937, c. 311, s. 8.

Births in houses to be attended by physician.

9. The person registered shall ensure that every birth which takes place in the house is attended by a legally qualified medi-

cal practitioner, who shall report forthwith to the medical officer of health the fact of the birth having taken place and shall also give notice of the same in the manner provided by *The Vital Statistics Act*. R.S.O. 1937, c. 311, s. 9, amended. Rev. Stat., c. 412.

**10.** The person registered shall within twenty-four hours after the death of any inmate of the house, whether a woman, a girl, or an infant born therein or brought thereto 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 inmate, unless a certificate under the hand of a legally qualified medical practitioner is produced to him by the person registered 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 that there is no ground for holding an inquest. R.S.O. 1937, c. 311, s. 10. Notice of deaths to M.O.H.

**11.** The medical officer of health shall provide for the visiting and inspecting, from time to time, of every house registered under this Act, 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. 1937, c. 311, s. 11. Visitation and inspection.

**12.** No child under three years of age, whether an inmate of any house registered under this Act or born therein or brought thereto 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. 1937, c. 311, s. 12. Adoption of children from homes.

**13.** No person registered under this Act shall advertise that he will adopt a child or children or hold out inducements to 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 a children's aid society, or of the Superintendent of Neglected and Dependent Children. R.S.O. 1937, c. 311, s. 13. Advertising for children for adoption prohibited.

Securing registration by false representation, etc.

**14.** No person shall make any false representation for the purpose of obtaining registration under this Act, or make use of any false certificate knowing it to be false, or falsify any register kept in pursuance of this Act. R.S.O. 1937, c. 311, 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. 1937, c. 311, 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. 1937, c. 311, s. 16.

Penalties.

**17.** Every person who contravenes any of the provisions of this Act shall be guilty of an offence and on summary conviction where no other penalty is provided shall be liable to a penalty of not more than \$100, and when registered under this Act shall in addition be liable to have his name and house removed from the register. R.S.O. 1937, c. 311, s. 17 (1).

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. 1937, c. 311, s. 18.

Application of Act. Rev Stat., c. 289.

**19.** This Act shall not apply to any premises licensed under *The Private Hospitals Act*. 1940, c. 28, s. 18 (3).

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