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No. 202.

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2nd Session, 6th Parliament, 22 Victoria, 1859.

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## BILL.

An Act for more adequately securing the health of localities in Upper Canada against risk from infection arising from bodies of persons who die of malignant infectious diseases lying uninterred.

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Received and read, first time, Monday, 28th March, 1859.

Second reading, Wednesday, 30th March, 1859.

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MR. JOHN CAMERON.

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TORONTO :

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act for more adequately securing the health of localities in Upper Canada against risk from infection arising from bodies of persons who die of malignant infectious diseases lying uninterred.

**W**HEREAS it is expedient to make provision for more adequately securing the health of the inhabitants of localities in Upper Canada against risk from infection arising from the bodies of persons who die of malignant infectious diseases lying uninterred; Therefore Her Majesty, &c., enacts as follows : Preamble.

I. The body of any person dying of cholera, typhus fever, scarlet fever, small pox, erysipelas, puerperal fever, or other contagious disease, in any locality or district in any County or Municipality of Upper Canada, in which locality or district a public cemetery or burying ground is established, shall be removed from the dwelling, building, or place in which he may have died, within hours from the time of death, in case the same shall happen between the hours of and within hours from the time of death, in case the same shall happen between the hours of and shall be deposited for interment without delay in the nearest public cemetery or burying ground of such district or locality. Bodies of persons dying of certain diseases to be moved within hours and buried, in the nearest cemetery.

II. The trustees of such cemeteries or burying grounds shall in all cases be obliged to receive the bodies of dead persons brought to their cemeteries or burying grounds under the provisions of this Act, and shall provide attendance for the purpose of receiving such bodies, and proper buildings for depositing the same until they can be duly interred, under a penalty of for each breach of the provisions of this Act, to be recoverable by Trustees of cemeteries to provide attendance, &c.

III. In case of any such death as aforesaid, the occupier of the house, building, or place in which the body of such deceased person may be, shall, on the fact of such decease coming to his knowledge, give, or cause to be given, immediate notice thereof to a and in case the deceased shall be in the relation to the said occupier either of husband, wife, parent, or child, and such occupier shall be unable, by reason of expense or otherwise, to procure the removal and interment of the body of the deceased under the provisions of this Act, such occupier shall at the same time give notice of his inability; and in case the deceased shall stand in any other relationship to the said occu- Notice of decease to be given by occupant of the house in which it takes place, and of occupant's inability or unwillingness to bury.

pier, or shall be a stranger in blood, and such occupier shall be unwilling to undertake the removal and interment of such body, the said occupier shall at the same time give notice of such his unwillingness.

At whose expense the burial shall be.

IV. In all cases in which due notice shall not be given that such occupier as aforesaid is either unable or unwilling, as the case may be, to procure such removal and interment as aforesaid, the same shall be performed by or at the expense and procurement of such occupier; And in all other cases after such notice as aforesaid, such removal and interment shall be performed or procured by at the expense of the County or Municipality in which the place from which such body is removed may be situate.

Order for interment, if the notice be not given or the body buried within a certain time.

V. In case such notice as hereinbefore is required shall not be duly given, or in case such body be not removed for interment within the time required by the provisions of this Act, it shall be lawful for a Magistrate, Justice of the Peace, or Coroner acting in the district in which such body may lie, upon information by any person or persons of such facts, to proceed to inspect the body, and if on enquiry he shall be satisfied that the same is within the meaning of this Act, he shall, by a warrant under his hand and seal, order to proceed to the immediate burial of such body.

Penalty on persons not giving the notice, or not burying the body as required by this Act.

VI. In case under the provisions of this Act any such occupier as aforesaid shall wilfully neglect to give such notice as is required by the third section of this Act, or having given such notice, and being liable under the same section to remove and inter the body therein notified, shall neglect to remove or to procure the removal and interment of such body, he shall in such case be liable to a penalty of to be recoverable with costs on the evidence of on complaint or information before Justice of the Peace; and to the recovery of such penalties all the provisions of any Act or Acts then in force relative to the performance of the duties of Justices of the Peace out of Sessions, with respect to summary convictions and orders, shall apply.

Order on Municipality for expenses of burial in certain cases.

VII. In case under the provisions of this Act any body shall be buried by it shall be lawful for any such Magistrate, Justice of the Peace, or Coroner, as aforesaid, to make in respect of the expenses incurred in such removal and interment, an order for such an amount as he may think fair and reasonable to be payable to and the same order shall on presentation be discharged or paid by the Treasurer of the Municipality or County in which is situate the place from which such body shall be removed for burial.

Municipality may recover expenses from relations in certain cases.

VIII. In case any County or Municipality shall, under the provisions of this Act, disburse the expense of the removal and interment of any body, it shall be entitled to demand and recover the same amount in a civil action in any Court of competent jurisdiction with costs, from the person or persons who may stand to the deceased in relationship of husband, wife, parent, or child, on due proof being given that the relation so sued has competent means to discharge such expenses, and that the relations of the deceased prior in the order of relationship hereinbefore given, are incompetent to defray such expenses or are beyond the jurisdiction of the Court.

IX. The fees mentioned in the Schedule hereunder written shall, under Fees, this Act, be payable by the Treasurer of the County or Municipality, as the case may be, to the persons in the same Schedule mentioned as entitled to the same.

5 X. This Act shall apply only to Upper Canada.

Act limited to  
U. C.

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### SCHEDULE.

First Part.—Fees payable under this Act to Magistrates, Justices of the Peace, and Coroners.

Second Part.—Fees payable under the above Act to

Third Part.—Fees payable under this Act to public Cemeteries and Burial Grounds.