

Laws of His Majesty's Province of Upper Canada, passed in the year 1857. Toronto: Stewart Derbshire & George Desbarats, 1857.

20 Victoria – Chapter 36

An Act to authorize investigations in cases of accident by Fire, and to repeal the Act authorizing such investigations in the Cities of Quebec and Montreal. Assented to 10th June, 1857.

Whereas it is expedient that the cause of every fire by which any house or other building in any City or incorporated Town or Village in this Province, may be wholly or partly consumed, should be ascertained, in order to the adoption of such measures as may be requisite for diminishing the frequency of such fires; and for that purpose to repeal the Act hereinafter mentioned, and make other and more general provision instead thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

- I. The Act passed in the eighteenth year of Her Majesty's Reign, and intituled, *An Act to authorize investigations in cases of accident by fire in Quebec and Montreal*, is hereby repealed; Provided nevertheless, that all investigations pending under the said Act when this Act shall come into force, shall be continued and completed as if this Act had not been passed.
- II. It shall be the duty of the Coroner within whose jurisdiction any City, or incorporated Town, or incorporated Village, in this Province, shall lie, whenever any fire shall occur, whereby any house or other building in such City, Town, or Village shall be wholly or in part consumed, to institute an inquiry into the cause or origin of such fire, and whether it was kindled by design, or was the result of negligence or accident, and to act according to the result of such inquiry; and for the purpose aforesaid such Coroner shall summon and bring before him all persons whom he may deem capable of giving information or evidence touching or concerning such fire, and shall examine such persons on oath, (administering such oath to them,) and shall reduce their examinations to writing, and return the same to the Clerk of the Peace for the District or County within which they shall have been taken: Provided always, that it shall not be the duty of any Coroner to institute an inquiry into the cause or origin of any fire or fires by which any house or other building is wholly or partly consumed, nor shall such inquiry be had, until it has first been made to appear to such Coroner that there is reason to believe that such fire was the result of culpable or negligent conduct or design, or occurred under such circumstances as in the interests of justice and for the due protection of property to require an investigation.
- III. Such Coroners shall further be empowered in their discretion, or in conformity with the written requisition of any Agent of an Insurance Company, or of any three householders in the vicinity of such fire, to impanel a jury chosen from among householders resident in the vicinity of such fire, to hear the evidence that may be adduced touching or concerning such fire, and to render a verdict under oath thereupon in accordance with the facts.
- IV. If any person summoned to appear before any Coroner under this Act, shall neglect or refuse to appear at the time and place specified in the summons, or if any such person appearing in obedience to any such summons shall refuse to be examined or to answer any questions that may be put to him

in the course of his examination, it shall be lawful for such Coroner to enforce the attendance of such person, or to compel such person to answer, as the case may require, by the same means as such Coroner might use in like cases at ordinary inquests before him.

V. If any person having been duly summoned as a juror upon any such inquiry, shall not, after being openly called three times, appear and serve as such juror, the Coroner shall be empowered to impose upon any such person so making default such fine as he shall think fit, not exceeding twenty shillings; and such Coroner shall make out and sign a certificate containing the name, residence, trade or calling of such person so making default, together with the amount of the fine imposed, and the cause of such fine, and shall transmit such certificate to the Clerk of the Peace in the District or County in which such defaulter shall reside, or before the first day of the Quarter Sessions of the Peace then next ensuing for such District or County, and shall cause a copy of such certificate to be served upon the person so fined, by leaving it at his residence, within a reasonable time after such inquest; and all fines and forfeitures so certified by such Coroner, shall be estreated, levied and applied in like manner, and subject to like powers, provisions and penalties in all respects, as if they had been parts of the fines imposed at such Quarter Sessions: Provided always, that nothing herein contained shall be construed to affect any power now by law vested in any Coroner, for compelling any person to attend and act as a Juror or to appear and give evidence before him on any inquest or other proceeding, or for punishing any person for contempt of Court in not so attending and acting, or appearing and giving evidence, or otherwise, but all such powers shall extend to and be exercised in respect of inquiries under this Act.

VI. For and notwithstanding any thing in this Act contained, the Inspector and Superintendents of Police or Recorders for the Cities of Quebec and Montreal, shall have with regard to fires occurring within the said Cities respectively, all the powers, authorities and duties conferred on Coroners by this Act, and within the said Cities all such inquests or inquiries shall be held respectively by such Inspectors and Superintendents of Police or the Recorders thereof.

VII. When any such inquiry shall have been held by the Coroner, and not by any other Officer as aforesaid, in conformity with this Act, the Coroner holding the same shall be entitled therefor to the sum of two pounds ten shillings, and should the said inquiry extend beyond one day, then to two pounds ten per diem for each of two days thereafter, and no more; And the official order of such Coroner for the same, upon the Treasurer of the City, Town or Village in which such inquiries shall be holden, shall be paid by the said Treasurer out of any funds he may then have in the Treasury, as he is hereby commanded to do, upon the presentation of such order.