

smallpox patient in quarantine. On the breaking out of the disease in the town the district health inspector, appointed under "The Public Health Act," R.S.M. 1902, c. 138, visited the town and decided to remove the family affected with the disease, and the patient was isolated and quarantined in a house selected by the local health officer and mayor. The inspector then requested the plaintiff to take charge of the quarantine as medical attendant and nurse, and told him the amount of remuneration he would be entitled to, viz., \$15 per day. He remained in charge for eleven days. The town paid the other expenses but declined to pay the plaintiff, although the inspector gave him a certificate of the services having been performed and of the amount earned.

By s. 67 the health officer of the municipality may make effective provision, in the manner which to him may seem best, for the public safety, by removing such person to a separate house or by otherwise isolating him if it can be done without danger to his health, and by providing nurses and other assistance and necessities for him at his own cost and charge, or the cost of his parents or other person or persons liable for his support if able to pay for the same, otherwise at the cost and charge of the municipality. By s. 32 the health inspector shall have in his district, and in every municipality therein, all the powers conferred by the Act upon health officers, and may, when he deems it necessary, suspend, supersede or act in the place of the health officer and other local officials and give such orders or directions as he deems necessary. By s. 33 the orders, directions or certificates of the inspector have the like force and effect as those of the local health officer and mayor or reeve, and he is given power to annul the orders of the local officials, who shall have no power to make any order inconsistent with that of the inspector.

By s. 95, when any person is unable through poverty to comply with the provisions of the Act, he may so notify the health officer and the latter may then give a certificate which shall be a bar to all proceedings against such person for six months.

In view of the above provisions and also of ss. 101 and 102 of the Act, the municipality in such a case is primarily liable for the expenses incurred in caring for such patients in quarantine, and it was not necessary for plaintiff to prove that he could not recover from the patient or from his parents or other person or persons liable for his support.

2. It was unnecessary to decide whether the plaintiff could recover as a physician for he had acted as nurse, and the amount certified for his services as such was not unreasonable under the circumstances.

3. It was competent for the inspector to engage the plaintiff without having first suspended or superseded the local health officer.

The matters dealt with in the portions of the Act referred to are of pressing necessity and require prompt action in the interest of the persons affected and of the public health, and if the municipality were not obliged to pay the expenses incurred under the Act until proceedings had