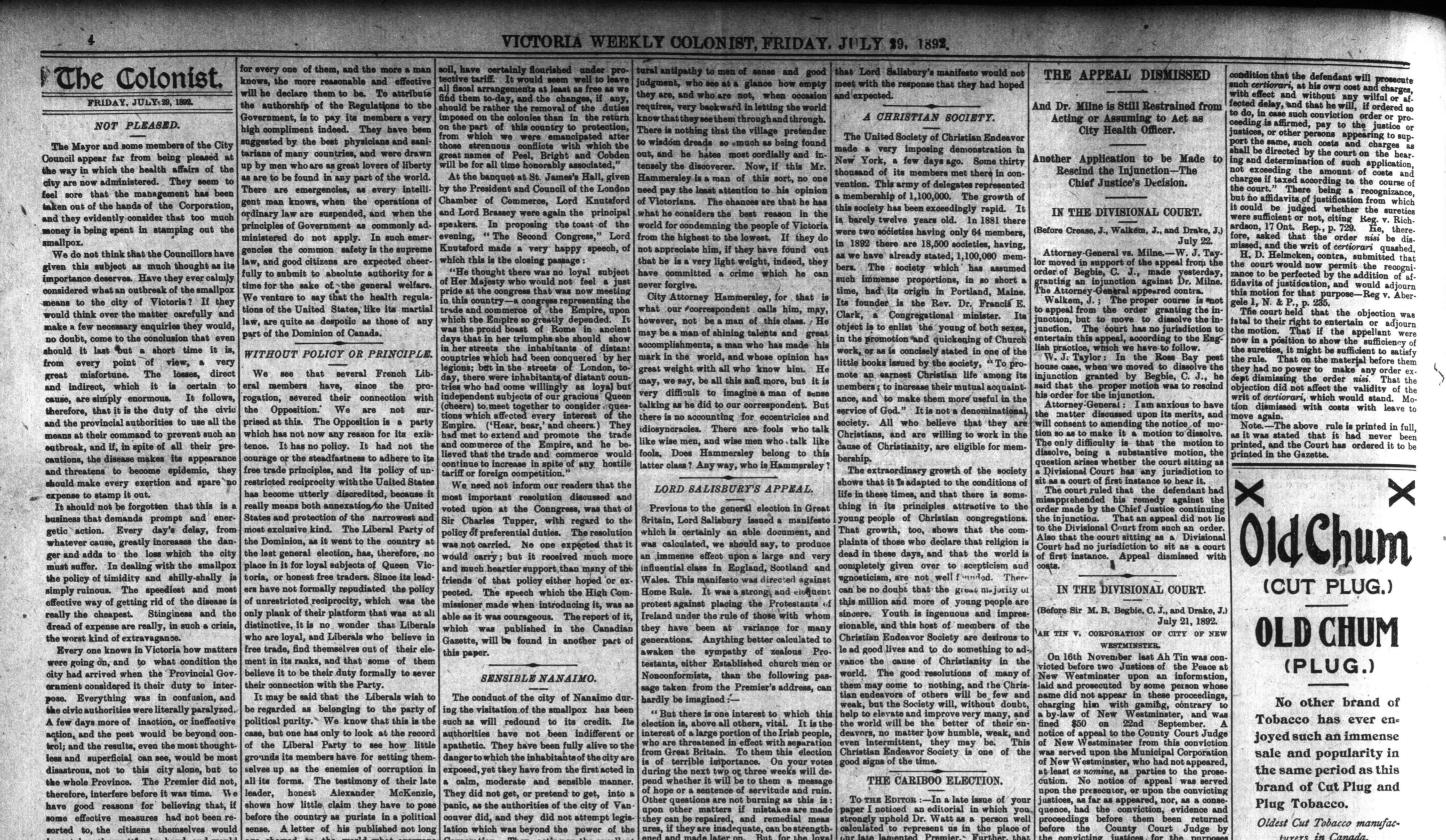
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THE INJUNCTION

Dr. Milne Further R. Acting as or Assur Municipal Healt

An Appeal to be Taken Full Court-An ing Point of

> ATTOBNEY-GENERAL The Attorney General 1 till the hearing, or furth terim injunction obtain training George Lawson ing or assuming to act as himself out to be, the He City of Victoria. He re James Hunter, provinci stantiating the facts use Smallpox had broken Victoria shortly prior and was now prevalent The Municipal Corpo toria some time previ out special reference ont special reference i isting contagious disease, law passed pursuant to section 44, of the Munici Dr. Milne Health Officer on the 11th July, owing smallpox, the Lieuter Council, pursuant to s "Health Act," cap. 55, viding: "It shall be law

enant-Governor-in-Counc duly made and passed, to uch rules, regulations Lieutenant-Governor-in-C expedient in respect to th ters: * * The establ ment and maintenance o Health, their function

Health, their functions every such regulations or having the force of issued a set of regulations other things, I. "It of each of the corporation Victoria, Vancouver, Nev Nanaimo, to appoint a du cal practitioner to be des Municipal Health Officer whose duty it shall be the Provincial Health Officer to act in his stead. * * of the said cities; a Healt fore the date of these rul

fore the said cities, is fican fore the date of these rul by the Local Board, su shall be the Municipal ing the will of the Loc

That, pursuant to sec. Act, providing, "wherev sufficient reason to appre-

of any contagious or likely seriously to

the Lieutenant-Govern and pay a fit a oer, to be called the whose duty it shall be local boards carry out th and generally to perfor the Lieutenant Govern direct" A Provincial

the Lieutenant Govern direct." A Provincial Davie, had been appo been found that, for so

some respects, into whic sary to enter in detail, th Officer, Dr. Milne, did r the Provincial Health

by the spirit and lang tions, but that there we ences of opinion between as to the mode of carry

tions; and that, to unstances, it had been sary, in order to a want of uniformity in t

want of uniformity in the regulations to remove the Dr. Milne; and the sup-tions of 18th inst. were by the Lieut.-Governor-ing 1. "So much of the Regulations, 1892, as au-the Corporation of Via Municipal Health Officer by-law regulation or re-or purporting to authorit of a Health Officer for the by disparged and and

of a Health Officer for t by discharged, and any ment heretofore made o by the said Corporatio and annulled," and by o pointment of the Health is left in the hands of th Officer, so as to secure u and that such an app mede. in the presen of

and that such an app made in the person of these regulations had the force of law—that i Provincial Legislature— standing any previous regulation to the contra his former position, n

regulation to the contra his former position, n assumed to act as healt published reports as intention of continuing which the injunction

which the injunction asked. Mr. Taylor, for Dr. N although the Lieutenal cil was given power by make and alter regu should have the force of tablishment, managem of local boards of he and novres?" that thi

and powers," that the power to put an end t

power to put an end t a municipal health by them, with the ap enant-Governor-in-Cou in clause 1 of the regu "such health officer sh Health Officer during board," recognized the the Act, "it shall be t local boards of hea regulations" of the Li Council", and they mu such officers and serva sarv for this purpose.

sary for this purpose, officers as such Board express power of r given to the local Boa statute as that under Governor-in-Council a make the regulation

lowed that the po tions having the a duly appointed mu was ultra vires of the in-Council, and that t

pass regulations, conf Act, must be unders regard to such dismis the Act except sec. 2

the sufferance of the in-Council, who migh pass regulations in powers and duties co Boards by the other s The Chief Justice-The Attorney-Gen ended that the polic

of the Act was to supreme authority on nor-in-Council to trol of the whole trol of the regulations

Before Sir Matthew Bai

