

[No. 220.]

4th Session, 8th Parliament, 29 Victoria, 1865.

B I L L .

**An Act for the prevention of contagious
diseases at certain Naval and Military
Stations in this Province.**

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tember, 1865.**

Second reading Tuesday, 5th September, 1865.

Hon. Atty. Gen. MACDONALD.

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An Act for the prevention of contagious diseases, at certain Military and Naval Stations in this Province.

WHEREAS it is expedient to make provisions calculated Preamble.
to prevent the spreading of certain contagious diseases
in the places to which this Act applies : Therefore, Her Majesty,
by and with the advice and consent of the Legislative Council
5 and Assembly of Canada, enacts as follows :

1. This Act may be cited as *The Contagious Diseases* Short title.
Prevention Act, 1865.

2. In this Act—

The Term “ Contagious Disease ” means Venereal Disease,
10 including Gonorrhœa ;

The Term “ Hospital ” includes ward of a Hospital ; Interpretation.

The term “ public place ” means a thoroughfare or other
public street or place, or a house or room which is open to the
inspection of the police or peace officers.

15 3. The places to which this Act applies shall be the places Acts to extend
mentioned in the first schedule hereto, the limits of which only to places
places shall, for the purposes of this Act, be such as are defined in Schedule.
in that schedule ; and any person authorized to act as a Justice
of the Peace, Police Officer, or Peace Officer, within the City,
20 Town or Place named in the first column of the said schedule,
shall, for all the purposes of this Act, have authority to act as
such Justice or Officer for such City, Town or Place with the
limits assigned to it in the second column of the said schedule.

4. Expenses incurred in the execution of this Act shall be How expenses
25 paid under the direction of the Lord High Admiral of the shall be
United Kingdom or the Commissioners for executing his destrayed.
office, (hereafter in this Act styled the Admiralty) and of such
one of Her Majesty's Principal Secretaries of State as Her
Majesty thinks fit for the time being to intrust with the seals of
30 the War Department (hereafter in this Act styled the Secretary
of State for War), out of money to be provided by the Parliament
of the United Kingdom for the purpose.

Inspectors of
Hospitals to be
appointed.

5. The Admiralty and the Secretary of State for War may, on the passing of this Act, appoint a Superior Medical Officer of Her Majesty's Navy or Army to be, during pleasure, Inspector of Hospitals certified under this Act, and may from time to time, on the death, resignation or removal from office of any such Inspector, appoint another such officer in his stead. 5

Hospitals to be
examined and
reported on.

6. On the application of the authorities having the direction or management of any Hospital desiring that such Hospital should be certified under this Act, the Admiralty and the Secretary of State for War may direct the Inspector of Hospitals to examine and report to them on the condition of that hospital, and on the regulations established for its direction and management. 10

Power to cer-
tify Hospitals
on such exami-
nation and
report.

7. If on such examination and report the Hospital appears to the Admiralty and the Secretary of State for War to be useful and efficient for the purposes of this Act, and is certified in writing to be so by the Admiralty and the Secretary of State for War, the same shall be deemed a Certified Hospital for the purposes of this Act; and every such Hospital is in this Act referred to as a Certified Hospital;—and the Admiralty and the Secretary of State for War shall state in their certificate what persons or officers for the time being are to be deemed the authorities of the Hospital for the purpose of exercising the powers hereinafter given; and the persons or officers so stated shall be such authorities accordingly;—Any person authorized to that effect by the Admiralty and Secretary of State for War, may grant or withdraw the certificate required by this section, and the authority of such person to grant or withdraw the same shall not be called in question except by the Admiralty and the said Secretary of State for War. 20 25 30

Inspection from
time to time.

8. The Inspector shall, from time, to time visit and inspect every Certified Hospital.

Certificate may
be withdrawn.

9. If on the Report of the Inspector respecting any Certified Hospital, the Admiralty and the Secretary of State for War think proper to withdraw their Certificate, that Hospital shall thereupon cease to be a Certified Hospital for the purposes of this Act. 35

Certificate or
withdrawal to
be notified in
Canada
Gazette.

10. A notice shall be published in the *Canada Gazette* of the granting or withdrawal of any Certificate relative to any Hospital under this Act; and a copy of the Gazette containing any such Notice shall be sufficient evidence of such granting or withdrawal; and any such Certificate shall be presumed to be in force until the withdrawal thereof is proved. 40

On what infor-
mation a Jus-
tice may issue
a notice to a

11. Where an Information, in the form given in the second Schedule to this Act, or to the like effect, is laid before a Justice of the Peace, by any Chief of Police, High Constable, 45

Chief Constable, High Bailiff, or other chief officer or Head of the Police or Constabulary, authorized to act in any place to which this Act applies, or by any Medical Practitioner duly licensed to practise Physic or Surgery, the Justice may, if he thinks fit, issue to the Woman named in the information, a notice in the form given in the same Schedule, or to the like effect.

12. A constable or other peace officer shall serve such notice on the Woman to whom it is directed, by delivering the same to her personally, or by leaving the same with some person for her at her last or usual place of abode.

13. In either of the following cases namely :

15 (1.) If the woman on whom such notice is served appears herself, or by some person on her behalf, at the time and place appointed in the notice, or at some time and place appointed by adjournment :—

20 (2.) If she does not so appear, and it is shewn (on oath) to the Justice present, that the notice was served on her a reasonable time before the time appointed for her appearance, or that reasonable notice of such adjournment was given to her (as the case may be) the Justice present, on oath being made before him, substantiating the matter of the information to his satisfaction, may, if he thinks fit, order such woman to be taken to a Certified Hospital for medical examination.

30 14. Such Order shall be sufficient warrant for any Constable or Peace Officer to whom the Order is delivered, to apprehend such woman, and to convey her with all practicable speed to the hospital therein named, whether within or without the ordinary local limits of his authority, or of that of the Justice making the order, and for the authorities of the hospital to cause her to be examined by some medical officer of such hospital, for the purpose of ascertaining whether 35 or not she has a contagious disease, and in case, on such examination, it is ascertained that she has a contagious disease, then to detain her in the hospital for twenty-four hours from the time of her being brought there.

40 15. Any woman on whom notice is served by any constable or Peace Officer, in pursuance of this Act, may signify to him her willingness to submit herself voluntarily for examination to the medical officers of the nearest Certified Hospital, and in that case it shall be the duty of such constable or peace officer to accompany her to such hospital, and her examination shall then 45 be made in the same manner and with the same consequences as if she had been brought to that hospital to be examined in pursuance of the Order of a Justice.

On certificate of disease woman may be detained (on order of Justice) for medical treatment.

16. Within the said period of twenty-four hours the authorities of such hospital shall cause a certificate, signed by the medical officer who has made such examination, stating (if the fact be so) that on such examination it has been ascertained that such woman has a contagious disease, to be made out and laid before the Justice by whom the Order was made, or some other Justice having the like jurisdiction, and thereupon such Justice may, if he thinks fit, order the authorities of such hospital to detain such woman in the hospital for medical treatment until discharged by such authorities, and such Order shall be a sufficient warrant to such authorities to detain such woman, and such authorities shall detain her accordingly;— Provided that no woman shall be detained under any such Order for a longer period than Three Months.

But not longer than three months.

Penalty for refusing to be examined or to conform to rules of Hospital, or quitting if before being discharged.

17. If any woman ordered as aforesaid to be taken to a Certified Hospital for medical examination refuses to submit to such examination, or if any woman ordered to be detained in a Certified Hospital for medical treatment, refuses or wilfully neglects while in the Hospital to conform to the Regulations thereof, or quits the Hospital without being discharged from the same as aforesaid, every such woman shall be guilty of an offence against this Act, and on summary conviction thereof, before two or more Justices of the Peace, shall be liable to imprisonment in the case of a first offence, for any term not exceeding one month, and in the case of a second or any subsequent offence for any term not exceeding two months.

Penalty for permitting any prostitute having contagious disease to resort to any house, &c., for prostitution.

18. If any person being the owner or occupier of any house, room or places within the limits of any place to which this Act applies, or being a manager or assistant in the management thereof, knowing or having reasonable cause to believe any common prostitute to have a contagious disease, induces or suffers such common prostitute to resort to or be in such house, room or place for the purpose of prostitution, every such person shall be guilty of an offence against this Act, and on summary conviction thereof before two or more Justices of the Peace shall be liable to a penalty not exceeding ten pounds, or at the discretion of the Justices, to be imprisoned for any term not exceeding three months in any common gaol, house of correction or other lawful place of confinement, with or without Hard Labor; Provided that a conviction under this enactment shall not exempt the offender from any penal or other consequences to which he or she may be liable for keeping or being concerned in keeping a Bawdy House or Disorderly House, or for the nuisance thereby occasioned.

Proviso: not to exempt from other penalties.

Proceedings to be under Chap. 103 of Con. Stat. of Can.

19. All proceedings under this Act before and by Justices of the Peace, shall be had under the provisions of chapter one hundred and three of the Consolidated Statutes of Canada, intitled: *An Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and*

orders, save so far as those provisions respectively are inconsistent with any provision of this Act, and save also that, except where the woman concerning whom an Information is laid under this Act, in the form given in the second schedule, 5 desires the contrary,—the room or place in which a Justice sits to enquire into the truth of the statements contained in any such information, shall not be deemed an open court for that purpose; and, except in the case aforesaid, such Justice may, in his discretion, order that no person have access to or be or 10 remain in that room without his consent or permission.

Except that place of examination shall not be an open Court unless by consent of the woman.

20. The forms of Orders and Certificates given in the second Schedule of this Act shall be used for the purposes of this Act, with such variations as circumstances may require.

Forms in Schedule 2 to be used.

21. For the protection of persons acting in the execution of 15 this Act, all actions and prosecutions against any person for anything done in pursuance or execution or intended execution of this Act, shall be laid and tried in the County in Upper Canada, or the Judicial District in Lower Canada, where the fact was committed, and shall be commenced within three 20 months after the fact committed, and not otherwise; and notice in writing of such action and of the cause thereof shall be given to the Defendant, one month at least before the commencement of the action; and in any such Action the Defendant may plead 25 generally that the act complained of was done in pursuance or execution or intended execution of this Act, and give this Act and the special matter in evidence at any trial to be had thereupon; and the Plaintiff shall not recover in any such action if tender of sufficient amends is made before such action brought, or if a sufficient sum of money is paid into Court after such 30 action brought, by or on behalf of the Defendant; and if a verdict passes or judgment is given for the Defendant, or the Plaintiff becomes non-suited, or discontinues any such action after issue joined, or if, upon demurrer or otherwise, judgment is given against the Plaintiff, the Defendant shall recover his full 35 costs, as between attorney and client, and have the like remedy for the same as any Defendant has by Law in other cases; and though a verdict is given for the Plaintiff in any such action, such Plaintiff shall not have costs against the Defendant, unless the Judge before whom the trial is had certifies his approbation 40 of the action and of the verdict.

Protection of persons acting under this Act.

Notice.

Venue.

Defendant may plead this Act.

May tender amends or pay money into Court.

If Plaintiff fails defendant may recover full costs.

22. This Act shall not come into force in any place mentioned in the said first schedule until a Hospital situate within or within fifty miles of the outer limits of such place shall have been duly certified, and notice of its having been so certified 45 been duly given in manner provided by this Act.

When this Act shall be in force in any place.

23. This Act shall continue in force for the passing thereof and no longer.

years from Duration of this Act.

THE FIRST SCHEDULE.

<i>Places.</i>	} <i>Limits of such places for the purposes of this Act.</i>
Quebec.	} The City of Quebec, as bounded for municipal purposes, and all places within miles of the outer boundaries thereof: The Town of Levis, the villages of St. Joseph de la Pointe Lévy and Bienville, as bounded for municipal purposes, and all places within miles of the outer boundaries of either of them.
Montreal.	} The City of Montreal as bounded for municipal purposes, and all places within miles of the outer boundaries thereof.
Kingston.	} The City of Kingston as bounded for municipal purposes, and all places within miles of the outer boundaries thereof.
Toronto.	} The City of Toronto as bounded for municipal purposes, and all places within miles of the outer boundaries thereof.
Hamilton.	} The City of Hamilton as bounded for municipal purposes, and all places within miles of the outer boundaries thereof.
London.	} The City of London as bounded for municipal purposes, and all places within miles of the outer boundaries thereof.
Sorel.	} The Town of Sorel, as bounded for municipal purposes, and all places within miles of the outer boundaries thereof.
St. John's.	} The Town of St. Johns, as bounded for municipal purposes, and all places within miles of the outer boundaries thereof.
Chambly.	} The Village and Canton de Chambly, and all places within miles of the outer boundaries thereof.

Any other place or places to which the Governor may, from time to time, by Proclamation, declare the foregoing Act to extend, with such limits as shall be defined in such Proclamation: and this Act shall then extend to each such place as if it had been named in the first column of this Schedule, and the limits assigned to it by the Proclamation had been mentioned in the second column thereof.

THE SECOND SCHEDULE.

FORM OF INFORMATION.

to wit: } The information of C. D.
 [Chief of Police, &c.] for [or Medical Practitioner, or as the case may be] taken this day of 186 , before the undersigned, one of Her Majesty's Justices of the Peace, in and for the said [County, &c.,] of ; who says he has good cause to believe

that A. B. of _____ in the [County] of _____
 is a common prostitute, and has a contagious disease
 within the meaning of the Contagious Diseases Prevention Act,
 1865, and within fourteen days before the date of this informa-
 tion, that is to say : on _____ day the
 day of _____ was in a public place within the limits of
 a place to which the said Act applies, that is to say, in
 street, in the [Parish], of _____ for the purpose of
 prostitution.

Taken before me the day and year first above mentioned.
 (Signed,) L. M.

FORM OF NOTICE.

To A. B., of _____
 Take Notice, that an Information, a copy whereof is sub-
 joined hereto, has been laid before me, and that, in accordance
 with the provisions of the Act therein mentioned, the truth of
 the statements therein contained, will be enquired into before
 me or some other Justice, at _____ on the
 day of _____ at _____ o'clock.

You are therefore to appear before me, or such other Justice,
 at that place and time, and to answer to what is stated in the
 said Information.

You may appear yourself, or by any person on your behalf.

If you do not appear you may be ordered, without further
 Notice, to be taken to a Certified Hospital for Medical Exami-
 nation.

If you prefer it, you may go with the constable [*or as the
 case may be*] who serves this Notice, to the _____ Hospital,
 at _____, and submit yourself there to medical exami-
 nation.

Dated this _____ day of _____
 (Signed,) L. M.
 Justice of the Peace for _____

(*Subjoin Copy of the Information.*)

FORM OF ORDER FOR EXAMINATION.

Be it remembered, that on the _____
 to wit : } day of _____ in pursuance
 of the Contagious Diseases Prevention Act, 1865, I, one of Her
 Majesty's Justices of the Peace in and for the said [County]
 of _____ do order that A. B., of _____ be
 taken to _____ Hospital (*being a certified Hospital
 within the meaning of the said Act*) for _____
 (*medical examination*)

(Signed,) L. M.

FORM OF MEDICAL CERTIFICATE.

To L. M. Esq. and others, Her Majesty's Justices of the
 Peace for the [County] of _____

In pursuance of the Contagious Diseases Prevention Act, 1865, I hereby certify that I have this day examined in this Hospital A B, of _____ and that she has a Contagious Disease within the meaning of the said Act.

Dated at the _____ Hospital this _____ day of 186

(Signed,) E. F.
House Surgeon to the _____ Hospital.
(Or as the case may be)

FORM OF ORDER FOR DETENTION IN HOSPITAL.

To the Authorities of the _____ Hospital at _____

} In pursuance of the Contagious Diseases Prevention Act, 1865, I, one of Her Majesty's Justices of the Peace in and for the said [County] of _____ do order that A. B. of _____ be detained in the _____ Hospital at _____ for medical treatment until, duly discharged by you, and I do command you to detain her accordingly: and for so doing this shall be your Warrant.

Dated this _____ day of _____ 186
(Signed,) L. M.