

No. 41.

1st Session, 8th Parliament, 27th Victoria, 1863.

BILL.

An Act to extend, and in certain cases to make compulsory, the practice of Vaccination.

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Mr. COWAN.

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~~An Act to extend, and in certain cases to make compulsory, the practice of Vaccination.~~

WHEREAS it is expedient to extend, and in certain cases to make compulsory, the practice of vaccination, and to provide for the vaccination of the poor: Therefore, Her Majesty by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

Preamble.

1. The Act of the Parliament of this Province, passed in the session held in the twenty-fourth year of Her Majesty's reign; and intituled, "An Act to provide for the more general adoption of the practice of Vaccination." is hereby repealed.

Act 24, Vic., c.24, repealed

10 2. No warrant shall hereafter issue for the payment of any sum of money granted by the Legislature to any hospital, unless nor until a certificate, signed by a medical officer of such hospital, to the effect that there is in such hospital a distinct and separate ward set apart for the accommodation of patients afflicted with small-pox, has been filed with
15 the clerk of the Executive Council.

Hospitals receiving public money must have small-pox wards.

3. From and after the passing of this Act, it shall be lawful for the councils of each city, county, and unions of counties, for municipal purposes, and they are hereby respectively empowered and required to appoint a medical practitioner or practitioners to be the public vaccinator or vaccinators within such city, county, or union of counties.

Municipalities to appoint public vaccinators.

4. The said councils shall, as soon after the passing of this Act as practicable, divide their respective cities, counties, and unions of counties into convenient vaccination districts, and shall also make provision for the vaccinating of all poor persons resident within their
25 respective municipalities, and shall further do whatever else they the said councils may judge expedient and necessary for the due execution of this Act.

Division into vaccination districts.

5. The said councils are hereby empowered and directed to frame and cause to be printed such forms and regulations as they may deem
30 necessary for carrying this Act into full effect; and they shall deliver to the vaccinators, and school trustees, and school commissioners in their respective municipalities, such books, certificates, schedules, notices, and forms as they may require for the performance of the duties severally imposed upon them by this Act; and it shall be lawful for the
35 said councils to take and expend out of the general revenues of their respective municipalities whatever moneys may be necessary for carrying out the several provisions of this Act.

To make and distribute Regulations, &c.

Expenses, how paid.

6. The father of every child born in Canada after the
40 and in the event of the death, illness, or inability of the father, then the mother, or in the event of the death, illness, absence or inability of the father and mother, then the person who shall have the care, nurture, or custody of such child shall, within six calendar months after the birth of such child, take or cause to be taken the said child to

All children to be taken to the public vaccinators for vaccination.

the public vaccinator, appointed for the vaccination district in which the child is resident, for the purpose of being vaccinated; and the said public vaccinator shall, and he is hereby required thereupon, or as soon thereafter as it may conveniently and properly be done, to vaccinate the said child.

7. Upon a day not earlier than the seventh nor later than the ninth day following the day on which any child has been vaccinated as aforesaid, the father or mother, or person having the care, nurture, or custody of the said child, shall again take or cause to be taken the said child to the public vaccinator by whom the operation was performed, in order that such public vaccinator may ascertain by inspection the result of such operation; and if necessary, the operation shall be from time to time repeated until the vaccination proves successful, or until a certificate of insusceptibility to vaccine disease is granted, in manner hereinafter provided.

8. Upon and immediately after the successful vaccination of any child the public vaccinator who shall have performed the operation shall deliver to the father or mother of the said child, or to the person who shall have the care, nurture, or custody of the said child, a certificate under his hand, according to the form of schedule A, hereto annexed, that the said child has been successfully vaccinated: and the production of such certificate shall be a sufficient defence against any complaint which shall be brought against the father or mother, or person having the care, nurture, or custody of such child, for non-compliance with the provisions of this Act.

9. If the public vaccinator shall be of opinion that any child is not in a fit and proper state to be successfully vaccinated, he shall deliver to the father or mother of such child, or the person having the care, nurture, or custody of the said child as aforesaid, on demand; and without fee or reward, a certificate under his hand, in the form of the schedule marked B, hereto annexed, that the child is in an unfit state for successful vaccination, and such certificate shall remain in force three months from its delivery, at the end of which time the child shall be again carried as aforesaid to the public vaccinator; and the public vaccinator, so long as such child remains in an unfit state for vaccination, and unvaccinated, shall, at the expiration of every succeeding period of three months, deliver, if required, a fresh certificate under his hand, according to the said form of schedule B: and the production of such certificate shall be a sufficient defence against any complaint against the father or mother, or person having the care, nurture, or custody of such child, for non-compliance with the provisions of this Act.

10. In the event of the public vaccinator being of opinion, after three successive vaccinations, that any child is insusceptible of the vaccine disease, he shall deliver to the father or mother, or person having the care, or nurture, or custody of such child, a certificate under his hand, according to the form of schedule C, hereto annexed, that the child is insusceptible of vaccine disease; and such certificate shall be a defence against any complaint for non-compliance with the requirements of this Act with respect to such child.

11. Each public vaccinator shall register in a book or schedule, which book or schedule may be in the form of schedule D, hereto annexed, the name of each child successfully vaccinated, the father, mother, or person having charge of such child, residence, nature of certificate, date at which vaccination is performed, or to which vaccination is postponed, and date of certificate; which book or schedule, duly

authenticated, shall be returned to the clerk or secretary-treasurer of the council of the city or county to which the said vaccinator has been appointed on or before the thirty-first day of December [in each and every year. To be returned yearly to clerk of municipality.

- 5 **12.** It shall be the duty of each city or county council clerk or secretary-treasurer to whom such books or schedules as aforesaid have been returned, to file them in safe keeping; and such books or schedules shall be open for search at all reasonable times, and the clerk, or secretary-treasurer shall be bound to give a copy, certified under his hand. To be kept open to search.
- 10 of such entry therein, on payment of a fee of *twenty-five cents* for each search and *ten cents* for each certificate. Fees for certified copies.

- 13.** The remuneration to public vaccinators for each and every person successfully vaccinated, and for each and every person certified, in accordance with the provisions of this Act, as insusceptible of the vaccine disease, shall not be more than *fifty cents* when the vaccination is performed at the residence of the vaccinator, nor more than *seventy-five cents* when performed within one mile of his residence, and not more than *one dollar* when performed within five miles of his residence; and no vaccinator shall be compelled to travel more than five miles, the distance to be computed by the nearest public road. Remuneration for vaccination.
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- 14.** In new and thinly settled districts, when from the difficulty of travelling and other causes it may be considered inexpedient to enforce the provisions of this Act, as expressed in the sections hereof, it shall be competent to the said county councils from time to time to frame such modifications thereof as they may consider proper, and the same shall be held to supersede the provisions of the said sections so far as regards such districts: and the said county councils may in such cases appoint a medical practitioner or practitioners to travel throughout such thinly settled districts, or to do whatever else they may deem necessary for the vaccination of all unvaccinated persons residing in such districts, and may fix such reasonable remuneration to be paid to such medical practitioner or practitioners as they may think proper. Special provisions for thinly settled districts.
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- 15.** It shall be the duty of the board of school trustees or school commissioners in every city, town, and incorporated village, and of the trustees or commissioners of each township, school section or school district, to ascertain and include in their annual report to the chief superintendent of education in their section of the Province, the number of children over six months old in their respective school divisions who have not been vaccinated: the said trustees shall also report to the city or county council, as the case may be, the names of the fathers or mothers, or persons having the care, nurture, or custody of such children, together with the name of the post office nearest to their residences respectively: and such report may be in the form of schedule E, hereunto annexed. School Trustees to report on vaccinated children to Chief Superintendent. Form.
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- 16.** It shall be the duty of the clerk or Secretary Treasurer of each and every of the said councils, on the receipt of such return as aforesaid, in each and every case where vaccination has been neglected or omitted, to intimate by a notice through the post office—and which notice may be in the form of schedule F, hereto annexed—such neglect or omission to the father or mother, or person having the care, nurture, or custody of the child neglected or omitted to be vaccinated; and if a certificate of vaccination is not exhibited by such father or mother, or person aforesaid, to the clerk or Secretary Treasurer within one Notice to father, &c., of unvaccinated child.
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calendar month from the despatch of such notice. the father or mother, or other person so in default, shall forfeit a sum not less than one nor more than *five dollars*, to be recovered and applied in the manner in which penalties are directed to be recovered and applied under this Act, and in default of payment, shall be liable to be imprisoned for a period not exceeding ten days; and any city or county council may order and direct the prosecution of individuals failing to comply with the provisions of this Act.

Penalty if not vaccinated within a certain time after notice.

17. Should any public vaccinator, or the clerk or secretary-treasurer of any city or county council, or any trustees or commissioners of Common Schools, neglect or refuse to discharge the duties severally imposed on each and every of them by this Act, each such public vaccinator, clerk, or school trustee, or commissioner failing to comply with the requirements of this Act, shall be liable to a penalty of not less than *five* and not more than *twenty dollars*, for each offence, recoverable on the information of any ratepayer by summary conviction before any stipendiary magistrate, recorder's court, or other tribunal for trying petty offences in any city, or before any two Justices of the Peace sitting and having jurisdiction in any county where the offence was committed; and all pecuniary penalties recovered for any offence against this Act shall be paid over to the treasurer of the city or county in which the offence was committed, and form part of the general funds of such city or county.

Penalty for non-compliance with any of the requirements of this Act.

Application of penalty.

18. It shall be the duty of the chief superintendents of education in Upper and Lower Canada, and they are hereby empowered and required to get printed in a convenient form so many copies of this Act as they may deem sufficient for the information of school trustees and commissioners, and to cause the same to be distributed for that purpose.

Copies of this Act for School Trustees, &c.

19. This Act shall be known and may be cited for all purposes as the Vaccination Law.

Short title.

SCHEDULE A.

I, the undersigned, hereby certify that the child of aged of the in the county of has been successfully vaccinated by me.
 Dated this day of 186 (Signed), A. B., Public Vaccinator.

SCHEDULE B.

I, the undersigned, hereby certify that I am of opinion that the child of aged of the in the County of is not now in a fit and proper state to be successfully vaccinated, and I do hereby postpone the vaccination until the day of
 Dated this day of 186 (Signed), A. B., Public Vaccinator.

SCHEDULE C.

I, the undersigned, hereby certify that I am of opinion that the child of of the in the county of is insusceptible of the vaccine disease.
 Dated this day of 186 (Signed), A. B., Public Vaccinator.

SCHEDULE D.

Name of Child.	Parent's name.	Residence.	Nature of Certificate.	Date to which postponed.	Date of Certificate.
John Smith,	James Smith,	Galt,	{ Successfully vaccinated }	4th Jan. 1864.
Mary Jones,	John Jones,	Galt,	Postponed	20 May, 1863,	20th Jan. 1864
Jas. Irwin,	John Irwin,	Galt,	{ Insusceptible, }	5th Jan. 1864.

I, A. B., public vaccinator for the _____ in the county of _____ hereby certify that the particulars specified in this schedule are correct.

Dated this _____ day of _____ 186 .

(Signed),

A. B.,
Public Vaccinator.

SCHEDULE E.

Name of Child not vaccinated.	Name of Father, Mother, or other person.	Nearest Post Office.
John Smith,.....	James Smith,	Galt.

SCHEDULE F.

To

Take notice, that if a certificate of the vaccination of your child is not exhibited to the clerk or secretary-treasurer of the [county or city] council within one month from the date of this notice, you will be prosecuted in accordance with the provisions of the Vaccination Law.

Dated this _____ day of _____ 186 .

(Signed),

A. B., Clerk,
[or Secretary-Treasurer.]