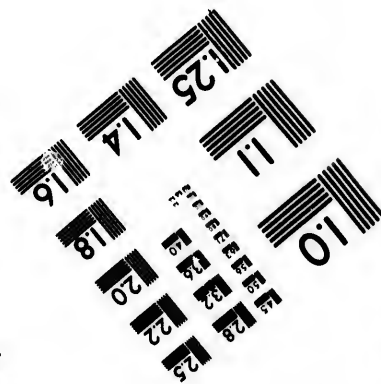
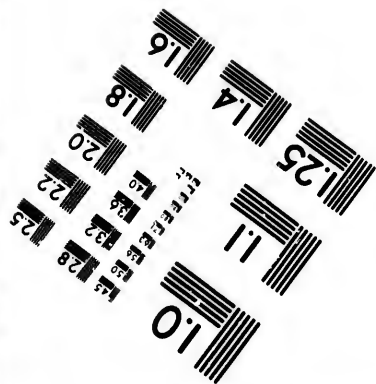
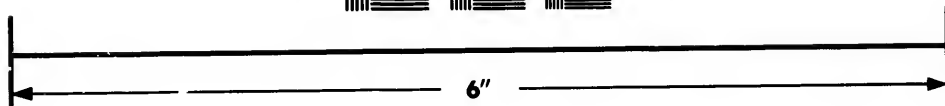
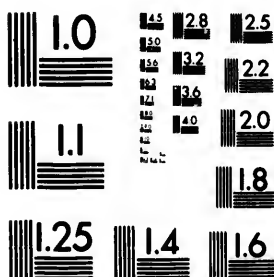


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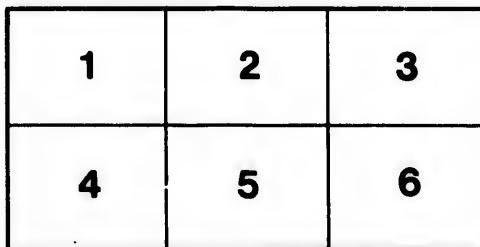
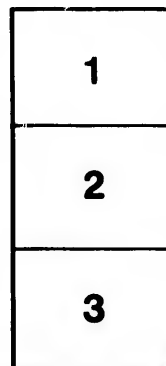
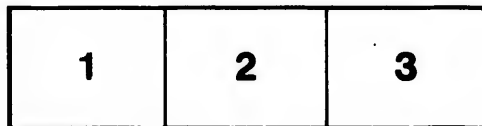
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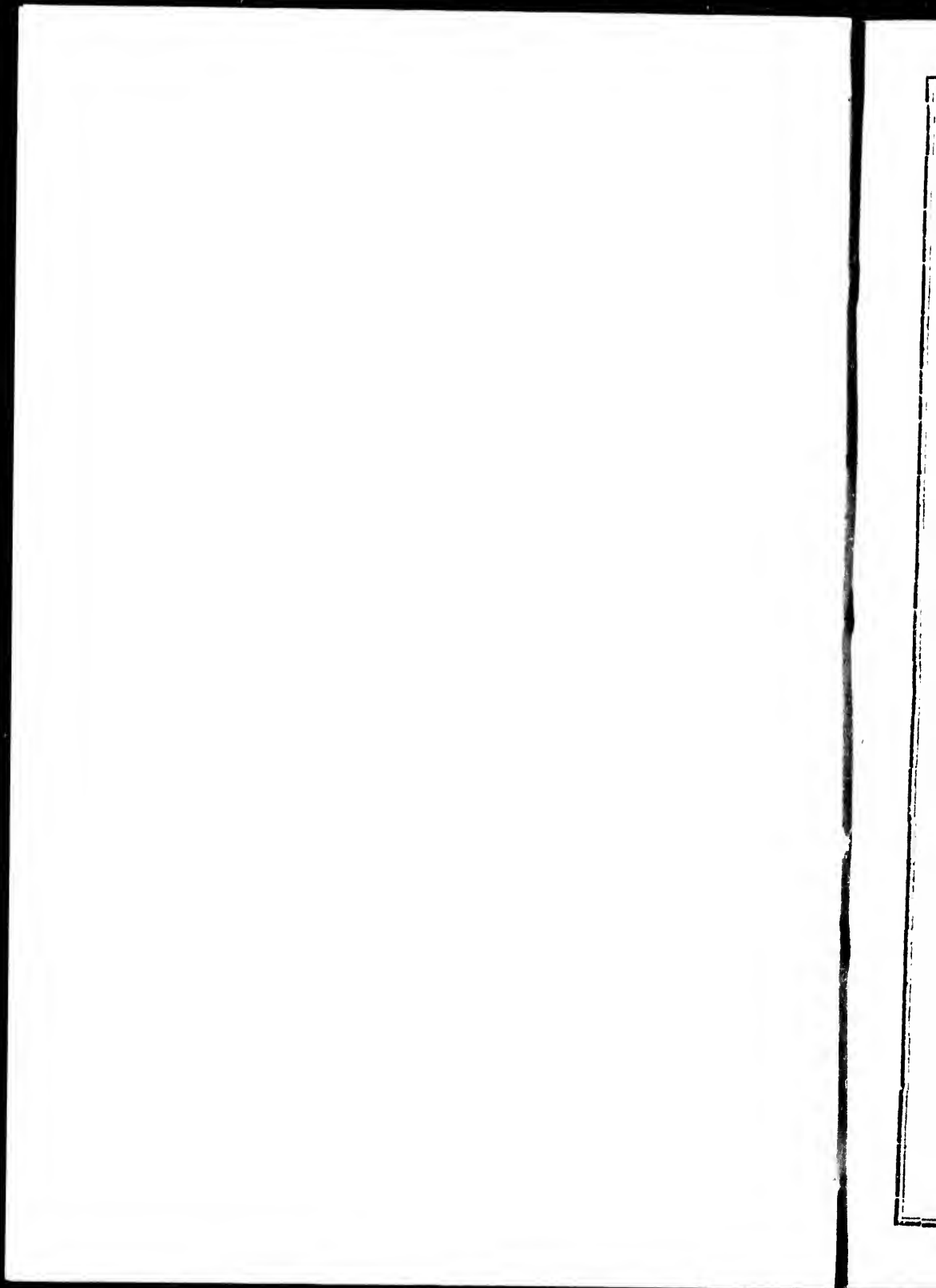
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AN ACT
RESPECTING THE PRESERVATION
OF THE
PUBLIC HEALTH.

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22 Victoria, Cap. XXXVIII.
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AN ACT
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ANNO VIGESSIMO-SECUNDO.

VICTORIÆ REGINÆ.

CAP. XXXVIII.

An Act respecting the preservation of the Public Health.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Whenever this Province, or any part thereof, or place therein, appears to be threatened with any formidable epidemic, endemic or contagious disease, the Governor may by Proclamation, to be by Him from time to time issued by and with the advice and consent of the Executive Council, declare this Act to be in force in this Province, or in any part thereof, or place therein, mentioned in such Proclamation ; and it shall thereupon be in force accordingly ; and the Governor may in like manner from time to time, as to all or any of the parts or places to which any such Proclamation extends, revoke or renew any such Proclamation ; and, subject to revocation and renewal as aforesaid, every such Proclamation shall have effect for six months, or for any shorter period in such Proclamation expressed. 12 V. c. 8, s. 1.

This Act to be put in force temporarily by Proclamation when the Province is threatened with any formidable epidemic.

2. Upon the issuing of any such Proclamation, and whilst the same is in force, the first, second, third and sixth sections of the fifty-ninth chapter of the Consolidated Statutes for Upper Canada, intitled, *An Act respecting the Public Health*, and so much of the fifth section thereof as provides for the trial and punishment of any person accused of wil-

Parts of Chapter 59 of Con. Stat. of U. C. suspended in part as to places affected by such Proclamation.

fully disobeying or resisting any lawful Order of any Health Officers acting under the said Act, or of wilfully resisting or obstructing such Health Officers in the execution of their duties,—shall be suspended as to every place mentioned in such Proclamation, or being within any part of this Province included thereby; but any person accused of having wilfully disobeyed or resisted such order, or resisted or obstructed such Officer, before the issuing of the Proclamation, may nevertheless be tried and dealt with as if such Proclamation had not been issued. 12 V. c. 8, s. 2.

After issuing such Proclamation, the Governor may appoint a Central Board of Health.

3. From time to time after the issuing of any such Proclamation, and whilst it is in force, the Governor may, by Commission under his Hand and Seal, appoint five or more persons, to be "The Central Board of Health," and also, such Officers and Servants as he deems necessary to assist the Board; and the powers and duties of the said Board may be exercised and executed by any three Members thereof; and during any vacancy in the said Board, the continuing Members or Member, may act as if no vacancy had occurred;

Duration of such Commission.

2. And every such Commission shall *ipso facto* be determined by the revocation of the Proclamation under which it issued, as to all the places included in such Proclamation, or by the expiration of six months from the date of such Proclamation, or of any shorter period expressed in such Proclamation, as that during which it is to be in force; unless such Proclamation be renewed as to all or some of such parts and places. 12 V. c. 8, s. 3.

Chief Municipal Officer of every place affected by such Proclamation to take steps for constituting a "Local Board of Health."

4. From time to time, while any such Proclamation is in force, the Mayor or other Head of the Municipal Corporation, Inspecting Trustee or other Chief Municipal Officer, of any and every place mentioned in such Proclamation, or included thereby, may call a special meeting of the Council or other Municipal Corporation or of the Police Trustees of such place, over which he presides, for the purpose of nominating, and such Municipal Corporation or Police Trustees shall nominate accordingly not less than three persons, resident within the limits of their respective jurisdictions, (or in the case of a City, Town or Vil-

lage, within seven miles thereof,) to be "The Local Board of Health" for such place :

2. And such Mayor, or other Head of such Municipal Corporation, Inspecting Trustee, or other Chief Municipal Officer, shall call such special meeting within two days from the receipt of a written requisition to that effect, signed by ten or more inhabitant householders of the place under the jurisdiction of the body over which he presides, on pain of being personally liable to the penalty hereinafter mentioned ; and if at any time while any such Proclamation is in force, it is certified to the Governor by any ten or more inhabitant-householders of any place included in such Proclamation, that the Mayor or other Head of such Municipal Corporation or Inspecting Trustee, or other Chief Municipal Officer of such place, has failed to comply with such requisition, within such time as aforesaid, the Governor in Council may forthwith appoint not less than three persons resident within the limits of such place, (or in the case of a City, Town or Village, within seven miles thereof,) to be the Local Board of Health, for such place ;

Special meeting for their election to be called within a certain time after written requisition from inhabitant-householders.

If no meeting called within the prescribed time, Governor may appoint Local Board.

3. Every nomination or appointment of a Local Board of Health, under this Act, shall *ipso facto* be determined by the revocation, as to the place within the limits of which such Local Board is authorized to act, or as to any place in which it is included, or as to the whole Province, of the Proclamation under which such Local Board was appointed, or by the expiration of six months from the date of such Proclamation, or of any shorter period expressed in such Proclamation as that during which it is to be in force ; unless such Proclamation be renewed as to such place, or any place in which it is included, or as to the whole Province. 12 V. c. 8, s. 4.

Duration of Local Board.

5. The Central Board of Health, or any three or more Members thereof, may from time to time issue such regulations as they think fit, for the prevention, as far as possible, of the mitigation of such epidemic, endemic or contagious diseases, and may revoke, renew or alter any such regulations, or substitute such new regulations as to them or any three of them appear expedient :

Central Board of Health may issue regulations and directions for the prevention or mitigation of disease.

Tenor of such regulations and directions.

2. The said Board may by such regulations provide for the frequent and effectual cleansing of streets, by the Surveyors or Overseers of highways and others intrusted with the care and management thereof, or by the owners or occupiers of houses and tenements adjoining thereto; and for the cleansing, purifying, ventilating and disinfecting of houses, dwellings, churches, buildings and places of assembly by the owners and occupiers, and persons having the care and ordering thereof; for the removal of nuisances, for the speedy interment of the dead, and generally for preventing or mitigating such epidemic, endemic or contagious diseases, in such manner as to the said Central Board seems expedient;

Central Board may authorize and require Local Boards to superintend and see to the execution of such regulations.

3. The said Central Board may by any such regulations, authorize and require the Local Boards of Health to superintend and see to the execution of any such regulations, and (where it appears that there may be default or delay in the execution thereof, by want or neglect of such Surveyors or others intrusted as aforesaid, or by reason of poverty of occupiers, or otherwise,) to execute or aid in executing the same within their respective limits, and to provide for the dispensing of medicines, and for affording to persons afflicted by or threatened with such epidemic, endemic or contagious diseases, such medical aid as may be required, and to do and provide all such acts, matters and things as are necessary for superintending or aiding in the execution of such regulations, or for executing the same as the case may require;

They may extend to authorize the removal of parties from their dwellings under certain circumstances, and placing them in sheds or tents.

4. The said Central Board of Health may also by any such regulations, authorize and require the Local Boards of Health, in all cases in which diseases of a malignant and fatal character are discovered to exist in any dwelling-house or out-house, temporarily occupied as a dwelling, situated in an unhealthy or crowded locality, or being in a neglected or filthy state, in the exercise of a sound discretion, and at the proper costs and charges of such Local Boards of Health, to compel the inhabitants of any such dwelling-house or out-house, to remove therefrom, and to place them in sheds or tents, or other good shelter, in some more salubrious situation, until measures can be taken, by and under the directions of the

Local Boards of Health, for the immediate cleansing, ventilation, purification and disinfection of the said dwelling-house or out-house ;

5. And the directions and regulations to be issued as aforesaid, shall extend to all parts or places, in which this Act shall, for the time being, be in force under any such Proclamation as aforesaid, unless such regulations be expressly confined to some of such parts or places, and then to such parts or places as in such directions and regulations shall be specified, and (subject to the power of revocation and alteration herein contained,) shall continue in force so long as this Act shall be in force under such Proclamation, in the parts or places to which such regulations extend. 12 V. c. 8, s. 5.

To what places these regulations shall extend.

And how long they shall continue in force.

6. The Members of the said Local Boards of Health shall be called Health Officers, and any two or more of them acting in the execution of any such regulations as aforesaid, at reasonable times in the day-time, may enter and inspect any dwelling or premises, if there be ground for believing that any person has recently died of any such epidemic, endemic, or contagious disease in such dwelling or premises, or that there is any filth or other matter dangerous to health therein or thereupon, or that necessity otherwise exists for executing in relation to such dwelling or premises, all or any of such regulations as aforesaid :

Members of Local Boards of Health to be called Health Officers ;

And may enter dwellings in certain cases.

2. And in case the owner or occupier of any such dwelling or premises neglects or refuses to obey the orders given by such Health Officers, in pursuance of such regulations, such Health Officers may call to their assistance all Constables and Peace Officers, and such other persons as they think fit, and may enter into such dwelling or premises, and execute or cause to be executed therein such regulations, and remove therefrom and destroy whatsoever in pursuance of such regulations it is necessary to remove and destroy for the preservation of the public health. 12 V. c. 8, s. 6.

And may call for assistance to enforce obedience to their lawful orders if necessary.

7. The expenses incurred by the said Central Board of Health shall be defrayed out of any moneys appropriated by the Provincial Parliament for that

Expenses of Central Board to be defrayed by the Province.

Those of Local Boards by the respective localities.

purpose; and the expenses incurred by the said Local Boards of Health in the execution or in superintending the execution of the regulations of the Central Board, shall be defrayed and provided for in the same manner and by the same means as expenses, incurred by the Municipal Corporations, Councils, or other Municipal Bodies of or having jurisdiction over the respective places for which such Local Boards of Health were appointed then, are by law required to be defrayed and provided for. 12 V. c. 8, s. 7.

Regulations of Central Board to be sanctioned by the Governor and published in the *Canada Gazette*.

Publication to be evidence of sanctions, &c.

Proclamations &c., under this Act to be laid before Parliament.

8. No direction or regulation of the said Central Board of Health shall have any force or effect until it has been confirmed by the Governor in Council, and has thereafter been published in the *Canada Gazette*; And every Proclamation of the Governor in Council, under this Act, shall also be published in the *Canada Gazette*; And such publication of any such Proclamation or regulation shall be conclusive evidence of the Proclamation or regulation so published, and of the confirmation of such regulation as aforesaid, and of the dates thereof respectively, to all intents and purposes; And every such Proclamation and regulation shall forthwith upon the issuing thereof be laid before both Houses of the Provincial Parliament, if it be then sitting, and if not, then within the fourteen days next after the commencement of the then next Session of Parliament. 12 V. c. 8, s. 8.

Local By-laws on the subject of health to be suspended while such regulations continue in force.

9. Upon the publication of any such regulations as aforesaid, and whilst they continue in force, all by-laws made by the Town Council, Municipal Corporation, or other like body of any place to which such regulations or any of them relate, made for preserving the inhabitants thereof from contagious diseases, or for any other of the purposes for which such regulations are by this Act required to be issued, shall become and be suspended:

Also, Boards of Health or Health Officers under such By-laws, &c.

2. And upon the appointment, and during the existence of a Local Board of Health, under this Act for any such place, any Board of Health or Health Officer, or other like Officer, or any Committee appointed under any such by-law, shall be and remain deprived and relieved of all powers, authorities and duties conferred and imposed upon him or them by

any such by-law; but in any interval between the issuing of such regulations, and the appointment of such Local Board of Health, he or they shall exercise and perform such powers, authorities and duties, in conformity with such regulations, and shall act in every respect as if he or they were a Local Board of Health appointed under this Act. 12 V. c. 8, s. 9.

10. Whosoever wilfully obstructs any person acting under the authority or employed in the execution of this Act, or wilfully violates any regulation issued by the Central Board of Health under this Act, or neglects or refuses to comply with such regulations, or with the requirements of this Act in any matter whatsoever, shall be liable, for every such offence, to a penalty not exceeding twenty dollars, to be recovered by any person before any two Justices, and to be levied by distress and sale of the goods and chattels of the offender, with the costs of such distress and sale, by Warrant under the hands and seals of the Justices before whom the same are recovered, or any other two Justices; and if it appears to the satisfaction of such Justices, before or after the issuing of such Warrant, either by the confession of the offender or otherwise, that he hath not goods and chattels within their jurisdiction sufficient to satisfy the amount, they may commit him to any Gaol or House of Correction for any time not exceeding fourteen days, unless the amount be sooner paid, in the same manner as if a Warrant of Distress had issued, and a return of *nulla bona* had been made thereon. 12 V. c. 8, s. 10—*part*.

Penalty on persons obstructing the execution of this Act, or refusing to comply with its requirements, or with the regulations of the Central Board of Health.

To be recovered before two Justices.

Who may commit the offender to gaol in certain cases.

11. All penalties whatever recovered under this Act shall be paid to the Treasurer, and applied in aid of the rates or funds, of the place in which such penalties have been incurred respectively; and all offences committed against this Act, while the same is in force in this Province, or in any part thereof, shall be prosecuted, and the parties committing the same, convicted and punished therefor as herein provided, as well after as during the time that this Act shall be declared to be in force in or by any such Proclamation or Proclamations as aforesaid. 12 V. c. 8, s. 10.

Applications of penalties.

12. No Order nor any other proceeding, matter or thing, done or transacted in, or relating to the execu-

Certiorari taken away.

tion of this Act shall be vacated, quashed or set aside for want of form, or be removed or removable by *Certiorari*, or other Writ or Process whatsoever, into any of the Superior Courts in this Province. 12 V. c. 8, s. 11.

Interpretation of
certain words.

13. In this Act, the following words and expressions shall have the meanings hereinafter assigned to them, unless such meanings be repugnant to or inconsistent with the context, that is to say: the words "two Justices," shall mean two or more Justices of the Peace acting for the place where the matter, or any part of the matter requiring the cognizance of such two Justices, arises, assembled or acting together; the word "Place," shall mean a City, Town, Borough, Village, Township, Parish or any other territorial division recognized or designated by law as a separate Municipality or Municipal Division; the word "Street," shall include every Highway, Road, Square, Row, Lane, Mews, Court, Alley and Passage, whether a thorough-fare or not. 12 V. c. 8, s. 12.

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