

No. 185

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BILL.

An Act to make provision for the preservation of the Public Health in certain emergencies.

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[500 Copies.]

Honble Mr.

S. Derbishire and G. Desbarats, Queen's Printer.

185.

BILL.

An Act to make provision for the preservation of the Public Health in certain emergencies.

2 **W**HEREAS it is expedient to make Preamble.
special provision for the protection
of the Public Health in cases when the
4 Province shall be visited by epidemic,
endemic or contagious diseases, by enabling
6 the Governor of this Province in Council, to
issue orders and adopt measures at any time
8 for that purpose; and whereas it is advisable
to intrust the selection of the local agents in
10 the execution of such measures to the Muni-
cipal bodies in the various localities which
12 may from time to time be interested therein:
Be it enacted, &c.

14 That whenever this Province, or any part This Act to be
thereof, or place therein, shall appear to be put in force
16 threatened with any formidable epidemic, temporarily by
endemic or contagious disease, the Governor Proclamation
18 of this Province may by Proclamation, to be when the Pro-
by him from time to time issued by and vince is
20 with the advice and consent of the Executive threatened
Council of this Province, declare this Act to with any for-
22 be in force in this Province or in such part midable epi-
thereof, or place therein as may be men- demic, &c.
24 tioned in such Proclamation; and the same
shall thereupon become and be in force
26 accordingly: and His Excellency may in
like manner from time to time, as to all or
28 any of the parts or places to which any
such Proclamation may extend, revoke or
30 renew any such Proclamation; and, subject
to revocation and renewal as aforesaid, every
32 such Proclamation shall have effect for six
Calendar months, or for such shorter period
34 as in such Proclamation shall be expressed.

II. And be it enacted, That from and Act of U. C.
36 after the issuing of any such Proclamation, 5. W. 4. c. 10.
and whilst the same shall continue in suspended in
38 force, the first, second, and sixth Sections part as to pla-
of the Act of the Legislature of Upper ces affected by
such Procla-
mation.

Canada, passed in the fifth year of the
 Reign of His late Majesty King William the
 Fourth, intituled, " An Act to promote the
 " Public health, and to guard against infec-
 " tious diseases in this Province," and so
 much of the fourth section thereof as pro-
 vides for the trial and punishment of any
 person accused of wilfully disobeying or
 resisting any lawful Order of any Health
 Officers duly appointed under the said Act,
 or of wilfully resisting or obstructing such
 Health Officers in the execution of their
 duties, shall be and the same are hereby
 suspended as to every place mentioned in
 such Proclamation, or being within any part
 of this Province designated therein or in-
 cluded thereby ; Provided always, that any
 person accused of having wilfully disobeyed
 or resisted such Order, or resisted, or ob-
 structed such Officer before the issuing of
 any such Proclamation, may nevertheless
 be tried and dealt with as if such Procla-
 mation had not been issued.

Proviso.

After issuing
 such Procla-
 mation, the
 Governor may
 appoint a
 " Central
 Board of
 Health."

III. And be it enacted, That from time
 to time after the issuing of any such Procla-
 mation, and whilst the same shall continue
 to have effect, it shall be lawful for the
 Governor of this Province, to appoint by
 Commission under his hand and Seal,
 persons,
 to be and to be called " The Central Board
 of Health," and to have and execute all the
 powers and duties vested in or imposed on
 such Board by this Act, and also, such and
 so many Officers and Servants as he may
 deem necessary to assist such Board in the
 execution of its powers and duties ; and
 His Excellency may from time to time at
 his pleasure remove all or any of the
 persons so appointed and appoint others in
 their stead ; and the powers and duties
 vested in or imposed on the said board by
 this Act, may be exercised and executed by
 any Members thereof ; and
 during any vacancy in the said Board, the
 continuing Members or Member thereof,
 may act as if no vacancy had occurred ; and
 every such Commission shall *ipso facto* be

revoked or determined by the revocation of
 2 the Proclamation under which it issued as
 to all the parts and places mentioned in such
 4 Proclamation, or by the expiration of six
 calendar months, from the date of such Pro-
 6 clamation, or of such shorter period as may
 have been expressed in such Proclamation,
 8 unless in either case such Proclamation be
 renewed as to all or some of such parts and
 10 places.

IV. And be it enacted, That from time
 12 to time after the issuing of any such Procla-
 mation, and whilst the same shall continue
 14 to have effect, it shall be lawful for the
 Mayor, Townreeve, or other Head of the
 16 Municipal Corporation, Inspecting Trustee
 or other Chief Municipal Officer, of any
 18 and every place mentioned in such Procla-
 mation, or being within any part of this Pro-
 20 vince designated therein or of necessity in-
 cluded thereby, to call a special meeting of
 22 the Council or other Municipal Corporation
 or of the Police Trustees of such place over
 24 which he presides, for the purpose of nomi-
 nating, and such Municipal Corporation or
 26 Police Trustees are hereby authorized and
 required to nominate accordingly not less
 28 than three persons, being residents within the
 limits of their respective jurisdictions, or, in
 30 the case of a City, Town or Village, within
 seven miles thereof, to be and to be called
 32 "The Local Board of Health" for such
 place; and such Mayor, Townreeve, or other
 34 Head of such Municipal Corporation, In-
 specting Trustee, or other Chief Municipal
 36 Officer, is hereby expressly required and en-
 joined to call such Special Meeting within
 38 days from the receipt of a written re-
 quisition to that effect, signed by ten or more
 40 inhabitant-householders of the place under
 the jurisdiction of the body over which he
 42 presides, on pain of being personally liable to
 the penalty hereinafter mentioned; and if at
 44 any time after the issuing of any such Procla-
 mation, and whilst the same shall continue to
 46 have effect, it shall be certified to the Gover-
 nor of this Province, by any or more

Chief Muni-
 cipal Officer of
 every place af-
 fected by such
 Proclamation to
 take steps
 for constitu-
 ting a "Local
 Board of
 Health."

Who may be
 Members of
 Local Boards
 of Health.

Special meet-
 ing for their
 election to be
 called within a
 certain time
 after written
 requisition
 from inhabi-
 tant house-
 holders.

If no meeting called within the prescribed time.

The Governor may appoint Local Board.

Proviso.

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

inhabitant-householders of any place mentioned in such Proclamation, or being within 2 any part of this Province designated therein, 4 or of necessity included thereby, that the Mayor, Townreeve, or other Head of such 6 Municipal Corporation, or Inspecting Trustee, or other Chief Municipal Officer of 8 such place, has failed to comply with such requisition as aforesaid, within such time 10 as aforesaid, it shall thereupon become and be lawful for His Excellency in Council, 12 forthwith to appoint not less than three persons resident within the limits of such 14 place, or, in the case of a City, Town or Village, within seven miles thereof, to be 16 and to be called "The Local Board of Health," for such place: Provided always, 18 that every nomination or appointment of a Local Board of Health, under this Act, shall 20 *ipso facto* be revoked or determined by the revocation, as to the place within the limits 22 of which such Local Board shall be authorized to act, or as to any part of this Province 24 in which the same shall be included, or the whole of this Province, as the case may 26 be, of the Proclamation under which such Local Board shall have been nominated or 28 appointed, or by the expiration of six calendar months from the date of such Proclamation, 30 or of such shorter period as may have been expressed in such Proclamation, unless 32 in either case such Proclamation be renewed as to such place, or any part of this Province 34 in which the same shall be included, or the whole of this Province, as the case 36 may be.

V. And be it enacted, That the Central Board of Health, or any or more Members 38 thereof, may from time to time issue such directions or regulations as they shall think 40 fit, for the prevention, as far as possible, or mitigation of such epidemic, endemic or 42 contagious diseases, and revoke, renew, or alter any such directions or regulations, or 44 substitute such new directions and regulations as to them or any of them may 46 appear expedient; and the said Board may

Tenor of such
directions and
regulations.

by such directions and regulations provide
 2 for the frequent and effectual cleansing of
 streets, by the Surveyors or Overseers of
 4 highways and others intrusted by law with
 the care and management thereof, or by
 6 the owners or occupiers of houses and
 tenements adjoining thereto; and for the
 8 cleansing, purifying, ventilating and disin-
 fecting of houses, dwellings, churches,
 10 buildings and places of assembly by the
 owners and occupiers, and persons having
 12 the care and ordering thereof, for the remo-
 val of nuisances, for the speedy interment
 14 of the dead, and generally for preventing or
 mitigating such epidemic, endemic or con-
 16 tagious diseases in such manner as to the said
 Central Board may seem expedient; and
 18 the said Central Board may by any such
 directions and regulations, authorize and
 20 require the Local Boards of Healths to
 superintend and see to the execution of any
 22 such directions and regulations, and (where
 it shall appear that there may be default or
 24 delay in the execution thereof, by want or
 neglect of such Surveyors or others intrusted
 26 as aforesaid, or by reason of poverty of
 occupiers, or otherwise,) to execute or aid in
 28 executing the same within their respective
 limits; and to provide for the dispensing of
 30 medicines, and for affording to persons
 afflicted by or threatened with such epide-
 32 mic, endemic or contagious diseases, such
 medical aid as may be required, and to
 34 do and provide all such acts, matters
 and things as may be necessary for super-
 36 intending or aiding in the execution of
 such directions and regulations, or for
 38 executing the same as the case may re-
 quire; and the said Central Board of Health,
 40 may also by any such directions and regu-
 lations authorize and require the Local
 42 Boards of Health, in all cases in which
 diseases of a malignant and fatal character,
 44 shall be discovered to exist in any dwelling-
 house or out-house, temporarily occupied as
 46 a dwelling, situated in an unhealthy or
 crowded locality, or being in a neglected or
 48 filthy state, in the exercise of a sound dis-

They may ex-
 tend to autho-
 rizing the re-
 moval of par-
 ties from their
 dwellings un-
 der certain cir-
 cumstances,
 and placing
 them in sheds
 or tents.

cretion, and at the proper costs and charges
of such Local Boards of Health, to compel 2
the inhabitants of any such dwelling-house
or out-house, to remove therefrom, and to 4
place them in sheds or tents, or other good
shelter, in some more salubrious situation, 6
until measures can be taken, by and under
the directions of the Local Boards of Health, 8
for the immediate cleansing, ventilation,
purification and disinfection of the said 10
dwelling-house or out-house; and the direc-
tions and regulations to be issued as afore- 12
said, shall extend to all parts or places, in
which this Act shall, for the time being, be 14
put in force under such Proclamations as
aforesaid, unless such directions and regu- 16
lations shall be expressly confined to some
of such parts or places, and then to such 18
parts or places as in such directions and
regulations shall be specified, and (subject 20
to the power of revocation and alteration
herein contained,) shall continue in force so 22
long as the said provisions of this Act shall
be in force under such Proclamation, in the 24
parts or places to which such directions and
regulations shall under this provision ex- 26
tend.

To what places these regulations shall extend.

And how long they shall continue in force.

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

And may enter dwellings in certain cases.

VI. And be it enacted, That the Members 28
of the said Local Boards of Health, shall be
called Health Officers, and that any two or 30
more of them acting in the execution of
any such directions or regulations as afore- 32
said, at reasonable times in the day-time,
may and they are hereby empowered to 34
enter and inspect any dwelling or premises,
if there be ground for believing that any 36
person may have recently died of any such
epidemic, endemic or contagious disease in 38
any such dwelling or premises, or that there
is any filth or other matter dangerous to 40
health therein or thereupon, or that necessi-
ty may otherwise exist for executing in 42
relation to such dwelling or premises, all or
any of such directions and regulations as 44
aforesaid; and in case the owner or occupier
of any such dwelling or premises, shall 64
neglect or refuse to obey the orders given

by such Health Officers, in pursuance of
 2 such directions and regulations, it shall be
 lawful for such Health Officers, to call to
 4 their assistance all Constables and Peace
 Officers, and such other persons as they
 6 may think fit, and to enter into, and upon
 such dwelling or premises, and to execute
 8 or cause to be executed therein or there-
 upon such directions and regulations, and to
 10 remove therefrom and destroy whatsoever
 in pursuance of such directions and regu-
 12 lations it may be necessary to remove and
 destroy, for the preservation of the public
 14 health.

And call for
 assistance to
 enforce obe-
 dience to their
 lawful orders
 if necessary.

VII. And be it enacted, That the expen-
 61 ses incurred by the said Central Board of
 Health shall be defrayed out of any monies
 18 which may from time to time be appropri-
 ated by the Provincial Parliament for that
 20 purpose from the Consolidated Revenue
 Fund of this Province; and that the expen-
 22 ses incurred by the said Local Boards of
 Health in the execution or in superintend-
 24 ing the execution of the directions and
 regulations of the Central Board shall be
 26 defrayed and provided for in the same man-
 ner and by the same means as any expenses
 28 incurred by the Municipal Corporations,
 Councils, or other municipal bodies of or
 30 having jurisdiction over the respective
 places for which such Local Boards of
 32 Health shall have been nominated or ap-
 pointed now are or at any time hereafter
 34 may be by law required to be defrayed and
 provided for.

Expenses of
 Central Board
 to be defrayed
 by the Pro-
 vince.

Those of local
 Boards by the
 respective lo-
 calities.

VIII. And be it enacted, that no direction
 or regulation of the said Central Board of
 38 Health shall have any force or effect until
 the same shall have been sanctioned and
 40 confirmed by the Governor of this Province
 in Council, and shall thereafter have been
 42 published in the Canada Gazette; and every
 Proclamation of the Governor of this Pro-
 44 vince in Council under this Act shall also
 be published in the Canada Gazette; and
 46 such publication of any such Proclamation,

Regulations of
 Central Board
 to be sanction-
 ed by the
 Governor, and
 published in
 the Canada
 Gazette.

Publication to be evidence of sanction, &c. direction or regulation shall be conclusive evidence of the Proclamation, direction or regulation so published, and of the sanction and confirmation of such direction or regulation as aforesaid, and of the dates thereof respectively to all intents and purposes; and every such Proclamation, direction and regulation shall forthwith upon the issuing thereof be laid before both Houses of the Provincial Parliament if the said Parliament be then sitting, and if not, then within fourteen days, next after the commencement of the then next Session of the said Parliament. 14

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

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

Proviso.

IX. And be it enacted, That upon the issuing and publication of any such directions and regulations as aforesaid, and whilst the same shall continue in force, all by-laws made by the Town Council, Municipal Corporation, or other like body of any place, to which the same or any of them may relate for preserving the inhabitants thereof from contagious diseases, or for any other of the purposes for which such directions and regulations are by this Act required to be issued, shall become and be suspended; and upon, from and after the nomination or 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 Committee appointed under any such by-law, shall be and remain deprived and relieved of all and every the powers authorities and duties conferred and imposed upon him or them by any such by-law; but in any interval which may occur between the issuing of such directions and regulations, and the nomination or appointment of such Local Board of Health, he or they may, and shall exercise and perform such powers authorities and duties in conformity with such directions and regulations, and shall and may act in every respect as if he or they were a Local Board of Health nominated or appointed under this Act. 44

X. And be it enacted, That whosoever
 2 shall wilfully obstruct any person acting
 under the authority or employed in the
 4 execution of this Act, or who shall wilfully
 violate any direction or regulation issued
 6 by the Central Board of Health under this
 Act, or shall neglect or refuse to comply
 8 with such directions or regulations, or with
 the requirements of this Act in any matter
 10 whatsoever, shall be liable, for every such
 offence, to a penalty not exceeding *five*
 12 pounds, to be recovered by any person,
 before any two Justices, and to be levied by
 14 distress and sale of the goods and chattels
 of the offender, together with the costs of
 16 such distress and sale, by Warrant under the
 hands and seals of the Justices before
 18 whom the same shall be recovered, or any
 other two Justices; and in case it shall
 20 appear to the satisfaction of such Justices,
 before or after the issuing of such Warrant,
 22 either by the confession of the offender or
 otherwise, that he hath not goods and
 24 chattels within their jurisdiction sufficient
 to satisfy the amount, they may commit him
 26 to any Gaol or House of Correction for
 any time, not exceeding fourteen days,
 28 unless the amount be sooner paid, in the
 same manner as if a Warrant of distress
 30 had issued, and a return of *nulla bona* had
 been made thereon; and all penalties
 32 whatsoever recovered under this Act shall
 be paid to the Treasurer, and applied in
 34 aid of the rates or funds, of the place in
 which such penalties may have been incur-
 36 red respectively: Provided always never-
 theless, that all offences committed against
 38 this Act or any of the provisions therein
 contained, while the same shall be in force
 40 in this Province or in any part thereof, shall
 and may be prosecuted, and the parties com-
 42 mitting the same convicted and punished
 therefor as herein provided, as well after as
 44 during the time that this Act shall be de-
 clared to be in force in or by any such Pro-
 46 clamations or Proclamations as aforesaid.

Penalty on
 persons ob-
 structing the
 execution of
 this Act, or re-
 fusing to com-
 ply with its re-
 quirements or
 with the regu-
 lations of the
 Central Board
 of Health.

To be recov-
 ered before two
 Justices.

Who may
 commit the
 offender to
 gaol in certain
 cases.

Application of
 penalties.

Proviso.

Certiorari taken away.

XI. And be it enacted, That no Order nor any other proceeding, matter or thing, done or transacted in, or relating to the execution 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.

Interpretation of certain words.

XII. And be it enacted, That 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 " Governor of this Province," or " His Excellency" shall mean the Governor, Lieutenant-Governor, or person administering the Government of this Province for the time being ; the words " Governor of this Province in Council," shall mean the Governor, Lieutenant-Governor, or person administering the Government of this Province for the time being, acting by and with the advice and consent of the Executive Council of this Province ; 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, as the case may be, 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 ; the word " person," and words applying to any person or individual, shall apply to and include Corporations, whether aggregate or sole ; words importing the singular number or the masculine gender only, shall include more persons, parties or things of the same kind than one, and females as well as males, and the converse.