

Charles Hodggett

The Public Health Manual

CONTAINING

THE PUBLIC HEALTH ACTS OF THE
PROVINCE OF ONTARIO

AND

REGULATIONS OF THE PROVINCIAL
BOARD OF HEALTH

TOGETHER WITH

NOTES OF DECIDED CASES

BY

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An Act Respecting the Public Health.

R. S. O., 1897, CHAP. 248.

With Amendments up to and including 2 Ed. VII.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Public Health Act*," R. S. O. 1897, c. 248, s. 1. Short title.

2. Where the following words occur in this Act, or the schedules thereto, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears: Interpretation.

1. "Owner" means the person for the time being receiving the rent of the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person, or who would so receive the same if such lands and premises were let; (a) "Owner."

2. "Health District or "District" means any local municipality, or union of local municipalities under the jurisdiction of a Local or District Board of Health, and "Local Board" or "Board" shall include a District Board; "Health district," "District," "Local Board," and "Board."

(a) By the 6th clause of a city by-law passed under this Act, it was provided that, before proceeding to construct, re-construct or alter any portion of the drainage, ventilation or water system of a dwelling, house, etc., "the owner or his agent constructing the same" should file in the city engineer's office, an application for a permit therefor, which should be accompanied by a specification thereof, etc., and by the 8th clause, that, after such approval of such plan or specification, no alteration or deviation therefrom would be allowed except on the application of the "owner or of the agent of the owner" to the city engineer. It was held that the agent intended by this subsection, and coming within the terms of the by-law meant a person acting for the owner as trustee or in some such capacity, etc., and did not include a plumber employed by the owner to reconstruct the plumbing in his dwelling-house. (Reg. v. Watson, 26, C. L. J., p. 502.)

"House."

3. "House" includes schools, factories and other buildings, huts and tents used for human habitation or work, whether such use is permanent or temporary, and whether the same are stationary or movable;

"Street."

4. "Street" shall include every highway, road, square, row, lane, mews, court, alley and passage, whether a thoroughfare or not. R. S. O. 1897, c. 248, s. 2.

PROVINCIAL BOARD OF HEALTH.

Organization, Powers and Duties.

Provincial Board of Health continued.

3. The Provincial Board of Health of Ontario at present existing, is hereby continued, and shall consist of not more than seven members, one of whom may be the secretary of the board; the members thereof shall be appointed by the Lieutenant Governor in Council from time to time for a period of three years, and any retiring member shall be eligible for re-appointment; at least four members of the board shall be duly registered medical practitioners. R. S. O. 1897, c. 248, s. 3.

Salaries and allowance of chairman and members of the board.

4. The chairman of the board shall be appointed by the Lieutenant-Governor in Council, and shall be paid an annual salary not exceeding the sum of \$400 per annum; other members of the board, except the secretary, shall be paid such per diem allowance while attending meetings of the board, or any committee thereof, as may be voted by the Legislature and approved by the Lieutenant-Governor in Council, together with actual travelling and other necessary expenses while employed on the business of the board. R. S. O. 1897, c. 248, s. 4.

Appointment of secretary.

5. The Lieutenant-Governor in Council may appoint a competent and suitable person as secretary of the board, who shall hold office during pleasure, and shall be the chief health officer of the Province, and may be paid an annual salary of such sum as may be appropriated by the Legislature for the purpose. R. S. O. 1897, c. 248, s. 5.

Duties of secretary.

6. The secretary shall keep his office at Toronto, and perform the duties prescribed by this Act or required by the board; he shall keep a record of the transactions of the board and shall, so far as practicable, communicate with other Provincial or state boards of health, and with the local boards of health, and health officers within the Province, and with municipal councils and other public bodies for the purpose of acquiring or disseminating information concerning the public health; and he shall also use such means as are practicable to induce municipal councils to appoint health officers or local

boards of health within their municipality; he shall also assist in preparing the annual report of the Registrar General in relation to the vital statistics of the Province, and shall perform such other duties and functions relating to vital statistics, and otherwise as may be assigned to him by the Lieutenant-Governor in Council. R. S. O. 1987, c. 248, s. 6.

7. The expenses of the said Provincial Board and the salaries of the chairman and secretary shall be paid out of such moneys as may, from time to time, be appropriated by the Legislature for that purpose. R. S. O. 1897, 2, 248, s. 7.

Payment of salaries and expenses.

8. The board shall meet quarterly at Toronto, and at such other places and times as may be fixed under a resolution of the board. Three members shall be a quorum for the transaction of business, and they shall have power to make and adopt rules and by-laws regulating the transaction of its business, and may provide therein for the appointment of committees, to whom they may delegate authority and power for the work committed to them. R. S. O. 1897, 2, 248, s. 8.

Meetings of board.

9. The Provincial Board of Health shall take cognizance of the interests of health and life among the people of the Province; they shall especially study the vital statistics of the Province, and shall endeavor to make an intelligent and profitable use of the collected records of deaths and of sickness among the people; they shall make sanitary investigations and inquiries respecting causes of disease, and especially of epidemics; the causes of mortality and the effects of localities, employments, conditions, habits and other circumstances upon the health of the people; they shall make such suggestions as to the prevention and introduction of contagious and infectious diseases, as they shall deem most effective and proper, and as will prevent and limit as far as possible the rise and spread of disease; they shall inquire into the measures which are being taken by local boards for the limitation of any dangerous, contagious or infectious disease, through powers conferred upon said local boards by any public Health Act, and should it appear that no efficient measures are being taken and that the said powers are not being exercised, it shall be competent for the Provincial Board, in the interests of the public health, to require the local board to exercise any of the said powers which, in the opinion of the Provincial Board, the urgency of the case demands; and in any such case where the local board, after request by the Provincial Board, neglect or refuse to exercise their powers, the Provincial Board may, with the approval of the Minister of the department under which the board is for the time being acting, exercise at the expense of the municipality any of the powers of local boards which under the circumstances they may consider necessary, and they shall, when required or when they deem

Duties of board.

it best, advise officers of the Government and local boards of health in regard to the public health, and as to the means to be adopted to secure the same, and as to location, drainage, water supply, disposal of excreta, heating and ventilation of any public institution or building. (b). R. S. O., 1897, c. 248, s. 9.

Information
to be
published.

10. The board shall from time to time, and especially during the prevalence in any part of the Province of epidemic, endemic or contagious disease, make public distribution of such sanitary literature, and of special practical information relating to the prevention and spread of contagious and infectious diseases through the medium of the public press, and by circular to local boards of health and health officers, municipal councils, and in and through the public schools and otherwise as shall be deemed by them in the interest of the public health. R. S. O. 1897, c. 248, s. 10.

Investigations
as to causes of
contagious or
other disease.

11. With the concurrence of that member of the Executive Council to whose department the Provincial Board of Health is for the time being assigned by the Lieutenant-Governor in Council, the board may send its secretary, or any member or members of the board, to any part of the Province when deemed necessary to investigate the cause or causes of any contagious or other disease or mortality in man or in animals; and at such investigation evidence may be taken on oath or otherwise as the said secretary, member or members may deem expedient; and in such case the secretary, or any member of the board present at the investigation, may administer the oath; and

(b) This section empowers the Provincial Board of Health to direct Local Boards of Health to take efficient steps for suppressing outbreaks of disease, and, if Local Boards of Health neglect or refuse to exercise their powers in this regard, the Provincial Board may, at the expense of the Local Board of Health, exercise any of the powers given it under the Act.

The township of H. had neglected taking efficient precautions for the isolation of and attendance upon small-pox cases in the municipality. The Provincial Board insisted on the appointment of a physician to give special attention to these cases. A local physician was finally appointed to perform this duty. When the last case (a mild one) had been sick for two weeks, the Local Board of Health dismissed the physician and offered to pay him up to the date of his dismissal. The Provincial Board informed the Local Board that it could not consent to having the services of a physician dispensed with until the last case was wholly free from the disease and the houses infected fumigated. The doctor continued in attendance and the township refused to pay him. The doctor instituted legal proceedings to enforce payment and judgment was given in his favor for the whole amount of his account and his costs of the action. (*McKinnon v. Township of East Hawkesbury.*) In the case of *Bogart v. Township of Rawdon*, a physician sued a township municipality for the amount of his account for services performed during a small-pox outbreak. The township resisted payment on the ground that one member of the Local Board of Health, not being a ratepayer, was irregularly appointed. The Court held, however, that evidence of service was complete, and gave a verdict in favor of the plaintiff.

the said investigating committee shall have power, by warrant under the hand and seal of any one of its members, to call upon any person to give evidence regarding any matter in question in the investigation ; and the investigating committee shall have all the powers which may be conferred upon commissioners under *The Act respecting Inquiries concerning Public Matters*. R. S. O. 1897, c. 248, s. 11.

Rev. Stat. c. 19.

12. It shall be the duty of the Provincial Board of Health to see that a supply of proper vaccine matter is obtainable at all times at such vaccine farms and other places as are subject to inspection by the board. R. S. O. 1897, c. 248, s. 12.

Supply of vaccine matter.

13. Whenever this Province or any part thereof or place therein appears to be threatened with any formidable epidemic, endemic, or contagious disease, in man or animals, the Provincial Board of Health may, subject to the approval of the Lieutenant Governor in Council, issue such regulations as the board deems necessary, for the prevention, as far as possible, or the mitigation of disease, and may make, renew or alter any such regulations, or substitute new regulations ; and the said board may, by such regulations, provide :

Powers of Provincial Board to make regulations for prevention or mitigation of disease.

(1) For the frequent and effectual cleansing of the streets, yards and out-houses, by the local health authorities, or by the owners or occupiers of houses and tenements adjoining thereto :

(2) For the removal of nuisances ;

(3) For the cleansing, purifying, ventilating and disinfecting of houses, churches, buildings, and places of assembly, railway stations, steamboats, railway carriages, and cars, as well as other public conveyances by the owners and occupiers, and persons having the care and ordering thereof ;

(4) For regulating, so far as this Legislature has jurisdiction in this behalf, with a view of preventing the spread of infectious disease, the entry or departure of boats or vessels at the different ports or places in Ontario, and the landing of passengers or cargoes from such boats or vessels, or from railroad carriages or cars, and the receiving passengers or cargoes on board of the same :

(5) For the safe and speedy interment of the dead, and the conduct of funerals, with a view of preventing the spread of infectious diseases as aforesaid ;

(6) For supplying medical aid and accommodation, and medicine, and such other articles as may be deemed necessary for mitigating such epidemic, endemic, or contagious disease ;

(7) For house to house visitation ;

(8) For preventing or mitigating such epidemic, endemic or contagious disease in such other manner as to the said Provincial Board seems expedient ;

Inspection of
railway
station, steam-
boats, etc.

(9) For the inspection of houses, schools, churches, railway stations and other buildings, steamboats, vessels, railway carriages and cars and public conveyances by the local board or some officer and the cleansing, purifying and disinfecting thereof and anything contained therein, when required by such Board or officer at the expense of the owner, occupier, or the person having the care and ordering thereof, and for detaining for this purpose any such steamboat, vessel, railway carriage and car or public conveyance, and anything contained therein, so long as may be necessary, and any person travelling thereby ;

Restraining
departure of
persons and
conveyances.

(10) For preventing the departure of persons from infected localities, and for preventing persons or conveyances from passing from one locality to another, and for detaining persons or conveyances who or which have been exposed to infection, for inspection or disinfection until the danger of infection is past ;

Sanitary Police

(11) For requiring the appointment of sanitary inspectors to be paid by the municipalities in which they act, for the purpose of assisting and carrying out the health regulations in force in the municipality ;

Removal of
persons.

(12) For the removal or keeping under surveillance of persons living in infected localities. (c) R. S. O. 1897, c. 248, s. 13.

Local Boards
to see to
execution of
regulations.

14. It shall be the duty of the local boards of health to superintend and see to the execution of any regulations made by the Provincial Board, or to execute, or aid in executing the same within their respective districts ; 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. R. S. O. 1897, c. 248, s. 14.

Provincial
Board may
determine
extent to
which regu-
lations are to
apply.

15. The Provincial Board of Health may, by order, declare all or any of the regulations so made, to be in force within the whole or any part or parts of the district of any local board of health or any municipality, and, so far as this Legislature has jurisdiction, to apply to boats, vessels, railway carriages and cars, or other conveyances in any portion or portions of the Province. R. S. O. 1897, c. 248, s. 15.

(c) Under this section orders-in-council have been passed (1st) for dealing with outbreaks of small-pox, (2nd) for dealing with outbreaks of diphtheria, and (3rd) for controlling ice supplies. These regulations are appended hereto marked appendices A, B, and C respectively.

16. All orders and regulations so made shall take effect from the approval thereof, and shall be forthwith published in the *Ontario Gazette* and at least one new-paper within the district, or portion or portions of the Province, in which they are declared in force. R. S. O. 1897, c. 248, s. 16.

Publication of orders and regulations.

17. During the time that any such orders or regulations are in force in any health district as provided by the next preceding four sections of this Act, all by-laws of the local board of such districts which, in any manner, conflict with any such orders or regulations, shall be suspended. R. S. O. 1897, c. 248, s. 17.

Conflicting by-laws of Local Board suspended.

18—(1) All regulations made by the Provincial Board of Health, and approved by the Lieutenant-Governor in Council, and published in the *Ontario Gazette*, on the 5th of September, 1885, are hereby declared to have been valid regulations, and in force until and unless repealed or amended. R. S. O. 1897, c. 248, s. 18.

Regulations confirmed.

(2) The regulations made by the Provincial Board of Health respecting ice supplies, approved by order of the Lieutenant-Governor in Council and dated January 27th, 1892, and the regulations of the said board respecting cholera and dated 11th day of April, 1893, are hereby declared to be valid regulations within this Act, and in force until and unless repealed or amended. (cc) 56 V., c. 44, s. 4.

Certain regulations as to ice supply confirmed.

19. All regulations made by the Provincial Board of Health shall be laid before the Legislative Assembly, if then in session; and if not then in session, within fourteen days after the commencement of the next session. R. S. O. 1897, c. 248, s. 19.

Regulations to be laid before Legislature.

20. The expenses incurred by the Provincial Board of Health in connection with any epidemic shall be defrayed out of any moneys appropriated by the Legislature specially for that purpose, and the expenses incurred by the said local boards of health, or by the medical health officer or sanitary inspectors, in the execution or in superintending the execution of the regulations of the Provincial Board, shall be defrayed and provided for by the municipal corporations having jurisdiction over the respective places affected. R. S. O. 1897, c. 248, s. 20.

Expenses of Provincial and Local Boards how defrayed.

21. The local board of health or the Provincial Board of Health may also, from time to time, direct any prosecution or legal proceedings for, or in respect of, the wilful violation or neglect of any regu-

Prosecution for neglect of regulation.

(cc) For regulations made by the Provincial Board of Health pursuant to this section as to small-pox see appendix "A." As to diphtheria, see appendix "B" and as to ice supply see appendix "C."

lations contained in or made under this Act, R. S. O. 1897, c. 248, s. 21.

ACQUIRING LAND.

Power to take possession of land or unoccupied building.

22. The Provincial Board of Health may also, subject to the approval of the Lieutenant-Governor, issue regulations for taking possession of any land or any unoccupied building thereon, by the authority of the said Provincial Board of Health, local board, or health officers, for any of the purposes mentioned in sections 13, 14 or 106, of this Act, but such regulations shall not authorize the taking or obtaining for the hospital of any municipality any land or buildings outside the limits of such municipality. R. S. O. 1897, c. 248, s. 22.

Cases of emergency.

23. In case of actual or apprehended emergency, such possession may be taken without a prior agreement with the owner of the land or building and without his consent, and may be retained for such period as may appear to the board, or officers who took possession thereof, to be necessary. R. S. O. 1897, c. 248, s. 23.

Notice to municipal clerk.

24. Written notice containing a reasonable description of the land shall, within five days after the taking or obtaining possession, be given by the board or officer so taking or obtaining possession thereof, to the clerk of the local municipality wherein the land is situate; such notice shall be given whether possession is taken or obtained with the consent of the owner or otherwise. R. S. O. 1897, c. 248, s. 24.

Proceedings where owner not consenting party.

25. Where possession is taken without the consent of the owner, the board or health officer by whom or under whose direction or authority possession is taken, shall within five days thereafter give notice thereof to the owner; such notice to be according to the form contained in Schedule A hereto annexed, or to the like effect. In the event of any owner not being known, or not being resident within the Province of Ontario, or his residence therein being unknown to the board or health officer required to give the notice, such board or health officer shall cause the notice to be published for two insertions in some local newspaper having a circulation within the municipality wherein the property is situate, and shall mail to the last known address (if any) of the owner a copy of the notice in a registered letter prepaid, and such publication shall be sufficient notice to the owner. R. S. O. 1897, c. 248, s. 25.

Compensation.

26. The owner of any land or building shall be entitled to compensation from the local municipality wherein the land or building is situate, for the use and occupation thereof, including any damages arising from such use and occupation, such compensation

to be agreed upon between the municipal council of the local municipality and the owner; and in case they do not agree, the judge of the County Court of the county wherein the property is situate, shall summarily determine the amount of the compensation, and the terms of payment, in such manner, and after giving such notices, if any, as he sees fit. R. S. O., 1897, c. 248, s. 28.

27. Where any resistance or forcible opposition is offered or apprehended to possession being taken of any land or building under this Act, or under any regulation which may be made by virtue thereof, the judge of the County Court may, without notice to any person, issue his warrant to the sheriff of the county, or to any other person, as he may deem most suitable, requiring him to put the board or health officer, their or his servants or agents in possession, and to put down such resistance or opposition, which the sheriff or bailiff (taking with him sufficient assistance) shall accordingly do. R. S. O. 1897, 248, s. 27.

Order for possession.

28. No land or building to be used for the purposes of this Act shall be nearer than 150 yards to an inhabited dwelling. R. S. O. 1897, c. 248, s. 28.

Restriction as use of land or building.

29.—(1) Where information is obtained by the Provincial Board that any remediable unsanitary condition or nuisance exists in any municipality, and that the local health authorities have, after proper representation of the facts, neglected or refused to take such efficient measures as might remove such condition or abate such nuisance, it shall be competent for the Provincial Board of Health to institute an investigation, and, if necessary, take sworn evidence concerning the condition or nuisance complained of.

Proceedings on complaint to provincial board of default of local authority.

(2) If, upon such investigation, it is proved that such remediable unsanitary condition or nuisance exists, it shall be within the province of the Provincial Board to direct its immediate removal or abatement by the person responsible therefor, and to report the same to the Minister of the department to which for the time being the Provincial Board of Health is attached; and if such person neglects or refuses to remove or abate the same, the Provincial Board of Health may cause such removal or abatement to be made, and collect the expenses therefor from such person by ordinary process of law. R. S. O. 1897, c. 248, s. 29.

30. --(1) Wherever the establishment of a public water supply is contemplated by the council of any city, town or village, it shall be the duty of the said municipal council to submit to the Provincial Board of Health, together with the plans, an analysis of the water from the proposed source or sources of supply, and an affidavit stating that the water analyzed is taken from the proposed

Approval of Provincial Board to establishment of public water supply.

source and that the analysis submitted to the Board exactly represents the conditions of the sample examined. In case the source of any proposed public water supply does not, in the opinion of the Provincial Board of Health, meet the sanitary requirements of the municipality, either by reason of the quality of the water, or because the water is likely, owing to the situation of the proposed source of supply, to become contaminated, it shall not be lawful to establish such water-works without first obtaining from the Provincial Board of Health a certificate signed by the chairman and secretary stating that the proposed source is the best practicable, having regard to all the circumstances of the case, and that all proper measures have been taken to maintain the supply in the highest possible and practicable state of purity. 58 V. c. 49, s. 3 (1).

Approval of provincial board to establishment of sewerage system.

(2) Whenever the construction of a common sewer or of a system of public sewerage is contemplated by the council of any city, town or village, it shall be the duty of the council to place itself in communication with the Provincial Board of Health, and to submit to the Board before their adoption all plans in connection with said sewer or sewerage system. It shall be the duty of the Provincial Board of Health to inquire and report upon said sewer or system of sewerage, as to whether the same is calculated to meet the sanitary requirements of the inhabitants of the municipality; and as to whether such sewer or system of sewerage is likely to prove prejudicial to the health of the inhabitants of the municipality or of any other municipality, liable to be affected thereby. 58 V. c. 49, s. 3 (2).

Amendment of plans at instance of Provincial Board of Health.

(3) The Provincial Board of Health may make any suggestions or amendments concerning the plans submitted or may impose any conditions with regard to the construction of such sewer or system of sewerage or the disposal of sewage therefrom as it may deem necessary or advisable in the public interest; and the construction of any common sewer or system of sewerage shall not be proceeded with without being reported upon and approved of by the Provincial Board of Health, and no change in the construction thereof or in the disposal of sewage therefrom liable to injuriously effect the public health shall be made without previous submission to and approval by the said Board. 58 V. c. 49, s. 3 (3).

Appeal from Board to Lieutenant-Governor in Council.

(4) The decision or report of the Provincial Board of Health with regard to any system of water supply or any common sewer or public system of sewerage or the disposal of sewage therefrom shall be subject to appeal to the Lieutenant-Governor in Council, such appeal to be made within one month after the filing of the report or decision in the office of the Minister of the department to which the Provincial Board of Health is attached; and such decision or report, where not so appealed against, or where confirmed or amended and

confirmed upon appeal by the Lieutenant-Governor in Council, sha be binding and conclusive upon all the municipalities and persons affected by the same ; but wherever it appears that any change of circumstances or conditions has arisen, the Provincial Board of Health may, if it deems it advisable, make further inquiry and report as to any system of water supply or common sewer or system of sewerage or the disposal of sewage, which report shall be subject to appeal as aforesaid and have the same force and effect as aforesaid.

58 V. c. 49, s. 3 (4).

(5) The said Board may from time to time modify or alter the terms and conditions as to the disposal of sewage imposed by any award authorizing any system of sewerage or the extension of a sewer, and their report or decision shall be subject to appeal as aforesaid, and shall have the same force and effect as aforesaid. But this shall not entitle the Board to modify or alter the terms and conditions of a certain award dated the 5th day of March, 1895, made by Judge Ketchum in the matter of reference between the corporation of the Town of Peterborough and the corporation of the Township of North Monaghan until after the expiration of the five years therein mentioned, provided the said award is held by the court to be in point of law a valid award. 58 V. c. 49, s. 3 (5).

Modification,
etc., of award.

32. Section 30 of *The Public Health Act* is amended by adding the following as subsection 6 :

(6) No sewage, drainage, domestic or factory refuse, excremental or other polluting matter of any kind whatsoever, which, either by itself or in connection with other matter corrupts or impairs or may corrupt or impair the quality of the water of any source of public water supply for domestic use in any city, town, incorporated village or other municipality, or which renders or may render such water injurious to health, shall be placed in or discharged into the waters, or placed or deposited upon the ice of any such source of water supply, near the place from which any such municipality shall or may obtain its supply of water for domestic use, nor shall any such sewage, drainage, domestic or factory waste or refuse, excremental or other polluting matter be placed or suffered to remain upon the bank or shore of any such source of water supply near the place from which such municipality shall or may obtain its supply of water for domestic use as aforesaid, nor within such distance thereof as may be considered unsafe by the Provincial Board of Health, after an examination thereof by a member or officer of the said Board, and any person who shall offend against any provision of this section shall upon summary conviction be liable to a penalty of not more than \$100 for each offence, and each week's continuance after notice by the Provincial Board of Health or Local Board of Health, to abate or remove the same shall constitute a separate offence.

Collection
water supply

of Sturgeon Point, passed in the reign of Her late Majesty, Queen Victoria, chaptered 83, is amended by striking out the words "and part of the fifth County Council Division of the County of Victoria."

(2) Notwithstanding anything contained in *The Consolidated Municipal Act, 1903*, or any amendment thereto, the Village of Sturgeon Point shall not be represented in the county council of the County of Victoria, as hereafter constituted, nor shall the reeve of the said village sit or vote in such council.

35. Section 4 of *The Act respecting Aid to Certain Railways* passed in the first year of His Majesty's reign, chapter 22, is amended by adding thereto the following words:

age of
Sturgeon Point
to be
represented in
County Council
Victoria.

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confirmed upon appeal by the Lieutenant-Governor in Council, shall be binding and conclusive upon all the municipalities and persons affected by the same ; but wherever it appears that any change of circumstances or conditions has arisen, the Provincial Board of Health may, if it deems it advisable, make further inquiry and report as to any system of water supply or common sewer or system of sewerage or the disposal of sewage, which report shall be subject to appeal as aforesaid and have the same force and effect as aforesaid. 58 V. c. 49, s. 3 (4).

(5) The said Board may from time to time modify or alter the terms and conditions as to the disposal of sewage imposed by any award authorizing any system of sewerage or the extension of a sewer, and their report or decision shall be subject to appeal as aforesaid, and shall have the same force and effect as aforesaid. But this shall not entitle the Board to modify or alter the terms and conditions of a certain award dated the 5th day of March, 1895, made by Judge Ketchum in the matter of reference between the corporation of the Town of Peterborough and the corporation of the Township of North Monaghan until after the expiration of the five years therein mentioned, provided the said award is held by the court to be in point of law a valid award 58 V. c. 49, s. 3 (5).

Modification,
etc., of award.

MEDICAL BOARD OF HEALTH—MEDICAL HEALTH OFFICER.

31. Every municipal council may appoint a medical health officer (d) and a sanitary inspector or inspectors for the municipality

Appointment
of Medical
Health Officer
and Sanitary
Inspector.

(d) The Medical Health Officer is simply an officer whose salary the council may and ought to fix at the time of his appointment. If no salary has been fixed, he is entitled to reasonable compensation for his services. He cannot recover a day's pay for every meeting of the Board of Health which he attended without any regard to whether his attendance were necessary or not.

The person appointed Medical Health Officer should not be a member of the municipal council.

In re Derby and the Local Board of Health of the township of Plantagenet (19 O. R., p. 51) it was held that a physician who had been appointed Medical Health Officer of the township by the council was entitled to a mandamus compelling the Local Board of Health to sign an order on the treasurer of the municipality in payment of the amount of a judgment he had obtained against it for services performed.

A Medical Health Officer appointed under this section is not a servant of the corporation, so as to make the municipality liable for his acts done in pursuance of his statutory duties.

A municipal council cannot legally appoint one of themselves to be Medical Health Officer for the municipality. One man cannot legally hold the offices of Medical Health Officer, and councillor of his municipality at the same time, unless he be appointed by the Provincial Board of Health, and is dealing with that body independently of the council, and is paid by it for any services he renders.

and may fix the salaries to be paid them, or two or more councils may unite in the appointment of any of these officers. R. S. O. 1897, c. 248, s. 31.

Appointment of Health Officer by municipal councils.

32. Where from the presence of any formidable contagious disease in any locality the Provincial Board of Health considers the appointment of a medical health officer necessary for the municipality in which such disease exists, or for any neighbouring municipality, and requests the council of any such municipality to appoint a medical health officer, the council shall forthwith appoint a properly qualified medical practitioner, to be medical health officer for the municipality. R. S. O. 1897, c. 248, s. 32.

By Provincial Board.

33.—(1) If a council does not appoint a medical health officer within five days after a request in that behalf made by the Provincial Board, which request may be served upon the head of the council or its clerk, or mailed to either of such officers by registered letter post, the Lieutenant-Governor upon the recommendation of the Provincial Board may appoint a medical health officer for such municipality. R. S. O. 1897, c. 248, s. 33.

Duration of Office.

(2) Every medical health officer appointed by the municipal council shall hold office during the pleasure of the council, and if under the preceding sub-section the medical health officer is appointed by the Lieutenant-Governor, he shall hold office until the 1st of February in the year following that in which he is appointed. R. S. O. 1897, c. 248, s. 33.

Dismissal.

34.—(1) The municipal council may at any time upon a two-thirds vote of its members, dismiss any medical health officer for neglect of duty; and the decision of such council shall be final and shall not render the corporation liable for any damages.

Compensation in case of dismissal.

(2) The medical health officer shall be entitled to compensation for services actually rendered up to the time of such dismissal, but the amount of such compensation shall not exceed the salary he would have earned up to the time of such dismissal, and if his salary up to such time is paid, such payment shall be a bar to any other claim for services rendered. R. S. O. 1897, c. 248, s. 34.

Vacancy in office, how filled.

35. Wherever, during the presence of any formidable contagious disease in any municipality or neighbouring locality any medical health officer becomes temporarily or permanently incapable of performing his duties, or resigns his office, or leaves the locality for which he has been appointed, the council shall forthwith appoint another medical health officer in his room. R. S. O. 1897, c. 248 s. 35.

36. Where two or more municipalities are united into a health district, the provisions of the preceding four sections of this Act shall apply, except that the power and duty of appointing or removing a medical health officer shall be with the district Board of Health, unless the councils of the municipalities composing such health district have, previous to any request in that behalf being made by the Provincial Board, united in appointing a medical health officer for such municipalities, and the Lieutenant-Governor may, in case of their default, appoint a medical health officer for such district. R. S. O. 1897, c. 248, s. 36.

Case of several municipalities united into one health district.

37. In case the appointment of a medical health officer is made by the Provincial Board of Health he shall be entitled to recover from the municipality reasonable compensation for his services. R. S. O. 2897, c. 248, s. 37.

Compensation of Medical Health Officer.

38. Where a medical health officer is appointed he shall possess all the powers and authority possessed by any health officer or sanitary inspector under this Act, and such medical health officer shall perform all duties imposed upon him by any regulations of the Provincial Board of Health, and the fact that similar duties are by statute imposed upon the local board of health shall not relieve the medical health officer from the performance of such duties. (e) R. S. O. 1897, c. 248, s. 38.

His powers.

In Unorganized Districts.

39. Every Stipendiary or Police Magistrate already appointed, or who may hereafter be appointed under the provisions of *The Unorganized Territory Act*, shall be *ex officio* a medical health officer in and for the district for which he has been, or shall be, appointed, and shall possess all the powers of such an officer under this Act. 52 V. c. 42, s. 1; 56 V. c. 44, s. 3.

Stipendiary Magistrates appointed under Rev. Stat., c. 109, to be Health Officers.

40. The Provincial Board of Health may also, subject to the approval of the Lieutenant-Governor in Council, appoint in any of the unorganized districts one or more sanitary inspectors under this Act, who shall possess, besides the powers conferred upon sanitary inspectors, under this Act, all the powers conferred upon local boards of health by section 14 of this Act. 52 V. c. 42, s. 2.

Appointment of sanitary inspectors.

(e) Medical Health Officers, as well as members of a Local Board of Health are required to carry out and observe regulations issued by the Provincial Board of Health under the authority of section 13 of this Act. No neglect or refusal of a Local Board of Health in this regard, can effect the power and duty of the Medical Health Officer, and he shall be entitled to reasonable compensation for the services he performs. (See section 34).

Constables appointed for provisional judicial and other districts to have powers of sanitary inspectors.

41. All constables appointed for any provisional judicial or territorial district under *The Act respecting constables*, being chapter 99 of these Revised Statutes shall be *ex officio* sanitary inspectors with the same powers as sanitary inspectors appointed under this Act. 52 V. c. 42, s. 3.

Superintendent of Algonquin Park to be *ex officio* a health officer.

42. The superintendent of the Algonquin Park shall be *ex officio* a health officer for the said park and for the territory surrounding the same for the distance of one mile therefrom or from any part thereof, and shall have all the powers and perform all the duties by this Act or any other Act conferred or imposed upon medical health officers or local boards of health in the Province; and all park rangers, whether employed temporarily or otherwise, shall be *ex officio* sanitary inspectors under this Act and shall possess all the powers conferred upon sanitary inspectors under this Act. 59 V. c. 9, s. 2. See also Cap. 46, sec. 19.

COUNTY HEALTH OFFICERS.

Appointment of Health Officers by county councils. Powers of county officers.

43. Any county council may appoint one or more county or district medical health officers. 54 V. c. 49, s. 3.

44. Where a county council appoints a county health officer or officers, the powers now possessed by medical health officers within the county or portion of a county for which such county health officer is appointed, shall be deemed to be thereby transferred to and vested in such county health officer or officers, and all sanitary inspectors within the jurisdiction to be defined in the by-law appointing a county health officer, shall be subject to his direction and control. 54 V. c. 49, s. 4.

Appointment of officers in unorganized districts.

45. The Lieutenant Governor in Council may from time to time appoint district health officers for any unorganized district in the Province or any part thereof; and every health officer so appointed shall within the district or within the portion of a district for which he is appointed, have all the powers and perform all the duties by this Act, or any other Act, conferred or imposed upon medical health officers or local boards of health in the Province and shall also perform such other duties as the Lieutenant-Governor in Council may from time to time direct. 54 V. c. 49, s. 5.

Salaries of county and district officers

46. The by-law or Order in Council appointing a county or district health officer shall provide for the payment of a salary to the officer so appointed. 54 V. c. 46, s. 6.

SUSPENSION OF MUNICIPAL AND SCHOOL ELECTIONS.

suspension of municipal and school elections.

47.—(1) In case the Provincial Board of Health reports to the Lieutenant-Governor that on account of the presence in any municipi-

pality of an epidemic or contagious disease it would be dangerous to hold an election in such municipality, the Lieutenant-Governor may, upon application by the council of the municipality in that behalf, issue his proclamation postponing the holding of any intended municipal or school election, for a period not exceeding three months, and may from time to time further postpone such election if in the opinion of the said board the necessity for postponement continues.

(2) The Lieutenant-Governor may, by his said proclamation, name the days for holding the nomination and polling for the election, but in case no days are named therefor, the council shall as soon as practicable after the period named in such proclamation, or the last of such proclamation, expires, by by-law name days for the nomination and polling.

(3) In case an election postponed under the provisions of this section is the annual election, or an election of the entire council, or of all the members of a board of trustees or other body the members of the council board, or other body shall continue to hold office until their successors are elected. R. S. O. 1897, c. 248, s. 47.

LOCAL BOARDS OF HEALTH.

Organization.

48.—(1) There shall be a local board of health in every township and incorporated village, to be composed of the reeve, clerk and three ratepayers, (f) to be appointed by the municipal council in the following manner: One member to be appointed for three years, one member for two years, and one member for one year, each member retiring to be replaced by a member appointed for three years from the date of his appointment. 58 V. c. 49, s. 2 (1).

Local Boards of Health in townships and villages.

(2) There shall be a local board of health in every town containing less than four thousand inhabitants according to the municipal enumeration of the previous year, to consist of the mayor, clerk and three ratepayers, to be appointed by the municipal council as follows: One member to be appointed for three years, one member for two years, and one member for one year, each member retiring to be replaced by a member appointed for three years from date of appointment. 58 V. c. 49, s. 2 (2). (g)

Local Board of Health in towns of less than 4,000.

(f) None of these ratepayers should be members of the council.

(g) The Act makes no provision for the payment of members of a Local Board of Health. It is submitted, however, that the council can fix the amount of their remuneration, in the by-law appointing them.

In an action by a physician against the Local Board of Health and the council for services performed, it was objected that the members of the Local

Local boards of health in cities and towns of more than 4,000.

(3) There shall be a local board of health for every city and for every town containing more than four thousand inhabitants, according to the municipal enumeration of the previous year, to consist of the mayor and six ratepayers to be appointed by the municipal council as follows: Two members to be appointed for three years, two members for two years and two members for one year, the retiring members to be replaced by two members appointed for three years from date of appointment. 58 V. c. 49, s. 2 (3). (h).

Appointment of members of board.

49. The appointments of members of the board shall be made at the first meeting of the municipal council after being duly organized, and any vacancy arising from any cause shall be filled at the first meeting thereafter of the municipal council; but, if for any reason appointments are not made at the proper dates, the same shall be made as soon as may be thereafter. R. S. O. 1897, c. 248, s. 49.

Union of municipalities in one Health District.

50. Two or more councils may, by concurrent by-laws unite their respective municipalities into a health district; and any of such councils may withdraw its municipality from the district by a by-law passed prior to the 1st day of December of any year, and to take effect on the third Monday of January following. R. S. O. 1897, c. 248, s. 50.

Board of Health had not been properly appointed under the provisions of this section. It was held that looking at the provisions of the statute and considering that the attack now made upon the by-law was not by motion to quash it, or of a like character, the objections could not be allowed to prevail.

(h) The following form may be taken as a guide in preparing by-laws appointing members of Local Boards of Health under this section:

BY-LAW NO.

To appoint members of the Local Board of Health in the Township of in the county of

Whereas sub section 1 of section 48 of the Public Health Act provides that there shall be a Local Board of Health in every township, to be composed of the reeve, clerk and three ratepayers, to be appointed by the municipal council in the following manner: One member to be appointed for three years, one member for two years and one member for one year.

Therefore the municipal council of the said Township of enacts as follows:

1. That be and is hereby appointed a member of the Local Board of Health in the said township for three years, that be and he is hereby appointed a member of the said Local Board of Health for two years, and that be and he is hereby appointed a member of the said Local Board of Health for one year.

2. That this by-law shall come into and be in force on and after the day it is passed.

Dated and passed at a session of the council of the Township of held on the day of A. D., 190 at
. CLERK. L. S. REEVE.

51. The members of the district boards of health shall consist of three members of each municipality included in the district, namely, the head of the council, the municipal clerk, and one other ratepayer not a member of the council, to be appointed by the council. R. S. O. 1897, c. 248, s. 51.

Constitution of District Boards of Health.

52. Every district board thus constituted and its members shall, in respect of the health district for which it acts, possess the same powers, be subject to the same regulations, and perform like duties as a local board of health of a municipality and its members. R. S. O. 1897, c. 248, s. 52.

Powers of District Boards.

53. Every local or district board shall elect a chairman, and the clerk of the municipal council shall be the secretary of the local board, and the district board may elect one of its members, or appoint some other person as its secretary. (i) R. S. O. 1897, c. 248, s. 53.

Officers of Local or District Boards.

54. It shall be the duty of the secretary to report to the secretary of the Provincial Board of Health the names of the members of the local board within one month after its first regular meeting, which shall be held on the second Monday after the members, who are not members *ex officio*, have been appointed. R. S. O. 1897, c. 248, s. 54.

Secretary to report to secretary of Provincial Board the names of members.

55. Where any municipal council neglects or refuses to elect members or a member of the local or district board of health as required by this Act, the Provincial Board of Health may appoint a duly qualified ratepayer or ratepayers to be a member or members of such local or district board of health to act with the *ex officio* or other members. R. S. O. 1897, c. 248, s. 55.

Provincial Board may appoint to Local Board in case Council neglects to do so.

POWERS AND DUTIES.

56. The municipal council or councils may vote such sums as are deemed necessary by the local or district board for the carrying on of its work. R. S. O. 1897, c. 248, s. 56.

Appropriation for work.

57. The treasurer of the municipality shall forthwith upon demand pay out of any moneys of the municipality in his hands the amount of any order given by the members of the local board, or any two of them, for services performed under their direction by virtue of this Act. (j) R. S. O. 1897, c. 248, s. 57.

Municipal treasurer to pay by order of local board.

(i) No provision is made by this or any other statute for the payment of any salary to the secretary of a Board of Health.

(j) A local Board of Health is not required to obtain the consent of the

Health Officers

58. The members of the local and district boards shall be called health officers, and shall have the powers and duties assigned such officers by this Act; and any two or more of them acting in the execution of any regulations of the Provincial Board of Health may exercise the powers and authorities conferred by sections 77 and 78. R. S. O. 1897, c. 248, s. 58

Quorum.

59. A majority of the number of any regularly constituted board shall be a quorum for the transaction of business. R. S. O. 1897, c. 248, s. 59.

Duties of Secretary.

60. A minute book shall be provided in which the secretary shall record the proceedings of the local board of health. The secretary shall draft an annual report of the sanitary work done during the year, and of the sanitary condition of the municipality, for the consideration of the board, which report, when adopted, shall be transmitted to the secretary of the Provincial Board of Health. The said report shall include the annual report of the medical health officer. R. S. O. 1897, c. 248, s. 60.

Mode in which Local Board may enforce its authority.

61. Whenever any local board of health has any authority to direct that any matter or thing shall be done by any person or corporation, such local board of health, may also in default of its being done by the person, direct that such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof with costs by action or distress; and, in case of non-payment thereof, the same shall be recovered in like manner as municipal taxes. R. S. O. 1897, c. 248, s. 61.

Paying damages or undertaking defence in actions against local board of health.

62.—(1) Where an action has been brought against the local board of health or any member of the council, or member, officer or employee of the local board of health of any municipality by any person who has suffered any damage by reason of any act or default on the part of such local board of health, or any member, officer or employee thereof, the municipality may assume the same or the defence thereof, and may pay any damages or costs for which such

council of the municipality to enable it to legally grant orders on the treasurer under this section, for the amount of its expenditure.

In re Derby and the Local Board of Health of the Township of Plantagenet (19. O. R. p. 51) it was held that a physician who had been duly appointed Medical Health Officer of the township by the council thereof, was entitled to a mandamus compelling the Local Board of Health to sign an order on the treasurer of the municipality in payment of the amount of a judgment he had obtained against it for services performed.

As Local Boards of Health are required to perform the duties laid upon them by this Act, they are empowered under this section to have funds supplied for the same, in case the municipal councils have not, under section 56, set aside the necessary funds for carrying on the work.

member, officer or employee may be or has become liable in respect thereof.

(2) This section shall not extend to or include a mere contractor with the corporation ; nor any such member of the council or local board of health, or officer or employee who is such contractor, and by reason of whose act or neglect the damage was caused. 60 V. c. 45, s. 53.

NUISANCES, ETC.

63. All butchers selling within the limits of any municipality shall on the request of the health authorities make affidavit as to the place or places at which the slaughter of their meat is carried on and where this is outside of the limits of the municipality such slaughterhouses shall be open to inspection by the inspector or medical health officer of the municipality where the meat is offered for sale. In case of refusal to make such affidavit and permit said inspection, said butchers shall be subject to the penalties prescribed under section 115 of this Act, should the sale of meat be continued by them after notification to discontinue by the medical health officer. R. S. O. 1897, c. 248, s. 63.

Inspection of slaughter houses.

64. The local board of health of any municipality or district in which supplies of ice are obtained, sold and stored, shall have power to adopt such regulations regarding the source of supply, and the place of storage of the same, as shall in their opinion be the best adapted to secure the purity of the ice, and prevent injury to the public health. The powers and duties of all local boards in this respect shall extend to the supervision of ice supplies, whether obtained within or outside the municipality, wherever the ice cut is intended for use within the municipality in which the board has jurisdiction. R. S. O. 1897, c. 248, s. 64.

Regulation of ice supplies.

65. It shall be the duty of every local board of health, to cause to be made, from time to time, inspection of its district, in order to prevent the accumulation within the district of any dirt, filth or other thing which may endanger the public health, and with a view to ascertain what nuisances exist calling for abatement under the powers of this Act, and to enforce provisions of this Act, in order to abate every such nuisance (k) R. S. O. 1897, c. 248, s. 65.

Duty of Local Board to inspect districts for detection of nuisances.

(k) Local Boards of health are required to PREVENT, as well as ABATE nuisances, and under sections 68 to 69, are themselves a court of inquiry to investigate and determine if it be a nuisance, and under sections 69 to 70 have power to abate the same. Sections 61 and 71 empowers them to collect the cost thereof by legal process, or by sale of the defaulter's property in the same way as when collecting municipal taxes. For example: A schooner

Powers of
medical
health
officer.

66. A medical health officer of a municipality may exercise any of the powers conferred upon health officers by sections 75, 76 and 79 of this Act, and may without being specially authorized by the board, exercise any powers which under section 77 can be conferred upon two medical practitioners, and the board may act on his report. R. S. O. 1897, c. 248, s. 66.

Information
of nuisances
to Local
Board.

67. Information of any nuisance or unsanitary condition under this Act within the jurisdiction of any local board may be given to such local board by any person aggrieved thereby, or by any two inhabitant householders, or by any officer of such local board, or by any constable or officer of the police force within the jurisdiction of the board. R. S. O. 1897, c. 248, s. 67.

Investiga-
tion to be
made by
Local Board.

68. Wherever such information has been so given, it shall be the duty of the local board of health to investigate the cause of the complaint; and to hear the testimony of all persons who may be produced before it to testify in respect of such matter; and every local board or any two of its members shall have the same authority as a justice of the peace to require and compel the attendance of witnesses and the giving of evidence. R. S. O. 1897, c. 248, s. 68.

Local Board
to serve
notice re-
quiring
abatement of
nuisances.

69. Wherever the local board of health is satisfied of the existence of the nuisance, it shall serve a notice on the person by whose act, default or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance exists or from which the same arises requiring him to abate the same within a time to be specified in the notice, and to execute such works, and do such things, as may be necessary for that purpose, provided:

loaded with corn sank in the Detroit River, the damaged corn was sold to a starch factory. The fermenting corn emitted a foul odor when being unloaded, which amounted to a nuisance. The Local Board of Health of the adjoining township seized the vessel and corn to prevent the further unloading of the latter. The railway authorities in a village neglected to maintain their cattle yards in a state of cleanliness. The Local Board of Health stationed guards at the gates of these yards, to prevent hogs and other stock from being kept there during hot weather, whereby a nuisance might be created. The Local Board of Health of a township, replaced stop-plugs which had been removed from a dam, to prevent the creation of a nuisance by the uncovering in August of the shores of a lake, and arrested the employees of a boom company, who attempted to remove them. The water commissioners of St. Catharines instituted an action to prevent a dairyman placing stables close to Beaver Creek, the source of the city's water supply, and it was held that while no nuisance had been proved, if the stables were constructed, the law would inflict penalties and require their removal; the stables were not built. A livery stable, which through lack of cleanliness, and care, on the part of its owner or occupier, emits objectionable and foul odors is a nuisance within the meaning of this section.

First.—That where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner ;

Second.—That where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the Act or default of the owner or occupier of the premises, and it is therefore improper that such owner or occupier should be required to abate the said nuisance, the Local Board of Health may abate the nuisance at the expense of the municipality or district. R. S. O. 1897, c. 248, s. 69.

70. Where a nuisance in a municipality or district appears to be wholly or partially caused by some act or default committed or taken place outside of the municipality or district, the board of health of the municipality or district affected thereby may institute an inspection, and, when necessary, may take or cause to be taken against the person by whose act or default the nuisance is caused in whole or in part, any proceedings in relation to nuisances by this Act authorized, with the same incidents and consequences, as if such Act or default were committed or took place wholly within its jurisdiction, so, however, that summary proceedings shall in no case be taken otherwise than before a Court having jurisdiction in the municipality or district where the Act or default is alleged to be committed or to take place. (1) R. S. O. 1897, c. 248, s. 70 58 V. c 49 s. 5.

Power to proceed where cause of nuisances arises within district.

71. All reasonable costs and expenses incurred in abating a nuisance shall be deemed to be money paid for the use and at the request of the person by whose Act, default or sufferance the nuisance was caused, and such costs and expenses shall be recovered by the municipal council or Local Board of Health or person incurring the

Recovery of costs and expenses incurred in abating nuisances.

(1) Under this and the preceding section a local board of health is a court of inquiry to investigate and determine whether the matter complained of is a nuisance or not. Pursuant to this authority the local board of health of the then town of Chatham caused the removal of slaughter-houses along the River Thames, for ten miles above the town, on the ground that the pollution from them would endanger the water supply. The township of North Monaghan succeeded in an action against the town of Peterborough to restrain the latter from emptying the town sewage into the Otonabee River, on the ground that, by the common law, riparian owners have the right to the use of water in its natural state of purity. An injunction was granted against the city of Stratford, to prevent the pollution by the discharge of the city sewage into the River Avon, this injunction to take effect at the expiration of one year, unless sewage disposal works had, in the meantime, been constructed. The village of London West obtained an order for an injunction against the city of London, requiring the latter to remove two dams on the River Thames, which created a nuisance by holding back sewage, discharged into the river by the city sewers.

same, under ordinary process of law ; and the Court shall have power to divide costs, expenses and penalties between persons by whose Acts or defaults a nuisance is caused as to it may seem just. (m) R. S. O. 1897, c. 248, s. 71.

Restriction on establishment of offensive trades.

72. In case a person establishes, without the consent of the municipal council of the locality, any offensive trade, that is to say, the trade of

Storing rags
72

72 a. ^{chap 32 1905-}

No person shall keep or store any rags, bones or other refuse in any building used as a dwelling, or upon any premises within the municipality unless the same are kept or stored in a suitable building, approved of ~~the~~ by the Medical Health Officer.

any other noxious or offensive trade, business or occupation such as may become offensive, he shall be liable to a penalty not exceeding \$250 in respect of the establishment thereof: and any person carrying on a business so established shall be liable to a penalty not exceeding \$10 for every day on which, after notice in writing by the local board, or an officer thereof, to desist, the offence is continued, whether there has or has not been any conviction in respect of the establishment thereof. (n) R. S. O. 1897, c. 248, s. 72.

Provision where abatement of nuisance involves considerations of difficulty.

73. (1) If, on an investigation by any Local Board of Health, any nuisance or anything prejudicial to health is found to exist in a

(m) The costs and expenses of abating a nuisance under this Act, are recoverable under this section, from the person creating the nuisance by ordinary civil action at law. These costs and expenses cannot be legally collected by placing them on the collector's roll for the year, against the lands of the person in default.

(n) This section does not apply to a house or hospital for consumptive patients, for not only it is excluded under the doctrine of *ejusdem generis*, but also by virtue of the legislative grouping of the sections of the Act, this section being under the subdivision dealing with nuisances while infectious diseases and hospitals are dealt with in a distinct subdivision, commencing with section 81 (Reg. vs. Playter. 1 O. L. R., p. 360.)

The Detroit Garbage Company was fined under the provisions of this section, for polluting the Detroit river by depositing garbage therein and for carrying on a noxious business in this municipality without a license at the instance of the township of Anderdon, and at the instance of the township of Bertie, for the pollution of the Niagara river, by depositing harbor dredgings therein.

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Restriction on establishment of offensive trades.

72. In case a person establishes, without the consent of the municipal council of the locality, any offensive trade, that is to say, the trade of

Blood boiling, or
Bone boiling, or
Refining of coal oil, or
Extracting oil from fish, or
Storing of hides, or
Soap boiling, or
Tallow melting, or
Tripe boiling, or
Slaughtering of animals, or
Manufacturing of gas, or

any other noxious or offensive trade, business or manufacture, or such as may become offensive, he shall be liable to a penalty not exceeding \$250 in respect of the establishment thereof: and any person carrying on a business so established shall be liable to a penalty not exceeding \$10 for every day on which, after notice in writing by the local board, or an officer thereof, to desist, the offence is continued, whether there has or has not been any conviction in respect of the establishment thereof. (n) R. S. O. 1897, c. 248, s. 72.

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The Detroit Garbage Company was fined under the provisions of this section, for polluting the Detroit river by depositing garbage therein and for carrying on a noxious business in this municipality without a license at the instance of the township of Anderdon, and at the instance of the township of Bertie, for the pollution of the Niagara river, by depositing harbor dredgings therein.

Chap. 29 - 1903.

76 a. The Medical Health Officer or any Sanitary Inspector acting under instructions of the Medical Health Officer of the municipality may at any time of the day or night, as often as he thinks necessary, enter into a lodging house, tenement where rooms are rented, or a laundry where the owner or employees reside upon the premises, or other building where such officer has reason to suspect that the same are overcrowded or occupied by more persons than is reasonably safe for the health of such occupants. If upon examination it is found that the premises are occupied by more persons than is reasonable for the health of such occupants and that the sleeping rooms upon such premises are such that less than 400 cubic feet of air can be provided for each adult occupant of such room or rooms, the same shall be deemed to be overcrowded; or that the rooms or premises occupied by them are in a filthy or unclean state, or that any matter or thing is there which, in the opinion of the Medical Health Officer may endanger the public health or the health of the occupants of such room or rooms, the Medical Health Officer may order the owner or occupant of the premises to remove the inmates therefrom, or to remove that which causes the premises be filthy or unclean, and thus place the room or rooms in a condition fit for human habitation. In case the owner or occupant of any such lodging house, tenement or laundry

neglects or refuses to obey the orders given by the Medical Health Officer within 24 hours after such notice, he shall be liable to the penalties of this Act; and such Medical Health Officer or Sanitary Inspector may also call to his assistance all constables and peace officers and such other persons as he may think fit, and may enter into such lodging-house, tenement or laundry and cleanse the same, and remove the inmates therefrom, and also any matter or thing which causes the premises to be filthy or unclean, and destroy whatsoever it is necessary to remove or destroy for the preservation of the public health.

municipality in which it has jurisdiction ; and if, after the board has required the removal or abatement of the same within a specified time, the board finds that default in such removal or abatement has been made, and the case seems to the board one involving considerations of difficulty owing to the fact that such removal or abatement involves the expenditure or loss of a considerable sum of money, or that any trade or industry is seriously interfered with, or owing to other circumstances, the Local Board of Health may apply to the Provincial Board of Health to investigate and report upon the same, and it shall be the duty of the Provincial Board, with the approval of the Minister of the department to which the same is attached, to make a full investigation and report.

(2) If the report recommends the removal or abatement of the nuisance or thing, the Local Board or any ratepayer residing in the municipality, or within a mile thereof, may apply to the High Court, for an order for the removal or abatement of the nuisance or unsanitary condition, and to restrain the proprietors of any such industry from carrying on the same until the said nuisance has been abated to the satisfaction of the Provincial Board of Health ; and the Court may issue such order upon the report of the Provincial Board of Health. (o) R. S. O. 1897, c. 248, s. 73

74. The medical health officer under the direction of the Local Board of Health shall have authority to make or cause to be made by a veterinary surgeon or such other competent person, as the circumstances may require, a periodic inspection of all dairies, cheese factories and creameries, dairy farms and slaughter houses, which come within his or their jurisdiction. R. S. O. 1897, 248, s. 74.

Inspection of dairies, etc., and slaughter houses.

75. The health officers of any municipality or any two of them, may, in the day time, as often as they think necessary, enter into and upon any premises in the place for which they hold office, and examine such premises. R. S. O., 1897, c. 248, s. 75.

Health officers may enter and examine premises.

76. If, upon such examination they find that the premises are in a filthy or unclean state, or that any matter or thing is there which in their opinion, may endanger the public health, they, or any two of them, may order the owner or occupant of the premises to cleanse the same and to remove what is so found there. R. S. O., 1897, c. 248, s. 76.

Power to order cleansing.

77. Such health officers, or a majority of them, may also, by warrant under their hands, authorize any two medical practitioners to

Medical men may be authorized by the officers to examine.

(o) Under this section the town of Ingersoll forced the water company to improve the quality of the water furnished the town pursuant to a report made by the Provincial Board of Health.

enter in and upon any house, out-house or premises, in the day time, for the purpose of making inquiry and examination with respect to the state of health of any person therein; and may also, upon the report of such medical practitioners in writing recommending the same, cause any person found therein infected with a dangerously contagious or infectious disease to be removed to some hospital or other proper place; but no such removal shall take place unless the said medical practitioners state in their said report that such person can be removed without danger to life, and that such removal is necessary to guard against the spread of such disease to the adjoining house or houses. R. S. O., 1897, c. 248, s. 77.

On report of medical men, persons infected may be removed.

When inhabitants of a house may be removed.

78. Where a disease of a malignant and fatal character is discovered to exist in any dwelling-house or out-house temporarily occupied as a dwelling in a city, town, village or township in Ontario, or within a mile thereof, and such house is situated in an unhealthy or crowded part of the city, town, village, township or adjoining country, or is in a filthy or neglected state, or is inhabited by too many persons, the health officers of the municipality or a majority of them may, at the expense of the municipality, compel the inhabitants of such dwelling-house or out-house to remove therefrom, and may place them in sheds or tents, or other good shelter, in some more salubrious situation, until measures can be taken under the direction and at the expense of the municipality, for the immediate cleansing, ventilation and purification, and disinfection of such dwelling-house or out-house. R. S. O.; 1897, c. 248, s. 78

Powers of officers if their orders disobeyed

79. In case the owner or occupant of any dwelling or premises neglects or refuses to obey the orders given by the health officers, 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 cleanse the same, and execute or cause to be executed therein the regulations of the Provincial Board of Health or any by-law of the municipality, and remove therefrom and destroy whatsoever it is necessary to remove or destroy for the preservation of the public health. R. S. O., 1897, c. 248, s. 79.

Authority to dispose of refuse, etc., after removal.

80. When under the provisions of this Act, or of any municipal by-law, the local board or any health officer removes any dirt, filth, refuse, debris, or other thing which is likely to endanger the public health or to become or cause a nuisance, or which is or is causing a nuisance, such dirt, filth, refuse or other thing shall be subject to the disposition of the local board, or, if the officer is acting under a by-law of a municipal council, shall be subject to the disposition of the council, and the owner of such thing shall have no claim in respect thereof. R. S. O., 1897, c. 248, s. 80.

Infectious Diseases and Hospitals—Provisions against Infection.

81. Where a local board of health is of opinion, on the certificate of its medical health officer or any other legally qualified medical practitioner, that the cleansing or disinfecting of any house, or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease it shall be the duty of such local board of health to give notice in writing to the owner or occupier of such house or part thereof, requiring him to cleanse and disinfect, to the satisfaction of the medical health officer, such house or part thereof, and articles, within a time specified in such notice. R. S. O., 1897, c. 248, s. 81.

Local board to notify owner of premises requiring to be cleansed and disinfected.

82. If the person to whom notice is given fails to comply therewith he shall be liable to a penalty of not less than twenty-five cents and not exceeding \$2 for every day during which he continues to make default; and the Local Board of Health shall cause such house, or part thereof, and articles, to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default in a summary manner. R. S. O. 1897, c. 248, s. 82.

Penalty if notice not complied with.

83. Where the owner or occupant of any house or part thereof is, from poverty or otherwise, unable, in the opinion of the Local Board of Health, efficiently to carry out the requirements of the preceding two sections, such local board of health may, without enforcing such requirements on the owner or occupier, cleanse or disinfect such house, or part thereof, and articles, and defray the expenses thereof. R. S. O., 1897, c. c. 248, s. 83.

Special provision in case of poverty of owner.

84. Any local board of health may provide, maintain or hire a carriage or carriages, suitable for the conveyance of persons suffering from disease or accident, and may pay the expense of conveying therein any person so suffering to a hospital or other place of destination. R. S. O. 1897, c. 248, s. 84.

Carriage for conveyance of persons suffering from disease or accident.

85 (1) The health officers of any municipality, or the Local Board of Health, or any committee thereof, may isolate any person having the small-pox or other disease dangerous to the public health, and may cause to be posted upon or near the door of any house or dwelling in which such person is, a notice stating that such disease is within the said house or dwelling. (p) R. S. O. 1897, c. 248, s. 85.

Isolation of persons having small-pox, etc.

(p) This subsection applies to the case of transients or outsiders who have come into the municipality, and there become afflicted with the disease dangerous to the public health, as well as to persons who are residents of the municipality.

Physicians to affix placard to infected houses when ordered by township board.

(2) The Local Board of Health of any township municipality may by resolution require any physician who is attending a patient suffering from any contagious disease dangerous to the public health to affix or cause to be affixed near the front entrance of the house a placard to be supplied by the Local Board of Health and similar to that described in rule 4 of section 17 of Schedule B to this Act. The placard shall be affixed within twenty-four hours of the discovery of the case, and shall be so placed that the same can be read by any person approaching the house, but the fixing of such placard shall not relieve such physician of the duty laid upon him by section 89 of this Act. 56 V. c. 44, s. 1.

Notice to be given by householder in case of small-pox, etc.

86. Whenever any householder knows that any person within his family or household has the small-pox, diphtheria, scarlet fever, cholera, or typhoid fever, he shall (subject in case of refusal or neglect, to the penalties provided by subsection 2 of section 115) within twenty-four hours give notice thereof to the Local Board of Health, or to the medical health officer, of the district in which he resides, and such notice shall be given either at the office of the medical health officer, or by a communication addressed to him and duly mailed within the time above specified, and in case there is no medical health officer, then to the secretary of the Local Board of Health either at his office or by communication as aforesaid. R. S. O. 1897, c. 248, s. 86.

Householder not to permit removal of person or clothing.

87. No householder in whose dwelling there occurs any of the above mentioned diseases, shall permit any persons suffering from any such disease, or any clothing or other property to be removed from his house, without the consent of the board or of the medical health officer, or attending physician, and the said board, or medical health officer, or attending physician, shall prescribe the conditions of such removal. R. S. O. 1897, c. 248, s. 87.

Removal of sick persons and others in same household.

88. No person sick with any of the diseases above specified shall be removed at any time except by permission, and under direction of the board of health, or medical health officer, or attending physician, nor shall any occupant of any house in which there exists any of the above diseases, except typhoid fever, change his or her residence to any other place without the consent of the board or of the medical health officer, or attending physician, who shall in either case prescribe conditions as aforesaid. R. S. O. 1897, c. 248, s. 88.

Report to be made by physicians.

89. Whenever any physician knows that any person whom he is called upon to visit is infected with small-pox, scarlet fever, diphtheria, typhoid fever, or cholera, such physician shall (subject in case of refusal or neglect to the penalties provided by subsection 2 of section 115) within twenty-four hours give notice thereof to the Local Board of Health, or medical health officer of the municipality in

which such diseased person is, and in such manner as is directed, by rules 2 and 3 of section 17 of Schedule B. R. S. O. 1897, c. 248, s. 89.

90. Where the small-pox, scarlet fever, diphtheria, cholera, or any other contagious disease, dangerous to the public health, is found to exist in any municipality, the health officer or Local Board of Health shall use all possible care to prevent the spreading of the infection or contagion, and shall give public notice of infected places by such means as, in their judgment, is most effective for the common safety. R. S. O. 1897, c. 248, s. 90.

Precautions to be taken against spread of infection.

91. Except the attending physician or clergyman, no person affected with small-pox, scarlet fever, diphtheria, or cholera, and no person having access to any person affected with any of said diseases shall mingle with the general public until such sanitary precautions as may be prescribed by the local board or attending physician have been complied with. R. S. O. 1897, c. 248, s. 91

Sick person or persons having access to the sick not to mingle with general public.

92. (1) Where there is reason to suspect that any person who has the small-pox, diphtheria, scarlet fever, cholera, or typhoid fever, is in or upon any railway car, steamboat, stage, or other conveyance, the medical health officer or sanitary inspector of the municipality, or, if there is no such officer, any member of the Local Board of Health, may enter such conveyance and cause any such person to be removed therefrom, and may detain the conveyance until it is properly disinfected; or such officer or member may, if he thinks fit, remain on or in, or re-enter and remain on or in, the said conveyance (with any assistants he may require) for the purpose of disinfecting the same, and his authority as a health officer shall continue in respect of such person and conveyance, notwithstanding the conveyance is taken into any other municipality.

Power to enter on steamboats, etc.

(2) Any member or officer of the Provincial Board of Health, or any medical practitioner authorized by such board, shall have the like authority. R. S. O. 1897, c. 248, s. 92.

93. In case any person coming from abroad, or residing in any municipality within the Province, is infected, or lately before has been infected with, or exposed to any of the said diseases, the health officers or Local Board of Health of the municipality, where such person may be, may make effective provision in the manner which to them seems best for the public safety by removing such person to a separate house, or by otherwise isolating him, (q) if it can be done

Isolation of persons infected or who have been exposed to infection.

(q) The directions of this section are imperative and where instead of acting as directed in this section, by isolating and taking care of a person suffering

without danger to his health, and by providing nurses and other assistance and necessaries for him at his own cost and charge, or the cost of his parents or other person or persons liable for his support, if able to pay the same, otherwise at the cost and charge of the municipality. (r) R. S. O. 1897, c. 248, s. 93.

Persons recovering from sickness and nurses to take precautions against spread of disease.

94. Persons recovering from any of the said diseases, and nurses who have been in attendance on any person suffering from any such disease, shall not leave the premises till they have received from the attending physician, or medical health officer, a certificate that in his opinion they have taken such precautions as to their persons, clothing, and all other things which they propose bringing from the premises, as are necessary to insure the immunity from infection of other persons with whom they may come in contact, nor shall any such person expose him or herself in any public place, shop, street, inn, or public conveyance without having first adopted such precautions. R. S. O. 1897, c. 248, s. 94.

Measures necessary for disinfection to be adopted.

95. All persons named in the last preceding section shall be required to adopt for the disinfection and disposal of excreta, and for the disinfection of utensils, bedding, clothing, and other things which have been exposed to infection, such measures as have been, or may hereafter be, advised by the Provincial Board of Health or by the medical health officer, or such as may have been recommended by the attending physician as equally efficacious. R. S. O. 1897, c. 248, s. 95.

Notice to be given to person in charge of conveyance in certain cases.

96. No person suffering from, or having very recently recovered from, small pox, diphtheria, scarlet fever, cholera, measles, or other

from an infectious disease, the members of a local board of health, when they send him into an adjoining municipality, they are personally liable to pay to that municipality moneys reasonably expended in caring for him and preventing the spread of the disease. (Township of Logan vs. Hurlburt 23 Appeal Reports, p. 628.)

(r) The verbal order of one member of a local board of health, in the absence of other circumstances making the board liable, does not commit the board to the payment the cost of goods, etc., furnished to persons quarantined. If the parties liable are worth the amount persons furnishing goods, attendance, etc., to parties quarantined must look to the former for their pay in the first instance. The municipality cannot be made responsible for these accounts until the persons entitled to the amounts can show conclusively that they cannot collect them from the persons quarantined or their parents, or other person or persons liable for their support. The municipality is not responsible for the cost of necessary supplies furnished, and of medical attendance and nursing, if they are obtained or ordered by the parties themselves, without the authority or direction of the council or local board of health. If the parties liable are able to pay, they must pay both for the vaccine points and the vaccination operation. (See subsection 1 of section 4 of chapter 249, R. S. O., 1897.)

disease dangerous to public health, shall expose himself, nor shall any person expose any one under his charge, who is so suffering or who has recently recovered from any such disease, in any conveyance without having previously notified the owner or person in charge of such conveyance of the fact of his having or having recently had, such disease. R. S. O. 1897, c. 248, s. 96.

97. The owner or person in charge of any such conveyance shall not, after the entry of any so infected person into his conveyance, allow any other person to enter it without having sufficiently disinfected it under the direction of the board of health or the supervision of the medical health officer or sanitary inspector. R. S. O. 1897, c. 248, s. 97.

Conveyance to be disinfected.

98. No person shall give, lend, transmit, sell or expose any bedding, clothing or other article likely to convey any of the above diseases, without having first taken such precautions as the board may direct as necessary for removing all danger of communicating any such disease to others. R. S. O. 1897, c. 248, s. 98.

Precautions to be taken respecting clothing, etc.

99. Any Local Board of Health may provide a proper place or portable furnace, with all necessary apparatus and attendance, for the disinfection of bedding, clothing or other articles which have become infected, and may cause all such articles to be disinfected free of charge, or may make reasonable charges for the disinfecting of the same as may be provided by by-law. R. S. O. 1897, c. 248, s. 99.

Provision of means of disinfection.

100. Any Local Board of Health may direct the destruction of any bedding, clothing or other articles, which have been exposed to infection, and may give compensation for the same. R. S. O. 1897, c. 248, s. 100.

Destruction of infected bedding, etc.

101. No person shall let or hire any house or room in a house in which any of the diseases mentioned in section 86 have recently existed, without having caused the house and the premises used in connection therewith to be disinfected to the satisfaction of the health authorities; and for the purposes of this section the keeper of an inn or house for the reception of lodgers, shall be deemed to let for hire part of a house, to any person admitted as a guest into such inn or house. R. S. O. 1897, c. 248, s. 101.

Houses or rooms occupied by sick persons to be disinfected before being let.

102. No person letting for hire or showing for the purpose of letting for hire any house or part of a house, on being questioned by any person negotiating for the hire of such house or part of a house as to the fact of there previously having been therein any person suffering from any infectious disorder, or any animal or thing infected thereby, shall knowingly make a false answer to such question. R. S. O. 1897, c. 248, s. 102.

Persons letting houses not to make false statements as to infectious diseases.

Notice of existence of infectious diseases to be given where persons are attending school.

103. Wherever a case of smallpox, cholera, scarlatina, diphtheria, whooping cough, measles, mumps, glanders or other contagious disease, exists in any house or household belonging to which are persons attending school, the householder shall, within eighteen hours after the time such disease is known to exist, notify the head teacher of such school or schools, and also the secretary of the Local Board of Health, of the existence of such disease; and no member of such household shall attend school until a certificate has been obtained from the medical health officer, or legally qualified medical practitioner, that infection no longer exists in the house, and that the sick person, house, clothing and other effects have been disinfected to his satisfaction; and until such certificate has been obtained, it shall be the duty of every member of the household, and of the teacher, to use all reasonable efforts to prevent the association of the members of the said household with other children.

(2) Wherever the Local Board of Health, or any of its officers or members, know of the existence in any house of smallpox, cholera scarlatina, diphtheria, whooping cough, measles, mumps, glanders or other contagious disease, they shall at once notify the head or other master of the school or schools at which any member of the household is in attendance; and should it not be evident that said member has not been exposed to said diseases, or any of them, the teacher shall forthwith prevent such further attendance until the several members present a certificate stating that infection no longer exists, as provided in the preceding subsection.

(3) Wherever a teacher in any school has reason to suspect that any pupil has, or that there exists in the home of any pupil, any of the above mentioned diseases he shall notify the medical health officer or, where none such exists, the Local Board of Health on forms supplied by the school authorities, in order that evidence may be obtained as to the truthfulness of the report; and he shall further prevent the attendance of said pupil or pupils, until medical evidence of the falsity of the report has been obtained. (s) R.S.O. 1897, c. 248, s. 103.

Municipalities may establish hospitals for smallpox patients, etc.

104 Every municipality may establish or erect, and may also maintain, one or more hospitals for the reception of persons having the smallpox or other disease which may be dangerous to the public health; or any two or more municipalities may join in establishing, erecting, or maintaining the same; but no such hospital shall be

(s) Tuberculosis gland of the neck is an infectious disease within the meaning of this Act, and a medical health officer and a school board were held to have acted within their powers, when they prevented a child suffering from the above disease from attending school while so afflicted. (Gee vs. Medical Health Officer and School Board of the City of Toronto.)

erected by one municipality within the limits of another municipality without first obtaining the consent of such other municipality to the proposed erection. (t) R. S. O., 1897, c. 248, s. 104.

(2) The council or councils of such municipality or municipalities may, without submitting the same to the vote of the rate-payers of the said municipality or municipalities, pass by laws

By-laws for borrowing funds to erect small-pox and other contagious disease hospitals.

(t) In the case of the Township of Elizabethtown vs. the Town of Brockville (10 O. R., p. 372), an injunction was granted restraining one municipality from erecting a small-pox hospital within another municipality. The Township of Logan instituted proceedings against the Village of Mitchell for having transferred a small-pox patient from the village to the township. The plaintiffs obtained a verdict, and the village corporation was required to pay the costs of the case.

As to the establishment and maintenance of sanatoria for consumptives, sections 28 and 29 of chap. 12 of 1 Ed. VII (O.), provide as follows :

28 No sanatorium, institution or place for the reception, care or treatment of persons suffering from consumption or tuberculosis, shall hereafter be established, maintained or kept within 150 yards of an inhabited dwelling, without the owner, manager or persons to whom the same belongs having first obtained the consent by resolution given in writing of the Local Board of Health of the municipality wherein it is proposed to establish the same.

29 Any person who shall contrary to the provisions of the preceding section, establish, maintain or keep any such sanatorium, institution or place, or who shall take part in the superintendence or management thereof, after notice in writing by the Local Board of Health of the municipality, through an officer thereof, to desist from so doing, shall be liable to a penalty not exceeding \$25, for each and every day on which after notice in writing, the offence is continued. Section 32 of chapter 26 of 1 Ed. VII (O.), makes the following provision :

32 (1) Any municipality or any two or more municipalities in this Province may agree with the National Sanitarium Association (hereinafter called the association) for the establishment and maintenance by the association of a sanatorium for the treatment of consumptives, and the municipalities shall have similar powers to those conferred by chapter 57 of the Statutes of Ontario for the year 1900, intituled An Act respecting municipal sanatoria for consumptives, with respect to procuring plans, estimates and other information and the basis for establishing such sanatorium, and the location thereof within or without a municipality, and the passing of by-laws to raise the monies, if any, proposed to be paid or contributed by the municipality in respect of the sanatorium and to the issue of debentures therefor.

(2) The plans, estimates and agreement and proposed site shall be submitted for the approval of the Provincial Secretary in a similar manner to that provided for by section 3 of said Act, and upon such approval being given the said agreement shall be valid and may be acted on.

(3) Provided always that the parties to such agreement may make such changes in, or modifications thereof, as may be required by the Provincial Secretary as a condition to his approval.

(4) Sections 11, 12 and 13 of said Act shall apply to any sanatorium established under the foregoing sections of this Act and to the trustees of the said association. See also chapter 27 of the Ontario Statutes, 1900.

necessary from time to time to raise loans and borrow the moneys required for the establishing, erecting and furnishing of such hospital or hospitals upon the credit of such municipality and the debentures to be issued under such by-law shall be payable at such time or times within ten years from the passing of such by-law as the council may determine. (u) 62 V. c. 32, s. 1.

Regulation of hospital, sick, etc.

105. When any hospital is so established, the physician attending the same, or the sick therein, the nurses, attendants, and all persons who approach or come within the limits of the same, and all such furniture, and other articles as are used or brought there, shall be subject to such regulations as may be made by the health officers or local boards of health. R. S. O., 1897, c. 248, s. 105.

Power of Local Board to provide hospitals.

106. In case the small-pox, or any other disease dangerous to the public health, breaks out in any municipality, the health officers or local board of health, in case the municipality has not already provided the same, shall immediately provide such a temporary hospital, hospital tent or other place or places of reception for the sick and infected, as they judge best for their accommodation and the safety of the inhabitants, at the cost of the municipality, and for that purpose may :

1. Themselves erect such hospital tents, hospitals or places of reception (v) ; or
2. Contract for the use of any such hospital or part of a hospital or place of reception (w) ; or
3. Enter into any agreement with any person having the management of any hospital, for the reception of the sick inhabitants of their district, on payment of such annual or other sum as may be agreed on ; or
4. Two or more local boards of health may combine in providing a common hospital. R. S. O., 1897, c. 248, s. 106.

(u) This sub-section was added by section 1 of chap. 32 of 62 Vic. (O.)

(v) In the year 1900, the Town of West Toronto purchased a building to be used as a pest-house for small-pox patients within 150 yards of a private dwelling-house. The owner of this dwelling brought an action against the town, and it was held that the town had acted illegally in so locating the pest-house, and it was ordered that no further cases should be admitted thereto.

(w) In the case of Owens vs. the Town of Strathroy, the County Judge of Middlesex gave the plaintiff a verdict of \$400 rental and damages for the use of a house belonging to him as a small-pox hospital. The house was in the suburbs of the town, disused and useless.

107. Such hospital or place of reception, as also all *Regulations.*
hospitals or places of reception for persons suffering from consump-
tion or tuberculosis, (x) shall be subject to such regulations as may be
made by the health officers or local boards of health. R. S. O.,
1897, c. 248, s. 107. 2 Ed. VII., c. 34, s. 2.

107a. (1) Except as provided by the Act passed in the 63rd *Hospitals for*
year of the reign of Her late Majesty, Queen Victoria, chapter 57,
no hospital, sanatorium, institution or place for the reception, care or
treatment of persons suffering from consumption or tuberculosis,
shall be established or maintained or kept within the limits of any
municipality without permission to be given in the manner hereinafter
provided. *consumptives*
not to be
established
without
permission.

(2) Any person who desires to establish, maintain or keep any *Application*
such hospital, sanatorium, institution or place may make written *for permisio*
application for permission to do so to the local board of health of
the municipality, and any person who now maintains or keeps any
such hospital, sanatorium, institution or place may make such
application within two months after the passing hereof, and such
local board of health shall take such application into consideration at
its next general meeting after receipt thereof, or at a special meeting
to be called for the purpose within one month after the receipt
of such application. Notice of such special meeting
shall be given to the applicant at least ten days before the date
appointed for the same.

(3) The local board of health shall hear the applicant for such *Hearing and*
permission in person or by counsel, as also any person or persons *decision on*
opposed to the granting of such permission, and shall within one *application.*
month thereafter decide by resolution of the said board whether or
not such application shall be granted.

(4) In case the local board of health decides not to grant such *Appeal to*
application notice in writing of such decision shall forthwith be given *Board*
to the applicant by registered letter, and the applicant may appeal *of Appeal.*
from such decision to a Board of Appeal to be composed of the head
of the municipality, the sheriff of the county in which such municipa-
lity is situate, and the Secretary of the Provincial Board of
Health, such appeal to be by notice in writing addressed to the said
secretary, and given within seven days after receiving notice of the
decision of the Local Board of Health.

(5) It shall be the duty of the secretary of the Provincial *Hearing*
Board of Health to appoint a time and place for the consideration of *appeal.*

(x) These words were added by section 2 of chap. 34 of 2 Ed. VII. (O.)

such appeal, and the said Board of Appeal shall hold a sitting at such time and place, and shall hear what may be alleged for and against such appeal on behalf of the applicant, and the Local Board of Health or any ratepayer of such municipality who may object to the granting of such permission, and the said Board of Appeal may adjourn the proceedings for the purpose of visiting any building or site or proposed site and determine upon its suitability, or for the purpose of procuring any further information as they may deem proper.

Decision of Board of Appeal.

(6) The decision of the Board of Appeal or a majority of the said board shall be given in writing and such decision shall be final.

Costs of appeal.

(7) The members of the said Board of Appeal shall each be entitled to a fee of \$5.00 for hearing and determining any appeal under this Act, and such fees and any other costs and expenses incurred in hearing such appeal shall be paid by the person appealing upon the written order of the secretary of the Provincial Board of Health to the person entitled thereto.

Penalty.

(8) Any person who shall erect or establish or maintain any such hospital, sanatorium, institution or place without applying for and receiving permission so to do as hereinbefore provided and any person who shall take part in the superintendence or management of such hospital, sanatorium, institution or place shall be liable to a penalty not exceeding \$25.00 for each and every day for which such offence is continued.

Sections 107a to 107h not to apply to certain hospitals.

(9) Nothing in this section contained shall apply to any public general hospital in which persons suffering from other diseases as well as persons suffering from consumption or tuberculosis are received and treated nor shall the said sections apply or be in force in any part of this Province which is without county organization. (y). 2 Ed. VII, c. 34, s. 1.

Power of medical health officer or sanitary inspector to inspect meat, etc.

108. (1) Any medical health officer or sanitary inspector may, at all reasonable times inspect or examine any animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour or milk exposed for sale, or deposited in any place for the purpose of sale, or for preparation for sale, and intended for food for man; the proof that the same was not exposed or deposited for any such purpose, or was not intended for food for man, resting with the party charged; and if any such animal, carcass, meat, poultry, game, fish, fish, fruit, vegetables, grain, bread, flour or milk, appears to such medical officer or inspector to be diseased, or unsound, or unwholesome, or unfit for

(1) This section was added by section 1 of chap. 34 of 2 Ed. VII. (1.)

food for man, he may seize and carry away the same, or cause it to be seized and carried away, in order that he may cause it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for food for man. (z).

(2) The person to whom the same belongs, or did belong at the time of exposure for sale, or in whose possession or on whose premises the same was found, shall be liable to a penalty not exceeding \$100 for every animal, carcase, or fish, or piece of meat, flesh or fish, or any poultry or game, or for the parcel of fruit, vegetables, grain, bread or flour, or for the milk so condemned; or, at the discretion of the convicting justices or magistrate, without the infliction of a fine, to imprisonment for a term of not more than three months. (a) R. S. O. 1897, c. 248, s. 108.

Health officer to take action when aware of disease in animals, meat or milk. R. S. C., c. 69.

(3) Wherever a medical health officer, from his own knowledge, or from information received from a veterinary surgeon or other qualified person, has reason to believe that any animal, or the meat or milk of any animal, is affected with any contagious or infectious disease named in section 2 of *The Animal Contagious Diseases Act*, chapter 69 of the Revised Statutes of Canada, 1886, or with the disease known as wens, clyers, actinomycosis, or osteosarcoma, as well as any other disease of a cancerous nature, (b) may take action as provided under sub-section 1 of this section. 54 Vic., c. 49, s. 2.

(4) Any officer of the Provincial Board of Health may similarly, at all reasonable times, carry out any of the provisions contained in this section.

Officers of Provincial Board may act.

(5) The owner or other person having charge of any animal, or meat or milk of any animal affected with the said diseases, who knowing the nature of the disease, holds the animal or its meat or milk

Penalty for keeping diseased animals or meat, or milk for sale as food.

(z) The health officers of the village of W. prevented a baker, members of whose household had been afflicted with scarletina, from delivering bread in the village, even after the case was removed from his store. The baker brought an action against the health officers and Local Board of Health, and their conduct in this regard was sustained.

(a) The English case of *Mallenson vs Carr*, reported on p 68 of 27 C. L. J., was a case stated by Justice for the opinion of the Court. The defendant was a butcher, who was charged with having in his possession meat for the purpose of preparation for sale, and intended for human food, which was unsound and unfit for food. The prosecution took place under the English Public Health Act, which contained a provision similar in its terms to this section. The question submitted was, whether the defendant could be convicted for having the meat in his possession, notwithstanding that he had not actually exposed it for sale. The two Judges who heard the case held that he could.

(b) These words were added by section 35 of chap. 12, 1 Ed. VII. (O.)

for human food, shall be liable, upon conviction before a police magistrate or two justices of the peace, to a fine not exceeding \$50 or less than \$5, and costs; and the burden of proof that the animal, meat or milk was not intended for human food or to be sold for human food shall rest with the person charged.

Half of
penalty to be
paid to
informer.

(6) Any person who gives such information to a health officer or makes such complaint to a justice of the peace as leads to the conviction of any person for a breach of the provisions of this section shall be entitled to receive one-half of the penalty imposed upon the person so convicted, and the other half of the penalty shall be paid to the municipality in which the offence was committed.

Scientific
examination
of tissue,
meat or milk
upon
prosecution.

(7) Upon any prosecution under sub-section 5 of this section it shall be competent for any medical health officer to make or cause to be made or request the Provincial Board of Health to make, at the cost of the municipality, such scientific examination of the animal meat or milk suspected of being diseased as may enable the court to determine whether or not such disease exists; and the Minister of the Department to which the Provincial Board of Health is for the time being attached may instruct the secretary of the board, or other person acting under the board, to make such investigation, and the expenses of such investigation shall be supplied out of the moneys set apart by the Legislative Assembly for the investigation of contagious diseases. A fee, which shall not in any case exceed \$10, shall be payable for the examination of any tissue, meat or milk under the provisions of this sub-section. 53 V. c. 61, s. 1 (4-7).

Feeding cer-
tain things
to hogs.

(8) Wherever any medical health officer, sanitary inspector, or other health officer of the Board of Health knows or has reason to believe that blood, offal, or the meat of any dead animal which has not been previously boiled or steamed when fresh or before becoming putrid or decomposed, or which, although boiled or steamed, is putrid or decomposed, has been or is being fed to hogs, he may summon the owner, the person in charge, or any person found feeding the same, before a justice of the peace for violation of the provisions of this section; and whenever such blood, offal or decomposed flesh is found on any premises the burden of proof that it was not intended to be so fed shall rest with the person charged. Should the charge be proven, the health officer making the charge may seize and carry away, or cause to be seized and carried away, the animals, whether dead or alive, to which the aforesaid blood, offal or unboiled or putrid meat has been fed, in order that the said animals may be destroyed or so disposed of as to prevent them from being exposed for sale or use for food for man. 58 V. c. 49, s. 4.

109. Any person who in any manner prevents any health officer or sanitary inspector from entering any premises and inspecting any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour or milk exposed or deposited for the purpose of sale and intended for food for man; or who obstructs or impedes any such medical officer, or inspector, or his assistant when carrying into execution the provisions of this Act, shall be liable to a penalty not exceeding \$25. R. S. O. 1897, c. 248, s. 109.

Penalty for hindering officer from inspecting meat, etc.

Use of Force—Assistance by Constables, etc.

110. Where a Local Board of Health or any health officer, is required or empowered under this Act or any Public Health Act, or under any regulations made thereunder, to disinfect any person or thing, or to isolate any person, such board or officer may use such force and employ such assistance as is necessary in order to accomplish what is required. R. S. O. 1897, c. 248, § 110.

Powers for purpose of disinfecting things or persons.

111. Any member of a legally constituted board of health, or any medical health officer or sanitary inspector may, when obstructed in the performance of his duty, call to his assistance any constable or other person he thinks fit, and it shall be the duty of every such constable so called upon to render such assistance. R. S. O. 1897, c. 248, s. 111.

Officer if obstructed may summon assistance.

Appeal to County Judge.

112. Where the order of any Local Board of Health, or health officer involves an expenditure of more than \$100, the party against whom the order is made, or anyone chargeable with such expenditure, or any part thereof, may within four days from his being served with a copy of such order in writing, appeal therefrom to the county judge, who shall have full authority to vary or rescind the order made, and any order so varied may be enforced by the board or officer in the same manner as an order originally made by the board or officer. R. S. O. 1897, c. 248, s. 112.

Appeal to County Judge in certain cases.

EXPENSES IN RESPECT OF ABATEMENT OF NUISANCES.

113. (1) Any costs or expenses recoverable from an owner of premises under this Act, or under any provision of law in respect of the abatement of nuisances, may be recovered from the occupier for the time being of such premises; and the owner shall allow such occupier to deduct any moneys which he pays under this enactment out of the rent from time to time becoming due in respect of said premises, as if the same had actually been paid to such owner as part of said rent. But no such occupier shall be required to pay any further sum than the amount of rent for the time being due from him,

Recovery of costs and expenses of execution of provisions relating to nuisances.

Proviso.

or which after demand of such costs or expenses from such occupier, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier, unless he refuses truly to disclose the amount of his rent and the name and address of the person to whom rent is payable; and the burden of proof that the sum demanded from such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall be on such occupier.

(2) Nothing in this section contained shall affect any contract between any owner or occupier of any house, building or other property whereby it is, or may be, agreed that the occupier shall pay or discharge all rates and dues and sums of money payable in respect of such house, building or other property, or affect any contract, whatever between landlord and tenant. R. S. O. 1897, c. 248, s. 113.

NUISANCES—WHEN APPLICATION TO HIGH COURT NECESSARY.

Where application in respect of nuisance must be made to High Court.

114. No determination or order of the Provincial or Local Board of Health for the removal or abatement of any nuisance shall be enforced, except by order of the High Court, where such removal or abatement involves the loss or destruction of property of the value of \$2,000 or upwards, and upon any application to the High Court the order of the Provincial or Local Board shall not be evidence that the matter or thing complained of was or is in fact a nuisance. R. S. O. 1897, c. 248 s. 114.

PENAL CLAUSES.

Penalty for violating ss. 96-98, 101, 102.

115. (1) Every person violating sections 96, 97, 98, 101 or 102 of this Act shall be liable for every such offence to a penalty of not less than \$5 nor more than \$50 in the discretion of the convicting justices or magistrate, besides costs which may also be inflicted if the convicting justices or magistrate see fit to impose the same.

Penalty for offences against Act.

(2) Any person who violates any other provisions of this Act shall, unless it is otherwise specially provided, be liable for every such offence to a penalty not exceeding \$20 in the discretion of the convicting justices or magistrate, besides costs which may also be inflicted, if the convicting justices or magistrate see fit to impose the same. R. S. O. 1897, c. 248, s. 115 (1-2).

Penalty for violating regulations of Provincial Board of Health.

(3) Any person who violates any regulation of the Provincial Board of Health or of any Local Board of Health shall be liable for every such offence to a penalty not exceeding \$20 in the discretion of the convicting justices or magistrate, besides costs which may also

be inflicted, if the convicting justices or magistrate see fit to impose the same. R. S. O. 1897, c. 248 s. 115(3); 56 V. c. 44, s. 2.

(4) Where any person has been convicted of an offence under this Act, or under any regulation or by-law enacted or in force thereunder, and such offence is in the nature of an omission or neglect, or is in respect of the existence of a nuisance or other unsanitary condition, which it is such person's duty to remove, or is in respect of the erection or construction of anything contrary to the provisions of this Act, or of any regulation or by-law enacted or in force thereunder then, in case the proper authority in that behalf gives reasonable notice to such person to make good such omission or neglect, or to remove such nuisance or unsanitary condition, or to remove the thing which has been erected or constructed contrary to this Act, or to such regulation or by-law, and default is made in respect thereto, the person offending may be convicted for such default, and shall be liable to the same punishment as was, or might have been, imposed for the original offence, and so on, from time to time, as often as after another conviction a new notice is given and the default continues; and in the case of a third or subsequent conviction, it shall not be necessary in the information, conviction or other proceedings to make any reference to any conviction except the first, or to any notice except that in respect of which the proceedings are then being taken. R. S. O. 1897, c. 248, s. 115 (4).

Defaults and omissions.

116. Every penalty imposed by or under this Act may be recovered by any person before any two justices or a police magistrate having jurisdiction in the municipality, and shall 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, or the hand and seal of the police magistrate, before whom the same is recovered, or under the hands and seals of any other two justices having jurisdiction in the municipality, and in default of sufficient distress the said justices or magistrate may commit the offender to the common goal, or to any lock up, or house of correction in the said municipality for any time not exceeding fourteen days, unless the amount imposed is sooner paid. R. S. O. 1897, c. 248, s. 116.

Recovery of penalties.

117. In case any person, from poverty or other sufficient cause is unable to comply with the provisions of this Act or any of them, he shall give notice of such inability to the medical health officer or secretary of the Local Board of Health and in case the local board on examination is satisfied of the sufficiency of the cause of such inability, the secretary thereof shall give his certificate to that effect, and such certificate shall be a bar to all proceedings against such person for the period of six months. R. S. O. 1897, c. 248, s. 117.

Provision where non-compliance caused by poverty, etc.

Remedy for tenant when board neglects action.

118. In all cases where any person deems himself injuriously affected, through the refusal or neglect of any person to carry out the directions of the sanitary inspector or the Local Board of Health under sections 5, 6 or 7 of Schedule B, it shall be lawful for him to lay information before a justice of the peace or police magistrate when, after evidence has been given of the violation of any of these sections, the offender or offenders shall be made liable to the penalties imposed under section 18 of the said schedule. R. S. O. 1897, c. 248, s. 118.

Application of penalties.

119. Every penalty recovered under this Act shall be paid to the treasurer of the municipality in which the offence was committed for the use of the Local Board of Health and subject to its disposition. R. S. O. 1897, c. 248, s. 119.

Provision where act is a violation of Act and of by-law.

120. Where any act or omission is a violation of any express provision of this Act and is also a violation of a by-law of a municipality in respect of a matter over which the council of the municipality has jurisdiction, a conviction may be had under either the Act or the by-law, but a second conviction shall not be made for the same act or omission. R. S. O. 1897, c. 248, s. 120.

PROCEEDINGS NOT TO BE QUASHED FOR WANT OF FORM, OR REMOVED INTO HIGH COURT.

Proceedings not to be quashed for want of form or removed into High Court.

121. No order or other proceedings, 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 the High Court, and no appeal shall be had to the General Sessions upon any conviction under this Act. (c) R. S. O. 1897, c. 248, s. 121.

No appeal to session.

BY LAW IN FORCE IN EVERY MUNICIPALITY.

Application of enactments in Schedule B.

122. (1) The enactments contained in Schedule B, appended to this Act, shall be in force in every municipality in this Province for which there is a medical health officer and a sanitary inspector as a by-law of such municipality, as if enacted by the council thereof, except in so far as they have been or shall hereafter, be altered,

(c) Where there is a conviction for an offence under the by-law set out in the schedule of this Act, as distinguished from any of the provisions in the Act itself, an appeal will lie from such conviction to the quarter sessions, notwithstanding this section which has no application. (Reg. v. Coursey 31 C. L. J. P. 550 and 26 O. R. 685).

An appeal to the sessions will lie from a *dismissal* of an information, though it will not lie from a *conviction* under the Act, and an appeal can be had from a decision of two magistrates, the case having been improperly partly tried before one. (Reg. v. McLean 32 C. L. J. P. 82).

amended, or repealed by the council (Schedule C); and the council of every local municipality shall have authority to pass by-laws from time to time in respect of the various matters dealt with by the said enactments.

(2) In any municipality which has no medical health officer and sanitary inspector, or has only one of these officers, the said enactments shall, except as aforesaid, be in force except in so far as they relate to the officer which such municipality does not possess.

(3) Where two or more municipalities join in the appointment of a health officer or sanitary inspector, such officer or inspector shall be deemed to be the health officer or inspector, of each of the said municipalities. R. S. O. 1897, c. 248,, s. 122.

SCHEDULE A.

(Section 25).

PUBLIC HEALTH.

Take notice that by virtue of *The Public Health Act*, and the regulations made thereunder, possession has been taken, (or obtained, as the case may be) of the following land (or "building," as the case may be,) namely :

(Reasonable Description).

and further take notice that such land (or building) will be occupied and used for the purposes of the said Act and regulations from and after the date hereof, for a period of _____ or such other time as may, in the discretion of the undersigned, be necessary.

Dated, etc.

(Signature)

R. S. O. 1897, c. 248, Sched. A.

SCHEDULE B.

(Section 122).

BY-LAW IN FORCE IN EVERY MUNICIPALITY TILL ALTERED BY THE MUNICIPAL COUNCIL.

Duty of
medical
health officer.

1. It shall be the duty of the medical health officer to assist and advise the board and its officers, in matters relating to public health, and to superintend, under the direction of the board, the enforcement and observance, within this municipality, of health by-laws or regulations, and of Public Health Acts, and of any other sanitary laws, and, if thought advisable by the Board of School Trustees, to act as medical inspector of schools, as well as advisory officer in matters pertaining to school hygiene, and to perform such other duties and lawful acts for the preservation of the public health, as may, in his opinion, be necessary, or as may be required by the Board of Health. He shall also present to this board, before the 15 day of November in each year, a full report upon the sanitary condition of the district.

Duty of
Sanitary
Inspector.

2. The sanitary inspector, besides performing the duties hereafter indicated by this by-law as belonging specially to him, shall assist the medical health officer and perform such other duties as may from time to time be assigned to him by the Board of Health or its chairman.

Chairman of
Board of
Health to
report to
Council.

3. The chairman of the Board of Health shall, before the first day of December in each year, present to the Municipal Council or Municipal Councils, comprised within this district, a report containing a detailed statement of the work of the board during the year, and the report of the sanitary condition of the municipality, as rendered to the board by the medical health officer. A copy of each such report shall be transmitted by the secretary to the secretary of the Provincial Board of Health.

4. No person shall within this municipality suffer the accumulation upon his premises, or deposit, or permit the deposit, upon any lot belonging to him, of anything which may endanger the public health, or deposit upon, on, or into, any street, square, lane, by-way, wharf, dock, slip, lake, pond, bank, harbour, river, stream, sewer, or water, any manure or other refuse, or vegetable or animal matter, or other filth.

Deposits endangering public health forbidden.

5. It shall be the duty of the sanitary inspector, to keep a vigilant supervision over all streets, lanes, by-ways, lots, or premises, upon which any such accumulation as aforesaid may be found, and at once to notify the persons who own or occupy such lots or premises, or who either personally or through their employees have deposited such manure, refuse, matter, dirt or filth, in any street, lane or by-way, to cleanse the same, and to remove what is found thereon; such persons shall forthwith remove the same, and if the same be not removed within twenty-four hours after such notification, the inspector may prosecute the persons so offending, and he may also cause the same to be removed at the expense of the person or persons so offending. He shall also inspect at intervals, as directed by the Board of Health, all premises occupied by persons residing within its jurisdiction, and shall report to the board each and every case of violation of any of the provisions of this by-law, or of any other regulations for the preservation of the public health, and shall also report every case of refusal to permit him to make such inspection.

Duty of Sanitary Inspector as to lands, etc.

6. Whenever it shall appear to the board, or to any of its officers, that it is necessary for the preservation of the public health, or for the abatement of anything dangerous to the public health, or whenever they or he shall have received a notice signed by one or more inhabitant householders of this municipality, stating the condition of any building in the municipality to be so filthy as to be dangerous to the public health, or that upon any premises in the municipality there is any foul or offensive ditch, gutter, drain, privy, cess-pool, ash-pit, or cellar kept or constructed so as to be dangerous or injurious to the public health, or that upon any such premises an accumulation of dung, manure, offal, filth, refuse, stagnant water, or other matter, or thing, is kept so as to be dangerous or injurious as aforesaid, it shall be the duty of the sanitary inspector to enter such buildings or premises for the purpose of examining the same, and, if necessary, he shall order the removal of such matter or thing as aforesaid. If the occupant or proprietor, or his lawful agent or representative having charge or control of such premises, after having had twenty-four hours notice from any such officer of the Board of Health to remove or abate such matter or thing as aforesaid, shall neglect or refuse to remove or abate the same, he shall be subject to the penalties imposed under section 18 of this by-law.

Examination of buildings or premises by Sanitary Inspectors.

7. If the board is satisfied upon due examination, that a cellar, room, tenement, or building within its jurisdiction, occupied as a dwelling place, has become by reason of the number of occupants, want of cleanliness, the existence therein of a contagious or infectious disease, or other cause, unfit for such purpose, or that it has become a nuisance, or in any way dangerous to the health of the occupants, or of the public, they may issue a notice in writing to such occupants, or any of them, requiring the said premises to be put in proper sanitary condition, or if they see fit, requiring the occupants to quit the premises within such time as the board may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, every person so offending shall be liable to the penalties imposed by section 18 of this by-law, and the board may cause the premises to be properly cleansed at the expense of the owners or occupants, or may remove the occupants forcibly and close up the premises, and the same shall not again be occupied as a dwelling-place until put into proper sanitary condition.

Notice to put premises in proper sanitary condition or to quit same.

Distance of slaughter house, etc.

8. No proprietor or tenant of any shop, house or outhouse, shall, nor shall any butcher or other person, use any such house, shop or outhouse at any time as a slaughter-house or for the purpose of slaughtering any animals therein, unless such shop, house or outhouse be distant not less than two hundred yards from any dwelling-house, and distant not less than seventy yards from any public street.

Inspection of slaughter house.

9. All slaughter-houses within this municipality shall be subject to regular inspection under the direction of the Board of Health; and no person shall keep any slaughter-house unless the permission in writing of the board for the keeping of such slaughter-house has been first obtained, and remains unrevoked. Such permission shall be granted, after approval of such premises upon inspection, subject to the condition that the said houses shall be so kept as not to impair the health of persons residing in their vicinity, and, upon such condition being broken the said permission may be revoked by the board; and all animals to be slaughtered, and all fresh meat exposed for sale in this municipality shall be subject to like inspection. (d)

Inspection of cow byres, cheese factories and creameries.

10. All milch cows and cow byres, and all dairies or other places in which milk is sold or kept for general use and all cheese factories and creameries shall be subject to regular inspection under the direction of the said board; and the proprietors shall be required to obtain permission in writing from the board, to keep such dairy or other place in which milk is sold or kept as aforesaid, or to keep a cheese factory or creamery, and the same shall not be kept by anyone without such permission, which shall be granted after approval of such premises upon inspection, subject to the condition that all such places as aforesaid are so kept and conducted that the milk shall not contain any matter or thing liable to produce disease either by reason of adulteration, contamination with sewage, absorption of disease germs, infection of cows, or any other generally recognized cause, and upon such condition being broken the said permission may be revoked by the board. (e)

Sale of diseased food.

11. No person shall offer for sale as food within this municipality any diseased animal, or any meat, fish, fruit, vegetables, milk, or other article of food which, by reason of disease, adulteration, impurity or any other cause, is unfit for use.

Supply of drinking water.

12. It shall be the duty of the owner of every house within this municipality to provide for the occupants of the same a sufficient supply of wholesome drinking water; and if the occupant or occupants of any such house is or are not satisfied with the wholesomeness or sufficiency of such supply, he or they may apply to the Board of Health to determine as to the same; and if the supply be sufficient and wholesome, then the expenses incident to such determination shall be paid by the said occupant or occupants, and if not, then they shall be paid by the owner; and in either case the said charges shall be recoverable in the same manner as municipal taxes.

Wells to be cleaned out, etc.

13. All wells in this municipality which are in use, whether such wells are public or private, shall be cleaned out before the 1st day of July in each

(d) *In the village of Port Carling vs. Sutton, the District Judge of Muskoka held that the plaintiffs could not recover payment for the inspection of slaughter-houses from time to time by health officers—as boards of health are required to inspect these institutions from time to time by the statute, and cannot charge for such inspection.*

(e) *See subsection 23 of section 583 of the Municipal Act, as enacted by section 37 of chapter 33 of 63 Vic. (O) as to licensing of milk vendors.*

year, and in case the Board of Health certifies that any well should be filled up, such well shall be forthwith filled up by the owner of the premises.

14 The following code of rules and regulations for the disposal of sewage and refuse shall constitute a part of this by-law, and any person or persons violating or neglecting any of the said rules and regulations shall be liable to the fines and penalties imposed by section 18 of this by-law.

Rules respecting disposal of sewage and refuse.

RULE 1.—No privy-vault, cess-pool or reservoir into which a privy, water-closet, stable or sink is drained, shall be established until the details of such establishment have been submitted to and have obtained the approval in writing of the medical health officer, who shall, from time to time, determine with the approbation of the Board, the method of disposal of excreta, sewage and other refuse, to be adopted within the district.

Details of establishment of privy vaults, etc., to be approved by Medical Health Officer.

RULE 2.—Earth privies or earth closets without a vault below the surface of the ground do not come within Rule 1, but sufficient dry earth, wood-ashes or coal-ashes to absorb all the fluid parts of the deposit must be thrown upon the contents of such earth privies and closets daily; the contents when removed from the closet must be placed in a shed or box with rain-proof cover, and removed from the premises at least once a year, on or before the 15th day of May.

Time deposits to be removed.

RULE 3.—If the exigencies or circumstances of the municipality require that privy-vaults, cess-pools or reservoirs shall be allowed in accordance with Rule 1, they shall be cleaned out at least once a year, on or before the 15th day of May, and from the 15th day of May to the 1st day of November in each year they shall be thoroughly disinfected by adding to the contents of the vault, cess-pool or reservoir, once a month, not less than two pounds of sulphate of copper, dissolved in two pailfuls of water, or other suitable disinfectants.

Cleaning out and disinfecting privy vaults, etc.

RULE 4.—Within the limits of this municipality no night-soil or contents of any cess-pool shall be removed unless previously deodorized as above, and during its transportation the material shall be covered with a layer of fresh earth, except the removal shall have been by some odorless excavating process.

Deodorization before removal.

RULE 5.—All putrid and decaying animal or vegetable matter must be removed from all cellars, buildings, outbuildings and yards on or before the 15th day of May in each year.

Time for removal of decayed animal or vegetable matter.

RULE 6.—Every householder and every hotel and restaurant-keeper or other person shall dispose of all garbage, for the disposal of which he is responsible, either by burning the same or by placing it in a proper covered receptacle for swill or house offal, the contents of which shall, between the 15th day of May and the 1st day of November, be regularly removed as often as twice a week.

Time for removal of garbage.

RULE 7.—Between the 15th day of May and the 1st day of November, no hog shall be kept within the limits of this municipality, except in pens seventy feet from any house, with floors kept free from standing water and regularly cleansed and disinfected.

Hogs.

RULE 8.—The keeper of every livery or other stable shall keep his stable and stable-yard clean, and shall not permit, between the 15th day of May and the 1st day of November, more than two wagon-loads of manure to accumulate in or near the same at any one time, except by permission of the Board of Health.

Livery stable.

House construction.

15. The following regulations regarding the construction of houses shall be in force within this municipality :

Soil of building sites to be disinfected.

RULE 1.—No house shall be built in or upon any site, the soil of which has been made up of any refuse unless such soil has been removed from such site, and the site disinfected, or unless the said soil has been covered with a layer of charcoal covered by a layer of concrete at least six inches thick and of such additional thickness as may be requisite under the circumstances to prevent the escape of gases into such proposed house.

Ventilation of drains, etc.

RULE 2.—The drain of every house which may be connected with a sewer or cess-pool shall be ventilated by means of a pipe extending upward from the highest point of the main soil or waste-pipe, and also by a pipe carried upward from the drain outside the walls of the house according to the principles shown in the appended diagram. These pipes shall be of the same dimensions as the said main soil or waste-pipe, and shall be constructed of the same material or of stout galvanized iron, and no trap shall intervene between the said ventilating pipes. In case a trap intervenes between the sewer or cess-pool, and the ventilating pipes already described, then a four-inch ventilating pipe of the same material as above described shall be carried from a point between such trap and the sewer. All such ventilating pipes shall be carried above the roof of the said house, and shall open above at points sufficiently remote from every window, door, sky-light, chimney or other opening leading into any house.

No pipe carrying air or gas from any drain or soil-pipe shall be connected with any chimney in a dwelling-house, unless the same be a furnace chimney used exclusively for the purpose of ventilating such soil-pipe or drain.

Description of drain pipes.

RULE 3.—Every house-drain shall be constructed of vitrified earthenware or iron pipe; and every soil and waste-pipe, of iron pipe shall be rendered impervious to gas or liquids, the joints thereof being run with lead and caulked, or of lead pipe weighing at least six pounds to the square foot; and the waste pipe from every closet, sink, tub, wash-basin, safe or other service shall have as near as may be to the point of junction with such service a trap so constructed, vented and furnished, that it shall at no time allow of the passage of gas into such house. All joints shall be so constructed as to prevent gas escaping through them.

Certain closets prohibited.

RULE 4.—The construction of any closet or other convenience which allows of the escape into the house of air or gas which has been confined in any part of it or from the drain or soil pipe, is hereby prohibited.

Refrigerator waste.

RULE 5.—No refrigerator waste shall be allowed to connect with any drain.

Pipes supplying water to closets.

RULE 6.—No pipe supplying water directly to a water-closet or urinal, shall be connected with the pipe supplying water for drinking purposes.

Plumbing and drainage plans to be filed.

16. Every person who erects or causes to be erected, any building shall, within two weeks after the completion thereof, deposit in the Registry Office of the Registry Division in which the building is situated, plans of the arrangement and plumbing of the same as executed; and in the case of any alteration of any such plumbing or drainage, it shall be the duty of the owner of the house, within two weeks of the making of the alteration, to deposit in the same manner the plan and record of any such alteration; if such alteration is made by a tenant, it shall be the duty of the tenant or lessee to deposit or cause to be deposited the plan and record of such alteration.

17. The following rules for preventing the spread of infectious and contagious diseases shall constitute a part of this by-law :

Rules respecting infectious and contagious diseases. Duties of Medical Officer.

RULE 1.—The medical health officer [or secretary of the Local Board of Health] shall provide each medical practitioner, practising within this municipality, with blank forms on which to report (f) to the said medical health officer [or secretary] any case of diphtheria, small-pox, scarlet fever, cholera, typhoid fever, measles, whooping-cough or other disease dangerous to the public health; and also, with other blank forms on which to report death or recovery from any such disease. (g).

RULE 2.—All such forms shall be so printed, gummed and folded that they may be readily sealed, without the use of an envelope, so as to keep them from perusal until opened by the medical health officer [or secretary].

Forms, kind of.

RULE 3.—Said blanks shall be in accordance with the following forms : Blank forms.

Report of Infectious Disease.

Christian name and surname of patient :
Age of patient :
Locality (giving street, number of house or lot), where patient is :
Name of disease :
Name of school attended by children from that house :
Measures employed for isolation and disinfection :
(Signature of physician) :
.....

Report of Death or Recovery from Infectious Disease.

Christian name and surname of patient :
Locality (giving street, number of house or lot), where patient is :
Name of disease :
How long sick :
Whether dead or recovered :
Means of disinfection employed, and when employed :
(Signature of physician) :
.....

RULE 4.—The medical health officer [or secretary], within six hours after he has received a notice of the existence of scarlet fever, diphtheria, small-pox, cholera or whooping-cough, in any house, shall affix or cause to be affixed by the head of the household, or by some other person, near the entrance of such house a card at least nine inches wide and twelve inches long, stating that such disease exists in the said house, and stating the penalty for removal of such card without the permission of the medical health officer or Board of Health.

Notice of disease to be posted up.

RULE 5.—No person shall remove such card without the permission of the Board of Health or one of its officers.

Not to be removed.

(f) A report by a physician to the medical health officer by telephone or by a postcard not giving the particulars required by this section will not relieve him from the penalty imposed for default (Reg vs. McLean, 32 C. L. J., p. 82.)

(g) The medical health officer is not bound to send these forms to the various physicians practising in the municipality, but merely to furnish them when applied for. (Reg vs. McLean, 32 C. L. J., p. 82.)

Animals
affected.

RULE 6.—No animal affected with an infectious or contagious disease shall be brought or kept within this municipality, except by permission of the Board of Health.

Penalties.

18. Any person who violates sections 4, 6, 7, 9 or 11 of this by-law, or Rule 1 of sec. 15 or Rule 5 or 6 of sec. 17, shall be liable for every such offence, to a penalty of not less than \$5 nor more than \$50 in the discretion of the convicting justices or magistrate, besides costs, which may also be inflicted if the committing justices or magistrate see fit to impose the same. Any person who violates any other provision of this by-law shall be liable for every such offence to a penalty not exceeding \$20, in the discretion of the convicting justices or magistrate, besides costs, which may also be inflicted if the convicting justices or magistrate see fit to impose the same. Every such penalty may be recovered by any person before any two justices or a police magistrate having jurisdiction in the municipality, and shall 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, or the hand and seal of the police magistrate, before whom the same are recovered, or under the hands and seals of any other two justices having jurisdiction in the municipality, and in default of sufficient distress the said justices or magistrate may commit the offender to the common goal or to any lock-up or house of correction in the said municipality for any time not exceeding fourteen days with or without hard labor, unless the amount imposed be sooner paid.

R. S. O. 1897, c. 248, Sched. B.

SCHEDULE C.

(Section 122).

FORM OF MUNICIPAL BY-LAW AMENDING THE ABOVE BY-LAW.

By-law Number—, intituled "A By-law respecting the Public Health By-law."

Whereas it is expedient to amend or repeal some of the provisions of the by-law appended to *The Public Health Act*, so far as the same are in force in this municipality, and to suspend the operation of other provisions of the said by-law.

Be it therefore enacted by the municipal council of

1. Section 13 of the said by-law is hereby amended by substituting the "1st day of July of every second year" for "the first day of July in each year."

2. Rule 7 of section 14 of the said by-law is amended by striking out the words "and disinfected" at the end of the said rule.

3. Rule 3 of section 14 is hereby repealed.

This by-law shall go into force forthwith. (h)

R. S. O. 1897, c. 248, Sched. C.

(h) *The unloading of manure from a car on a certain part of railway premises into waggons to be carried away, comes within the terms of a by-law amending the by-law appended to this Act, which prohibited the unloading of manure on said part of such premises, and it was held that the use of the word "manure" in the amending by-law was not of itself objectionable and that it was not essential to shew that the manure might endanger public health. A conviction for unloading a car of manure on the premises, as contrary to the by-law, was therefore affirmed. (Regina vs. Redmond et al, 24, O. R. p. 331.)*

APPENDIX "A."

SMALL-POX REGULATIONS.

Issued by the Provincial Board of Health and approved of by the Lieutenant-Governor, September 4th, 1885, as an Order-in-Council, and published in the Ontario Gazette September 5th, 1885, pursuant to the authority of Section 18 of the Public Health Act.

1. Whenever small-pox is present in any municipality in Ontario, the Council of every such municipality, and of every municipality adjoining the same, shall at once appoint one or more sanitary policemen for the purpose of assisting to arrest the spread of the disease, and the Council of any municipality in Ontario where the Provincial Board of Health deems the appointment of one or more sanitary policemen necessary, shall also make such appointment. If the Medical Health Officer of the municipality, or the Provincial Board of Health, requires the appointment of any specified number of sanitary policemen, then such number shall be appointed. In case the Council of a municipality neglects or refuses to make the required appointments, the Provincial Board of Health may appoint as many sanitary policemen for such municipality as it deems necessary. Sec. 1, Small-pox Regulations.

2. Any default on the part of the authorities of any municipality in taking immediate and effective action in carrying out the regulations of the Provincial Board of Health, or of any of the Health Acts of this Province, or of any Health By-law in force in the municipality, shall be at once reported by the Medical Health Officer to the secretary of the Provincial Board, in order that the said Board may take such measures as it deems requisite for placing the said municipality in a position, as regards its sanitary arrangements, to effectively combat the said disease. Sec. 2, Small-pox Regulations.

3. On the occurrence of the first, or any, case of small-pox in a municipality, the Medical Health Officer shall at once remove the person attacked to the isolation hospital, tent, or other place provided under section 44 of the Public Health Act, 1884, (now section 106 of chapter 248, R. S. O., 1897), or cause such person to be otherwise efficiently isolated, and shall take proper measures for the disinfection, or if necessary the destruction, of all clothing which may have been exposed to the contagion, and for the disinfection and purification of every conveyance, rail-car, steamboat, sailing-vessel, carriage, or other vehicle, which may have been exposed to the contagion. Sec. 3, Small-pox Regulations.

4. He shall further place in another building or tent, which shall be provided by the Local Board of Health, all persons who may have been exposed to the contagion, and shall supply them with all necessaries until the period of incubation of the disease shall have elapsed, and no such person shall go, or be permitted to

go, abroad until he or she has given satisfactory proof of successful vaccination within the preceding seven years, or shall have obtained a medical certificate of insusceptibility to the vaccine disease, nor until the clothing or effects worn or carried by or with him or her have been properly disinfected, if the same have been exposed to contagion. Sec. 4, Small-pox Regulations.

5. When any vessel coming from an infected locality enters any port in Ontario, the Medical Health Officer having jurisdiction in the port shall make a strict inspection of the vessel and examination of the passengers, officers and crew, luggage, clothing, bedding, freight or other effects before any person, luggage, freight or other thing is landed, or allowed to be landed from it, and where any infected or exposed person is found on board, he or she shall be dealt with in the manner directed in the preceding regulation numbered four, and no luggage, freight or other thing shall be landed from the vessel until they have been thoroughly disinfected. Sec. 5, Small-pox Regulations.

6. With a view of preventing, by means of a systematic inspection of passengers, baggage and cars, the introduction of infected persons, things and conveyances into the Province, the Provincial Board during such time as the present epidemic of small-pox exists in Montreal, or an epidemic of small-pox exists in any other locality by which epidemic the health interests of this province are, in the opinion of the Board, likely to be affected, may appoint Medical Inspectors who shall perform such duties as may be assigned to them by the Board, and may board all trains entering this Province from Montreal, or such other locality, and all boats bearing passengers from Montreal, or such other locality, to Ontario ports, or any other train or boat suspected of having infected persons, luggage, freight or other effects on board, and every such Inspector may take in respect of such persons, luggage, freight or effects, any sanitary precaution authorized by any of the Health Acts of this Province, or by any regulations issued by the Provincial Board of Health, and sanctioned by the Lieutenant-Governor in Council, which, in the opinion of such Inspector, are expedient for the purpose of guarding against the further introduction of small-pox into Ontario. The Inspector may require any person travelling on any such train or boat either to produce for examination by the Inspector, a medical certificate of such person having been vaccinated within the preceding seven years, or not being susceptible to the vaccine disease, or to exhibit to such Inspector the marks on his or her person of successful vaccination, such as to satisfy the Inspector that the same has been performed within seven years, and on default the Inspector is empowered to vaccinate such person, either before he or she is permitted to leave the train or boat, or immediately thereafter, at his discretion; and each person so traveling shall answer truthfully all reasonable questions which an Inspector shall, in the performance of his duty, ask such person with reference to the places such person has been at, and his or her stay there during the fourteen days next preceding such inquiry being made; and in case such person refuses, or omits to do so, the Inspector shall be justified in presuming that such person has been within such time exposed to infection, and in acting accordingly. Sec. 6, Small-pox Regulations.

7.—Local Medical Health Officers and all other sanitary officers shall, whenever required by the Medical Inspectors appointed by the Provincial Board, aid such Inspectors by providing for and compelling the removal of suspected or infected persons from trains or boats, and for isolating and vaccinating such persons, and for supplying them with medical aid; and the expenses attendant upon the discharge of such duties shall be borne by the Provincial Board in all cases where the persons for which they are performed are unable to pay therefor, and are not residents in the municipality in which they are taken care of. Sec. 7, Small-pox Regulations.

8. In every municipality in which small-pox exists such local arrangements as are provided for by Chapter 206 of the Revised Statutes of Ontario, 1887,

(now chapter 249, R. S. O., 1897), shall be made by the Local Board of Health for the systematic and compulsory performance of vaccination, wherever the Council of any locality shall omit to make such arrangements or may not be authorized by the said Act to make the same. In every such municipality any person who has not been successfully vaccinated within seven years, or who does not hold a medical certificate of his or her insusceptibility to the vaccine disease, ascertained upon an attempt to vaccinate made within seven years, shall procure the vaccination of himself or herself within three days of being requested in writing by any Health Officer of the municipality to obtain vaccination, or within a like period after public notification by the Local Board of Health, directing general vaccination of the inhabitants of the municipality, has been issued, and in case such vaccination is not successful every such person shall have the operation repeated until the same is successfully performed, or he or she obtains a certificate of insusceptibility to vaccine disease. Sec. 8, Small-pox Regulations.

9 Until the publication of notice in THE ONTARIO GAZETTE removing the prohibition, no rags or clothing shipped by boat, rail-car or other conveyance as merchandise from Montreal or other infected locality, shall be landed or permitted to be landed in any part of the Province, unless accompanied by a properly authenticated certificate from a Health Officer appointed under the Health Act of Ontario, or from some person approved of by the Provincial Board of Health certifying that the said articles had been properly disinfected before shipment, or were free from infection. Sec. 9, Small-pox Regulations.

10. The Medical Inspectors to whom is assigned the duty of inspecting trains and boats running from Montreal westerly shall, in respect of the duties hereinafter mentioned, be governed by the following rules :

(1) An Inspector shall attend at the railway station or steamboat wharf at Montreal a reasonable time prior to the departure of every boat or train going west, and shall, whenever he deems it expedient, take passage on such boat or train ;

(2) He shall notice whether passengers have come off the trains or boats or whether their journey commences at Montreal ;

(3) He shall notice whether passengers have tickets direct from Montreal, or whether the dates on the tickets show that the passengers have probably stopped over there or elsewhere ;

(4) He shall note the destination of all such persons ;

(5) He shall obtain information as to the quarters whence they have come, and whether there is any reason to suspect their being infected ;

(6) If the Inspector believes that any such person is infected, or that his or her clothing or other effects contain infection the Inspector shall detain such person, and his or her clothing and effects aforesaid at some convenient point *en route*, until the period of incubation is over, and the clothing and other effects shall be at once disinfected.

(7) If the Medical Inspector only suspects that any person on board, or the effects of any such person have been exposed to infection, the Medical Inspector shall notify the Medical Health Officer of the locality to which such person is going, to meet the train or boat, and to keep the said person thereafter under observation ;

(8) In either of the cases mentioned in the two next preceding rules, unless the person believed to be conveying, or suspected of conveying contagion, shows satisfactory proof of vaccination within seven years, or of insusceptibility to the vaccine disease, he shall be forthwith vaccinated ; and, if necessary, shall be de-

tained by the Local Health Officer until vaccinated by him or some other proper person ;

(9) The effects of persons, regarding whom there is suspicion, should be dealt with as directed by the Public Health Act, 1884 (now chapter 248, R. S. O., 1897) ;

(10) The action to be taken in the event of a case of small-pox being discovered is shortly as follows : (a) Detention and isolation of persons affected ; (b) Fumigation of car or boat ; (c) Vaccination of all persons who have been exposed to the contagion ; (d) Detention of any such person who refuses to be vaccinated ; (e) Notification of Local Health Officers at places of destination.

(11) The Medical Inspector to whom is assigned the duty of inspecting trains or boats running from any other place than Montreal, shall be governed by the rules laid down in Regulation 10, substituting the name of such place for Montreal, and such rules shall apply in whatever direction the boat or train may run from such place. See 10, Small-pox Regulations.

APPENDIX "B."

DIPHThERIA REGULATIONS.

*COPY of an Order-in-Council approved by His Honour the Lieutenant-Governor,
the 23rd Day of December, A.D., 1891.*

Upon the recommendation of the Honorable the Minister of Agriculture, the Committee of Council advise that the annexed Regulations respecting Diphtheria, adopted by the Provincial Board of Health at its fourth quarterly meeting, 20th November, 1891, be approved of by your Honor.

Certified,

P. H. BRYCE, Esq, M.D.,

J. LONSDALE CAPREOL,

Secretary Provincial Board of Health.

Assistant Clerk Executive Council.

AMENDED REGULATIONS RE DIPHThERIA.

*Adopted by the Provincial Board of Health at its Fourth Quarterly Meeting,
November 20th, 1891.*

WHEREAS, the Provincial Board of Health, subject to the approval of the Lieutenant-Governor in Council, enacts the following regulations :

1 Wherever Diphtheria is present in any municipality in Ontario, the Council of every such municipality shall at once appoint one or more sanitary policemen for the purpose of assisting to arrest the spread of the disease, and the Council of any municipality in Ontario where the Provincial Board of Health deems the appointment of one or more sanitary policemen necessary, shall also make such appointment.

If the Medical Health Officer of the municipality, or the Provincial Board of Health, requires the appointment of any specified number of sanitary policemen, then such number shall be appointed.

In case the Council of any municipality neglects or refuses to make the required appointments, the Provincial Board of Health may appoint as many sanitary policemen for such municipality as it deems necessary.

2 Any default on the part of the authorities of any municipality in taking immediate and effective action in carrying out the regulations of the Provincial Board of Health, or any of the Health Acts of this Province, or of any Health By-law in force in the municipality, shall be at once reported by the Medical Health Officer to the Secretary of the Provincial Board of Health, in order that the said Board may take such measures as it deems requisite for placing the said municipality in a position, as regards its sanitary arrangements, to effectively combat the said disease.

3 The Medical Health Officer of every municipality having received information of a suspected case of Diphtheria, shall immediately enquire into the facts either by consultation with the attending physician or by his own personal observation, or by both.

If the characteristic symptoms are not sufficiently developed at the time of investigation, the Medical Health Officer shall keep the case under his personal observation until the true nature of the disease is discovered.

Until the time arrives, when in the opinion of the Medical Health Officer, all cause for suspicion of danger is past, the suspected case shall be isolated and otherwise dealt with in the same manner as prescribed for diphtheria.

4 On the occurrence of the first, or any case of Diphtheria in a municipality, the Medical Health Officer shall at once remove the person attacked to the isolation hospital, tent, or other place provided under Sec. 97, Cap. 205, R. S. O. 1887, (now Sec. 106 of Chap. 248, R. S. O., 1897), or cause such person to be otherwise efficiently isolated in the house where the disease exists, and shall take proper measures for placarding houses, for the disinfection of personal clothing and houses, or if necessary, the destruction of all clothing which may have been exposed to the contagion, and for the disinfection and purification of every conveyance, rail-car, steam boat, sailing-vessel, carriage or other vehicle which may have been exposed to the contagion. (Vide Secs. 84, 85, 86, 87, etc., Cap. 205, R. S. O. 1887, now Secs. 93, 94, 95, 96, etc., of Chap. 248, R. S. O., 1897.)

5 Whenever, in the opinion of the Medical Health Officer, it is absolutely necessary for the safety of the public that a case of diphtheria be isolated in a hospital or hospital tent, he shall be empowered to supply, at the expense of the municipality, a vehicle for the purpose of carrying said person to the hospital. He shall also supply nurses and such medical aid and other necessaries as in his judgment are required, and charge the cost of same as provided in Section 84, (now Sec. 93), of the Public Health Act. (Vide Sections 84, 97, Cap. 205, R. S. O. 1887, now Sections 93, 106, of Chap. 248, R. S. O., 1897.)

6 In the case of the death of any person suffering from diphtheria or croup, the Medical Health Officer shall at once be notified by either the physician or party in charge of the body, and the Medical Health Officer shall take such steps in the preparation of the body as he may deem necessary. In case the disease is contagious, he shall cause the body to be enveloped in a sheet thoroughly saturated with a solution of mercuric chloride in the proportion of one in five hundred parts (two drams to the gallon). An outer sheet shall also be applied to prevent evaporation. As soon as possible the body shall be placed in a coffin and surrounded by a quantity of chloride of lime, and the coffin shall be immediately thereafter permanently closed. It shall be the further duty of the Medical Health Officer to see that the funeral be strictly private, and that the body be buried in some cemetery commonly used for the burial of persons dying within the said municipality, and that all infected apartments, clothing and other effects, be speedily and thoroughly disinfected, and that no such apartments be entered or occupied by members of the family or other persons until they shall have been so disinfected.

(Signed) PETER H. BRYCE,
Secretary.

APPENDIX "C."

REGULATIONS RE ICE SUPPLIES, PASSED BY THE
PROVINCIAL BOARD OF HEALTH,
JANUARY 27th, 1892.

Confirmed by The Public Health Act, Sec. 18, Sub-sec. 2.

1. The Local Board of Health of any municipality shall make regulations with regard to the source of supply and the place of storage of ice which is intended either for domestic use or for cooling purposes only within the municipality. The powers and duties of any local Board in this respect shall extend to the supervision of the cutting and storing of ice supplies, whether obtained within or without the municipality, whenever the ice cut is intended for use within the municipality, in which any such Board has jurisdiction.

2. A local Board of Health may appoint inspectors, who, as constables under the Act, shall have authority to take such action as shall effectually prevent the cutting or storing of ice at places other than those approved of by the Local or by the Provincial Board of Health.

3. Whenever any local Board of Health is unable to decide as to the purity of the source from which the proposed ice supply for the municipality is to be taken, it is hereby required to submit the matter to the consideration of the Provincial Board of Health. After investigating the question, and taking such evidence as may be necessary to show the quality of such ice supply, the Provincial Board of Health shall decide upon the questions submitted to it, and such decision shall be final.

4. Any ice supplies obtained from a source not approved of by the Provincial Board of Health or by the Local Board of Health of any municipality in which such ice supplies are to be stored or to be used, shall be liable to seizure and confiscation by the said Local Board of Health.

5. Any person who violates any of the regulations made by a Local Board of Health or the Provincial Board of Health in the matter of the cutting and storage of ice supplies shall, on conviction before any two justices of the peace or a police magistrate, be liable to a fine of not less than \$50, nor more than \$500 and costs, the same to be recovered in the manner provided for in R. S. O., Cap. 205, Sec. 107, (now Section 116 of Chap. 248, R. S. O., 1897.)

APPENDIX "D."

REGULATIONS FOR THE SANITARY CONTROL OF THE
UNORGANIZED DISTRICTS OF ONTARIO.

AN ACT RESPECTING SANITARY REGULATIONS IN UNORGANIZED TERRITORIES.

CHAPTER 34, 1 EDWARD VII.

Assented to 15th April, 1901.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council may from time to time make regulations applicable only within those parts of the Province which are without municipal organization:

- (1) Respecting any particular industry and the conditions under which the same may be carried on for the purpose of preventing nuisances and the outbreak or spread of disease;
- (2) For the cleansing, regulating and inspection of lumbering camps and of mining camps and of railway construction works and of other places where labor is employed;
- (3) For providing for the inspection of houses and premises;
- (4) For providing for the employment of duly qualified medical practitioners by employers of labour in lumbering camps and in mining camps and on railway construction works and other works where labor is employed, and for the erection of permanent or temporary hospitals for the accommodation of persons so employed.

2. Regulations made under this Act may be general in their application or may be made applicable specially to any particular locality or industry.

3. Notwithstanding anything in *The Public Health Act* contained, the expenses of carrying out regulations made under this Act shall be paid to the person entitled thereto by the persons, firms or corporations whose duty it may be to carry out such regulations and the amount so to be paid shall be apportioned by the Minister to whose department the Provincial Board of Health is for the time being attached, among such persons, firms and corporations in such manner as he shall deem proper, and every amount so

apportioned shall be deemed to be a debt due from any such person, firm or corporation, and may be recovered by the person entitled thereto in an action brought in any court of competent jurisdiction.

4. This Act shall be read with and as part of *The Public Health Act*.

REGULATIONS FOR THE SANITARY CONTROL OF UNORGANIZED DISTRICTS.

The following Regulations were adopted by the Provincial Board at its regular quarterly meeting on April 25 h, 1901, and were subsequently approved by the Lieutenant-Governor in Council, of whose Order the following is a copy.

The Regulations have been prepared with a view to the protection of at least 100,000 of a population distributed over some 400 unorganized townships, extending from the Ottawa river to the boundary of Manitoba, some 1,200 miles distant. The extent of territory whose interests are involved has a frontier of 6,000 miles of railway, lake and river front over which the population is distributed. The Provincial Board asks for the co-operation of all citizens and capitalists, railroad and steamboat companies in assisting to carry out its difficult task by supplying it with prompt information of all outbreaks of contagious diseases and of any insanitary conditions brought to their notice.

Copy of an Order-in-Council approved by His Honor the Lieutenant-Governor, the 30th day of May, A. D. 1901 :

Upon the recommendation of the Honorable the Provincial Secretary, the Committee of Council advise that pursuant to the provisions of chapter 34, 1 Edward VII., the annexed Regulations for the Sanitary Control of Unorganized Districts be approved by Your Honour.

Certified,

J. LONSDALE CAPREOL,

Astt.-Clerk, Executive Council.

REGULATIONS FOR THE SANITARY CONTROL OF UNORGANIZED DISTRICTS.

Under the Act, Cap. 34, passed by the Ontario Legislature in 1901, the following Regulations shall form part of the Act :

Reg. 1. The owner, manager, agent or foreman of any lumbering camp, mining camp, sawmill, smelting works or other industry, or of any railway construction camp located in any district without municipal organization, shall in connection with every such industry or works be responsible for the proper execution and enforcement of any regulation herein contained, or of any clause of any Health Act governing in any case or circumstance.

Reg. 2. Any house, tent or other dwelling occupied by the employees engaged in any industry in any territory without municipal organization, shall contain at least 300 feet of air space for every occupant thereof, and shall further be provided with such means of ventilation as that herein set forth, or other equally effective method. The floor of every dwelling shall be constructed of boards or planks, or other material equally suitable for the purpose, raised on supports at least one foot from the ground, and so made that it shall be tight. Every such dwelling, other than a temporary tent, not exceeding 10' x 15', shall be supplied with adequate lighting; and in all wooden or iron structures the windows must be so constructed that they can be opened when necessary.

Reg. 3. The method of ventilation of every dwelling in which a stove or furnace is used shall be such as will provide fresh air to the extent of that supplied in the following example: A dwelling of the dimensions of 50 x 30 x 10 feet, contains a cubic air space of 300 feet for each of 50 men. When heated by an oblong stove or enclosed furnace, the stove-pipe should be carried to an opening or openings in the roof as in the subjoined cut, both to distribute heat and to assist in ventilation. The fresh air duct with free opening into fresh air, may be constructed of either wood or galvanized iron; but must be iron beneath the stove, and have a capacity of not less than one foot square. The rear part of the stove should be enclosed in galvanized iron or zinc, resting on the floor, the fresh air being delivered under this part of the stove to be warmed as it passes into the room. The exits for foul air may be constructed either of wood or galvanized iron, should be open near the floor as seen in the diagram attached hereto, and should consist of four ducts, each having an area of not less than six inches square leading to the space surrounding the stove-pipe near its exit and properly protected against fire. The temperature of the room should be maintained at from 60° to 65° Fah. and a large shallow pan supplied with water shall be kept on the stove to supply air moisture.

Reg. 4. In connection with every camp, works or dwellings coming under these Regulations there shall be constructed a building, or in lieu thereof a double-walled tent or tents shall be kept on hand with floor and with facilities for heating and ventilation, equal to those provided in the example herein described, for the reception of any employees who may become sick; and should any disease of a contagious nature, as defined by the Public Health Act break out, the hospital building or tent must be located by the physician in charge of the patient, in a position satisfactory to any health officer authorized by the Provincial Board of Health to inspect the camp or works.

Reg. 5. Every camp or the works of any industry coming under these Regulations shall be equipped with a separate building to be used as a wash-house or laundry, and attached thereto a room, or if preferred, a separate building or tent equipped with a stove and tubs for bath purposes, in a manner satisfactory to any health officer authorized to inspect the camps or works.

Reg. 6. Every camp, or works coming under these Regulations shall be supplied with a building or tent properly constructed and set apart as a kitchen or cook-house, and having a dining-room or eating-room in connection therewith, with proper conveniences for the cleanliness and comfort of employees, and must be satisfactory to the health officer authorized to inspect the works or camp.

Reg. 7. Proper buckets shall always be kept on hand, into which all refuse, whether liquid or solid, can be placed, and the refuse must regularly be removed to a safe distance from the kitchen, and be so deposited as not to create a nuisance or contaminate the drinking water. A properly constructed drainage system satisfactory to the inspector, may be utilized in lieu of soap buckets.

Reg. 8. Latrines, earth or other closets located to the satisfaction of the physician employed and to the authorized health officer shall be constructed at every camp or works, and must be located and maintained in a sanitary condition satisfactory to the medical officer of the works, and to the properly authorized health officer.

Reg. 9. The stables in connection with any works or camp, must be so located as not to contaminate the water supply; and must not be less than 125 feet distant from any dwelling or kitchen. In large camps this distance may be increased if thought necessary by the authorized health officer.

Reg. 10. Printed regulations approved by the authorized health officer and in harmony with and covered by the Public Health Act may be placed in a conspicuous position by the employer or managers of any works or camps, and sanitary offences committed against any regulation therein contained may be punished if conviction be obtained before any properly constituted court.

Reg. 11. The location of the buildings of any camp or works shall be made with a due regard to its healthfulness, and any new camp or works located without the previous approval of the authorized health inspector must be moved to a proper location, if afterwards the site is found to be undrained, unhealthy, or wanting in any adequate or wholesome water supply; and any old camp, works or dwelling if proved unsanitary or unhealthful, shall have instituted such drainage or have introduced such a water supply as is satisfactory to the authorized health officer.

Reg. 12. Employers of labor on works in the districts without municipal organization shall contract with one or more qualified medical practitioners for the medical and sanitary supervision of their employees and works; and are hereby authorized to deduct from the pay due any employee, a sum not less than 50 cents and not to exceed one dollar (\$1.00) per month, which shall be paid the physician and he shall inspect the camps, dwellings, or works at least once a month, and often if on the decision of the authorized health officer the health conditions of any camp, or works or dwelling require it, and shall supply medical attendance and medicines to the employees.

Reg. 13. The owner, manager, agent or foreman or other person in charge of any lumbering camp, mining camp, or other industry on which men are employed, shall require a certificate of recent successful vaccination of each employee when he is engaged by the company or its agents; and where evidence is not forthcoming, it shall be their duty before employing any person, to obtain such evidence of such vaccination.

Reg. 14. Should any suspected communicable disease as defined under the Public Health Act break out in any camp, works or dwelling the employer or his employee or agent in charge of any camp, works, or dwelling, shall immediately send notice to the physician employed, who shall at once notify the Provincial Board of Health or some officer thereof, of the outbreak. The employer or his employee or agent in charge of any camp, works, or dwelling, shall equally with the physician employed, be responsible for any neglect to notify the Provincial Health authorities.

Reg. 15. Whenever in any group of houses or any settlement in districts without municipal organization the residents thereof desire inspection, they may appoint a Sanitary Inspector at any meeting called by public notice for the purpose; and the Secretary of any such meeting shall forthwith notify the Provincial Board of Health of such a pointment. In any case when owing to insanitary conditions or the presence of any contagious disease as defined

under the Public Health Act, the work of any Sanitary Inspector so appointed proves inefficient, or when no Sanitary Inspector has been so appointed for any group of houses or settlement, the Provincial Board of Health may through any of its officers or any stipendiary or police magistrate of the district appoint a Sanitary Inspector. Such Sanitary Inspector shall possess all the powers conferred upon any Sanitary Inspector or Sanitary Policeman by the Public Health Act in districts having municipal organization; and the salary of any Sanitary Inspector, whether appointed at a public meeting duly called, or by any officer of the Provincial Board of Health, stipendiary or police magistrate under this Regulation shall be paid by the owners and occupants of any group of houses or settlement included in his district, and the amount apportioned to each, shall be determined, paid and collected as provided under Section 3 of the said Act, 1 Edward VII., Chapter 34.

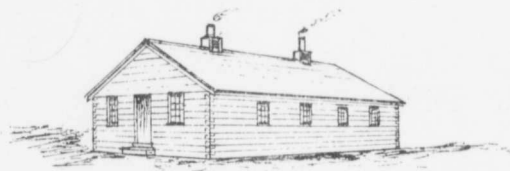
Reg. 16. Every measure required to be taken by a Local Board of Health or any medical health officer, sanitary inspector or other health officer under the Public Health Act, or any regulation made thereunder in any organized municipality must at once be taken by the employer and his employees or agents, or the physician employed by the same, whenever any suspected communicable disease included therein, breaks out in any camp, works or dwelling to which these Regulations apply. Any neglect on the part of any employer, manager, foreman or agent or the physician employed, shall be punishable in the manner provided by the Public Health Act.

Reg. 17. The penalties contained in Section 73 of the Public Health Act, against illegal carrying on of any industry mentioned therein, shall apply to the violation of any regulation herein made with regard to the proper location, construction and equipment of the camps, works or dwellings under these Regulations.

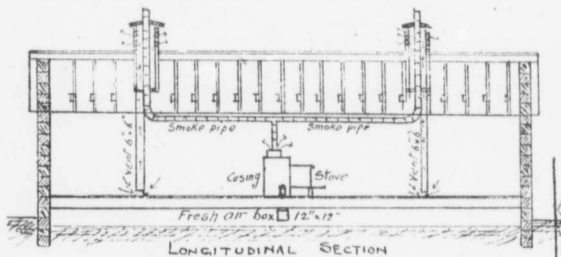
Reg. 18. For the proper enforcement of these Regulations, any officer of the Provincial Board, or any stipendiary or Police Magistrate of any Unorganized District, on notification by the owner or his duly constituted agent or foreman of the contemplated establishment of any camp or works, shall, at the earliest practicable time thereafter, inspect the location of the camp, works or dwelling, and carry out the true intent and meaning of these Regulations in relation thereto.

Reg. 19. Should the Provincial Board of Health on complaint find or whenever an inspector finds that any of these Regulations is not complied with, the Board or its officer shall, when necessary, take steps to enforce these Regulations; and the expense of such inspection shall be paid by the employer or his agent responsible for the violation of the Regulations, as provided under Section 3 of the Act, 1 Edward VII., Chapter 34.

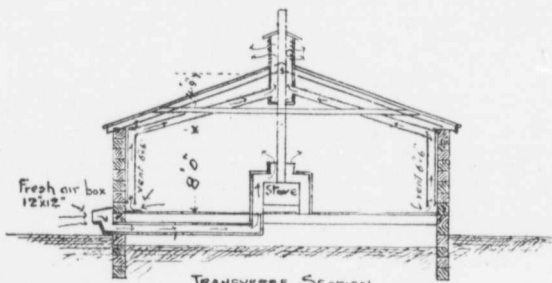
P. H. BRYCE,
Secretary,
Provincial Board of Health.



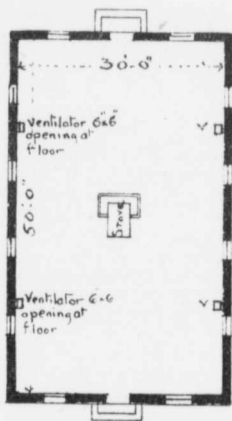
Perspective View



Heavy Gal'd iron Casing around Stove.



TRANSVERSE SECTION



FLOOR PLAN.

APPENDIX "E."

CHOLERA REGULATIONS.

Issued by the Provincial Board of Health, and Approved by order of His Honor the Lieutenant-Governor in Council, dated 11th day of April, 1897, and confirmed and continued in force by Sub-Sec. 2 of Sec. 18 of the Public Health Act, (R. S. O., 1897, Chap. 248.)

WHEREAS the Province appears to be threatened with Cholera during the present year, the Provincial Board of Health, subject to the approval of the Lieutenant-Governor, enacts the following Regulations in lieu of Regulations passed by Order-in-Council, dated Sept. 17th, 1892. The Regulations following shall apply to the year 1893 only. (a)

1. On receipt of a notice forwarded by registered letter, addressed to the head of the Council of any municipality or to its clerk and signed by the Chairman and Secretary of the Provincial Board of Health, requesting the appointment of a Medical Health Officer, the Council of such municipality shall, within five days from the date of receiving such notice, appoint a Medical Health Officer and make provision for reasonable compensation for his services. If the Council refuse or neglect to make such appointment within five days after receipt of such notice the Lieutenant-Governor may, on the recommendation of the Provincial Board of Health or of its Chairman and Secretary, make such appointment. (See Sec. 13, Sub-Sec. 8; Secs. 14, 17, 9, 32, and 33 to 38 of the Public Health Act.)

2. Whenever the Medical Health Officer in any municipality requires the assistance of sanitary police for the purpose of assisting in carrying out the health regulations in force in the municipality, he shall temporarily employ one or more persons as sanitary police, until the Council of the municipality shall have appointed sanitary police. Should such Council refuse or neglect to make such appointments on the request of the Medical Health Officer, such appointments may be made by the Provincial Board of Health. (Sec. 13, Sub-Sec. 11 of the Public Health Act).

3. The Local Board of Health of any municipality, and where there is no Local Board the Medical Health Officer may, either with or without prior

(a) *These Regulations are confirmed and continued in force by Sub-Sec. 2 of Sec. 18 of the Public Health Act, (R. S. O., 1897, Chap. 248.)*

agreement, take possession of any unoccupied land or building not being nearer than 150 yards to an inhabited dwelling, for the purposes of an isolation hospital, subject to the provisions of Secs. 22 to 28, R. S. O., Cap. 205, (now Secs. 22 to 28 of Chap. 248, R. S. O., 1897), both inclusive, with reference to compensation and otherwise. Any title acquired shall vest in the municipality. Said Health authority shall establish on said land or in said building an hospital temporarily, with necessary hospital appliances for the reception and care of patients; and equip the same to the satisfaction of an officer of the Provincial Board of Health. Ambulance or other necessary conveyance shall also be provided. (Secs. 22 and 28 of the Public Health Act.)

4. Where, in the opinion of the Provincial Board of Health, "Houses of Detention" are necessary for the observation of persons suspected of having, or of having been exposed to, cholera, the same shall be supplied by the Medical Health Officer as the Officer of the Local Board of Health, and equipped to the satisfaction of an officer of the Provincial Board of Health.

5. Any default on the part of the authorities of any municipality in taking immediate and effective action in carrying out the regulations of the Provincial Board of Health, or any of the Health Acts of this Province, or any health by-law in force in the municipality, shall be at once reported by the Medical Health Officer to the Secretary of the Provincial Board, in order that the said Board may take such measures as it deems requisite for placing the said municipality in a position as regards its sanitary arrangements to effectively combat the said disease. (2, Chol. Reg.)

6. The Medical Health Officer of every municipality or any of his medical assistants, having received information of a suspected case of cholera shall immediately inquire into the facts either by consultation with the attending physician or by his own personal observation or by both.

If the characteristic symptoms are not sufficiently developed at the time of investigation, the Medical Health Officer shall keep the case under his personal observation until the true nature of the disease is discovered.

Until the time has arrived when in the opinion of the Medical Health Officer, all cause for suspicion of danger is past, the suspected case shall be isolated and otherwise dealt with in the same manner as prescribed for a case of Cholera. (3, Chol. Reg.)

7. On the occurrence of the first or any case of cholera in a municipality, the Medical Health Officer shall at once remove the person attacked to the Isolation Hospital, tent, or other place provided under the Act, or cause such person to be otherwise efficiently isolated, and shall take proper measures for the disinfection, or if necessary the destruction of all clothing which may have been exposed to the contagion, and for the disinfection and purification of every conveyance, rail-car, steamboat, sailing vessel, carriage or other vehicle which may have been exposed to the contagion. (4, Chol. Reg.)

8. In the case of the death of any person suffering from Cholera the Medical Health Officer shall at once be notified by either the physician or party in charge of the body, and the Medical Health Officer shall cause the body to be enveloped in a sheet thoroughly saturated with a solution of mercuric chloride in the proportion of one in five hundred parts (two drachms to the gallon). An outer sheet shall also be applied to prevent evaporation. As soon as possible the body shall be placed in a coffin and surrounded by a quantity of chloride of lime, or fresh quick-lime, and the coffin shall be immediately thereafter permanently closed. It shall be the further duty of the

Medical Health Officer to see that the funeral be strictly private, and that the body be buried in some cemetery commonly used for the burial of persons dying within the said municipality, and that all infected apartments, clothing and other effects be speedily and thoroughly disinfected, and that no such apartments be entered or occupied by members of the family or other persons until they have been so disinfected. (12, Chol. Reg.)

9. He shall further place in another building or tent which shall be provided, as already prescribed, all persons who may have been exposed to the contagion, and shall supply them with all necessaries until the period of incubation of the disease shall have elapsed, and no such person shall go or be permitted to go abroad until the period of incubation of the disease has elapsed, nor until the clothing or effects worn or carried by or with him or her have been properly disinfected. (5, Chol. Reg.)

10. Whenever in the opinion of the Medical Health Officer, it is necessary for the safety of the public that a case of Cholera be isolated in a hospital or hospital tent, he shall be empowered to supply, at the expense of the municipality, a conveyance for the purpose of carrying said person to the hospital. He shall also supply nurses and such medical aid and other necessaries as in his judgment are required, and charge the cost of same as provided under the Public Health Act. (6, Chol. Reg.)

11. When any sailing-vessel, steam-boat, rail-car or other conveyance coming from an infected locality enters any port in Ontario, the Medical Health Officer having jurisdiction in the port, or any Provincial Medical Inspector, shall make a strict inspection of the said sailing-vessel, steam-boat, rail-car or other conveyance and examination of the passengers, officers and crew, luggage, clothing, bedding, freight or other effects before any person, luggage, freight or other thing is landed or allowed to be landed from it, and where any infected or exposed person is found on board he or she shall be dealt with in the manner directed in these regulations, and no luggage, freight or other thing shall be landed from the sailing-vessel, steam-boat, rail-car or other conveyance until it has been thoroughly disinfected. (7, Chol. Reg.)

12. Local Medical Health Officers and all other Local Health Officers shall whenever required by the Provincial Medical Inspectors, aid such Inspectors in providing for and compelling the removal of suspected or infected persons from trains or boats and for isolating and for supplying them with medical aid; and the expenses attendant upon the discharge of such duties shall be borne by the Provincial Board in all cases where the persons for whom they are performed are unable to pay therefor and are not residents in the municipality in which they are taken care of. (9, Chol. Reg.)

13. Until the publication of notice in the *Ontario Gazette* removing the prohibition, no rags or clothing shipped by boat, rail-car or other conveyance as merchandise from infected localities shall be landed or permitted to be landed in any part of the Province unless accompanied by a properly authenticated certificate from a Health Officer appointed under the Health Act of Ontario, or from some person approved of by the Provincial Board of Health, certifying that the said articles had been properly disinfected before shipment or were free from infection. (10, Chol. Reg.)

Provincial Medical Inspectors.

14. With a view to preventing the introduction and spread of Cholera in Ontario the Lieutenant-Governor in Council may from time to time appoint on the recommendation of the Provincial Board of Health, or a Committee

thereof, Provincial Medical Inspectors who shall possess all the powers conferred upon any officer or member of the Provincial Board or any member or officer of a Local Board of Health in his capacity as a health officer.

(1) Such Medical Inspectors may board all trains and all boats in Ontario or coming thereto suspected of having infected persons, luggage, freight or other effects on board, and every such inspector may take in respect of such persons, luggage, freight or effects any sanitary precautions authorized by any of the Health Acts of this Province, or by any regulations which may hereafter be issued by the Provincial Board of Health and approved by the Lieutenant-Governor in Council, and which in the opinion of such inspector, are expedient for the purpose of guarding against the introduction or spread of Cholera. Every person on such trains or boats shall answer truthfully all reasonable questions which an inspector shall in the performance of his duty, ask such person with reference to the places such person has been at, and his or her stay there during the fourteen days next preceding such enquiry being made; and in case such person refuses or omits so to answer, the inspector shall be justified in presuming that such person has been within such time exposed to infection and in acting accordingly, subject to any regulations which may hereafter be made by the Provincial Board of Health, approved by the Lieutenant-Governor in Council, and to any direction which may be given by the Lieutenant-Governor in this behalf.

(2) The Inspector shall notice whether passengers have tickets direct from any infected locality, or whether the dates on the tickets show that the passengers have probably stopped over at any point.

(3) He shall note the destination of all such persons.

(4) He shall obtain information as to the place or places whence they have come, and whether there is any reason to suspect that such places are infected.

(5) If the Provincial Medical Inspector believes that any person is infected, or that his or her clothing or other effects contain infection, he shall detain such person and his or her clothing and effects aforesaid at some convenient point *en route* until the period of incubation is over, and the clothing and other effects shall be at once disinfected by the Inspector or by the Medical Health Officer at his request.

(6) If the Provincial Medical Inspector only suspects that any person or the effects of any such person, have been exposed to infection he shall notify the Medical Health Officer or Local Board of Health of the locality to which the person is going to meet the train or boat and to keep the said person and his effects thereafter under observation.

(7) In case any person is believed to be conveying or is suspected of conveying contagion, he shall be detained by the Provincial Medical Inspector or by the Medical Health Officer until the danger of infection is over.

(8) The action to be taken in the event of a case of Cholera being discovered is shortly as follows; (a) detention and isolation of persons affected or exposed to infection; (b) disinfection of clothing, baggage and other effects; (c) disinfection of car or boat; (d) notification of Local Health Officers at places of destination.

15. Provincial Medical Inspectors shall, whenever directed by the Provincial Board of Health in the case of towns, villages and townships and by the Lieutenant-Governor in the case of cities, investigate the sanitary condition of any municipality, with regard especially to the duties laid upon local

boards and their officers by any Order-in-Council as well as by the Public Health Act; and they shall promptly report to the Secretary of the Provincial Board any neglect or omission on the part of any Local Board or Medical Health Officer to carry into effect any Order-in-Council made under the Public Health Act.

Such Inspectors shall especially enquire into :

- (1) The appointment of a Medical Health Officer.
- (2) The possession of land for isolation hospital purposes.
- (3) The possession by the municipality of an isolation building or tent hospital and a house of detention.
- (4) The proper equipment of hospital or house of detention in matters necessary for the nursing of the sick and for the care of suspected persons.
- (5) The character of the municipal inspection of water supplies whether public, or of private wells; and whether contaminated wells are being filled up where necessary.
- (6) The extent to which privy pits exist, and the progress being made in their removal and replacement by earth closets.
- (7) The character of the system adopted for the regular removal by the municipality of the contents of earth closets.
- (8) The existence and location of a municipal dumping ground for earth closet and privy vault wastes, and for town garbage.
- (9) The existence of pig-styes and hog-feeding establishments within incorporated municipalities, except in any special cases which have been submitted to and approved by the Provincial Board.
- (10) The slaughtering of animals on sites and in structures from which the exigency seems to demand any departure from the terms of sections 8 and 9 of Schedule B to the Public Health Act; and to see whether the Medical Health Officers are carrying out the provisions of said sections 8 and 9.

15 (a). When the case appears to be urgent owing to the presence of Cholera in the Province, or immediately contiguous thereto, the Lieutenant-Governor in Council may authorize the Provincial Medical Inspectors, or any of them, to perform any duty belonging to any Local Board of Health or Medical Health Officer, and which is neglected by such Local Board or Medical Health Officer; the expenses incurred therein to be paid by the municipality, saving and except the salary and expenses of the Provincial Medical Inspectors.

Duties of Local Boards of Health and Medical Health Officers.

16. Subject to the approval of the Lieutenant-Governor in Council, The Provincial Board of Health may, whenever it deems it necessary, or may without such approval being first had, whenever requested by any Local Board of Health of any incorporated municipality, require the Medical Health Officer :

- (1) To order by a special notice delivered in writing the closing of wells known by their history or by their location to have been, or likely to be, contaminated, and in such cases where failure to close the same occurs, said officer shall have the same closed by sanitary police or other person employed by them; and to cause other wells to be cleansed as provided in the instructions in "Pamphlet No. 1, 1893," issued by the Provincial Board of Health.

(2) To order the removal of the contents, where he deems the same necessary, and the filling up of all privy-pits within the municipality within a given time, and the replacing of the same by dry earth closets, the same as, or similar to that described in "Pamphlet No. 1, 1893," issued by the Provincial Board of Health.

(3) To supply at the expense of the municipality, when not already owned or contracted for by the municipality, one or more scavenger carts and appliances, by contract or purchase, for the removal of the wastes from privies, earth closets, lanes, streets and premises, and for inspection of the dumping of said wastes, and for the purchase or rental of a piece of ground for a municipal dump. In all cases where dumps cannot be purchased or rented, the Provincial Board of Health shall be final arbitrator and shall locate the same, whether within or without the municipality. In any case where damages can be shown to have arisen by neglect to supervise such dump the corporation using the same shall become liable for damages.

(4) To issue an order requiring all slaughter-houses to be removed outside the limits of cities, towns or villages within a given number of days, unless said slaughter-houses are in keeping with the provisions of section 8 of Schedule A of the Public Health Act or the Regulations for the Construction of Slaughter Houses, contained in "Pamphlet No. 1, 1893," issued by the Provincial Board of Health. He shall also direct that all pig-styes, hog-feeding establishments and knackeries shall, when deemed necessary by him, be removed outside the limits of said municipality unless it is otherwise ordered in any special case submitted to and approved of by the Provincial Board of Health.

17. The provisions of "Pamphlet I., 1893," issued by the Provincial Board of Health are intended as a guide for the specific performance of such instructions as are contained in these Regulations.

ADVICE TO THE PUBLIC FOR THE RESTRICTION AND PREVENTION OF ASIATIC CHOLERA

Issued by the Provincial Board of Health.

Should Cholera gain a lodgment in the Province of Ontario through inefficient quarantine at the port of entry, its restriction will largely depend on the action of individual citizens and of Local Boards of Health.

The prevention of the disease must depend upon a knowledge of its cause, or at least upon an acquaintance with the known laws in accordance with which that cause operates. The essential cause of Asiatic Cholera is now believed to be a minute organic germ, known as the comma bacillus, which is given off by the sick, and may be transmitted to the well in several ways.

Every precautionary effort has relation to preventing the propagation of this germ, and to its destruction. The disease cannot exist unless the germ exists, nor can the disease occur unless the germ gains access to the intestinal canal. All measures of prevention are based on these facts. The vomited matters, stools and urine of a cholera patient contain the infecting germ. This is its primary source. The cholera germ can be reproduced outside the human body under favorable conditions. These are: (1) warmth; (2) moisture; and (3) filth. A warm moist atmosphere where putrefying organic matter is present, is favorable to the development of the germs of Cholera. Filthy, badly ventilated, overcrowded dwellings have an undoubted influence in furthering the spread of this disease. The water from wells, polluted by filth from closely adjacent vaults or drains, and from other sources of water supply which are defiled by sewage if also affected with the germs of Cholera, is recognized as one of the most active agents in causing outbreaks. Thus it has been recently stated by Professor Koch, of Berlin, that the epidemic of Cholera at Hamburg was caused by the washings and dejecta of an immigrant barracks on the Elbe, poisoning the river water close to the water-works intake. While warmth and moisture are essential for the multiplication of Cholera germs, they may be preserved for an indefinite period in a dry state and again become active. They may adhere to walls and clothing, bedding or other articles, from which they may be detached as dust, and blown about by the wind in such a way as to be brought in contact with human beings. They may then be introduced into the stomach through the agency of the saliva. Great care should be exercised as to clothing, bedding, carpets, curtains, upholstered goods and other articles, which may have been exposed to and retain infection. No such articles should be purchased at second-hand, unless the purchaser is satisfied that they have been properly disinfected. Before proceeding to laundry the soiled linen of cholera patients, laundresses should let the articles soak in a disinfectant solution for twenty-four hours.

If the specific contagion be not excluded by quarantine it must be destroyed by disinfection. The filth factors can be removed or purified. With pure air, pure water and uncontaminated soil an epidemic of Cholera cannot be developed. The nearer this standard is reached the less the danger from Cholera. Sporadic cases might indeed occur by importation of the infection, but the disease could be readily restricted.

The spread of Cholera, when once introduced into a locality, is principally associated with contaminated water supply, filthy habits and bad personal, domestic and municipal hygiene. Cholera is one of the "filth diseases."

PERSONAL PRECAUTIONS AGAINST CHOLERA,

The principal personal precautions are as follows :

As the normal acid juices of the stomach can destroy the infection if it should be introduced, nothing should be done to impair or enfeeble the digestive powers.

* Hence the importance of regular habits of life—of careful preservation of good digestive powers. Particularly,

1. Avoid drinking large quantities of water especially *between* meals, because between meals a neutral reaction of the gastric juice exists, and the protective effect of acid gastric juice against the bacillus is lost.
2. Use a plain nutritious diet. All food should be eaten freshly cooked. All uncooked food, such as raw fruit, salads, etc., should be avoided.
3. Take meals at regular hours.
4. Be cheerful. Avoid great fatigue, excitement, dampness or chill air.
5. Wash the hands before eating, using soap freely ; use disinfectants if hands are likely to be infected. Avoid eating in a room where a cholera patient is or has recently been.
6. Do not use water or milk which has not been boiled. (This applies also to water used for washing dishes, kitchen utensils, etc.)
7. Indulge in no excesses of eating or drinking, especially of alcoholic stimulants. Avoid iced drinks.
8. Pay great attention to the state of the bowels. If attacked with diarrhoea get medical advice without delay. When cholera prevails diarrhoea is often the first symptom of the disease.
9. Pay great attention to personal cleanliness, and also to that of your clothing.

PRECAUTIONS TO BE TAKEN BY HOUSEHOLDERS,

1. The house and outhouses should be kept scrupulously clean. Cellars should not be neglected. Free entrance should be given to fresh air and sunlight.
 2. Rubbish, refuse, filth or garbage should be burned, if possible. If that cannot be done it should be disinfected and removed. Manure boxes should be cleaned every week or oftener and the contents removed.
 3. The soil about the house and outhouses should be kept clean and dry.
 4. The walls and ceilings of cellars, stables and sheds should be lime-washed.
- . Defective drains and plumbing should be repaired or renewed.

6. Privy pits should be disinfected, emptied in cool weather, and filled with clean earth. Earth or water closets should be substituted.

7. If retained, privy pits should be disinfected daily with a strong solution of chloride of lime, or by fresh quick lime. Earth closets should be disinfected daily by chloride of lime solution or by fresh quick lime, dry or in solution. The seats should be cleaned with carbolic acid solution or corrosive sublimate solution before and after using.

8. Drains, gutters, stables and outhouses should be cleaned and disinfected.

9. Water closets, urinals and sinks should be regularly flushed and disinfected. No filth should be allowed to remain in or adhere to the bowels.

MEANS OF DISINFECTION.

The most certain disinfectant is fire. Hence all articles of small or no value should be burned, in the stove, in the room if practicable, or better still in an open fire place. Fire is infallible.

Articles of value which can be washed, such as bedding, soiled underclothing, etc., should, as soon as they are not needed for use, be immersed in a disinfectant solution for twenty-four hours, after which they may be subjected to the usual processes of the laundry, namely, boiling, washing, airing and ironing. Garments of wool or silk which would be injured by wetting, can be disinfected by exposure to super-heated steam in a steam disinfecting apparatus.

Mattresses, pillows and padded blankets, if much soiled by the discharges from the patient, cannot easily be disinfected and had better be burned.

In nursing the patient, clean, soft, white rags should be used instead of handkerchiefs, for wiping away infectious discharges, and thrown at once into the fire.

The following disinfectants are recommended for use.

FOR EXCRETA AND VOMIT.

1. Fresh chloride of lime in solution, 5 ounces to the gallon of water.*

2. Milk of lime which is prepared as follows: One quart of good unslaked lime is mixed with four quarts of water. Add lime to three-fourths of a quart of water, and when all the water is soaked up and the lime has fallen into a powder, add enough water to make up to four quarts. Preserve in a well corked vessel and shake before using.†

FOR SOILED CLOTHING, BEDDING, ETC.

1. Destruction by fire.

2. Boiling at least one hour.

*Chloride of lime solution loses its value quickly on standing. If the solution is still good it will be recognized by the peculiar strong odor.

†In using either of these disinfectants an amount equal to the amount of excreta should be added and well stirred.

3. Immersion for twenty-four hours in a solution of corrosive sublimate, 1 part to 1,000, *i. e.*, about 60 grains or one drachm to a gallon of water.

FOR FURNITURE AND WOODEN, EARTHEN AND PORCELAIN ARTICLES.

Washing repeatedly while used in the sick room with :

1. Corrosive sublimate solution, 1 part to 1,000 of water, *i. e.*, 60 grains to the gallon.

2. Solution of carbolic acid ; 1 part in 20, *i. e.*, carbolic acid (90 per cent. strength) 7 ounces to 1 gallon of water.

FOR THE PERSON.

For washing the hands and the general surface of the body of the nurses and convalescents, when changing their clothing to leave the sick room, solution of chlorinated soda (Labarraque's solution) 1 pint to 1 gallon of water.

FOR THE DEAD.

Envelope the body, immediately after death, in a sheet thoroughly saturated with the following :

Corrosive sublimate in solution, 1 to 500, *i. e.*, 120 grains or two drachms to the gallon.

FOR THE SICK ROOM.

(a) While being occupied, wash at intervals all surfaces with one of the same solutions recommended for the furniture.

(b) When vacated, fumigate by burning four pounds of sulphur for every 1,000 cubic feet of space in the room. Before doing this have the room moistened with steam or fluid disinfectants and after setting fire to the sulphur close up the room as tightly as possible ; stop every crack and crevice, even to plugging the key-hole. After twelve hours throw open the door and windows and ventilate freely. Then have all the surfaces washed with one of the solutions for furniture, and afterwards with soap and hot water.

APPENDIX "F."

HYGIENIC REGULATIONS FOR BARBERS, RECOMMENDED BY THE PROVINCIAL BOARD OF HEALTH OF ONTARIO.

1. A barber should be clean and neat in his person and dress, should use the bath regularly, and be particular in maintaining a healthful condition of the mouth and hands.
2. No person suffering from any disease of the skin, scalp or hair should act as a barber, nor should anyone suffering from Consumption, or any disease commonly known as contagious, serve in this capacity.
3. If Diphtheria, Scarlet Fever, Smallpox, Measles, or any other contagious disease should occur in the family of a barber, or among his friends or acquaintances, he should not nurse or visit the patients, nor in any way come in contact with them, and if any such disease should appear in his own dwelling or boarding house, he should temporarily change his residence.
4. Persons suffering from any disease of the skin, scalp or hair, or from Consumption, or persons who have recently recovered from Diphtheria, Smallpox, Scarlet Fever, or other contagious disease, should not visit any barber shop or parlor, but should be attended by the barber or hair-dresser at their own homes. All instruments used on such patients should be carefully disinfected after such use.
5. The floor of a barber shop should be made of hard wood, or if not so made, should be covered with sound oilcloth or other impermeable floor covering. The floor of the shop should be frequently washed with hot water and soap. As a matter of ordinary routine it should be mopped every morning with a damp woollen cloth. Sweeping is not recommended. If the floor is to be swept, it should first be sprinkled with dampened sawdust or wet tea leaves and then swept, in order that as little dust as possible may be raised.
6. The shop or parlor should be well aired before the day's work is begun, and it should also be ventilated during the day. The shop must never be used as a dormitory. Every barber shop should be provided, if possible, with running hot and cold water.
7. The shop should be kept very clean, as should also all of the chairs, razors, clippers, brushes, towels, and all other articles or instruments used in the business. Towels should be carefully washed and then rinsed to remove the odor of soap.
8. Customers should be encouraged to use, or have used on them, their own instruments, (razors, soaps, brushes, etc.) and in the cases of persons suffering from diseases of the skin, scalp or hair, this practice should be compulsory. For operations on the dead body a barber should have instruments used only for that purpose.

DISINFECTION OF INSTRUMENTS.

9. Razors and clippers may be disinfected by boiling for five or ten minutes in soapy water, or in water containing a little Carbonate of Potassium. For this purpose the instruments should be laid in an enamelled or galvanized metal dish and be completely covered by the water. After boiling they should be cooled in cold water and carefully dried. Steel instruments boiled in the Carbonate of Potash solution are not liable to rust.

10. Hair-brushes, combs and strops may be disinfected by placing them in a small closet or case, which closes hermetically (is air-tight), in which is kept a saucer constantly filled with the 40% solution of formalin, about one ounce of formalin to each cubic foot of space. It is recommended that all instruments be laid on racks or trays in this closet after using. If this is done, every customer can have a thoroughly disinfected instrument for use in his case.

11. Brushes and combs will need cleaning with bran or clay and hot water at intervals.

12. Shaving brushes may be entirely dispensed with, and a puff of cotton used instead, which can be destroyed after one use. A shaving brush may be disinfected by being placed in boiling water for five minutes before using.

13. Before passing from one customer to another, the barber or hair-dresser should thoroughly wash his hands. He should use warm water and carbolic soap, or one containing mercuric chloride.

14. The powder puff should be replaced by the powder blower, or by a ball of wadding. The wadding should be thrown away after one using.

15. A stick of alum should never be used to stop the flow of blood. A small piece of alum, after being used on a customer, should be thrown away. Some prefer burnt alum, applied on cotton, which can be thrown away after one using.

16. Sponges should not be used in a barber's work, because they cannot be cleaned as a towel may be. In place of sponges, towels or balls of absorbent cotton should be used.

17. Toilet wax should not be used indiscriminately; each person should have his own toilet wax.

18. The hair-dresser should remove vaseline from the vessel containing it with a spatula or spoon, and not by inserting his possibly contaminated fingers into the vessel.

19. Only strictly clean linen, towels, wrappers, etc., should be used for each customer. If a freshly laundered wrapper cannot be supplied to each customer, a clean towel should be used in place of the wrapper.

Respectfully submitted,

J. J. CASSIDY.
P. H. BRYCE.
WM. OLDRIGHT.

TORONTO, Dec. 17, 1902.

DEAR SIR :—I may say that the accompanying regulations for Barber shops have not actually been adopted by the Board, but will, perhaps, with some slight alterations, be sent out as suggestions to the various barbers of the Province to guide them. We are recommending their adoption by the several Barbers' Local Associations. I think there can be no objections to your printing them with this explanation.

Yours very truly,

(Sgd) P. H. BRYCE,
Secretary.

To The Municipal World, St. Thomas, Ont.

AN ACT RESPECTING THE SLAUGHTERING OF CAT-
TLE AND THE INSPECTION OF MEAT AND
MILK SUPPLIES OF CITIES AND TOWNS.

R. S. O., 1897, Chapter 250.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. (1) The Municipal Council of every city or town may by
by-law provide for the establishment of a public slaughter house, or
abattoir, within the limits of the municipality, or in such adjoining
municipality as shall by by-law sanction its creation therein, and for
the construction of cattle yards and pens for the proper keeping their-
in of animals intended for slaughter and for charging fees to defray
the costs incurred by the Local Board of Health in carrying out the
provisions of this Act.

By-laws for
establishing
slaughter
houses, cattle
yards and
pens.

(2) Every such slaughter house or abattoir, and cattle yard or
pen, shall be constructed, equipped and regulated in conformity with
any regulations in that behalf from time to time adopted by the Pro-
vincial Board of Health and approved by the Lieutenant Governor
in Council. 59 V. c. 63, s. 1.

Regulation of
slaughter
houses, etc.

2. (1) The Local Board of Health of every city or town in
which such slaughter house or abattoir, cattle yards or pens may be
established shall have the control and supervision of the same, and
shall be responsible for the due carrying out of the regulations of the
Provincial Board of Health made in connection therewith; and the
costs of the supervision and inspection carried out under this Act,
and of any regulations made under it with regard to slaughter houses
or abattoirs, or cattle yards or pens, or in carrying out any other pro-
visions of this Act, shall be paid from time to time by the treasurer
of the city or town out of the fees charged for such slaughter or
inspection, on the order of the Local Board of Health.

Local Board of
Health to have
control.

(2) The powers conferred upon Local Boards of Health and
their officers by section 108 of the Public Health Act shall apply in
the supervision and inspection carried on under this Act. 59 V. c.
63, s. 2.

Rev. Stat. c.
248.

Competent persons employed for inspecting animals and meat.

3. The Local Board of Health of every city or town where such cattle yards and pens are established may employ one or more competent persons, approved of by the medical health officer, to inspect at such slaughter house or abattoir, or at such cattle yards or pens, all animal carcasses and meat brought into the municipality and intended for human food. 59 V. c. 63, s. 3.

Inspection of milch cows.

4. (1.) The Local Board of Health of every city and town may, in addition to periodical examinations as to purity of public milk supplies, and as to the sanitary conditions of the byres, or places where cows for public milk supplies are kept, inspect every milch cow kept therein, as to its general health. In addition to such general inspection, the Local Board of Health may provide for the testing with tuberculin by a registered veterinary surgeon of every cow kept in such byres or places for the diagnosis of tuberculosis.

Testing cows.

(2.) Every cow may be tested, and thereafter dealt with according to the methods set forth in the regulations adopted by the Provincial Board of Health, and approved of by the Lieutenant-Governor in Council. 59 V. c. 63, s. 4.

(3.) This section shall not come into operation, and no proceedings thereunder shall be taken, until the close of the session of the Legislature held next after the 13th April 1897. 60 V. c. 14, s. 75.

Inspection of meat-packing establishments.

5. Any meat-packing establishment heretofore or hereafter erected within the limits of any municipality in Ontario shall be subject to inspection in a manner similar to that of the municipal slaughter house or abattoir. 59 V. c. 63, s. 5.

AN ACT RESPECTING VACCINATION AND INOCULATION.

R. S. O., 1897, Chapter 249.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The trustees, governors, directors or other officers or persons having at any time the control and management of any hospital or dispensary receiving aid from the public funds of this Province, shall keep at all times in such hospital or dispensary an adequate supply of vaccine matter for the following purposes, viz :

Trustees, etc., of hospitals to keep vaccine matter for certain purposes.

First—For the vaccination, by a legally qualified medical practitioner attached to such hospital or dispensary, at the expense of the same, of all poor persons, and, at their own expense, of all other persons, who attend at such hospital or dispensary for that purpose, during one day in every week ; the fee to be charged for such vaccination not in any case to exceed fifty cents, and to be used and applied for the benefit of the hospital or dispensary.

For the vaccination of the poor.

Fee.

How applied.

Second—For the purpose of furnishing, on application to each and every legally qualified medical practitioner, such reasonable quantities of the said matter as he from time to time requires.

For furnishing legally qualified medical practitioners.

Third—For the purpose of furnishing, on application to the Superintendent-General of Indian Affairs, or his assistant, or to any Visiting Superintendent of Indian Affairs, such reasonable quantities of the said matter as he may from time to time require for the use and benefit of any settlement of Indians. R. S. O. 1897, chapter 249, s. 1.

For the use of the Indians.

2. No warrant shall hereafter issue for the payment of any sum of money granted by the Legislature to any hospital or dispensary, unless a certificate has been filed in the office of the Clerk of the Executive Council, signed by a medical officer of such hospital or dispensary, to the effect that there is actually on hand in such hospital or dispensary a supply of vaccine matter which is expected to be sufficient for the purposes aforesaid from the date of such certificate, or setting forth reasons and grounds in explanation of any

No warrant for the payment of money to issue to any hospital unless it has a sufficient quantity of vaccine matter on hand, etc.

deficiency in such supply to the satisfaction of the Lieutenant-Governor in Council, nor unless, nor until a certificate signed as aforesaid, to the effect that at no time since the date of the then last certificate in this behalf, has the demand upon such hospital or dispensary for such matter for the purposes aforesaid, exceeded the supply thereof on hand in such hospital or dispensary, or setting forth reasons and grounds in explanation of any deficiency in such supply, to the satisfaction of the Lieutenant-Governor in Council, has been filed as aforesaid. R. S. O., 1897, c. 249, s. 2.

Annual statement to be laid before Legislature respecting vaccination.

3. The trustees, governors, directors or other officers or persons having for the time being the control and management of a hospital or dispensary to which aid has been granted during any session of the Legislative Assembly of this Province, shall cause to be transmitted to the Lieutenant-Governor through the Provincial Secretary, in time to admit of copies thereof being laid before the Legislative Assembly, during the first fifteen days of the then next session, a statement certified by the proper officers of such hospital or dispensary, showing the number of persons who have applied for and received free vaccination, the number of persons who have applied for and received vaccination at their own expense, and the number, amount and application of fees charged and received for vaccination. R. S. O., 1897, c. 249, s. 3.

Municipalities to employ medical practitioners to vaccinate the citizens, etc.

4. (1.) The council of every city, town, township and incorporated village, is hereby empowered and required, to contract with some legally qualified and competent medical practitioner or practitioners, for the period of one year, and so from year to year, as such contract expires, for the vaccination, at the expense of the municipality of all poor persons, and, at their own expense of all other persons resident in such municipality, who come to such medical practitioner or practitioners for that purpose.

Remuneration to depend on success.

(2.) It shall be a condition of every such contract that the amount of the remuneration to be received under the same shall depend on the number of persons, who, not having been previously successfully vaccinated, are successfully vaccinated by such medical practitioner or medical practitioners, respectively so contracting. R. S. O. c. 1897, 249, s. 4.

Local Board of Health in default of municipality may employ a medical practitioner.

5. In case the council neglects to contract with some competent medical practitioner or practitioners for the vaccination of poor persons and others, as provided in the preceding section, and such neglect continues for one month after the attention of the council has been called in writing by the Local Board of Health to such neglect, and to the powers which, in case of such neglect, the local board may exercise under the authority of this Act, the Local Board of Health may contract with the medical health officer of the muni-

city, or other legally qualified medical practitioner or practitioners, to perform all the duties which may be performed, or are incumbent upon a medical practitioner under the said Act, if appointed or contracted with by the council under the preceding section, and the council shall be liable to the medical practitioner for the fees for vaccination or for duties performed to the extent provided for by this Act as if the contract had been made by or with the council. The acts of the medical practitioner appointed by the Local Board of Health shall be as valid and operative in every respect as if a contract with him had been made by the council of the municipality; and in such case the Local Board of Health may also, unless the municipal council has already done so, appoint the places and give the notice where and when such vaccination shall be performed, as is required by the next succeeding section, to be done by the council. R. S. O. 1897, c. 249, s. 5

6. The council of each city or town shall appoint a convenient place in each ward thereof, and the council of every township, and incorporated village, shall appoint a convenient place therein, for the performance, at least once in each month, of such vaccination, and shall take effectual means for giving, from time to time, to all persons resident within each such ward of the city or town, or within the township or village, due notice of the days and hours at which the medical practitioner or one of the medical practitioners contracted with for such purpose will attend, once at least in each month, at such place, to vaccinate all persons not successfully vaccinated who may then appear there, and also of the days and hours at which such medical practitioner will attend at such place to inspect the progress of such vaccination in the persons so vaccinated. R. S. O. 1897, c. 249, s. 6

City to appoint a convenient place in each ward for performance of vaccination.

7. (1) The father or mother of every child born in such city, town, township or incorporated village, shall, at some appointed time, within three months after the birth of such child, or in the event of the death, illness, absence or inability of the father and mother, then the person who has the care, nurture or custody of the child, shall, at some appointed time, within four months after the birth of the child, take, or cause to be taken, the child to the medical practitioner in attendance at the appointed place according to the provisions of the preceding sections of this Act, for the purpose of being vaccinated, unless the child has been previously vaccinated, by some legally qualified medical practitioner and the vaccination duly certified, and the medical practitioner so appointed shall, and he is hereby required thereupon, or as soon after as it can conveniently and properly be done, to vaccinate the child.

Parents, etc., bound to take children to be vaccinated.

(2) This section and the four succeeding sections shall also apply to all children over the age of three months becoming resident

in a municipality, and such children shall for the purposes of the said sections be considered as children born in the municipality at the date that they became resident within it. R. S. O., 1897, c. 249, s. 7.

And exhibit them to the medical practitioner on the eighth day.

8 Upon the eighth day following the day on which any child has been vaccinated as aforesaid, the father or mother, or other person having the care, nurture or custody of the child as aforesaid, shall again take or cause to be taken, the child to the medical practitioner by whom the operation was performed, or other similarly appointed medical practitioner in attendance as aforesaid, in order that the medical practitioner may ascertain by inspection the result of the operation. R. S. O., 1897, c. 249, s. 8.

Certificate of successful vaccination to be given.

9. (1) Upon and immediately after the successful vaccination of a child born in any city, town, township or incorporated village, the medical practitioner who performed the operation shall deliver to the father or mother, or other person having the care, nurture or custody of the child as aforesaid, a certificate under his hand, according to the form of Schedule A to this Act, that the child has been successfully vaccinated, and shall also transmit a duplicate of the said certificate to the clerk of the municipality in which the operation was performed.

What to be evidence of.

(2) Such certificate shall, without further proof, be admissible as evidence of the successful vaccination of the child in any information or complaint brought against the father or mother of the child, or against the person who has had the care, nurture or custody of the child as aforesaid, for non-compliance with the provisions of this Act, R. S. O., 1897, c. 249, s. 9.

If the child be found unfit for vaccination.

10. (1) If any medical practitioner appointed as aforesaid is of opinion that a child brought to him as aforesaid is not in a fit and proper state to be successfully vaccinated, he shall deliver to the father or mother of the child, or the person having the care, nurture or custody of the child as aforesaid, on demand and without fee or reward, a certificate under his hand, according to the form of Schedule B to this Act, that the child is in an unfit state for successful vaccination.

Certificate.

How long to be in force.

(2) Such certificate or any similar certificate of a legally qualified medical practitioner, respecting any child born as aforesaid, shall remain in force for two months from its delivery; and the father or mother of the child, or the person having the care, nurture or custody of the child as aforesaid, shall (unless they have within each succeeding period of two months obtained from a legally qualified medical practitioner a renewal of such certificate), within two months after the delivery of the said certificate as aforesaid, and if the child is not

vaccinated at or by the termination of such period of two months, then during each succeeding period of two months until the child has been successfully vaccinated, take or cause to be taken to the medical practitioner so appointed as aforesaid, such child to be vaccinated by him; and if the medical practitioner deems the child to be then in a fit and proper state for successful vaccination, he shall forthwith vaccinate it accordingly, and shall, upon or immediately after the successful vaccination of the child, deliver to the father or mother of the child, or the person having the care, nurture or custody of the child as aforesaid, a certificate under his hand, according to the form of schedule A to this Act, that the child has been successfully vaccinated but if the medical practitioner is of the opinion that the child is still in an unfit state for successful vaccination, then he shall again deliver to the father or mother of the child, or to the person having the care, nurture or custody of the child, as aforesaid, a certificate under his hand, according to the form of schedule B to this Act, that the child is still in an unfit state for successful vaccination, and the said medical practitioner, so long as the child remains in an unfit state for vaccination and unvaccinated, shall at the expiration of every succeeding period of two months, deliver, if required, to the father or mother of the child, or to the person having the care, nurture or custody of the child, a fresh certificate under his hand, according to the form of schedule B to this Act.

Re-presentation of the child to be repeated until successful vaccination.

Certificate.

(3) The production of such certificate or of any similar certificate from any legally qualified medical practitioner, shall be a sufficient defence against any complaint 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. R. S. O. 1897, c. 249, s. 10.

Effect of certificate.

11. In the event of a medical practitioner employed under the provisions of this Act, or any other duly qualified medical practitioner being of opinion that any child that has been vaccinated by him, is insusceptible of the vaccine disease, he shall deliver to the father or mother of the child, or to the person having, as aforesaid, the care, nurture or custody of the child, a certificate under his hand, according to the form of schedule C to this Act; and the production of the certificate shall be a sufficient defence against any complaint which may be brought against the father or mother, or person having the care, nurture or custody of the child, for non-compliance with the provisions of this Act. R. S. O. 1897, c. 249, s. 11.

If the child is found insusceptible of vaccine disease.

12. In all contracts to be made under the provisions of this Act, the sums contracted to be paid shall not be more than twenty-five cents for every person successfully vaccinated, including all or any of the certificates required by this Act. R. S. O., 1897, c. 249, s.

Fees under this Act.

12.

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

13. If a father or mother, or person so having as aforesaid the care, nurture or custody of any child as aforesaid, does not cause the child to be vaccinated within the periods prescribed by this Act, or does not, on the eighth day after the vaccination has been performed take or cause to be taken, the child for inspection, according to the provisions in this Act respectively contained, then the father or mother, or person having the care, nurture or custody of the child as aforesaid, so offending, shall be liable to a penalty not exceeding \$5 00, recoverable on summary conviction before a police magistrate or any two Justices of the Peace, sitting and having jurisdiction in the municipality in which the offence was committed. R. S. O., 1897, c. 249, s. 13.

How far and when plea of conviction shall avail.

14. (1.) After the expiration of two months from the conviction of any person for an offence against this Act, in respect of any child, no plea of such conviction shall be sufficient defence against any complaint which may then be brought against the same or any other person for non-compliance with the provisions of this Act in respect of the same child.

(2.) The production of a certificate in the form of Schedule A or C, under the hand of a legally qualified medical practitioner, shall be a sufficient defence against such complaint; but the production of a certificate in the form of Schedule B shall not be a sufficient defence, unless the vaccination is thereby postponed to a day subsequent to that on which the complaint is brought. R. S. O. 1897, c. 249, s. 14.

Enforcing vaccination.

15. In every municipality where smallpox exists, or in which, in the opinion of the Provincial or municipal health authorities there is danger of its breaking out owing to the facility of communication with infected localities, the council of the municipality may order the vaccination or re-vaccination of all persons resident in the municipality who have not been vaccinated within seven years, and that such vaccination or re-vaccination shall be carried out in so far as the same may be applicable in the same manner as for the vaccination of children, except that in the case of all persons of an age to make them legally responsible, they shall present themselves for vaccination by the medical practitioner, or some legally qualified practitioner, and the medical practitioner shall adopt the same measures to secure the vaccination or re-vaccination of all such persons, as he is required to do with regard to children. A proclamation issued by the head of the municipality, and published in posters and in at least one newspaper published within the municipality, and in cases where there is no such newspaper, then in at least one newspaper in the county in which such municipality is situated, warning the public that this section of the Act is in force, shall be

sufficient evidence to secure the conviction of any person who does not comply with the law within a period of seven days from the publication of the proclamation. R. S. O. 1897, s. 249, s. 15.

16. It shall be lawful for the trustees of any public, separate or high school, to provide that no children shall be permitted to attend any school without producing a certificate of successful vaccination, when demanded of him or her by the teacher, R. S. O. 1897, c. 249, s. 16.

School trustees may require certificate of vaccination.

17. In all cases where it is deemed necessary by the medical health officer of any municipality, owing to the presence, or threatened presence, of smallpox, he may with the approval of the local board of health, require certificates of successful vaccination, or of insusceptibility on re-vaccination, within seven years, of all students of high schools, collegiate institutes, colleges and universities, within the municipality to be presented to the proper authorities of the said institutions, and no student refusing to present such certificate on demand, shall be admitted to further attendance on classes in said institution until such certificate is furnished. R. S. O. 1897, c. 249, s. 17.

Students of high schools, etc., may be required to produce certificates of vaccination.

18. Any person producing or attempting to produce by inoculation with variolous matter or by wilful exposure to variolous matter or by any matter, article or thing impregnated with variolous matter, or wilfully by any other means whatsoever, the disease of small-pox in any person in this Province shall be liable to be proceeded against and convicted summarily before any two Justices of the Peace, and for every such offence shall, upon conviction, be imprisoned for any term not exceeding one month. Con. Stat. Can. c. 39, s. 1. See R. S. C. App. No. 1 p. 2.

Penalty for inoculating with variolous matter.

19. If any person licensed to practice medicine, surgery or midwifery in this Province is convicted of an offence against section 18 of this Act, the license of such person in that behalf shall thereby become null and void and of no effect, and such person shall, from and after the date of such conviction, be liable to the same penalty in the event of his practicing medicine, surgery, or midwifery in Ontario, as he would have been liable to for so doing if he had never been licensed to practice the same; but it shall be lawful for the Lieutenant-Governor, on the certificate of the College of Physicians and Surgeons of Ontario, at any time after the expiration of the term of imprisonment of any such person so convicted as aforesaid, to license such person to practice medicine, surgery, and midwifery as aforesaid, and thereupon and thereafter such person shall no longer be liable to any fine or penalty for so doing. R. S. O. 1897, c. 249, s. 18.

The license of the person contravening section 18.

Proviso. License may be renewed, etc.

SCHEDULE A.

(Sections 9, 10 and 14.)

CERTIFICATE OF VACCINATION.

I, the undersigned, hereby certify that _____ the
child of _____, aged _____, of _____ ward in
the city of _____ (or as the case may be), has been successfully vac-
cinated by me.

(Signed) A. B.

Dated this _____ day of _____, 19 _____.

(R. S. O., 1897, c. 249, *Sched. A.*)

SCHEDULE B.

(Sections 10 and 14.)

CERTIFICATE OF UNFITNESS FOR VACCINATION.

I, the undersigned, hereby certify that I am of the opinion that
_____, the child of _____, of _____ ward,
in the city of _____ (or as the case may be,) aged _____, is not
now in a fit and proper state to be successfully vaccinated, and I do hereby
postpone the vaccination until the _____ day of _____.

(Signed) A. B.

Dated this _____ day of _____, 19 _____.

(R. S. O., 1897, c. 249, *Sched. B.*)

SCHEDULE C.

(Sections 11 and 14.)

CERTIFICATE OF INSUSCEPTIBILITY TO VACCINE DISEASE.

I, the undersigned, hereby certify that I am of opinion that
_____, the child of _____, of _____ ward
in the city of _____ (or as the case may be), is insusceptible of the
vaccine disease.

(Signed) A. B.

Dated this _____ day of _____, 19 _____.

(R. S. O., 1897, c. 249, *Sched. C.*)

AN ACT TO PREVENT FRAUD IN THE MANUFACTURE
OF CHEESE AND BUTTER.

R. S. O., 1897, Chap. 251.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows :

Standard of Milk in Creameries.

1. All milk containing less than thirteen per cent. of total solids, of which three and three-quarters per cent. must be chemically dry butter-fat, shall be deemed below the standard required in creameries for butter manufacture. 51 V., c. 31, s. 1.

Standard for
milk for man-
ufacture of
butter in
creameries.

2. The owners or board of management of any creamery in the Province of Ontario, may make such rules and regulations as may be advisable for the due carrying on of the business of the creamery. 51 V., c. 31, s. 2.

Power to make
rules.

3. The patrons of all creameries may be required to subscribe their names to such rules and regulations and the rules and regulations shall be binding on the patrons, owners and board of management who have so subscribed. 51 V., c. 31, s. 3.

Rules to be
binding on
patrons, etc.

Prevention of Fraud.

4. It shall be lawful for the owner or manager of a cheese or butter manufactory to require the owner or custodian of any cow or cows whose milk is being bought for, or supplied or sent to, the manufactory, to submit such cow or cows at his farm, or other premises, where such cows are usually kept, to such milk test, by persons named by such owner or manager, as may be necessary for the said persons to ascertain the quantity and quality of the milk of such cow or cows, on any day, and at such time on any such day as may be appointed by said owner or manager ; and in case the owner or custodian of the cows refuses to so submit them, or obstructs in the execution thereof the persons engaged in making the milk test, or interrupts the test, or interferes in any way with the test, or the application of its result, he shall, on complaint before any Justice or Justices of the Peace, forfeit and pay for every such offence a sum of

Right to test
milk.

Interfering
with test.

not less than \$10 nor more than \$100, in the discretion of the Justice or Justices of the Peace who may hear such complaint, together with the costs of prosecution, if so ordered, and in default of payment of the penalty and costs, shall be liable to be committed, by the convicting Justice or Justices of the Peace, to the common gaol of the county, with hard labour, for any period not exceeding six months, or until said penalty and the costs of enforcing same are sooner paid. 51 V., c. 32, s. 5.

Right to take samples of milk.

5. It shall be lawful for the owner or manager of any cheese or butter manufactory, who suspects any person of selling, supplying, sending or bringing milk to the manufactory, of any offence under this Act, to enter upon or to appoint some person or persons, to enter upon, and such appointed person may enter upon, the premises of the suspected person, with or without notice, and take samples of milk from the cow or cows, from which the supposed offender was or had been immediately before then procuring the milk or part of the milk so sold, supplied, sent or brought as aforesaid; and any such suspected person who obstructs or refuses to permit the taking of any such sample shall, on conviction thereof, be liable to a penalty of not less than \$10 nor more than \$50 with costs of the prosecution, and in default of payment thereof, shall be liable to be imprisoned in the common gaol of the county in which the offence has been committed, for a period not exceeding three months with hard labor. 51 V., c. 32, s. 6.

Interfering with taking of samples.

Notice to be given when milk diluted, etc.

6. No person shall sell, supply, bring or send to a cheese or butter manufactory, or the owner or manager thereof, to be manufactured, milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk," without distinctly notifying, in writing, the owner or manager of such cheese or butter manufactory, that the milk so sold, supplied or brought to be manufactured has been so diluted with water, or adulterated, or had the cream so taken from it, or become milk commonly known as "skimmed milk," as the case may be. 51 V., c. 32, s. 1; 55 V., c. 53, s. 1 (1).

Notice to be given when any part of milk kept back.

7. No person who in the course of his business agrees to sell, supply, bring or send to any cheese or butter manufactory, or the owner or manager thereof, to be manufactured the milk of any cow or cows, shall in the course of such dealing and business, keep back any part of the milk of such cow or cows without distinctly notifying in writing, the owner or manager of such cheese or butter manufactory what portion of the milk he has so kept back. 51 V. c. 32, s. 2; 55 V. c. 53, s. 1. (1); 57 V. c. 54, s. 1; 60 V. c. 3, s. 3.

Notice when milk tainted.

8. No person shall sell, supply, bring or send to a cheese or butter manufactory, or the owner or manager thereof, to be manufac-

tured, any milk that is tainted, or partly sour, without distinctly notifying, in writing, the owner or manager of such cheese or butter manufactory of such milk being tainted or partly sour. 51 V. c. 32, s. 3; 55 V. c. 53, s. 1. (1)

9. (1) Any person who by himself, or by his servant, or agent, violates any of the provisions of sections 6, 7 or 8 of this Act, upon conviction thereof before any Justice or Justices of the Peace shall forfeit and pay a sum of not less than \$5 nor more than \$50, together with the costs of prosecution, in the discretion of the Justice or Justices, and in default of payment of such penalty and costs, shall be liable to be committed to the common gaol of the county, with hard labor, for any period, not exceeding six months, unless the said penalty and the costs of enforcing same are sooner paid. 51 V. c. 32, s. 4.

Penalty for violations of ss. 6-8.

(2) For the purpose of establishing the guilt of any person under the said sections 6, 7 or 8 of this Act, it shall be sufficient prima facie evidence to show that such person, by himself, his servant or agent, sold, supplied, sent or brought, to be manufactured, to any cheese or butter manufactory, milk substantially below the standard of that actually drawn, or by the accused represented as having been drawn, from the same cow or cows within the then previous or subsequent week, provided the comparison or test is made by means of a lactometer and cream gauge, or by some other adequate means of making the comparison. 51 V. c. 32, s. 7; 55 V. c. 53, s. 2.

Evidence of violations of ss. 6-8.

(3) The said sections 6, 7 and 8 shall not apply where the person charged with the offence proves to the satisfaction of the Justice or Justices of the Peace that the commission of the alleged offence was without his knowledge or privity, and contrary to his wish and intention, and that he was not aware thereof. 55 V., c. 53, s. 1 (2); 60 V., c. 3, s. 3.

Secs. 6-8 not to apply where defendant shows want of knowledge.

(4) In any complaint made or laid under said sections 6, 7 and 8 of this Act, and in any conviction thereon, the milk complained of may be described as deteriorated milk, without specification of the cause or mode of deterioration, and such description shall be a sufficient description of the offence to sustain a conviction, and in any complaint, information or conviction under this Act the matter complained of may be declared, and shall be held to have arisen within the meaning of The Ontario Summary Convictions Act at the place where the milk complained of was to be manufactured, notwithstanding that the deterioration thereof was effected elsewhere. 55 V., c. 53, s. 3.

Description of offence in information or complaint.

Rev. Stat. c. 90.

10. Any pecuniary penalty under the preceding section shall, when recovered, be payable one-half to the informant or complainant,

Appropriation of penalties.

and the other one-half to the owner, treasurer or president of the manufactory to which the milk was sent, sold or supplied for any of the purposes aforesaid in violation of any of the provisions of this Act, to be distributed among the patrons thereof in proportion to their respective interests in and profits thereof. 55 V., c. 53, s. 4.

Fraudulent use of cream of milk supplied.

11. (1) Any butter or cheese manufacturer who knowingly and fraudulently uses, or directs any of his employees to use for his or their individual benefit, any cream from the milk brought to any cheese or butter manufactory without the consent of all the owners thereof, shall, for every offence, forfeit and pay a sum not less than \$1 nor more than \$50, in the discretion of the Justices before whom the case is heard. R. S. O., 1897, c. 251, s. 11 (1).

Penalty.

Conviction and Levy of Penalty.

(2) Any two or more Justices of the Peace, having jurisdiction within the locality where the offence has been committed, may hear and determine such complaint upon the oath of one or more credible witnesses, and shall have power, in case the penalty and costs awarded by them are not forthwith paid upon conviction, to levy the same by distress and sale of the goods and chattels of the offender, by warrant under their hands and seals or the hands and heads of any two of them, and the penalty, when recovered, shall be paid over by such justices, one-half to the person complaining, and one-half to the treasurer of the municipality, district or place where the offence has been committed; and in default of payment or sufficient distress, the offender may, by warrant signed and sealed as aforesaid, be imprisoned in the common gaol for a period not less than one day nor more than twenty-five days, at the discretion of such justices, or any two of them, unless such penalty, costs, and the charges of commitment are sooner paid. R. S. O. 1897, c. 251, s. 11, s. 2.

In default of distress, imprisonment.

Civil remedy.

(3) Any party aggrieved by such fraudulent conduct as aforesaid may at his election sue the offender in any civil court of competent jurisdiction, and recover from him the amount of damages sustained, and levy the same with the costs according to the ordinary practice of the court in which such action is brought. R. S. O. 1897, c. 251, s. 11, s. 3.

Proviso as to justices interested.

12. No justice or Justices having any pecuniary interest in a cheese or butter manufactory as aforesaid, shall hear or determine any complaint under this Act. R. S. O. 1897, c. 251, s. 12.

AN ACT TO PREVENT FRAUD IN THE SALE OF MILK
IN CITIES AND TOWNS.

R.S.O. 1897., Chapter 252.

HER MAJESTY, by and with the advice, and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. This Act shall apply to cities and towns only. 56 V. c. 48, s. 1. Act to apply to cities and towns only.
2. The council of any city or town may by by-law declare that from and after the passing of such by-law this Act shall be in force in such city or town, and thereupon, and not otherwise, the following sections of this Act shall take effect and be in force therein. 56 V. c. 48, s. 2. Council of city or town may declare Act in force therein.
3. Any person who knowingly and fraudulently sells or supplies to any person any milk diluted with water or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk" or who keeps back any part of the milk known as "strippings", or who knowingly and fraudulently sells or supplies to any person milk that is tainted or partly sour from want of proper care in keeping clean and sweet pails, strainers or any vessel in which said milk is kept, shall for every offence forfeit and pay a sum not less than \$1 nor more than \$50 and costs, in the discretion of the justices before whom the case is heard ; provided, however, that this shall not prevent the sale of skimmed milk by any person if the fact that the same is skimmed is made known to the person to whom such milk is being sold. 56 V. c. 48, s. 3. Penalty for selling adulterated or deteriorated milk.
Proviso.
4. Any two or more Justices of the Peace or any police magistrate having jurisdiction within the municipality where the offence has been committed may hear and determine such complaint, and shall have power, in case the penalty and costs awarded by them are not forthwith paid upon conviction, to levy the same by distress and sale of the goods and chattels to the offender, by warrant under their hands and seals or the hands or seals of any two of them, and in default of payment or sufficient distress, the offender may, by warrant signed and sealed as aforesaid, be imprisoned in the common gaol for a period not less than one day nor more than twenty days, at the discretion of such justices, or any two of them, unless such penalty costs and the charges of commitment are sooner paid. 56 V. c. 48, s. 4. Who may hear complaints.
Imprisonment on default of payment.
5. Any person aggrieved by such fraudulent conduct as aforesaid may at his election sue the offender in any civil court of competent jurisdiction, and recover from him the amount of damages sustained and levy the same with the costs according to the ordinary practice of the court in which the action is brought. 56 V. c. 48, s. 5. Civil remedy of persons aggrieved.

EXTRACTS FROM THE MUNICIPAL ACT (R. S. O., 1897,
CHAP. 223) RELATING TO PUBLIC
HEALTH MATTERS

PART VII.—POWERS OF MUNICIPAL COUNCILS.

TITLE I.

DIVISION VIII.—PUBLIC HEALTH.

Sub-Division I.—Food and Drink.

- Inspection of milk, meat, etc.* Sec. 550 (1).
Seizing and destroying if unfit for food. Sec. 550 (2).
Seizing carcases of cattl. unfit for food. Sec. 550 (3).
Bread made of deleterious materials. Seizing, etc. Sec. 550 (4).
Pure well-water, examining. Sec. 550 (5).
“ “ “ *compelling use of.* Sec. 550 (6)

By-laws for

550. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say :

By the councils of townships, cities, towns and villages :—

Inspection of
milk and pro-
visions.

1. For appointing inspectors, and for providing for the inspection of milk, meat, poultry, fish and other natural products offered for sale for human food or drink, whether on the streets or in public places, or in shops.

Tainted pro-
visions.

2. For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food ; R. S. O., 1897, c. 223, s. 550.

[*And see as to inspection of meat and milk supplies in cities and towns. See Cap 250.*

And as to frauds in sale of milk in cities and towns. See Cap. 252.]

By the councils of cities having 100,000 inhabitants or more :—

3. For authorizing the seizure of unslaughtered cattle, sheep, calves and hogs which have died on any railway car, or on any market, or within the municipality, in order to prevent such animals from being used as food, and for disposing of the carcasses of such animals in such a way as not to produce any harm to the public health, and to secure to the owner such value as remains over and above the expenses incurred in disposing of such carcasses ; 59 V. c. 51, s. 30 ; 60 V. c. 15, *Sched. C.* (122). Seizure of cattle, etc., unfit for human food.

By the councils of townships, cities, towns and villages :—

4. For preventing the use of deleterious materials in making bread ; and for providing for the seizure and forfeiture of bread made contrary to the by-law. *See also Sec. 580* (11). Bread.

5. For establishing, protecting, regulating and cleansing public and private wells, reservoirs and other public and private conveniences for the supply of water ; and for closing public and private wells ; for preventing the fouling of the same and the wasting of water therein or therefrom ; for procuring an analysis of such water, and for providing for the payment of the expense thereof ; and for making reasonable charges for the use of public water. By-laws for cleansing wells, etc.

6. For compelling the use of water, supplied by the waterworks of the city, town, township or village, for drinking and domestic purposes, within certain areas to be defined by by-law ; and for prohibiting the use of spring or well water within such areas for such purposes. R. S. O. 1897. c. 223, s. 550. For compelling use of water supply.

DIVISION VIII.—PUBLIC HEALTH.

Sub-Division II.—Sanitary Measures.

Drainage of cellars, privies, etc. Sec. 551 (1), (2), (3).

Filling up water-closets, privies, etc. Sec. 551 (4).

Dry earth closets. Sec. 551 (5).

Lavatories and urinals. Sec. 552.

Dwellings on narrow streets. Sec. 553 (1).

Contagious diseases, reports and precautions to prevent spread of. Sec. 553. (2)

Interments. Sec. 553 (3).

551. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say : By-laws for

Drainage of Cellars, Privies, etc.

By the councils of townships, cities, towns and villages :—

Construction
of cellars,
drains, etc.

1. For regulating the construction of cellars, sinks, cesspools, water-closets, earth closets, privies and privy vaults ; and for compelling and regulating the manner of draining, cleaning, clearing and disposing of the contents of the same.

Filling up,
draining, etc.
grounds,
yards, etc.

2. For compelling or regulating the filling up, draining, cleaning, clearing, altering, relaying or repairing of any grounds, yards, vacant lots and private drains.

Regulations
for sewerage,
etc.

3. For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes.

And see as to obstruction of drains, etc. Sec. 562 II.

Filling up Water-Closets, Privy Vaults, etc.

Closing and
filling up cess-
pools, etc.

4. For compelling owners, lessees and occupants of real property within any defined area to fill up or close any water-closets, privies, privy-vaults, wells or cess-pools, the continuance of which may, in the judgment of the council, be dangerous to health.

Dry Earth Closets.

By the councils of townships :—

Dry earth
closets.

5. For regulating the construction of dry earth closets and compelling the use of the same within such limits within the municipality as may be defined by the by-law. R. S. O., 1897, c. 223, s. 551.

4 a. For directing and regulating the payment by the owners, lessees or occupants of real property of the expense of cleaning and disposing of the contents of earth closets, privies and privy-vaults, and of adding such expense to the Collector's Bill, and collecting the same in like manner and with other municipal taxes.

4 b. A municipality may undertake the work in the last subsection referred to as a municipal service ; and in such event the said work shall be done exclusively by the officers and workmen employed by such municipality, in such service, and the municipality, its officers and workmen, shall, in such case, have all the powers and authorities conferred upon the Local Board of Health and its officers and workmen.

4 c. A municipality may provide by the same or any other by-law for the collection in any other manner than by adding expense to

the Collector's Roll for extra or other services set forth in such by-law or referred to in sub-section 4 a, or may collect for such services by action at law.

4 d. A municipality or its officers may contract or agree with owners, lessees or occupants for the payment for services herein before referred to, and in default of payment may collect the amounts from time to time due under such contract by action at law, or by adding the said amounts to the Collector's Roll and collecting the same with other municipal taxes 2 Ed. VII., c. 29, s. 16.

552. (1) The councils of cities or towns may provide and maintain lavatories, urinals and water closets and like conveniences in situations where they deem such a commocation to be required, either upon the public streets or elsewhere, and may supply the same with water, and may defray the expense thereof and of keeping the same in repair and good order. 59 V., c. 51, s. 37.

Maintaining public conveniences in cities and towns.

(2) By-laws may be passed by the councils of cities and towns for any of the purposes mentioned in section 551 as amended hereby and for establishing, maintaining and regulating a system of public scavenging or system for the collection and disposal of ashes, refuse and garbage within the municipality, and for such purposes may, subject to the approval of the Provincial Board of Health, acquire by purchase or otherwise or enter upon and take with or without the consent of the owners thereof such land as may be necessary therefor and may erect thereon such buildings, plant and machinery as may be required, and may for the said purposes acquire such further plant, machinery, tools and material as the council may deem necessary; but where the amount required for acquiring the land and erecting and placing the necessary buildings, plant and machinery thereon exceeds the sum of \$2,000, the by law shall require the assent of the ratepayers of the municipality before the final passing thereof.

public scavenging system establishment of.

(3) In case the council of the said corporation and the owner of any land taken or injuriously affected thereby under this section fail to agree as to the amount of the compensation to be paid to such owner, the same shall be determined by arbitration in the manner provided by The Municipal Act.

(4) The municipal corporation of such city or town for the purpose of providing the money for the acquisition of the necessary lands, buildings, plant and machinery, and for the initial establishment of the said system, may from time to time issue debentures of the said corporation for such sum as the council of the said corporation may deem expedient, which said debentures shall be made payable not more than ten years from the day on which they shall respectively bear date, shall bear interest

at a rate not exceeding 4 per cent. per annum, payable half-yearly, shall be signed by the mayor and the treasurer of the said city or town for the time being, and may be made payable either in sterling money of Great Britain or in currency in Canada, in this Province or elsewhere, as the said corporation may deem expedient.

(5) For the payment of the debt and interest represented by the said debentures to be issued under the authority of sub-section 4 of this section, there shall be annually raised levied and collected by the corporation during the currency of the said debentures, a sum sufficient to discharge the said debt and interest when the same shall be respectively payable, said sum to be raised by an annual special rate upon the amount of the ratable or assessable property of the said corporation, according to the then last revised assessment roll thereof.

(6) In lieu of establishing a system of public scavenging as provided in sub-section 2 of this section, the said corporation may contract with some person, firm or corporation for the removal of all ashes, refuse and garbage within the said city or town upon such terms and subject to such conditions, rules and regulations as the council may deem expedient, and the said council may pass by-laws for regulating the removal of such ashes, refuse and garbage under such contract.

(7) The council of the corporation of the city or town may from time to time pass by-laws dividing the said city or town into certain areas, districts or sections, within which all ashes, refuse and garbage shall be collected, removed and disposed of, and may impose a special rate upon the assessed real property therein according to the assessed value thereof, in order to pay all expenses incurred in collecting, removing and disposing of all ashes, refuse and garbage therein.

(8) No land within the said city or town shall be exempt from liability for assessment under sub-section 7, but all land within the said city or town, no matter by whom owned or how or for what purpose or by whom used or occupied, shall be liable to assessment thereunder anything in any special or general Act or in any by-law to the contrary notwithstanding.

By-laws for

553. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say :

Dwellings on Narrow Streets.

By the councils of cities, towns and villages :—

1. For regulating the erection or occupation of dwellings on narrow streets, lanes or alleys, or in crowded or unsanitary districts. 55 V., c. 42, s. 496, (10a). Dwellings on narrow streets.

Contagious Diseases.

By the councils of townships, cities, towns and villages :—

2. For making provision for supplying blanks for the notification and recording of cases of contagious or infectious disease ; for giving public notice of houses wherein such cases exist ; and for taking such measures as by *The Public Health Act*, or any other Act, are required to be taken in that behalf, and such other measures as may be necessary for preventing the spread of such diseases. 55 V., c. 43, s. 489, (55). Contagious diseases.
Rev. Stat. c. 248.

Interments.

By the councils of cities, towns and villages :—

3. For regulating the interment of the dead, and for preventing interments from being made within the municipality. 55 V., c. 42, s. 496, (7). Interments.

DIVISION VIII.—PUBLIC HEALTH.

Sub-Division III.—Sewers and Drains.

Drainage—General powers as to. Sec. 554 (1).

Ascertaining levels of cellars. Sec. 554, (2).

Plans of buildings to be furnished. Sec. 554, (3).

Acquiring lands in other municipalities for drainage purposes.

Sec. 554, (4).

Extension of sewers into or through adjoining municipality.

Sec. 555.

554. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say : By-laws for

Drainage.

By the councils of counties, cities, towns, townships and villages :—

Opening or stopping up drains and water-courses, etc.

1. For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers or water-courses, within the jurisdiction of the council; and for entering upon, breaking up, taking or using any land in or adjacent to the municipality in any way necessary or convenient for the said purposes; and for entering upon, taking or using any land in or adjacent to the municipality for the purpose of providing an outlet for any sewer or of establishing works or basins for the interception or purification for sewage; and for making a l necessary connections therewith; but subject always to the payment of compensation to persons who may suffer injury therefrom, and to any restrictions and liabilities imposed by this Act in that respect or otherwise.

Levels of Cellars—Plans.

By the councils of cities, towns and villages :—

Ascertaining levels of cellars, etc.

2. For ascertaining and compelling owners, tenants and occupants to furnish the council with the levels of the cellars heretofore dug or constructed, or which may hereafter be dug or constructed along the streets of the municipality; such levels to be with reference to a line fixed by the by-laws. 55 V., c. 42, s. 496 (32).

Compelling the furnishing of ground or block plan of buildings to be erected.

3. For compelling to be deposited with an officer, to be named in the by-law, before commencing the erection of any building, a ground or block plan of such building, with the levels of the cellars and basements thereof, with reference to a line fixed by the by-laws. 55 V., c. 42, s. 496 (33).

Acquiring land in another municipality for drainage purposes.

4. For accepting or purchasing any land in any other municipality which may be required for preventing such city, town or village, or any part thereof, from being flooded by the surface or other waters flowing from such other municipality into such city, town or village; and for providing an outlet for such waters through any other municipality; and for opening, making, preserving and improving drains, sewers and water courses in the lands so acquired;

Proviso.

Provided always that the consent of the municipality in which the lands to be taken are situate shall be obtained before the powers conferred by this clause are exercised. R. S. O. 1897, c. 223, s. 554.

Extension of Sewers.

Extension of sewers into adjoining municipality.

555.—(1) In case any township, city, town or village is so situated that in the construction of any sewer therein it becomes necessary in order to procure an outlet therefor, to extend the same into or through a contiguous municipality, the township, city, town

or village so situated shall have power subject as hereinafter provided to so extend such sewer into or through such contiguous municipality, and shall have power to unite and connect the same to any already existing sewer or sewers of such contiguous municipality, upon such terms and conditions as may be agreed upon between the respective municipalities, and, in case of a difference, then upon such terms and conditions as may be determined by arbitration, under the provisions of this Act.

(2) In any case where the council of any municipality objects to allow an adjoining municipality to connect a sewer with any existing sewer, or to extend a sewer through its territory, as above provided, the arbitrators shall not only determine the terms and conditions upon which the connection or extension is to be made, but also whether the connection or extension should, under the circumstances be permitted or allowed to be made; but nothing in this section contained shall authorize the making of an open drain or sewer, nor shall anything herein contained affect the provisions of *The Ditches and Water-courses Act*.

Rev. Stat.
c. 285.

(3) Nothing in this section contained shall be construed as limiting or abridging any of the powers conferred on township councils by this Act. R. S. O., 1897, c. 223, s. 555.

DIVISION VIII.—PUBLIC HEALTH.

Subdivision IV.—Wet Lands. Sec. 556 (1).

556. By-laws may be passed by the councils of townships.

By-laws for

Purchasing Wet Lands.

1. For purchasing from the Government or from any corporation or person, at a price (in case of Crown Lands, to be fixed by the Lieutenant-Governor in Council, and which price the Lieutenant-Governor in Council is hereby authorized to fix), all the wet lands at the disposal of the Crown or of such corporation or person in such township; and such lands may be sold accordingly to the corporation of such township;

Purchase of
wet lands
from Govern-
ment, etc.

(a) The purchase and draining of such lands shall be one of the purposes for which any such corporation may raise money by loan or otherwise, or for which they may apply any of their funds not otherwise appropriated.

Raising money
for purchasing
and draining
same.

May hold or dispose of such land.

(b) The township may possess and hold the land so purchased, and may, whenever they deem it expedient, sell or otherwise depart with or dispose of the same by public auction, in like manner as they may by law sell or dispose of other property, and upon such terms and conditions, and with such mortgages upon the land so sold, or such other security for the purchase money or any portion thereof, as they may think most advantageous.

Proceeds of sale.

(c) The proceeds of the sale of such lands shall form part of the general funds of the municipality. R. S. O., 1897, c. 223, s. 556.

PART VII.

TITLE I.

DIVISION XVI.—CEMETERIES.

Accepting or purchasing land for Sec. 577 (1).

Selling or leasing lots. Sec. 577 (1).

As to cemeteries in villages. Sec. 577 (1) (b).

Expenses of Provincial Board of Health as to. Sec. 577 (1) (c).

Enlargement of cemeteries. Sec. 577 (2).

In case owners of land refuse to sell. Sec. 577 (2) (a).

Powers of arbitrators. Sec. 577 (2) (b).

Award to become a title deed. Sec. 577 (2) (c).

Certain lands not to be compulsorily taken. 577 (2) (d).

Award, requisities of. Sec. 577 (2) (e).

Section 496 (1) to apply to such lands. Sec. 577 (2) (f).

By-laws for

577. By-laws may be passed by the councils of townships, cities, towns and villages :

Cemeteries.

Acquiring land for cemeteries, etc.

Proviso.

1. For accepting or purchasing land for public cemeteries as well within as without the municipality, but not within any city, town or village, except as hereinafter provided, and for laying out, improving and managing the same ; but no land shall be accepted or purchased for such purpose except by a by-law declaring in express terms that the land is appropriated for a public cemetery, and for no other purpose ; and thereupon such land, although without the mun-

unicipality, shall become part thereof, and shall cease to be a part of the municipality to which it formerly belonged; and such by-law shall not be repealed; and the trustees of any burying-ground or cemetery, or the cemetery company owning any burying-ground or cemetery, may agree for the sale or transfer thereof to the municipality which desires to acquire the same; and in cases where such grounds have not been used for burials, the municipality may dispose thereof, and acquire other ground instead thereof;

- (a) For selling or leasing portions of such land for the purpose of interment, in family vaults or otherwise, and for declaring in the conveyance the terms on which such portion shall be held; Selling portion of such land for certain purposes.
- (b) Provided, however, that the municipal council of a village may pass a by-law for accepting or purchasing land for a public cemetery within the territorial limits of the village upon the by-law being first approved of by the Local Board of Health, and ratified by the Provincial Board of Health; and the by-law shall thereupon be as valid and effectual as if the land was situated without the municipality; As to cemeteries in villages.
- (c) All expenses incurred by the Provincial Board of Health in respect of and incidental to the by-law, and whether the by-law be ratified by the board or not, shall be paid by the village municipality to the secretary of the board. Expenses of Provincial Board of Health.
- 55 V. c. 42, s. 489 (11); *See also Cap. 213.*

Enlargement of Cemeteries.

2. For the acquiring and expropriation of lands to be used for enlarging any existing public cemetery or burying-ground, but no expropriation of any land within the limits of a city shall be authorized, and as to any such enlargement in a village or town the consent of the Provincial Board of Health shall be first obtained; For taking lands for enlarging cemeteries.

- (a) In case the owner of the land required refuses to sell the same, or refuses to take the price the council of the municipality is willing to pay, then in either of such cases the matter in dispute shall be referred to arbitration, and shall be proceeded with under the provisions of this Act respecting arbitrations as to compensation for lands taken. Reference to arbitration.
- (b) The arbitrators shall decide whether it is necessary in the public interests that the lands should be expropriated for the aforesaid purposes or any of them, and if so decided Powers of arbitrators.

they shall award as to the price to be paid to the owner of said lands, but the costs shall be in the discretion of the arbitrators.

Registration of a ward

- (c) If the arbitrators award that the lands shall be taken for such cemetery, or burying-ground, one copy of the award shall be deposited with the registrar of the county or city, as the case may be, in which the lands are situate, and shall be a valid title to the said lands.

Certain lands not to be taken except with consent of owner.

- (d) Lands used as an orchard, pleasure ground or garden, and lands within two hundred yards of any dwelling house, shall not be expropriated without the consent of the owner or owners.

Boundaries to be described in award.

- (e) The award shall be in writing and the boundaries of the lands or premises taken shall be fully described therein.

Certain sections to apply.

- (f) All the provisions of clause 1 of section 547 and of the clause 1 of this section shall, as far applicable, apply to the lands acquired under this clause. R. S. O. 1897, c. 223, s. 577.

3. For making annual or other grants of money to the owners or trustees of cemeteries situated within the municipality or any other municipality. 2 Ed. VII. c. 29, s. 19.

PART VII.

TITLE I.

DIVISION XIX.—NUISANCES.

Nuisances generally. Sec. 586, (1), (2).

Gas works, tanneries, distilleries. Sec. 586, (3).

Slaughter houses. Sec. 486, (3), (4).

Tanneries, rag, bone or junk shops. Sec. 586, (5).

Smoke from manufactories. Sec. 586, (6).

Cows, goats, pigs, etc. Sec. 586, (7).

Noises and disturbances of the peace. Sec. 586, (8), (9).

Beggars. Sec. 586, (10).

By-laws respecting

586. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say :

Nuisances.

By the councils of townships, cities, towns and villages.

1. For preventing and abating public nuisances.

1 a. For preventing the hauling of dead horses, offal, night soil, or other offensive matter, or things along any street in the municipality to be named in the by-law during the hours of daylight. 63 Vic, chap. 33, s. 40. Nuisances.

2. For regulating manufactures or trades which may prove to be nuisances.

3. For preventing and regulating the erection or continuance of slaughter houses, gas works, tanneries, or distilleries, or other manufactureries or trades, which may prove to be nuisances. Slaughter houses, gas works, distilleries, etc.

4. For establishing public slaughter houses, and for preventing, regulating, and inspecting the erection or continuance of slaughter houses and for prohibiting the slaughter of animals intended for food except in slaughter houses designated in the by-law. In towns, villages and townships this clause shall not apply to the slaughter of animals which are so slaughtered for the use of the person killing the same and of his family. Slaughter houses.

[As to Slaughter-houses, see also Cap. 250, page 75.]

By the councils of counties, cities and separated towns :—

5. For defining the areas within which tanneries hereafter erected, rag, bone, or junk shops, or other industries of a noxious or unhealthy character may not be carried on within the municipality. Defining districts within which certain trades may not be carried on.

By the councils of cities, towns and villages :—

6. For compelling manufacturers and others to have such chimneys or other apparatus as shall consume the smoke or prevent the same from following the atmosphere or being carried by the wind or otherwise to other shops, houses, or premises, to the inconvenience or injury of the neighboring premises or residents therein. Regulating construction, etc., of chimneys.

By the councils of townships, cities, towns and villages :—

7. For preventing or regulating the keeping of cows, goats, pigs and other animals, and defining limits within which same may be kept. Limits in which animals may be kept.

Ringling of
bells, etc.

8. For regulating or preventing the ringing of bells, blowing of horns, shouting and other unusual noises, or noises calculated to disturb the inhabitants.

Disturbances
of the peace.

9. For preventing or regulating the firing of guns or other fire-arms ; and the firing or setting off of fireballs, squibs, crackers or fireworks, and for preventing charivaries and other like disturbances of the peace. R. S. O.: 1897, c. 223, s. 586.

EXTRACTS FROM THE PUBLIC SCHOOLS ACT, 1901,
RELATING TO PUBLIC HEALTH MATTERS.

Care of Health
of scholars,
preservation
of school
property.

Duties of Teachers.

Infectious dis-
eases among
pupils.

80. (7) To give assiduous attention to the health and comfort of the pupils, to the cleanliness and temperature and ventilation of the school-rooms, to the care of all maps, apparatus and other school property, to the preservation of shade trees and the orderly arrangement of the playgrounds, and to report promptly to the trustees and municipal health officer the appearance of any infectious or contagious disease in the school, or the unsanitary condition of outhouses and surroundings.

amended
1907

(8) To refuse admission to the school of any pupil affected with, or exposed to small pox, scarlatina, diphtheria, whooping cough, measles, mumps, or other contagious disease until furnished with a certificate of a physician or of a health officer to the effect that all danger from exposure to contact with such pupil has passed away. *or*

Report of
Health Officer.

Duties of Inspectors.

Rev. Stat.
c. 245

87. (4) To report to the trustees and to the medical health officer of the municipality in which the school house is situated, in every case in which the school premises or buildings are found to be in an unsanitary condition and to withhold the school grants in all such cases until he receives a certificate from such health officer or Board of Health that the provisions of the Public Health Act have been duly complied with.

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