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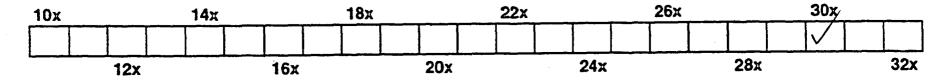
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2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

An Act to provide for the Health of the City of Quebec.

Received and Read a first time, Monday, 19th March, 1849.

Second Rending, Thursday, 22nd March, 1849.

Мг. Снавот.

BILL.

An Act to provide for the Health of the City of Quebee.

WHEREAS it is expedient to amend the Preamble. Ordinance passed to incorporate the City of Quebec, and also the several Acts passed to amend the said Ordinance in so 5 far as the same vest power and authority in the Council of the said City to make By-laws and regulations touching the health, cleanliness and local government of the said City: Be it therefore enacted, &c. 10

And it is hereby enacted by the authority of When this Act the same, That this Act shall come into force shall come into force. and take effect on the day of

II. And be it enacted, That the Board of Board of 15 Health which the said Council may establish, lished by shall in addition to the other powers which Council may may be given to it, have power and authority causes of sickto examine into all causes of sickness, nui- ness, &c, with-

20 sances and sources of filth that may be limits. deemed injurious to the health of the inhabitants of the said City, which do or may exist as well within the limits of the said City as in all parts adjacent thereto extending beyond

- 25 the line of low water of the River St. Lawrence and the River St. Charles, and also as far as the several toll gates erected near the said City, or in any ship or vessel within the Harbour of Quebec, and the said nuisances
- 30 and sources of filth to destroy, remove or prevent as the case may require.

III. And be it enacted, That whenever the Board of said Board of Health shall deem it necessary withassistance for the preservation of the health of the in- of Police enter \$5 habitants, to enter forcibly any building, yard, ings the entry A²⁵⁰

Health estab-

whereof has been refused by the owner. piece of ground, ship or vessel, and entry has been refused by the owner, occupier or person having the care thereof, any Member of the Board of Health may apply to any Justice of the Peace of and for the District of Que-5 bec and on oath complain that it is the opinion of a majority of the Members of the said Board, that a building, yard, piece of ground, ship or vessel within the limits aforesaid, ought to be examined, to ascertain if 10 there be therein any nuisance, source of filth, cause of disease or any other thing injurious to the health of the inhabitants; and such Justice shall thereupon forthwith issue his warrant to any one of the Constables or to 15 any one of the Police force for the said City, ordering such Constable or person of the Police force to take with him sufficient aid and assistance, and accompanied by any one Member of the said Board or by a Health 20 Officer; to repair to the place, building or vessel to be examined between the hour of

in the evening, in the morning and and then if such nuisance, source of filth, cause of disease or other thing injurious to 25 the health of the inhabitants be found, the same immediately to destroy, remove or prevent, as the case may require, under the directions and agreeably to the orders that may be given verbally by such Member of 30 the Board or Health Officer who accompanied the said Peace Officer for the purpose aforesaid.

Expenses of paid by persons causing nuisance.

IV. And be it enacted, That the expenses 35 removing nui- incurred in destroying, removing or preventing any such nuisance, source of filth, cause of disease or other thing injurious to the health of the said inhabitants, and all the costs of proceedings relative thereto, shall be paid by the person who caused such nuisance, 40 source of filth, cause of disease or other thing, or allowed the same to exist, which expenses together with the costs of prosecution shall be recovered on the information of the Mayor and Councillors of 45

the said City before one Justice of the Peace, who is hereby empowered to hear, try and determine the same on the oath of one credible witness, and on conviction to 5 issue a warrant ordering the amount awarded, with costs, to be levied by distress and sale of the offender's goods and chattels.

V. And be it enacted, That any two Potrid ment, Members of the Board of Health may on seized. 10 view take, seize and destroy any unwholesome, putrid or tainted meat, fish, bread, vegetable or other article of provision which in his opinion shall not be fit for food and nourishment, and may be injurious to the 15 health of persons using the same, and that the costs incurred in such proceedings shall be paid by the person in whose possession the said provisions or articles were found.

Vi. And be it enacted, That whenever when cholern, 20 Typhus Fever or Asiatic Cholera or any &c. exista, other contagious or infectious disease shall cupants of exist within the limits aforesaid, it shall be houses may to lawful for the Council of the said City to limit the number of occupants in any build-

- 25 ing within the said limits; and any person who shall occupy such building or allow another person to occupy the same contrary to the order of the said Council, shall on the complaint of the Mayor and Councillors of
- 30 the said City before any one Justice of the Peace, on the oath of one credible witness and in a summary manner be convicted thereof, and thereupon shall by such Justice be sentenced to pay a fine or penalty not
- 35 exceeding five pounds currency, and to be imprisoned in the Common Gaol of the District of Quebec and therein kept at hard labor for any period not exceeding one calender month.
- 40 VII. And be it enacted, That the Council City Council of the said City shall have power, from time roles, &c. with to time, to make and establish all such rules, respect to artiorders and regulations relating to any cloth- cles capable of

foction.

Prisoners in Common Gaol attacked with may be sent to Marine Hospital.

conveying in- ing or article capable of containing or conveying any infectious disease, or causing any sickness, as they may deem proper for the public safety.

VIII. And beitenacted, That whenever any 5 prisoner confined in the Common Gaol of the contigious, &c. said District shall be attacked with any contagious or infectious disorder which, in the opinion of the said Board of Health, endangers the health of the other prisoners in the said 10 Gaol, the said Board of Health, upon the recommendation of the Physician attending the said Gaol, may remove such prisoner from the said Gaol to the Marine Emigrant Hospital, there to remain in the custody and 15 and under the directions of the person in charge of the said Hospital until such prisoner recovers or dies; and in case of recovery such person shall be sent back by the said person in charge to the said Gaol, and the 20 said person in charge shall fyle, in the office of the Clerk of the Peace for the said District, a certificate stating how long such prisoner remained in their custody, and shall state whether he is dead or has been sent 25 bcak to Gaol.

Bledical Practitioners to make a report of patients.

IX. And be it enacted, That all Medical Practitioners within the aforesaid limits shall make a Report to the Board of Health of the patients having any infectious or contagious 30 disease they have been called upon to attend; and any such Practitioner who shall not make such Report in the manner and at the times required by any By-law of the said Council, 35 shall incur a penalty not exceeding pounds of current money for each day he shall omit to make such Report.

X. And be it enacted, That the said HealthOfficers may be ap. Council may appoint any number of Health 40 pointed. Officers it may deem requisite to assist in enforcing obedience to and carrying into execution the By-laws of the Council and the

orders of the said Board, and that the said Council may, at any time, remove any member of the said Board and any Health Officer, and appoint others in their place.

XI. And be it enacted, That the said Council to 5Council shall make a table of the fees to be make a table of head to the process opplayed by the set paid to the persons employed by the said Board of Health.

XII. And be it enacted, That all the By- By-laws relat-10 laws made by the said Council for the ing to Health, preservation of the Health of the Inhabitants in both languof the said City, shall be rublished at least "ges. in two newspapers, one in the English and one in the French language.

- XIII. And be it enacted, That all forfei-Forfeitures 15 tures and penalties imposed by this Act shall this Act, to be he prosecuted on the information of the recovered Mayor and Councillors of the said City before any one Justice of the Peace, in a summary
- 20 manner, and such Justice shall have power and authority on the oath of one credible witness to convict the offender; and on such conviction to award the payment of the penalty and the imprisonment as the case may be,
- 25 imposed by this Act, together with the costs of prosecution; which penalty and costs shall be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of any Justice of the Peace,
- 30 and paid to the Treasurer of the City, to form part of the funds of the said Corporation: And it is hereby enacted, That no writ of certiorari shall in any case be allowed upon any proceeding or conviction had under or
- 35 by virtue of this Act.

XIV. And be it enacted, That it shall not In suits by be necessary in any information at the suit of Mayor and Councillors, of the said Mayor and Councillors before any not necessary Justice as above directed, to recite the By- to recite By-40 law which the party accused has violated or disobeyed, but it shall suffice to allege that the offence has been committed against a By-

summarily.

law of the said Council without any recital of the same.

XV. And be it enacted, That in prosecu-

Council, but that a copy thereof, proved by one credible witness to be a true copy, shall be received as sufficient legal evidence of

In prosecutionstorecover tions brought to recover such penalties and penalties. copies of Byforfeitures, it shall not be necessary to pro- 5 luws sufficient. duce the original of the By-laws matte by the

By-laws need not be sauc tioned by Governor.

such By-law.

Board of Health beld harmless for in the extcution of their duty.

be requisite to obtain the sanction or approbation by the Governor General of the Province of any By-law passed by the said Council for the preservation of the Health of 15 the Inhabitants of the said City. XVII. And be it enacted, That no Member

XVI. And be it enacted, That it shall not

of the Board of Health, no Health Officer, or anything done other person employed by the said Board shall be responsible in damages to any per-20 son for the due execution of any By-law made or of any order given by the said Council touching and concerning the Health of the said Inhabitants, unless malicious intent be proved. 25

Penalty on person's violating By-laws for Health.

XVIII. And be it enacted, That all persons who shall disobey or violate any By-law made by the said Council for the Health of the said Inhabitants, and for which violation or disobedience a penalty or forfeiture is not 30 specially imposed by this Act, shall incur a fine or penalty not exceeding five pounds of lawful current money; and may at the discretion of the convicting Justice be imprisoned in the Common Gaol of the District of 35 Quebec, and therein kept at hard labor for any period of time not exceeding one month.

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