



No. 190.

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

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## BILL.

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

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

Second Reading, Thursday, 22nd March, 1849.

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MR. CHABOT.

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## B I L L.

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

**W**HEREAS 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, cleanli-  
ness 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 shall come into force.  
the same, That this Act shall come into force  
and take effect on the day of

15 II. And be it enacted, That the Board of Board of Health estab-  
lished by  
Council may  
enquire into  
causes of sick-  
ness, &c. with-  
in certain  
limits.  
Health which the said Council may establish,  
shall in addition to the other powers which  
may be given to it, have power and authority  
to examine into all causes of sickness, nui-  
20 sances and sources of filth that may be  
deemed injurious to the health of the inhabi-  
tants 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. Law-  
rence 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  
Health may  
with assistance  
of Police enter  
forcibly build-  
ings the entry  
said Board of Health shall deem it necessary  
for the preservation of the health of the in-  
35 habitants, to enter forcibly any building, yard,

whereof has  
been refused  
by the owner.

piece of ground, ship or vessel, and entry has  
been refused by the owner, occupier or per-  
son 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 afore-  
said, 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 morning and in the evening,  
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 afore-  
said.

Expenses of  
removing nui-  
sances to be  
paid by per-  
sons causing  
nuisance.

IV. And be it enacted, That the expenses 35  
incurred in destroying, removing or prevent-  
ing 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 pro-  
secution shall be recovered on the infor-  
mation 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 Members of the Board of Health may on  
 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.

Putrid meat, &c., may be seized.

VI. And be it enacted, That whenever  
 20 Typhus Fever or Asiatic Cholera or any other contagious or infectious disease shall exist within the limits aforesaid, it shall be lawful for the Council of the said City to limit the number of occupants in any building within the said limits; and any person  
 25 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 calendar month.

When cholera, &c. exists, number of occupants of houses may be limited.

40 VII. And be it enacted, That the Council of the said City shall have power, from time to time, to make and establish all such rules, orders and regulations relating to any cloth-  
 City Council may make rules, &c. with respect to articles capable of

conveying infection.

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

Prisoners in Common Gaol attacked with contagious, &c. may be sent to Marine Hospital.

VIII. And be it enacted, That whenever any 5  
prisoner confined in the Common Gaol of the 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 file, 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  
back to Gaol.

Medical 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 30  
patients having any infectious or contagious 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, shall incur a penalty not exceeding 35  
pounds of current money  
for each day he shall omit to make such Report.

Health Officers may be appointed.

X. And be it enacted, That the said Council may appoint any number of Health 40  
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.

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

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

15 XIII. And be it enacted, That all forfeitures and penalties imposed by this Act shall be prosecuted on the information of the Mayor and Councillors of the said City before any one Justice of the Peace, in a summary 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. Forfeitures imposed by this Act, to be recovered summarily.

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

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

In prosecutions to recover penalties, copies of By-laws sufficient.

XV. And be it enacted, That in prosecutions brought to recover such penalties and forfeitures, it shall not be necessary to produce the original of the By-laws made by the Council, but that a copy thereof, proved by one credible witness to be a true copy, shall be received as sufficient legal evidence of such By-law. 5 10

By-laws need not be sanctioned by Governor.

XVI. And be it enacted, That it shall not 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 the Inhabitants of the said City. 15

Board of Health held harmless for anything done in the execution of their duty.

XVII. And be it enacted, That no Member of the Board of Health, no Health Officer, or other person employed by the said Board shall be responsible in damages to any person 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. 20 25

Penalty on persons 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 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 Quebec, and therein kept at hard labor for any period of time not exceeding one month. 30 35