

*The Provincial Statutes of Lower-Canada, Being the second session of the fourteenth Provincial Parliament of Lower-Canada.* Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1832.

2 William IV – Chapter 16

**An Act to establish Boards of Health within this Province, and to enforce an effectual system of Quarantine. (25th February, 1832.)**

MOST GRACIOUS SOVEREIGN.

Whereas His Excellency the Right Honorable Matthew Lord Aylmer, Knight Commander of the Most Honorable Military Order of the Bath, Governor in Chief, hath by a Message bearing date the third day of February one thousand eight hundred and thirty-two, been pleased to recommend that Legislative provision should be made for preventing the introduction of the disease called the Asiatic Cholera into this Province, and for averting or diminishing the evils which might arise from the introduction thereof, and it is expedient that provision should be made for carrying the said recommendation into effect: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Québec in North-America,' and to make further provision for the Government of the said Province;"—And it is hereby enacted by the authority of the same, that so soon as may be after this Act shall have been passed, there shall be established in the City of Québec, a Board of Health, which shall consist of the Senior Justice of the Peace, residing within the said City, who shall of right be Chairman of the Board, and of fifteen other Members to be appointed by the Governor, Lieutenant Governor or person administering the Government, by an instrument under his hand, and whom he shall have power to remove from time to time, and to appoint others in their stead; Provided always that eight of the said Members (exclusive of the Chairman) shall be Justices of the Peace residing in the City or Banlieu [Banlieue] of Québec, and the remaining seven shall be principal resident Citizens thereof; and that five Members of the said Board shall form a quorum.

II. And be it further enacted by the authority aforesaid, that all Clergymen who shall in writing signify their willingness to attend the Meetings and to perform their share of the duties of the Board, shall be considered ex officio Members thereof, and shall have equal powers with the other Members thereof.

III. And be it further enacted by the authority aforesaid, that in case the said Chairman shall from any unavoidable cause be unable to discharge his duties as such, it shall be competent

to the Board to choose one of the Members present to preside, who shall for the time being have all the powers and perform all the duties of the Chairman.

IV. And be it further enacted by the authority aforesaid, that the said Board of Health shall have and they are hereby invested with power and authority:—1st. From time to time to appoint as many Health Wardens and other Officers to carry into effect the Rules and Regulations of the Board, as may be deemed necessary:— 2nd. To authorize such Officers at such times as the Board shall think fit to enter into and examine in the day time all buildings, lots of ground and places of every description within the City and Banlieu of Québec, and all Vessels, Boats and Rafts lying within the Port of Québec, and to ascertain and report to the Board the condition thereof, so far as the Public Health may be affected thereby:—3rd. To give all such directions and adopt all such measures as may in their judgment be necessary for cleansing and purifying all such Buildings, Lots of Ground and other places, Vessels, Boats and Rafts, and to do or cause to be done every thing in relation thereto which in their opinion may be proper to preserve the Health of the said City:—4th. To cause every Avenue, Street, Alley or other Passage whatsoever to be fenced up or otherwise enclosed, if they shall think the public safety to require it, and to adopt suitable measures for preventing all persons from going to any part of the City or Banlieu so enclosed.—5th. To import or cause to be imported a supply of such Medicines as it may be deemed requisite to have in the event of the said disease termed Asiatic Cholera or Cholera Morbus being introduced.

V. And be it further enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant Governor or person administering the Government to appoint two resident Physicians and one Health Commissioner who shall be styled Commissioners of Health, and the said resident Physicians shall sick persons reported to the Chairman of the Board of Health or to the Board of Health or to the Commissioners of Health, and shall perform all such other duties the Board of Health shall direct:—And the said Health Commissioners shall under direction of the Board of Health assist the resident Physicians in the execution of their official duties:—And he shall from time to time receive such monies as may be appropriated for the support of the Hospitals in the District of Québec, (excepted Hôtel Dieu and General Hospital,) and pay all demands which may be approved by the Commissioners of Health.

VI. And be it further enacted by the authority aforesaid, that the said Health Commissioner shall before entering on the discharge of his official duties give good and sufficient security to the satisfaction of the Governor, Lieutenant Governor or person administering the Government, for the faithful discharge of his trust; And all monies to be advanced to such Health Commissioner shall be deposited in such Bank in the City of Québec as the Board of Health shall direct, and on account of such Commissioner and shall not be drawn out except on the check of such Commissioner countersigned by the Chairman of the Board of Health.

VII. And be it further enacted by the authority aforesaid, that in the discharge of their duties the resident Physicians and Health Commissioner shall sheet daily at the Office of the Board of Health during such part of the year, and at such hours as the Board shall appoint.

VIII. And be it further enacted by the authority aforesaid, that the resident Physicians and Health Commissioner shall each receive an annual exceeding two hundred and fifty pounds currency out of the public monies of the Province.

IX. And be it further enacted by the authority aforesaid, that it shall be the duty of the Health Officer of the Port of Québec, to go on board every vessel arriving in the harbour of Québec, immediately after her arrival and to make strict search and enquiry into the health of the Officers, Grew and Passengers and into the state of such vessel and of her cargo, and to report his observations thereupon without delay to the Governor, Lieutenant Governor or person administering the Government and to the Board of Health, and to perform all such other duties as the Board of Health or the Commissioners of Health, may lawfully require, and make immediate report of his proceedings and of the result to the Governor, Lieutenant Governor or person administering the Government; and to the Board of Health, and in the discharge of his duty it shall be lawful for the said Officer to put all such questions to the persons on board any vessel as he shall judge fit and necessary to enable him to ascertain the condition of the vessel, and the persons to whom any such questions shall be put, shall if required answer the same under oath, which oath the said Health Officer is hereby empowered to administer.

X. And be it further enacted by the authority aforesaid, that the said Health Officer shall be entitled to receive fifteen shillings currency out of the public monies of the Province for each vessel arriving from sea which he shall board and inspect and respecting which he shall make a report, and out of the amount so received he shall defray all expenses necessarily incurred in the execution of his duty: And in every such report the said Health Officer shall enter the name of the vessel and of the master: the place from whence the vessel came: the places at which they may have touched during the voyage: whether any pestilential disease existed at any such places at the time of her departure or during one month next before it: whether any person has died or been sick during the passage: the number of the crew and the number of the passengers, (if any,) and all other information which he may consider necessary to show clearly the actual state of the vessel.

XI. And be it further enacted by the authority aforesaid, that the Board of Health or the Chairman thereof, or the Commissioners of Health shall have and are hereby invested with power, when they shall judge it necessary, to cause any cargo or part of any cargo or any matter or thing within the Port, City or Banlieu of Québec that may be putrid or otherwise dangerous to the public health, to be destroyed or removed and such removal shall be to such place as the Board of Health shall direct.

XII. And be it further enacted by the authority aforesaid, that the Board of Health or the Chairman thereof or either of the Commissioners of Health shall have power to send to either of the Hospitals established in the District of Québec (except the Hotel Dieu and the General Hospital,) all persons in the Port, City or Banlieu of Québec, but not resident therein, who may be sick of any malignant or contagious disease.

XIII. And be it further enacted by the authority aforesaid, that the Commissioners of Health shall communicate daily to the Chairman of the Board of Health, all reports to them made or to either of them and all information in their possession which may better enable the Board to preserve the health of the City.

XIV. And be it further enacted by the authority aforesaid, that each and every Physician and Medical Practitioner in the City and Banlieu of Québec, shall make a report in writing to the Chairman or to the Board of Health or to one of the Commissioners of Health, of every patient that he may have labouring under any pestilential or infectious disease, and that within twelve Hours after he shall ascertain or suspect the nature of the disease: and shall likewise report (if so directed by the Board of Health) every patient he may have labouring under disease of any description, and shall state in such report the specific nature and type of such disease: and shall also when required by the Board of Health report the death of any of his patients within twelve hours after such death shall take place, and shall state in his report the specific name and type of the disease of which such patient shall have died.

XV. And be it further enacted by the authority aforesaid, that every Tavern Keeper or person keeping a boarding or lodging house in the City or Banlieu of Québec shall report in writing to the Chairman of the Board of Health or to either of the Commissioners of Health, the name of every seafaring man, boarder or passenger by sea who shall be sick in His house, within twelve hours after each case of sickness shall have occurred.

XVI. And be it further enacted by authority aforesaid, that every Master, Owner, or Consignee of a Vessel lying at a Wharf or in the Harbour of the Port of Québec shall in like manner report in writing and within the same period the name of every sick person on board such vessel; and no such person shall be removed therefrom without a written permit for that purpose from the Chairman, the Board of Health, or one of the Commissioners of Health.

XVII. And be it further enacted by the authority, aforesaid, that each Commissioner of Health and each Medical Practitioner shall immediately report to the Board of Health, the name of every Physician or Medical Practitioner by whom he shall have reason, to believe that the provisions of this Act have been violated, and if any Commissioner shall neglect or refuse to perform this duty, the Board of Health shall suspend him from his office.

XVIII. And be it further enacted by the authority aforesaid, that every Master, Owner, or Consignee of a vessel, who shall refuse or neglect to perform they duties assigned him by this Act, shall for every offence incur a penalty not exceeding one hundred pounds currency, and shall be imprisoned until such penalty be paid.

XIX. And be it further enacted by the authority aforesaid, that every person who shall violate any order or direction made by the Board of Health in the exercise of the powers vested in them by this Act, shall, for every such offence incur a penalty not exceeding one

hundred pounds currency, and shall be imprisoned until such fine be paid or for a term not exceeding six months.

XX. And be it further enacted by the authority aforesaid, that every keeper of a boarding house or lodging house, or tavern keeper, who shall refuse or neglect to obey the directions to him given by the Board of Health, or to perform the duties assigned to him by this Act, shall for every such offence incur a penalty not exceeding one hundred pounds, currency, and shall be imprisoned for a time not exceeding six months and until such penalty be paid.

XXI. And be it further enacted by the authority aforesaid, that there shall be a Quarantine Ground or Anchorage in the Port of Québec, and that the same shall be as near as may be to Grosse Isle and between Grosse Isle, Cliff Island, Margaret Island and Two Heads Islands, and that, the said Quarantine Ground or Anchorage shall be marked by buoys, to be laid down under the direction of the Superintendent of Pilots, and every vessel subjected to the performance of Quarantine shall perform the same at anchor at such Quarantine Ground,

XXII. And be it further enacted by the authority aforesaid, that Grosse Isle and Cliff Island and the Quarantine Ground aforesaid, shall be and are hereby placed under military authority, and there shall be erected on one of the said Islands; and in a position to command the Quarantine Ground, one or more block houses and such sheds and accommodation for the sick as shall be deemed necessary.

XXIII. And be it further enacted by the authority aforesaid, that there shall be placed at the said block houses, &c. a sufficient military force, provisions, medical officers, medicines, hospital stores and attendants.

XXIV. And be it further enacted by the authority aforesaid, that every vessel arriving from sea shall come to anchor as near as may be to the said block house or block houses, and shall not be allowed to proceed, on her voyage until she shall have been visited and examined and furnished with a permit so to proceed from 'the visiting officer at such Quarantine Ground and every Vessel which shall pass Grosse Isle without such permit may be compelled to return.

XXV. And be it further enacted by the authority aforesaid, that all Pilots shall be instructed by the proper authority to bring all vessels, to under the said block house; and to inform themselves immediately after going on board such vessel of the place from which the vessel sailed, whether any unusual malady prevailed there within one month before the time of her sailing; of the state of health of every place or vessel at which the said vessel may have touched or with which she may have had intercourse after sailing, whether any person and how many has died on board or been ill of any unusual malady, and in case there should be any ground for subjecting danger of infection or contagion it shall be the duty of the Pilot to keep a Blue Flag flying, at the fore top gallant mast head from the time he comes in sight of the said block house.

XXVI. And be it further enacted by the authority aforesaid, that all persons at the said Island and Quarantine Ground shall be subject to such rates and regulations as it may be deemed necessary to adopt and shall be under the immediate controul of the Commandant.

XXVII. And be it further enacted by the authority aforesaid, that a line of Telegraphs shall be established between Québec and Grosse Isle, and such vessels as shall be necessary for enforcing any regulations to be made under the authority of this Act may be hired and employed.

XXVIII. And be it further enacted by the authority aforesaid, that every vessel arriving at the Harbour of Québec shall anchor off the mouth of the River Saint Charles, and no boat shall land from nor shall any communication whatever be had from the shore or any Other vessel with any such vessel (except in case of distress) until the certificate of health and permit from the proper officer at the Quarantine Ground shall have been produced to the Health Officer at Québec and endorsed by him nor until by his order a Red Flag shall be hoisted at the fore top gallant mast head.

XXIX. And be it further enacted by the authority aforesaid, that every Pilot shall communicate to the Master and to the person second in command of every vessel, he shall board, a printed copy of this Act, and of all the instructions and orders under which he shall act, provided he shall have been furnished with copies thereof for that purpose, and shall take care that no violation thereof shall take place on board such vessel, and shall report all such violations thereof as may take place with the least possible delay to the Governor, Lieutenant Governor, or person administering the Government and to the Board of Health at Québec.

XXX. And be it further enacted by the authority aforesaid, that the Corporation of the Trinity House at Québec, shall immediately after the passing of this Act, cause a sufficient number of copies thereof to be printed in a portable form for the purpose of being delivered to the Pilots, and also of such regulations as the Board of Health may adopt, and of such instructions as the said Corporation may deem it expedient to give to Pilots for their guidance, and the said Corporation shall before the opening of the navigation deliver one copy thereof to each Pilot for the purpose of being by him communicated to the Master and second in command of every vessel which such Pilot may board.

XXXI. And be it further enacted by the authority aforesaid, that every Pilot who shall be detained in Quarantine shall be entitled to twenty shillings currency for every day during which he shall be so detained and over and above all Pilotage, and such allowance shall be paid by the person or persons by whom the Pilotage is to be paid.

XXXII. And be it further enacted by the authority aforesaid, that every Master of a vessel who shall permit any passenger by the same to land below Grosse Isle or to have any communication with the shore, shall for every passenger so permitted to land, incur a

penalty not exceeding one hundred pounds currency, and shall be imprisoned until such penalty be paid.

XXXIII. And be it further enacted by the authority aforesaid, that every Pilot neglecting or refusing to perform any of the duties assigned to him by this Act, shall for every such neglect or refusal incur a penalty not exceeding fifty pounds currency and shall be deprived of his branch.

XXXIV. And be it further enacted by the authority aforesaid, that for the purpose of defraying all necessary expenses incurred in carrying this Act into effect, it shall be lawful for the Governor, Lieutenant Governor or person administering the Government, to advance and pay by Warrant under his band and out of any unappropriated monies in the hands of the Receiver General, such sums as shall not in the whole exceed the sum of ten thousand pounds currency.

XXXV. And be it further enacted by the authority aforesaid, that all the penalties imposed by this Act shall be sued for and recovered in a summary manner before one Justice of the Peace, on the oath of one or more credible witnesses, and such Justice of the Peace shall have power to commit the offender to the common gaol for the term herein prescribed with reference to the offence he shall have committed, if such penalty be not forthwith paid, and every such offender shall be prosecuted within one month after the offence committed and not afterwards; and such penalties shall belong to His Majesty, His Heirs and Successors, and shall by the Justice of the Peace by whom they shall have been received be paid over to the Receiver General, and remain in his hands at the disposal of the Provincial Legislature for the public uses of the Province.

XXXVI. And be it further enacted by the authority aforesaid, that every Justice of the Peace shall keep a register of every thing by him done under the authority of this Act, and shall report the same monthly to the Governor, Lieutenant Governor or person administering the Government.

XXXVII. And be it further enacted by the authority aforesaid, that the Governor, Lieutenant Governor or person administering the Government may by Proclamation and according as it shall appear to him expedient and necessary, extend the provisions of this Act to the City, Port and Harbour of Montreal or to any other part or parts of this Province, and may in like manner by Proclamation suspend this Act, and may in like manner at any time direct that the same shall again be in force or may direct that the same shall be in force in any part or parts of this Province and not elsewhere: Provided always that whenever this Act shall be in force all Laws, Statutes, Ordinances and usages in any wise to the contrary to the provisions thereof shall be and they are hereby suspended.

XXXVIII. And be it further enacted by the authority aforesaid, that every person to whom shall be entrusted the expenditure of any portion of the monies hereby appropriated, shall make up detailed accounts of such expenditure, showing the sum advanced to the

Accountant, the sum actually expended, the balance, if any, remaining in his hands, and the amount of the monies hereby appropriated to the purpose for which such advance shall have been made, remaining unexpended in the hands of the Receiver General; and that every such amount shall be supported by Vouchers therein distinctly referred to by numbers, corresponding to the numbering of the Items in such account, and shall be made up to and closed on the tenth day of April and tenth day of October in each year, during which such expenditure shall be made, and shall be attested before a Justice of the Court of King's Bench or a Justice of the Peace; and shall be transmitted to the officer whose duty it shall be to receive such account within fifteen days next after the expiration of the said periods respectively.

XXXIX. And be it further enacted by the authority aforesaid, that the due application of the monies appropriated by this Act, shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall direct; and that a detailed account of all such moneys shall be laid before the several branches of the Provincial Legislature, within the first fifteen days of the next Session thereof.

XL. And be it further enacted and declared, that this Act shall continue and be in force until the first day of February one thousand eight hundred and thirty-three, and no longer.