

CAP. LVIII.

An Act to establish a Board of Health in the City and County of Saint John.

*Passed 26th April 1850.*

Governor in Council authorized to establish a Board of Health for the City and County of Saint John or any part thereof.

I. **B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Lieutenant Governor in Council shall have full power and authority to constitute and establish a Board of Health for the City and County of Saint John, or for any part thereof, to consist of so many residents of the said City and County as may be advisable, with power at any time to add to the number of members at such Board, and to displace members therefrom, or dissolve the said Board, as may be thought fit.

Mayor and Recorder of the City to be members. [Chairman.]

II. And be it enacted, That the Mayor and Recorder of the City of Saint John shall always be members of such Board; that the said Mayor, or in his absence the Recorder, shall be Chairman thereof, and in the absence of both the Mayor and Recorder, such other member shall be Chairman as the Board shall nominate; and the several members of the Board immediately after their appointment shall be sworn to the faithful discharge of their duty before the Clerk of the Peace for the said City and County, and shall sign the roll by him kept for that purpose, and any five members of the Board shall be a sufficient number to proceed to business; that the Board may appoint a Clerk; and the orders, rules and regulations of the Board, signed by the Chairman and Clerk, shall be binding and effectual.

Members to be sworn.

Five members to be a quorum for business. Clerk, and signing orders.

III. And be it enacted, That during the continuance of the Board all the Quarantine Laws relating to the said City and County now in force or which shall hereafter be enacted, shall be enforced by the said Board only; and the Board may make rules and regulations for the preservation of the public health and the prevention of disease within its jurisdiction, with penalties and forfeitures not in any case exceeding the sum of one hundred pounds.

Board to enforce the Quarantine laws, and make regulations for the preservation of the public health.

Power given to cleanse enclosures, and fence up streets and alleys.

IV. And be it enacted, That the members of the Board, or other persons by them appointed, shall have power and authority to enter into and upon any house, building, yard, enclosure, or land not enclosed, within the jurisdiction of the Board, and remove any noxious or offensive matter therefrom, and may cleanse, fumigate or use any other means for purifying the same, and may cause any avenue, street, alley or other passage way to be fenced up or enclosed, and prevent all persons from entering therein.

Power given to prevent intercourse, and apprehend parties violating the regulations, and otherwise.

V. And be it enacted, That the Board may regulate or prohibit the intercourse between the district or any portion thereof under its jurisdiction and any other part of the Province, and may apprehend persons who violate the regulations or prohibitions and convey them to the vessel or place from whence they last came, or elsewhere beyond the district for which the Board is appointed, or may convey them to a Hospital or other place within the same, and may adopt prompt measures to prevent the spread of disease or communication with any vessel, house, family or place infected, and may exercise such powers as in the opinion of the Board the circumstances of the case and the public good may require.

Board may appoint a superintendent of Partridge Island and Quarantine Station, also a Physician.

May order removal of vessels and seizure of articles landed.

VI. And be it enacted, That the Board may appoint a Superintendent of Partridge Island and of the Quarantine Station there, and also may appoint a Physician to reside there, and may order any boat or vessel within its district to be removed to the quarantine ground, or other place of safety, and all persons, articles or things landed or introduced therefrom, to be apprehended or seized and again put on board, and may cause such removal at the expense of the master, owner or consignee of any boat or vessel, and no boat, vessel, person or article shall return or be brought back or landed without the written permission

of the Board, and any putrid or dangerous matter or thing may be destroyed by order of the Board.

VII. And be it enacted, That the Board may build or hire Hospitals, and furnish the same, and employ proper persons to attend the sick who may be placed therein, and may do whatever is necessary with regard thereto, and may provide for the interment of the dead, and may appoint Committees of one or more of the members of the Board to execute its orders, which Committees may sue or be sued for any contract or engagement entered into by them in fulfilment of their duties; and in order to defray the expenses, the Lieutenant Governor in Council is empowered to grant a Warrant on the Province Treasurer for payment thereof, but for no larger amount in any one year than the sum of five hundred pounds, and no money shall be expended by the Board until the expenditure shall have first received the sanction of the Lieutenant Governor in Council.

Board may build or hire Hospitals, employ nurses, provide for interments, and appoint Committees.

Expenses to be defrayed by Warrant on Provincial Treasury.

VIII. And be it enacted, That the Board shall have power to remove to the Hospital or other fit place any infected or sick person within its jurisdiction, and keep such person there until cured or sufficiently recovered to be discharged with safety, and whoever shall violate the orders of the Board, or resist, oppose or obstruct its members, or any person acting in their aid, shall be deemed guilty of and punished as for a misdemeanor, and shall be liable to a penalty not exceeding one hundred pounds nor less than five pounds for each offence.

Power given to remove infected persons to the Hospital.

Penalty for violating rules, or resisting.

IX. And be it enacted, That any penalty or forfeiture incurred under the authority of this Act, may be recovered with costs in any Court of competent jurisdiction in this Province, and whoever may become liable for such penalty or forfeiture may be held to bail by the order of a Judge according to the usual practice, and any penalty of twenty pounds or under may be recovered with costs by summary proceeding before the Police Magistrate for the City of Saint John, or the Police Magistrate for the Parish of Portland, and all suits for penalties shall be brought in the name of the Clerk of the Board, and all sums recovered, after deducting any expenses incurred in the prosecution, shall be paid into the Province Treasury.

Recovery of penalties.

X. And be it enacted, That this Act shall not come into force until the first day of May next, and any Board of Health for the City and County of Saint John, or for any part thereof, existing on the day preceding the time appointed for this Act to come into operation, shall be and continue as then constituted, and shall carry out the provisions of this Act until changed or dissolved by the Lieutenant Governor in Council.

Act to come into force on 1st of May, and Boards then existing continued.

XI. And be it enacted, That throughout this Act wheresoever words are used importing the singular number or the masculine gender only, yet they shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males; and wheresoever words are used importing the plural number, yet shall be understood to apply to one matter as well as more than one, and to one person as well as more than one, as though the words had been used in the singular number, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and the term "Lieutenant Governor in Council" shall be deemed to import the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice and consent of the Executive Council.

Construction of Act. Number and gender.

Lieutenant Governor in Council.