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18 Victoria – Chapter 40

An Act to establish a Board of Health in the City and County of Saint John. Passed 12th April 1855.

Section.	Section.
1. Board of Health, establishment of;	12. Removal of infected persons.
2. Number of; Chairman.	13. Streets may be closed up; and traffic prevented.
3. Clerk, appointment of; signature of orders.	14. Keeping of pigs and cows restricted.
4. Compensation of Members and Clerk.	15. Proceedings against persons violating bye laws.
5. Bye laws, authority to make; Quarantine laws to be enforced.	16. Slaughter houses, prohibition of, within certain distances.
6. Bye laws, transmission of, for approval.	17. Depositing night soil, &c. to be within two miles of City, penalty.
7. Right of entry into houses, yards, &c., and removal of nuisances.	18. Place for depositing night soil, &c. to be provided.
8. Board may regulate the intercourse between distracts, families, &c.	19. Depositing manure, &c. on highways within two miles of City, penalty.
9. Superintendent and Physician for Partridge Island, appointment of.	20. Penalties, recovery of.
10. Authority to remove vessels to quarantine grounds.	21. Cup. 97, Revised Statutes. repealed.
11. Hospitals, acquisition of; attendance on sick; interment of dead; expenses.	22. Limitation of Act. rendered;

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. The Governor in Council may by Commission establish a Board of Health for the City and County of Saint John, or for any part thereof, and at any time dissolve or renew the same.
2. Such Board shall consist of not more than five members, who shall be residents of the said City and County; the first person named in the Commission establishing the Board, shall be Chairman thereof; in his absence, the second person named shall act as Chairman, and so on in the successive order in which the Members of the Board are named.
3. The Board may appoint a Clerk, and the orders and regulations of the Board, signed by the Chairman and Clerk, shall be valid.
4. There shall be paid to the Members of the said Board, and to the Clerk thereof, such compensation as the Governor in Council shall appoint, not exceeding the sum of one hundred and fifty pounds for any one year to the Chairman, a sum not exceeding seventy five pounds in

any one year to each Member, and a sum not exceeding one hundred pounds in any one year to the Clerk, the same to be paid by Warrant on the Provincial Treasury.

5. The Board may make bye laws for the preservation of the public health, and prevention of disease within its jurisdiction, under penalties for the breach thereof, not in any case exceeding the sum of ten pounds, or forty days imprisonment, and it shall be their duty to enforce the quarantine laws relating to the said City and County.

6. A. copy of every bye law of the Board shall be transmitted with all convenient speed after the making thereof to the Governor, and it shall be lawful for the Governor in Council, within thirty days after the receipt of such copy, to disallow such bye law, which disallowance shall, without delay, be signified to the Chairman of the Board, and thereafter such bye law shall be void and of none effect.

7. The Members of the Board, or any person by them appointed, may enter into any house, building, yard, enclosure, or land not enclosed, within the jurisdiction of the Board, and remove any noxious or offensive matter therefrom, cleanse, fumigate, or use any proper means for purifying or draining the same, and cause any street or passage way to be enclosed, and prevent all persons from entering the same.

8. The Board may regulate or prohibit the intercourse between the district under its jurisdiction, or any portion thereof, and any other part of the Province, and may cause any persons who violate its regulations or prohibitions to be apprehended, and conveyed to the vessel or place whence they last came, or elsewhere beyond the district for which the Board is appointed, or to an hospital or other place within the same; and may adopt prompt measures to prevent the spread of disease, or communication with any 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.

9. The Board may appoint a Superintendent of Partridge Island, and of the Quarantine Station there, and also appoint a Physician to reside on such Island, and shall have possession and entire charge of all the quarantine buildings and premises there, with authority to regulate and improve the same as may be necessary.

10. The Board may order any boat or vessel within its district to be removed to the quarantine ground of the Harbour of Saint John, or other place of safety; and all persons and things landed 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 such boat or vessel, and no boat or vessel shall return, or person or thing be landed, without the written permission of the Board; and any dangerous or offensive matter or thing may be destroyed by order of the Board.

11. The Board may purchase, build, or hire hospitals, furnish the same, employ proper persons to attend the sick placed therein, do whatever is necessary with regard thereto, and provide for the interment of the dead; may appoint Committees of one or more of its members to execute its

orders, which Committees may sue or he sued upon any contract or engagement entered into by them in fulfilment of their duties; and in order to defray the expenses, the Governor in Council may grant a Warrant on the Provincial Treasurer for payment thereof to such extent as the Governor in Council may deem necessary under the circumstances.

12. The Board may within its jurisdiction remove to an hospital or other fit place any sick or infected person, and keep him there until cured or sufficiently recovered to be discharged with safety; and if any person shall violate the orders of the Board, or resist, oppose, or obstruct a member of the same, or any person acting under the orders of the Board, or in aid of a member thereof, he shall be guilty of a misdemeanor, and on conviction, shall be liable to a penalty not exceeding one hundred pounds, nor less than five pounds, for such offence, either with or without imprisonment as the Court may direct.

13. The Board may order any street, highway, lane, alley, slip, or unenclosed place to be closed up, and may prevent any access to, or traffic through the same; and may fill up any excavation, pond, pit, hole, or other place within their jurisdiction, which they may deem prejudicial or dangerous to the public health.

14. No pigs shall be kept in the City of Saint John, nor more than two cows kept together in the same premises or building in the said City; nor shall any erection, building, or place within the said City, be used as a slaughter house or for the purpose of slaughtering animals; nor shall pigs or cows or slaughter houses be permitted elsewhere within the jurisdiction of the Board, except in such parts thereof outside the said City as they may designate, and the Board may regulate the penalties for the violation of this Section to any extent not exceeding fifty pounds, and enforce the same.

15. Any person who shall violate the bye laws of the Board, shall be summoned by a notice from the Clerk thereof requiring him to appear within twenty four hours before the Chairman, to shew cause why he shall not pay the prescribed penalty; and if the person shall fail to appear, and shall not shew sufficient cause, the Chairman may convict him of such violation, and inflict such penalty within the prescribed limits, as he may see fit, and shall thereupon forthwith issue his warrant to the Sheriff or any Constable of the said City and County, to levy such penalty of the goods and chattels of the offender, or commit his body to the gaol of such City and County, for any period not exceeding forty days; and all fines and penalties recovered, shall be received by the Clerk of the Board, and appropriated to the expenses thereof.

16. No shed, building, or erection standing and being within two hundred yards of any road, street, or highway within two miles of the City of Saint John, shall be used or occupied as a slaughter house, under the penalty of ten pounds. Proof of the finding of entrails, blood, or offal of cattle or sheep upon any such premises, or of carcases or dead meat being upon such premises, or being removed therefrom, shall be prima facie evidence against the owner or occupier of such premises that they have been used and occupied as a slaughter house.

17. Any person who shall place or deposit on the shore of Courtney Bay, near the City of Saint John, or on any part of the sands or flats above high water mark of the said Bay, any night soil, filth, or offensive matter, shall forfeit and pay the sum of five pounds; nothing herein contained shall prevent a place of deposit being established in Courtney Bay should the Board of Health and Common Council of the said City so determine.

18. The Board of Health shall provide a proper and convenient place of deposit for night soil, dung, filth, and rubbish of all kinds, and take such measures for the disposition thereof as may be least detrimental to the public health.

19. Any person who shall place or cause to be placed upon any street or highway in the City of Saint John, or upon any street or highway within two miles of the said City, any manure, manure heap, or compost heap, dung, or night soil, shall forfeit the sum of five pounds. Any such manure, manure heap, compost heap, dung, or night soil, so deposited or placed shall become the property of the Board of Health, and shall be by them sold, disposed of, and removed; and the proceeds applied towards the purposes of this Act.

20. Any penalty incurred under the last four Sections of this Act, may be sued for and recovered before the Police Magistrate of the City of Saint John or Parish of Portland, and shall be paid over by them to the Board of Health, for the purposes of this Act.

21. Chapter 97, of the Revised Statutes, is hereby repealed.

22. This Act shall continue in force for two years.