

Laws of His Majesty's Province of Upper Canada, passed in the year 1835. Toronto: Robert Stanton, 1835.

5 William IV – Chapter 10

An Act to promote the Public Health, and to guard against infectious Diseases in this Province. Passed 16th April, 1835.

To guard against the introduction of Malignant, Contagious and Infectious Diseases, and for the preservation of the Public Health of the Province—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 Upper Canada, constituted and Assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'*" and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, by and with the advice and consent of His Majesty's Executive Council, from time to time to appoint three or more persons in each and every Town of this Province, and in such other places as may be deemed necessary, to act as Health Officers within the limits of the Town or place for which they shall be so appointed.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for such Health Officers, or any two of them, as often as they shall think necessary, in the day time, to enter into and upon the premises of the persons resident within the limits of the Town or place for which they shall have been so appointed, and to examine the same; and if upon such examination it shall be found that the said premises are in an unclean or filthy state, or that any matter or thing exists thereon, which in their opinion may endanger the Public Health, it shall and may be lawful for such Health Officers, or any two of them, to order and direct the proprietor or occupant of such premises, to cleanse the same, and to remove whatsoever shall or may be found thereon, which, in the opinion of the said Health Officers, or any two of them, may endanger the Public Health; and in case the proprietor or occupier of any such premises shall neglect or refuse to obey the orders and directions of such Health Officers, or any two of them, it shall and may be lawful for the said Health Officers, or any two of them, to call to their assistance all Constables and Peace Officers, and such other persons as they may think fit, and to enter on the said premises and to cleanse the same, and remove therefrom and destroy, whatsoever in their opinion it may be necessary to remove or destroy, for the preservation of the Public Health.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, by and with the advice and consent of His Majesty's Executive Council, to make and declare such Rules and Regulations concerning the entry and departure of any Boats or

Vessels, at the different Ports, or other places within this Province, and the landing and receiving Passengers and Cargoes on board the same, as shall be thought best calculated to preserve the Public Health.

IV. And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully disobey or resist any lawful order of the Health Officers, duly appointed under and by virtue of this Act, or any two of them, or shall wilfully violate any Rule or Regulation made and declared by the Governor, Lieutenant Governor, or person administering the Government of this Province, by and with the advice of His Majesty's Executive Council, in pursuance of the power vested in him by this Act, or shall wilfully resist or obstruct the said Health Officers in the execution of their duties, such person or persons, on being convicted of such wilful disobedience or violation of such Rules and Regulations, or of resistance to the said Health Officers, before two or more of His Majesty's Justices of the Peace for the District where such offender or offenders reside, shall forfeit and pay a fine not less than Twenty Shillings, nor more than Twenty Pounds, which said fine shall and may be levied and collected by seizure and sale of such offender or offenders' Goods and Chattels, under and by virtue of a Warrant issued under the hands and seals of the Justices before whom such offender or offenders shall or may have been convicted, and shall be paid into the hands of His Majesty's Receiver General, to and for the public uses of the Province, and be accounted for through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty shall be pleased to direct.

V. And be it further enacted by the authority aforesaid, That this Act shall be and continue in force for one year, and from thence to the end of the then next ensuing Session of the Provincial Parliament, and no longer.

VI. And be it further enacted by the authority aforesaid, That in all cases in which Disease of a malignant and fatal character shall be discovered to exist in any Dwelling-House, or Out-House, temporarily occupied as a Dwelling, in any City, Town or Village, within this Province, which said Dwelling-House or Out-House shall be situated in an unhealthy or crowded part of said City, Town or Village, or be in a neglected and filthy state, or inhabited by too many persons, it shall and may be lawful to and for the Board of Health of such City, Town or Village, or a majority thereof, in the exercise of a sound discretion, and at the proper costs and charges of the said Board of Health, to compel the Inhabitants of any such Dwelling-House or Out-House to remove therefrom, and to place them in sheds or tents, or other good shelter, in some more salubrious situation, until measures can be taken by and under the direction and at the costs and charges of the said Board of Health, for the immediate cleansing, ventilation, purification, and disinfection of the said Dwelling-House or Out-House: Provided always, and be it understood, that this provision shall apply and relate to all Dwelling-Houses and Out-Houses situated within one mile of any City, Town or Village in this Province.