

*Laws of Her Majesty's Province of Upper Canada*, passed in the year 1849. Montreal: Stewart Derbyshire & George Desbarats, 1849.

12 Victoria – Chapter 116

**An Act to provide for the Health of the City of Quebec. 30th May, 1849.**

Whereas it is expedient to amend the Ordinance passed to incorporate the City of Quebec, and also the several Acts passed to amend the said Ordinance in so far as the same vest power and authority in the Council of the said City to make By-laws and Regulations touching the health, cleanliness and local government of the said City: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Board of 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, nuisances and sources of filth that may be deemed injurious to the health of the inhabitants 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 the line of low water of the River St. Lawrence 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 and sources of filth to destroy, remove or prevent, as the case may require.

II. And be it enacted, That whenever the said Board of Health shall deem it necessary for the preservation of the health of the inhabitants, to enter forcibly any building, yard, piece of ground, ship or vessel, and entry has been refused by the owner, occupier or person 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 Quebec and on oath complain that it is the opinion of the majority of the Members of the said Board, that a building, yard, piece of ground, ship or vessel within the limits aforesaid, describing the same, ought to be examined, to ascertain if 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 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 two Members of the said Board or by the Health Officer, to repair to the place, building or vessel to be examined between the hour of six in the morning and eight in the evening, and then if such nuisance, source of filth, cause of disease or other thing injurious to the health of the inhabitants be found, the same immediately to destroy, remove or prevent, as the case may require, under the directions and agreeable to the orders that may be given verbally by such Members of the Board, or Health Officer who accompanied the said Peace Officer for the purpose aforesaid.

III. And be it enacted, That the expenses incurred in destroying, removing or preventing 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, source of filth, cause of disease or other thing, or allowed the same to exist, which expenses, together with the costs of prosecution, shall be recovered on the information of the Mayor and Councillors of 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 issue a Warrant ordering the amount awarded, with costs, to be levied by distress and sale of the offender's goods and chattels.

IV. And be it enacted, That any two Members of the Board of Health may on view take, seize and destroy any unwholesome, putrid or tainted meat, fish, bread, vegetable or other article of provision which in their opinion shall not be fit for food and nourishment, and may be injurious to the 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.

V. And be it enacted, That whenever 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 who shall occupy such building or allow another person to occupy the same contrary to the order of the said Council, may on the complaint of the Mayor and Councillors of 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 exceeding five pounds currency, and to be imprisoned in the Common Gaol of the District of Quebec and therein kept for any period not exceeding one calendar month.

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

VII. And be it enacted, That whenever any 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 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 such Hospital, or other place which the said Board of Health may appoint and determine, there to remain in the custody and under the directions of the person in charge of the said Hospital or place, 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 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 his custody, and shall state whether he is dead or has been sent back to Gaol.

VIII. And be it enacted, That all Medical Practitioners within the aforesaid limits shall make a Report to the said Board of Health of the 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 five pounds of current money for each day he shall omit to make such Report.

IX. And be it enacted, That the said Council may appoint any number of Health 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, and such Health Officer shall be deemed and considered for all and every the purposes of the ninth section of the Act hereinafter mentioned, to have been appointed under a By-law made by the said City Council.

X. 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.

XI. 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.

XII. 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, 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, 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 by virtue of this Act.

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

XIV. 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.

XV. 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.

XVI. And be it enacted, That no Member of the said 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.

XVII. 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 for any period of time not exceeding one month.

XVIII. And be it enacted, That when and so often as any directions and regulations affecting the City of Quebec, shall be issued and published by any Central Board of Health, under the provisions of the Act of this Session, intituled, *An Act to make provision for the preservation of the Public Health, in certain emergencies*, and whilst the same shall continue in force, this Act shall become and be suspended.