

CHAP. 19

An Act to amend and consolidate the law respecting
Public Health

[Assented to 26th March, 1901]

HIS MAJESTY, by and with the advice and consent of
the Legislature of Quebec, enacts as follows :

SECTION I

ORGANIZATION OF A PERMANENT SANITARY SERVICE

§ 1.—*Interpretation*

1. The following words, whenever used in this act or in the by-laws made under its authority, have the meaning hereinafter given to them : Interpretation of words

1. The words " Board of Health " or " Board " mean the Board of Health of the Province of Quebec. R. S. 3054 ; 54 V., c. 27, s. 1. Board of Health. Board

2. The words " municipal sanitary authority " mean : (a) the municipal council, or (b) the local board of health constituted in a municipality, either under this act, the charter of the municipality, the Municipal Code, or the general law respecting town corporations, whether known under the name of health committee, board of health, local board of health, health board or department, and to which the municipal council has delegated the powers conferred upon it by this section or by the by-laws made thereunder. Municipal sanitary authority :

3. The words " executive officer " mean the person upon whom the duty of carrying out the decisions of the sanitary authority is imposed by the municipal council, and in the absence of municipal initiative, by this section. Executive officer.

4. The word " municipality " means the cities, towns and villages governed by special charter or by the law respecting town corporations, as well as the local municipalities to which the Municipal Code applies. Municipality.

§ 2.—*Board of Health of the Province of Quebec*

I.—COMPOSITION, OFFICERS AND EXPENSES OF THE BOARD

2. Seven persons may be appointed by the Lieutenant-Governor in Council to form a Board of Health under the name of the " Board of Health of the Province of Quebec," Formation of Board of Health by

Lieutenant-Governor appointing seven persons. Four to be physicians. Term of office of members. When term of office ends.

whose duty shall be to occupy itself with everything which concerns public health and salubrity in this province.

Four at least of these persons must be physicians qualified according to the law respecting medicine and surgery, and having at least five years' practice.

The members of the Board are appointed for a period not exceeding three years. These appointments are so made that the said Board is renewed in part, every year, and that the term of office of those retiring shall expire on the first of July.

Retiring member. Board acts although there are vacancies. Vacancies how filled. Term of office of replacing member.

Any member retiring from office may be reappointed.

Notwithstanding any vacancy, the remaining members in office continue to act.

Vacancies are filled by the Lieutenant-Governor in Council.

A member appointed to fill a vacancy remains in office until the expiration of the term of office of the person whom he replaced.

Appointment of president and secretary. President's indemnity. Secretary's salary.

3. The Lieutenant-Governor in Council appoints the president and the secretary of the Board of Health.

The president receives an annual indemnity of four hundred dollars.

The secretary receives such salary, not exceeding two thousand four hundred dollars, as the Lieutenant-Governor in Council may be pleased to fix.

Members in indemnity.

The members of the Board, including the president, shall receive five dollars per day for each of their meetings, in addition to their travelling and other necessary expenses.

Appointment of certain officials by Board.

The Board shall have power to appoint an inspector of health, analysts, a sanitary engineer, a statistician, and the other officers necessary, with such remuneration as may be proportionate to the amount of work performed by them. Such officials shall not be members of the Board.

Absence of officers provided for.

In case of the temporary absence of an officer, the president or, if the Board is in session, the Board appoints a person to replace him during his absence. R. S., 3056 *in part*; 54 V., c. 27, s. 1; 57 V., c. 31, s. 2.

Who are authorized to receive oaths, &c., required by this act.

4. The president, the secretary of the Board and the inspector of health are each authorized to tender and receive any oath provided for or required by this act or by any health by-law, as well as by the law respecting interments and disinterments.

Office of secretary, &c., his duties.

5. The secretary shall keep his office in the city of Montreal and perform the duties imposed upon him by this act or prescribed by the Board.

He must keep a register of the proceedings of the Board, and, as far as possible, place himself in communication with other boards of health, whether provincial, local, federal, or foreign, officers of health, municipal councils and other public bodies, with a view of collecting and spreading useful ideas upon public health. Duty of secretary.

He shall also keep a register in which he enters all notifications from municipalities respecting cases of contagious diseases Register.

He prepares the annual report upon the medical and vital statistics of the Province, and upon the work of the Board, and performs all the other duties and functions respecting vital or other statistics which may be assigned to him by the Board. Annual report.

He signs, in the name of the Board, all notices, documents and proceedings required to carry out the decisions of the Board. Signature to documents. R. S., 3061 ; 54 V., c. 27, s. 1.

6. The expenses of the Board of Health of the Province are paid out of the moneys which are, from time to time, voted for that purpose by the Legislature. Expenses of Board, how paid. R. S. 3056 *in part* ; 54 V., c. 27, s. 1.

II.—MEETINGS OF THE BOARD AND TRANSACTION OF BUSINESS

7. The Board meets quarterly or oftener in the city of Quebec or in the city of Montreal, as shall by the Board be deemed necessary. For a special purpose, meetings may also be held in other places in the Province. Meetings of Board when and where held.

Three members of the Board shall form a quorum for the transaction of business. Quorum of Board.

The Board has power to make by-laws to govern the action of the Board, and to provide for the appointment of committees, to which it may delegate its authority and powers for the accomplishment of the duties imposed upon it. Board may make by-laws, &c. R. S., 3057 ; 54 V., c. 27, s. 1 ; 55-56 V., c. 28, s. 2.

III.—DUTIES AND POWERS OF THE BOARD OF HEALTH OF THE PROVINCE

8. It is the duty of the Board of Health of the Province : Duties of Board :

1. To make a special study of the medical statistics as well as the vital statistics of the Province, and to endeavor to apply, in an intelligent and useful manner, all the facts collected respecting mortality and the causes and spread of different diseases ; As to vital statistics ; R. S., 3058 ; 54 V., c. 27, s. 1.

2. To make, directly by itself or indirectly through municipal councils or their boards of health, sanitary investigations and inquiries into the existence and causes of disease and especially of epidemics, into the causes of death, and the effect which the employment, conditions, habits and As to sanitary investigations, &c., into existence and causes of disease and death ;

other circumstances of the people may have upon their health, and in general upon everything that may concern the public health ; R. S., 3058, § 2 ; 54 V., c. 27, s. 1.

As to local boards of health ;

3. To superintend the formation of local boards of health in municipalities ; to keep a register of such local boards and of the names of the members thereof ; to inquire into the measures which are being taken by municipal councils or their local boards of health for checking any dangerous, contagious or infectious disease, or the removal of unsanitary conditions, in virtue of the powers conferred upon such municipal councils, or their local boards of health by any public health act, or by the Municipal Code, or by special charters, or by the general law respecting town corporations, or finally by any by-law of the Board of Health of the Province, and, in the interest of public health, to compel municipal councils to exercise and enforce such of their powers which, in the opinion of the Board of Health of the Province, the urgency of the case demands ; R. S., 3058 ; 54 V., c. 27, s. 1 ; 57 V., c. 31, s. 3, § 2.

As to advising government, &c., respecting public health, &c. ;

4. To advise, when required or when it deems it expedient, the officers of the government and municipal councils and their local boards of health and officers, respecting public health and salubrity, and upon the measures to be taken to protect them ; R. S., 3058 ; 54 V., c. 27, s. 1.

As to distribution of circulars upon hygiene, &c.

5. To cause to be distributed to the public, from time to time, and especially when any epidemic, endemic or contagious disease is prevalent in any portion of the Province, by means of the press, and to local boards of health, officers of health, municipal councils, public schools and the clergy, by means of circulars, or in any other way deemed advisable, writings upon hygiene and practical information on the spread of contagious and infectious diseases, and also on the means of preventing and checking the same. R. S., 3059 ; 54 V., c. 27, s. 1.

IV.—BY-LAWS OF THE BOARD OF HEALTH OF THE PROVINCE

Power of Board to make by-laws to :

9. The Board of Health of the Province may make, amend, repeal and replace by-laws for the following purposes :

Insure sanitary condition of certain institutions ;

1. To insure the good sanitary condition of educational institutions, workshops, hospitals, asylums for the insane, charitable institutions, barracks, prisons and asylums ;

Prevent pollution of lakes, rivers, &c. ;

2. To prevent the pollution of lakes, rivers, water-courses, wells, reservoirs and other sources of water-supply, and to insure their sanitary condition, and to regulate the cutting and storing of ice.

3. To prevent and cause all nuisances and causes of unhealthiness or disease to disappear: Prevent nuisances, &c. ;
4. To regulate the manner of constructing public and private sewers, drains, water-closets, privies, and cess-pools; Regulate construction of sewers, &c. ;
5. To regulate the sanitary condition of houses, dairies, cow-sheds, places where milk is sold, butter factories, cheese factories, slaughter-houses, stables, pig-sties and yards, and insure the sanitary condition thereof; Regulate sanitary condition of houses, &c. ;
6. To regulate the manner of disposing of carcases of animals, garbage and refuse, filth and manure, as well as the keeping of dumping grounds; Regulate manner of disposing carcases, &c. ;
7. To determine the manner of building and keeping slaughter-houses, places where alimentary products are prepared or stored, as well as establishments which are not provided for by the provisions respecting industrial establishments, and to improve their sanitary condition; Determine manner of building, &c. slaughter-houses, &c. ;
8. To define the diseases and lesions which render animals, meat and other alimentary animal products, unsuitable for consumption or prejudicial to health; Define what renders certain articles unsuitable for consumption, &c. ;
9. To prevent as much as possible epidemic, endemic and contagious diseases of men and animals. R. S., 3058, § 3; 54 V., c., 27, s. 1; 57 V., c. 31, s. 3. Prevent epidemic and diseases.
10. The Board of Health of the Province may, by law, enact that every infringement of any of its by-laws shall be punished by a fine not exceeding twenty dollars and an additional fine not exceeding twenty dollars per day for each day above two, during which such infringement continues. R. S., 3066s, *in part*; 54 V., c. 27, s. 1. Penalty which Board may attach to infringement of by-laws.
11. The by-laws shall be submitted for the approval of the Lieutenant-Governor in Council, and shall come into force fifteen days after they have been published, with the notice of their approval by the Lieutenant-Governor in Council, in the *Quebec Official Gazette*. R. S., 3058; 54 V., c. 27, s. 1. By-laws to be approved by Lieutenant-Governor in Council, &c., when to come into force.
12. When the municipal sanitary by-laws are contrary to those of the Board of Health of the Province, the latter alone shall remain in force. R. S., 3066a; 54 V., c. 27, s. 1. Effect of by-laws on municipal by-laws.
13. If the manner of doing anything prescribed by the municipal by-laws is, in the opinion of the Board of Health of the Province, as efficient as that ordered by the by-law of the Board of Health of the Province, the municipal by-law retains all its authority. Municipal by-law to retain its authority in certain event.

V.—INQUIRIES INTO THE CAUSES OF CONTAGIOUS DISEASES

Board may send officer to make inquiry as to contagious diseases.

14. When deemed necessary, the Board of Health of the Province may send its secretary, its inspector of health, or one or more of its members, to any place in the Province to inquire into the causes of any particular epidemic, endemic or contagious disease, or into the causes of mortality, or into any other fact or condition considered prejudicial to public health.

How to be made.

Such inquiry may be made by sworn depositions or in any other manner in which the investigating committee, the secretary, or the inspector of health deems necessary; and, in the case of an inquiry under oath, the secretary, the inspector of health, or any member of the Board present may administer such oath.

Who may administer oath.

Power to compel attendance of witnesses.

The persons holding such inquiry have the right to compel such witnesses as they require to appear before them by summoning them in the manner required by the Code of Civil Procedure, and, in the event of refusal to appear or answer, to punish them in the manner prescribed by such Code. R. S., 3060; 54 V., c. 27, s. 1.

§ 3.—*Local Boards of Health and Municipal Sanitary Service*

Existing boards of health in municipalities to be local boards of health under this act.

15. In any municipality in which there is a local board of health, whether it be known under the name of health committee, board of health, local board of health or health department, appointed in virtue of its charter, the Municipal Code, or the general law respecting town corporations, such board of health shall be the local board of health for the purposes of this act.

Special meeting of municipal council to be called after notice requiring appointment of local board of health.

The mayor, secretary-treasurer or clerk of the municipal corporation of any municipality, which has not established a board of health, shall, after being notified by the Board of Health of the Province, within the delay fixed by the said Board, call a special meeting of the municipal council of such municipality, at which meeting not less than three persons, resident within the limits of the municipality, shall be nominated to be the "local board of health" for such municipality.

Notice how given.

The notice, hereinabove mentioned, is given by registered letter addressed to the mayor, or secretary-treasurer, or clerk of the municipality. R. S., 3063; 54 V., c. 27, s. 1; 57 V., c. 31, s. 4.

Names of members of local board to be transmitted to Board of Health.

16. The mayor or secretary-treasurer or clerk of each municipality shall, within the eight days following the establishment of a local board of health, and sooner if required by the Board of Health of the Province, transmit to the

said Board of Health the names of the members composing the local board, at the same time as he notifies the latter of their appointment.

Once formed, no local board of health can be abolished, but the members composing it may be changed by the municipal council. R. S. 3063 ; 54 V., c. 27, s. 1 ; 57 V., c. 31 s.4.

Once formed local board not to be abolished.

17. Local boards of health are the advisers of the municipal council in sanitary matters ; and further they act in the place and stead of the latter whose full authority they possess, whenever required by them to carry out the present act or have it executed. R. S. 3063 ; 54 V., c. 27, s. 1 ; 57 V., c. 31, s. 4.

Functions of local boards of health.

18. Every municipal council may make by-laws for the internal management of its local board of health, and, in cases when it does not do so, the local board of health may make them. R. S., 3063 ; 54 V., c. 27, s. 1 ; 57 V., c. 31, s. 4.

Internal management of local boards.

19. The municipal council shall appoint an executive officer empowered to carry out the decisions of the municipal sanitary authority.

Appointment of executive officer by municipal council.

20. It is the duty of municipal councils to carry out this act and cause it to be executed, as well as all the by-laws made under the authority thereof, whether they have or have not a board of health or executive officer to aid them in this duty. R. S., 3065 ; 54 V., c. 27, s. 1.

Duties of municipal councils respecting this act.

21. If no local board of health has been organized in a municipality, or if the council has not appointed an executive officer, the secretary-treasurer of the municipality, if he resides therein, if not, the mayor, has, *ex officio*, in the first case, all the powers and is bound to perform all the duties of the local board of health, and, in the second case, those of an executive officer.

Power of certain municipal officers, if no local board of health has been organized.

22. Every municipal council is obliged to execute the orders given to it by the Board of Health of the Province in virtue of paragraph 3 of article 8 of this act.

Duty of municipal council to execute orders of

The Board of Health of the Province, when for forty-eight hours after any order has been given by it to a municipal council the same has not been executed, may, in urgent cases, upon being thereto authorized by two justices of the peace, proceed directly to the execution of its own order at the cost of the municipality in default.

Board of Health under article 8, § 3. Proceedings in urgent cases.

The representative of the Board of Health of the Province entrusted with its execution has, whilst carrying out such order, the same rights and powers as the municipal council whose action he replaces. R. S., 3058 ; 54 V., c. 27, s. 1 ; 57 V., c. 31, s. 3 § 2.

Powers of representative of Board.

23. The municipal sanitary authority shall see to the observance of the sanitary provisions contained in the law governing interments and disinterments, as contained in articles 3458 and following of the Revised Statutes. R. S., 3066*b* ; 54 V., c. 27, s. 1.

24. The municipal council of every municipality, whether it be a town, village, parish or township municipality, is vested with the powers regarding sanitary matters conferred upon municipal councils by articles 386, 387, 391, 406, 415, 416, 507, 508, 545, 546, 592, 593, 596, 608, 637, 643, 644, 646, 649, 650, 651 and 652 of the Municipal Code. R. S., 3066 ; 54 V., c. 27, s. 1.

25. When a municipality is threatened with an epidemic, the Board of Health of the Province may insist upon the appointment of a medical officer of health for such municipality, who becomes the executive officer of the municipal sanitary authority in the municipality until the epidemic or all danger therefrom is removed.

If not appointed by municipal council. The medical officer of health is not appointed within the delay determined by the Board of Health of the Province, the latter may make the appointment and delegate to such officer of health the powers which it may deem expedient, and such officer shall remain in office until replaced by a medical officer of health appointed by the municipal council.

The medical officer of health is paid by the municipality, whether he be appointed by the municipality or by the Board of Health of the Province. R. S., 3066*i* ; 54 V., c. 27, s. 1.

26. During the month of January, in each year, municipal councils shall transmit to the Board of Health of the Province, a report upon the sanitary operations of the year ending on the previous thirty-first of December. R. S., 3064 ; 54 V., c. 27, s. 1.

§ 4.—Sanitary service in unorganized territories

27. Upon the application of the Board of Health of the Province, the Lieutenant-Governor in Council may, from time to time, appoint, with the salaries he deems expedient, officers of health to act in any territory of the Province not erected into a local municipality or of which the municipal council is not organized. Such officers are under the control of the Board of Health of the Province, which defines their powers and duties. R. S. O., c. 248, ss. 45, 46.

§ 5.— *Duties of the Board of Health of the Province, the municipal sanitary authority, and individuals respecting certain unhealthy conditions*

I.—NUISANCES

28. Everything declared by the Board of Health of the Province of Quebec or by a municipal council or its board of health, to be a nuisance or to be injurious to public health, shall be considered to be such. What is a nuisance.

An appeal may, however, be taken to the Board of Health of the Province of Quebec as to the definition given by a municipal council or by its board of health. R. S., 3066g; 54 V., c. 27, s. 1. Appeal to Board of Health respecting.

29. The municipal sanitary authority is obliged to cause to be visited, from time to time, by its executive officer or the other officers in its service, the immoveables situated within the limits of the municipality, to ascertain whether there are any accumulations of filth, dirt, rubbish or other matter deleterious to health, or whether there are any nuisances, and to take the necessary measures to remove and abate the same in the manner hereinafter provided. R. S. O., c. 248, s. 65. Visit by municipal executive officer of immovable property in municipality.

30. A complaint that there are any nuisances in or any unhealthy conditions about an immovable situate within the municipality may be made to the municipal sanitary authority, either by the injured person or by two persons residing in the municipality, or by a constable. R. S. O., c. 248, s. 67. Complaint respecting nuisances.

31. Upon receiving the complaint, the municipal sanitary authority shall inquire into the facts giving rise thereto, cause the place complained of to be visited by its executive officer or by any other officer of health, and hear, if necessary, the evidence of any person in a position to give information respecting the complaint; and, for the purpose of compelling witnesses to appear and to answer, it shall have all the powers conferred upon a justice of the peace by part LVIII of the Criminal Code, 1892, respecting summary convictions. R. S. O., c. 248, s. 68. Proceedings upon complaint.

32. When, upon a complaint or the inspection of its officers, the municipal sanitary authority has become aware of the existence upon an immovable situated within the municipality of a nuisance or of unhealthy conditions, it shall give notice in writing to the person responsible for such nuisance or unhealthy condition, or, if such person can- Notice to be given to proprietor or occupant, &c., of existence of nuisance.

not be found, to the proprietor or occupant of the immoveable requiring him to abate the same or to make the necessary works to prevent its return, within the delay mentioned in the notice.

Notice if nuisance arises from defective construction.

If it is recognized that the nuisance or unhealthy condition arises from some defect in the construction of the immoveable, or if the immoveable is unoccupied, the notice prescribed by this section shall be given to the proprietor.

Abatement of nuisance in certain cases at expense of municipality.

If the person responsible for the existence of such nuisance or unhealthy condition cannot be found, and if the municipal sanitary authority is of opinion that the nuisance or unhealthy condition is not due to the acts or omissions of the proprietor, it may be abated at the expense of the municipality. R. S., O., c. 248, s. 69.

Nuisance, &c., caused by acts done outside territory of municipality.

33. When a nuisance or unsanitary condition dangerous to the health of the inhabitants of the municipality seems to be wholly or partially caused by some act or omission outside of its territory, the municipal sanitary authority of the municipality affected may cause an inspection to be made by its own officers, and if necessary may proceed to have the nuisance or unhealthy condition abated, as if the municipality in which the act or omission took place was within the limits of its jurisdiction ; provided always, that no judicial proceeding can be taken unless before a court whose jurisdiction extends over the latter municipality. R. S. O., c. 248, s. 70.

Expense incurred in removing nuisances.

34. All reasonable expenses incurred in abating a nuisance or unhealthy condition may be recovered by action in the usual form by the municipal council or the person who incurred them, from the person whose act caused such nuisance or unhealthy condition. R. S. O., c. 248, s. 71.

Power of municipal sanitary authority, if nuisance not abated.

35. (1) In case of the non-performance, within the delays fixed by the notice prescribed by section 32, of the works required to abate a nuisance or to remove any unhealthy condition, the municipal sanitary authority may cause them to be done at the expense of the person to whom the notice was given.

Appeal if works occasion expenditure of \$500 or more.

2. If the execution of the works should occasion an expense of \$500 or more, the person to whom the notice prescribed by article 32 was given, may appeal from the order contained in such notice to the Board of Health of the Province, within fifteen days after the service of such notice ; and if the Board of Health of the Province, after enquiring into the facts to be verified by all the means it deems necessary, decides that the nuisance should be abated, the person to whom the notice under article 32 was given must proceed

thereto within such delay after the service of the decision of the Board of Health of the Province as is fixed by such decision.

In default of the person, upon whom the notice under article 32 was served, executing the works necessary to abate the nuisance or to remove the unhealthy condition within the delay fixed by the Board of Health, the municipal sanitary authority must proceed to do so at the expense of the person to whom the notice was given.

Duty of municipal sanitary authority, if nuisance not abated.

36. Without prejudice to the provisions of the preceding article, every person to whom a notice has been given to abate a nuisance or to remove an unhealthy condition ; is liable, in default of complying with such order to a fine not exceeding one hundred dollars per day for each day during which such order remains unexecuted,—

Penalty on person not complying with order, and when incurred.

(a) if it concern works, the execution whereof occasions the expenditure of less than five hundred dollars after the expiration of the delay fixed in the notice given in virtue of article 32 ; and

(b) if it concern works the execution whereof occasions the expenditure of five hundred dollars or more, after the expiration of the delay given to appeal ; or, if such delay is shorter than that given in the notice served under article 32, after the expiration of such delay ; or, if there has been an appeal to the Board of Health of the Province, after the expiration of the delay fixed by the decision of the said Board.

37. In cases when it is urgent to abate a nuisance or an unhealthy condition, and when the works necessary for that purpose occasion the expenditure of not over fifty dollars, the executive officer or any other officer of health of the municipal sanitary authority may order the person responsible therefor or upon whose property it exists, whether such person be the proprietor, tenant or occupant thereof, to abate the same within the short delay indicated by him.

Abatement of nuisances by order of executive officer in certain event.

By the non-execution of this order within the delay fixed the same penalty is incurred and the same proceedings may be had as by the default to carry out the notice prescribed by section 32. R. S. O., c. 248, s. 76.

Penalty if order not carried out.

38. Every municipal council has the right to prohibit privy-pits within the limits of its jurisdiction. R. S. 3066*d* ; 54 V., c. 27, s. 1.

Privy-pits.

39. The municipal sanitary authority has power to cause wells, which it considers contaminated, to be emptied, cleaned and disinfected or filled up if necessary. R. S., 3066*c* ; 54 V., c. 27, s. 1.

Power of councils respecting wells.

Unhealthy
houses, &c.

40. When a house or other habitation is ascertained to be unhealthy, the municipal sanitary authority may cause the persons inhabiting it to leave it and forbid their return until the same has been rendered healthy in the manner which it prescribes. R. S., 3066e; 54 V., c. 27, s. 1.

II — DRINKING-WATER

Municipality
not to estab-
lish, &c.,
water works,
&c., before
plans ap-
proved.

41. No municipality shall establish or allow to be established, and no corporation, company or person shall establish an aqueduct or intake for drinking water before having submitted the plans to the Board of Health of the Province and obtained its approval.

Destruction
of works if so
established in
certain cases.

In addition to the penalty attached to the infringement of this article, the works made without such previous approval shall be modified or demolished by the municipality, the corporation, company or person who made them, if the Board of Health of the Province thinks that the water supplied may be injurious to the public health.

Analysis of
water may be
required.

The Board of Health of the Province may require an analysis of the water to be made at the expense of the municipality, corporation, company or person submitting the plans, before giving its approval.

Drainage
works, &c.,
not to be carried
out until
plans approv-
ed by Board
of Health.

42. No municipality shall proceed or allow to be proceeded with, and no corporation, company or person shall proceed with carrying out public or private drainage works before having submitted the plans to the Board of Health of the Province and obtained its approval.

Destruction
of such works
if so estab-
lished in cer-
tain cases.

In addition to the penalty attached to the infringement of this article, the works made without such previous approval shall be modified or demolished by the municipality, corporation, company or person who made them, if the Board of Health of the Province thinks that they may become injurious to the public health.

Penalty for
infringing
either of two
preceding
articles.

43. Every infringement of either of the two preceding articles renders the municipality, corporation, company or person guilty thereof liable to a fine not exceeding one hundred dollars.

Penalty for
contamina-
ting wells,
&c.

44. Every person who knowingly and voluntarily soils or contaminates, in any manner whatever, the water of a well, spring, stream, lake, pond, river or reservoir, used for drinking by men or animals, or every person who voluntarily soils or contaminates the intake of any aqueduct, whether such intake be frozen or not, or every person who deposits in such intake or upon the ice thereof any carcase of any

dead animal or any other matter injurious to health, is liable to a fine not exceeding one hundred dollars and in default of payment an imprisonment not exceeding two months.

III.—FOOD AND DRINK

45. Only such food or drink as is wholesome and of healthy origin shall be sold or otherwise disposed of by onerous title. What food or drink may be sold.

Every infringement of this provision renders the person found guilty thereof liable to a fine not exceeding fifty dollars. Penalty for infringement.

46. Every executive officer of the municipal sanitary authority or every other officer appointed by it for that purpose, may inspect all animals, dead or alive, meat, fowl, game, fish, fruit, vegetables, grease, bread, flour, milk or other liquid and food intended for human consumption and offered for sale, or deposited in a place or transported in a vehicle for the purpose of being afterwards sold or offered for sale, or delivered after being sold; and, if upon inspection, such animals, liquids or food appear to be unwholesome, putrid, damaged or infected with the germs of disease, or otherwise injurious to health, he may seize the same, carry them off, and dispose of them so that they shall not be offered for sale or serve as food for man. Inspection of provisions, by executive officer of municipal sanitary authority. Seizure thereof.

The burden of proof that the animals, liquids or food are not intended to be sold, or to be delivered after having been sold, or to serve as food for man lies upon the owner or person who had possession thereof. R. S. O., c. 248, s. 108. Burden of proof.

The proprietor of the articles or the person in whose possession they were seized is further liable to a fine not exceeding fifty dollars. Penalty.

47. Every executive officer of the municipal sanitary authority or every other officer authorized by it for that purpose may inspect the dairies, stables and cow-sheds situated within or without the limits of the municipality, whence is supplied the milk sold in the municipality, as well as the places in the municipality where milk is sold, and, if he finds that such dairies, stables, cow-sheds or places are not kept in the condition required by the by-laws of the Board of Health of the Province, he shall give an order in writing to the proprietor or the person in possession to discontinue the sale and distribution of the milk from such dairies, stables or cow-sheds or to suspend the sale in such places until they shall be placed in the condition required by such by-laws. Inspection of dairies, &c., by municipal sanitary officer, &c. Prohibition to sell from such premises if unsanitary.

Every sale or delivery of milk in contravention of the notice prescribed by this article renders the persons guilty thereof liable to a fine not exceeding twenty-five dollars. Penalty for sale of milk in contravention of article.

Inspection of butchers shops, &c., and notification to stop sale until conditions improved.

48. Every officer of the municipal sanitary authority or every other officer authorized by it for that purpose shall inspect the butcher shops, slaughter-houses, butter factories, cheese factories, and other establishments wherever where produce or food, intended for consumption by man, is prepared with a view to sale, and, if he finds that they are not kept in the condition required by the by-laws of the Board of Health of the Province, he shall give an order in writing to the proprietor or the person in possession thereof to suspend the preparation of such produce or food, until they be placed in the condition required by such by-laws.

Penalty for infringement.

Every contravention of such prohibition renders the person guilty thereof liable to a fine not exceeding twenty-five dollars.

Officers of the Board of Health may exercise certain powers.

49. Every officer or employee of the Board of Health of the Province may exercise the powers conferred by articles 45, 46, 47 and 48 upon the executive officers of the municipal sanitary authority. R. S. O., c. 248, s. 108.

IV.—CONTAGIOUS DISEASES

Duties of householders in certain cases of epidemic diseases.

50. Whenever the head of any household or of any establishment whatever ascertains that any person dwelling in his home or in the establishment under his control, has small-pox, asiatic cholera, plague, typhus, diphtheria, croup, scarlatina, typhoid fever, measles, tuberculosis which has reached the stage of suppuration and expectoration, leprosy or any other disease which the Board of Health of the Province has designated by by-law, he shall within twenty-four hours notify the same to the municipal sanitary authority of the locality in which he resides or has his establishment. R. S., 3066j ; 54 V., c. 27, s. 1.

Duties of physicians in certain cases of epidemic diseases.

51. Whenever any physician ascertains that any person whom he is called upon to visit is infected with any of the diseases set forth in article 50, such physician shall, within twenty-four hours, give notice thereof to the municipal sanitary authority of the locality in which such diseased person may be. R. S., 3066k ; 54 V., c. 27, s. 1.

Notification by one exempts others. Penalty for not giving notification required.

52. The notification given by one of the persons obliged to give the same, exempts the others from giving it.

Every person obliged to give the notification required by articles 50 and 51 is liable, in case he neglects to give the same, to a fine not exceeding twenty dollars per day, for each day during which such negligence lasts.

53. The municipal sanitary authority is obliged to notify the Board of Health of the Province, by registered letter, to be deposited in the post-office within the twenty-four hours after having been informed under the provisions of articles 50 or 51 or otherwise of the first case of any of the diseases mentioned in article 50 which exists in the municipality, and to supply it so long as the disease lasts, every eight days or oftener if required by the Board of Health of the Province, with a statement showing the number of new cases ascertained, as well as the number of those who have died, are cured or are still sick. *See R. S., 3066j, in part ; 54 V, c. 27, s. 1.*

Notification by municipal sanitary authority to Board of Health in certain cases of epidemic diseases, etc.

54. When any of the diseases mentioned in article 50 exists in any municipality, the municipal sanitary authority of such municipality shall immediately give prompt public notice of infected places or houses by such means as it deems most effective for the common safety and use all possible means to prevent the disease from spreading. *R. S., 3066l ; 54 V., c. 27, s. 1.*

Duties of the municipal sanitary authority when certain diseases exist in municipality.

55. Every municipal council may establish and maintain :

1. Temporary or permanent hospitals or houses for the reception and treatment of persons suffering from contagious diseases ;
2. Houses of detention where persons are quarantined ;
3. Places or refuges for persons whose dwellings are being disinfected ;
4. One or more disinfecting stations with the necessary apparatus and equipment ;
5. Ambulances.

Power of municipal councils to establish, etc. :
Hospitals ;

Houses for quarantine ;
Refuges ;

Disinfecting stations ;

Ambulances.

Several municipalities may agree to establish in common one or more of such establishments. *R. S., 3066m ; 54 V., 27, s. 1.*

Several municipalities may unite for such purposes.

56. The Board of Health of the Province and the municipal sanitary authority may, by their officers or delegates, enter railway cars, vessels, stage-coaches, or other public conveyance, whenever they have reason to suspect that they contain one or more persons attacked with any of the diseases mentioned in article 50, or have been recently exposed to contagion from any such disease, remove such person or persons, and disinfect such railway car, vessel, stage-coach or other public conveyance, detaining the same if necessary. *R. S., 3066n ; 54 V c. 27, s. 1 ; 57 V. c 31 s. 5.*

Removal of persons attacked by certain diseases from railway cars, etc.

Isolation of persons suffering from contagious disease, etc.

57. Whenever a person, who is suffering or has recently suffered from a contagious disease or has been recently exposed to contagion, arrives at, or is about in a municipality, the mayor, or two municipal councillors or the executive officer of the municipal sanitary authority of such municipality, may cause such person to be isolated, and provide him with nurses or other attendance and, if necessary, cause his effects and the houses which he has entered to be disinfected, the whole at the expense of such person or of those who may be charged with his maintenance, and in the case of manifest poverty, at the expense of the municipality. R. S., 3066o; 54 V., c. 27, s. 1; 57 V., c. 31, s. 6.

Removal of persons from hotels, etc., in event of contagious disease breaking out therein.

58. Whenever a contagious disease breaks out in a hotel, educational establishment or boarding house, or in a tenement occupied by several families, the municipal sanitary authority may order the removal of the sick persons to a house set apart for the purpose. R. S., 3066p; 54 V., c. 27, s. 1.

Power to take possession of land &c., to provide for isolation of the sick, etc.

59. The municipal sanitary authority may, and shall, upon the order of the Board of Health of the Province, in urgent cases, and if in the opinion of the municipal authority there is no other means of procuring the necessary shelter or land for the isolation of the sick and for the quarantine of suspected persons, take possession of land or an unoccupied house, within the limits of the municipality, without having obtained the previous consent of the proprietor, and keep possession thereof so long as it deems necessary.

Notice to be given to proprietor, etc.

Notice of such taking possession must be given to the proprietor by registered letter, within five days thereafter, if his address or that of his agent or representative is known, or, if it is not known by a notice published twice in an English newspaper and in a French newspaper published or circulated in the municipality.

How indemnity therefor is to be fixed if parties do not agree.

If the municipal sanitary authority and the proprietor cannot agree upon the amount of the indemnity to which such taking possession and occupation give rise, it shall be summarily and without appeal fixed by a judge of the Superior Court on the petition of the municipal sanitary authority or of the proprietor.

Disinfection of effects exposed to infection may be ordered.

60. The municipal sanitary authority shall order the disinfection of effects exposed to infection from contagious disease, and, if it deems it necessary, order their destruction, giving compensation to the owner or owners of such effects at the expense of the municipality. R. S., 3066q; 57 V., c. 31, s. 7.

61. With the exception of vessels subject to the federal laws respecting quarantine, every vessel coming within one mile of the shore in any municipality is under the jurisdiction of such municipality as regards everything connected with public health.

Application to certain vessels.

When the river is less than two miles wide, the vessel is within the jurisdiction of the nearest municipality.

Jurisdiction of municipality.

Upon information that a vessel, which is at anchor more than a mile distant from the municipality, is infected with a contagious disease and is a menace to such municipality, the Board of Health of the Province, through its president or secretary, may, for the purposes of the public health, extend the jurisdiction of such municipality over such vessel. R. S., 3066r ; 54 V., c. 27, s. 1.

Extension of jurisdiction in certain cases.

62. Whosoever knowingly or through negligence communicates a syphilitic or venereal disease to another person shall incur a penalty not exceeding two hundred dollars or an imprisonment not exceeding three months.

Penalty for communicating venereal disease.

V.—INSPECTIONS ETC.

63. The members, officers and employees of the Board of Health of the Province or of the municipal sanitary authority may enter any immovable or examine the interior of any moveable to make the inspection which they deem necessary, between the hours of eight in the morning and six in the evening, and at all times, if it concerns the small pox, cholera or plague, or if the operations giving rise to the nuisance or occasioning the unhealthy condition are supposed to be carried on, at other hours than those above indicated.

Power of officers to examine property.

Every officer or employee shall, if thereunto required, before entering any immovable or examining any moveable, exhibit his badge of office, if he has any, or a certificate signed by the secretary of the Board of Health of the Province or by the executive officer of the municipal sanitary authority.

Badge of office, etc., to be previously exhibited.

64. The officers and employees mentioned in article 63 may, if necessary, call upon constables to assist and protect them in the performance of their duties. R. S. O., c. 248, s. 111.

Constables may be called upon to assist

Whenever the municipal sanitary authority or an officer of health is authorized to disinfect any person or thing or to isolate any person, it or he may employ all the force and cause itself or himself to be assisted by all the persons necessary for the success of the operations.

Force may be used to disinfect or isolate any person.

§ 6.—Penalties and prosecutions

Penalty for obstructing persons acting under this act, etc.

65. (1) Saving the special provisions to the contrary, whosoever hinders in the performance of their duties the persons acting under the authority of this act, or employed in carrying out the same, or refuses or neglects to comply with the provisions of this act, or the orders given thereunder, is liable to a fine not exceeding twenty dollars for each offence and an additional fine not exceeding twenty dollars per day, for each day above two, during which the offence is continued.

Penalty against municipal corporation for not complying with certain orders.

2. Every municipal corporation which does not comply with an order given by the Board of Health of the Province, in virtue of paragraph 3 of article 8, is liable to a fine not exceeding twenty-five dollars for every day on which the order of the Board of Health of the Province is infringed.

Who may prosecute and before whom.

3. Prosecutions for infringements of this act and of the by-laws made thereunder may be instituted either by the Board of Health of the Province, or by the municipal corporation or by its board of health or by any rate-payer, before two justices of the peace or before the Circuit Court of the district or county where the offence was committed.

Application of fine.

When the prosecution is instituted by the Board of Health of the Province, the amount of the fine belongs to it.

Idem.

When the prosecution is instituted by a municipal corporation or by its board of health, the amount of the fine belongs to the municipal corporation.

Idem.

In every other case, the amount of the fine belongs to the Board of Health of the Province.

Law applicable to prosecutions.

4. In other respects, part LVIII of the Criminal Code 1892, applies to offences created by this act or by the by-laws made thereunder. R. S., 3066s, *in part*; 54 V., c. 27, s. 1; 57 V., c. 31, s. 8.

SECTION II

HEALTH IN INDUSTRIAL ESTABLISHMENTS

By-laws that may be made by Board of Health respecting industrial establishments.

66. The Board of Health of the Province of Quebec, called in this section the "Board of Health" may, with the approval of the Lieutenant-Governor in Council, make and amend the by-laws which it deems necessary for securing health in industrial establishments, prescribed for by the fourth section of chapter second of title seventh of the Revised Statutes and relating to:

- (a). The supply of drinking water;
- (b). Lighting;

- (c). The distance to be left between certain establishments and dwelling-houses, as well as the arrangement and details of the construction of the rooms ;
- (d). Cubic space ;
- (e). Aeration and ventilation ;
- (f). Cleanliness and cleansing ;
- (g). The expulsion and manner of disposing of dust, gas, vapor and waste produced in the course of work ;
- (h). The system of drainage, including sinks, lavatories, urinals, privies or closets, and the method of disposing of waste liquids ;
- (i). The temperature of the premises ;
- (j). All other sanitary conditions which may arise in industrial establishments.

The Board of Health may declare that one or more of its by-laws shall not apply to one or more classes of establishments designated by it ;

Power of Board respecting by-laws.

The said by-laws shall be approved by the Lieutenant-Governor in Council, and come into force fifteen days after their publication, with the notice of their approval by the Lieutenant-Governor in Council, in the *Quebec Official Gazette*. R. S. 3095*a* ; 57 V., c. 31, s. 9.

Approval and coming into force of by-laws.

67. Every infringement of the provisions of this section or of the by-laws made thereunder renders the person who is found guilty thereof liable to a fine not exceeding two hundred dollars, and another fine of six dollars per day for every day during which the infringement lasts, after notice given by the sanitary physician or the municipal sanitary authority. R. S., 3095*b* ; 57 V., c. 31, s. 9.

Penalty for infractions.

68. Whenever the by-laws of the municipal sanitary are contrary to those of the Board of Health made in virtue of this section, the latter alone shall be in force.

Effect of by-laws upon municipal by-laws.

If the manner of doing anything prescribed by the municipal by-law is, in the opinion of the Board of Health as efficient as that ordered by the by-laws of the Board of Health, the municipal by-law shall retain all its vigor. R. S., 3095*c* ; 57 V., c. 31, s. 9.

69. The sanitary physicians appointed by the Lieutenant-Governor in Council, in virtue of the fourth section of the second chapter of the seventh title of the Revised Statutes and the municipal sanitary authority must, under the direction of the Board of Health see to the carrying out of the above-mentioned by-laws. R. S., 3095*d* ; 57 V., c. 31, s. 9.

Duties of certain sanitary physicians.

Notices, etc.,
how to be
given.

70. The procedure to be followed for notices, services, suits and other measures rendered necessary in carrying out such by-laws, shall be that indicated for notices, services, prosecutions and other measures provided for by section fourth of chapter second of title seventh of the Revised Statutes. R. S., 3095e; 57 V., c. 31, s. 9.

Proviso when
suit is insti-
tuted by cer-
tain officer.

However, when the prosecution is instituted by an officer who is employed by the Board of Health or by the municipal sanitary authority, the prosecutor is exempt from making the deposit required by article 3049 of the Revised Statutes. See R. S., 3049; 63 V., c. 23, s. 3.

SECTION III

SANITARY PROVISIONS IN CASES OF EPIDEMIC

§ 1.—*General and Interpretative*

Interpretation
of words :

71. In this section, the following words and expressions have the meanings hereinafter assigned to them, that is to say :

“ Two jus-
tices of the
peace ” ;

1. The words “ two justices of the peace,” mean two or more justices of the peace, assembled or acting together, for the place where the matter or any part of the matter requiring the cognizance of such two justices of the peace arises ;

“ Place ” ;

2. The word “ place,” means a city, town, village, town-ship, parish or any other territorial division recognized or designated by law as a separate municipality or municipal division ;

“ Street ” ;

3. The word “ street,” includes every highway, road, square, row, range, lane, mews, court, alley and passage ; R. S., 3067.

“ Central
Board ” ;

4. The words “ Central Board ” designate the Central Board of Health constituted in accordance with article 73 of this act ;

“ Local
Board.”

5. The words “ local board ” mean the local board of health constituted in accordance with article 77 of this act.

Proclamation
in cases of epi-
demic.

72. Whenever this Province, or any part thereof, or place therein, appears to be threatened with any epidemic, endemic or contagious disease, the Lieutenant-Governor may, by proclamation to be issued by and with the advice and consent of the Executive Council, declare this section to be in force in this Province, or in any part thereof, or place therein which he designates.

Revocation of
proclamation.

The Lieutenant-Governor may, in like manner, from time to time, as to all or any of the parts or places to which any such proclamation extends, revoke or renew the same.

Subject to revocation and renewals as aforesaid, every such proclamation has effect for six months, or for any shorter period in such proclamation expressed. How long to remain in force. R. S., 3068.

§ 2.—Central Board of Health

I.—ORGANIZATION OF THE CENTRAL BOARD

73. From the day of the publication of the proclamation, the Board of Health constituted in virtue of section 1 of this act is the Central Board of Health for the purposes of this section, and its officers become the officers of the Central Board of Health; but the Lieutenant-Governor in Council may, so long as this section is in force, add to the number of the members and officers of the Central Board of Health any other persons whom he may deem advisable. Board of Health of the Province to be Central Board under proclamation. Power to add to number of members.

The powers and duties of the Board may be exercised and executed by any three members thereof. Quorum of Board.

During any vacancy in the Board, the continuing members may act as if no vacancy had occurred. Vacancies.

The Central Board *ipso facto* ceases to exist by the revocation of the proclamation as to all the places included in such proclamation, or by the expiration of six months from the date of such proclamation, or of any shorter period if expressed in such proclamation that it is to be in force for that time only, unless such proclamation be renewed as to all or some of such parts and places. R. S., 3069. Duration of Central Board.

The Central Board, in addition to the powers conferred upon it by this section, has all those of the Board of Health respecting the places indicated in the proclamation; but for all other localities the Board of Health itself exercises its powers as if the proclamation had not been issued. R. S., 3062; 54 V., c. 27, s. 1. Powers of Central Board.

II.—DUTIES, POWERS AND BY-LAWS OF THE CENTRAL BOARD

74. The Central Board may, by by-law, with the view of preventing or mitigating epidemic, endemic or contagious diseases: Power of Central Board to pass by-laws to:

1. Order that streets be frequently and effectively cleansed by the surveyors or superintendents of highways and others entrusted with the care and management thereof, or by the proprietors or occupants of the houses and tenements adjoining thereto; Order cleaning, etc., of streets, etc.

2. Order that yards and dependencies be frequently and effectively cleansed by those having control thereof; Order cleaning of yards, etc.;

3. Provide for domiciliary visits; Provide for domiciliary visits.;

- Regulate arrival and departure of vessels and railway cars, etc.
4. Regulate the arrival and departure of boats or vessels and railway cars ; the arrival and departure of passengers and the sending and receiving of goods and merchandize by such boats, vessels and cars ;
- Authorize use of shelters, etc. ;
5. Authorize local boards of health to supply shelters, medical aid, medicine, and all other things necessary to prevent or mitigate disease at the expense of each locality in which they act ;
- Order dwelling houses to be cleansed, etc. ;
6. Order that dwelling houses, schools, churches, railway stations or other buildings, boats, vessels, railway cars, stages and vehicles, as well as all effects found therein, be cleansed, purified, ventilated and disinfected by the proprietors and occupants, or by the persons having the control, care or supervision thereof ; provide for their inspection, and authorize the detention for the time required for such operations of every boat, vessel, railway car, stage or vehicle, whenever the sanitary by-laws require it or the inspecting officer orders it at the expense of the proprietor, tenant or other person in charge thereof, by detaining as long as may be necessary for such operations every such boat, vessel, railway car, stage or vehicle, or every passenger or all goods found therein ;
- Provide for evacuation of infected places, etc. ;
7. Provide for the evacuation of infected places and for keeping under supervision the persons coming from such places ;
- Provide for burial.
8. Provide for the immediate burial of the dead ;
- Provide for abating of nuisances ;
9. Provide for the abating of nuisances and the removal of unhealthy conditions ;
- Provide for appointment of sanitary police, etc. ;
10. Provide for the appointment of sanitary police, paid by the municipalities in which they operate, for the purpose of insuring the carrying out of the sanitary by-laws in force in the municipality or to assist therein ;
- Order preventive measures to be taken ;
11. Order recourse being had to all means for preventing or mitigating epidemic or contagious diseases in any manner deemed suitable ;
- Define duties, etc., of local boards ;
12. Define the duties and powers of local boards of health ;
- Authorize removal of inhabitants of infected houses, etc.
13. Authorize and require local boards of health in all cases in which epidemic, endemic or contagious diseases are discovered to exist in any house or other building, occupied as a dwelling, situated in an unhealthy or crowded locality or being in a neglected or filthy state, to compel, exercising however a sound discretion and, at the cost and charges of such local boards of health, the inhabitants of any such dwelling or other building to remove therefrom and to place them in sheds, tents or other

proper shelter, in a more salubrious situation, until measures may be taken by and under the direction of the local boards of health for the immediate cleansing, ventilation, purification and disinfection of such dwelling or other building. R. S., 3070 *in part*.

75. The by-laws of the Central Board have no force or effect until they have been approved by the Lieutenant-Governor in Council and afterwards published in the *Quebec Official Gazette*. Approval and coming into force of by-laws.

Every proclamation of the Lieutenant-Governor in Council, issued under this section shall also be published in the *Quebec Official Gazette*. Publication of proclamation.

The proclamation and by-laws are, immediately after being published, laid before both Houses of the Legislature if it is then in session; if not, within the first fourteen days of the next session. Proclamation and by-laws to be laid before Legislature.

The by-laws published as aforesaid, extend to all places in which this section comes into force, unless such by-laws are expressly limited to some of such places and then only to such places so specified in the by-laws; and, saving the right of revocation or alteration, they remain in force as long as this section is in force. R. S., 3071; 3070 *in part*. Over what territory by-laws to extend.

III.—EXPENSES OF CENTRAL BOARD

76. The expenses incurred by the Central Board shall be defrayed out of any moneys appropriated by the Legislature for that purpose. R. S., 3072. Payment of expenses of Central Board

§ 3.—Local Boards of Health

I.—ORGANIZATION OF LOCAL BOARDS

77. In municipalities where, at the time of the publication of the proclamation putting this section into force, there is a local board of health, whether it be known under the name of board of health, local board of health, health committee or health board, such board of health becomes the local board of health for the purposes of this section. Municipal board of health becomes local board of health under this section.

In municipalities in which there is no board of health at the time of the publication of the proclamation, the municipal council becomes the local board of health for the purposes of this section, so long as the municipal council has not appointed a local board of health. If none, municipal council to be local board.

The local board ceases to exist at the same time and for the same reasons as the Central Board. R. S., 3073. When such boards cease to exist.

II.—POWERS AND DUTIES OF LOCAL BOARDS

Duties of local board as to by-laws of Central Board.

78. The local boards are bound to carry out and to cause to be carried out or to aid in carrying out the by-laws of the Central Board, and to perform every act and supply everything or matter required for their due carrying out. See R. S., 3070, *in part*.

Executive officers to be appointed by local board.

79. Every local board shall appoint its own executive officer within the delay fixed by the Central Board and, in default of its so doing, the Central Board selects and appoints him.

Other officers also.

It shall also appoint all necessary officers and employees.

Power of executive officer to inspect buildings, &c.

80. (1) The executive officer of the local board of health, or any two or more of the members of such boards or of its officers or employees, acting in the execution of the by-laws made under this section, may enter and inspect any dwelling or premises, if there be any ground for believing that there is therein any person attacked by an epidemic, endemic or contagious disease, or that any person has recently died of any such epidemic, endemic or contagious disease in such dwelling or premises, or that there is any filth, or other matter dangerous to health therein or thereupon, or that necessity otherwise exists for executing, in relation to such dwelling or premises, all or any of such by-laws.

Assistance may be obtained if resistance offered, &c.,

2. In case the owner or occupant of any such dwelling or premises neglects or refuses to obey the orders given by such officers or members in pursuance of such by-laws, such officers or members may call to their assistance all constables and peace officers, and such other persons as they think fit, may enter into such dwelling or premises, and execute or cause to be executed therein such by-laws, or remove therefrom and destroy whatsoever in pursuance of such by-laws it is necessary to remove and destroy for the preservation of the public health. R. S., 3074.

Suspension of municipal by-laws whilst by-laws of Central Board are in force.

81. (1) Upon the publication of any by-laws of the Central Board, and whilst they continue in force, all by-laws of the town council, municipal corporation, or other municipal body, of any place to which such by-laws or any of them relate, made for preserving the inhabitants thereof from contagious diseases, are suspended.

Suspension of local health officers whilst officers, &c., under central board are acting.

2. Upon the appointment and during the existence of a local board of health, under this section for any such place, any board of health or officer of health, or other like officer, or any committee appointed under any such by-law, shall be

and remain deprived and relieved of all powers, authorities and duties conferred and imposed upon him or them by any such by-law. R. S., 3075.

§2. Upon proof of the incompetence or negligence of any local board of health in the performance of the duties and powers conferred by this section or by the by-laws authorized by this section, the Central Board of Health may, during the whole time it may consider necessary, proceed directly to carry out this section or such by-laws. The representative of the Central Board of Health entrusted with such carrying out has *ipso facto* all the powers and rights of the local board of health, in whose stead he acts.

Power of Central Board in certain cases of incompetence or negligence of local board.

III.—EXPENSES OF LOCAL BOARDS

§3. The expenses incurred by local boards in the execution or in superintending the execution of the regulations of the Central Board, shall be defrayed and provided for in the same manner and by the same means as expenses incurred by the municipal corporations, municipal councils or other municipal bodies of or having jurisdiction over the respective places for which such local boards were appointed, are required to be defrayed and provided for.

Expenses of local board how to be defrayed.

The same rule applies to the expenses incurred by the representative of the Central Board when acting under article 82. R. S., 3076.

Idem of representative of Central Board.

§ 4.—Penalties and Prosecutions

§4. Whosoever wilfully obstructs any person acting under the authority of this section, or wilfully violates any by-law issued thereunder by the Central Board, or neglects or refuses to comply with such by-law, or with the requirements of this section in any manner whatsoever, shall be liable, for every such offence, to a penalty not exceeding fifty dollars, to be recovered by the Central Board, by the local board of health or by any person before any two justices of the peace, and to be levied by distress and sale of the goods and chattels of the offender. R. S., 3077, *in part*.

Penalty for violating by-laws of Central Board.

§5. If it appears to the satisfaction of such justices of the peace, before or after the issuing of such warrant, either by the confession of the offender or otherwise, that he has not goods and chattels within their jurisdiction sufficient to satisfy the amount, they may commit him to the common gaol for any time not exceeding fourteen days, unless the amount be sooner paid, in the same manner as if a warrant of distress had issued, and a return of *nulla bona* had been made thereon. R. S., 3077 *in part*.

If offender has no goods or chattels he may be imprisoned.

When offences may be prosecuted for.

86. All offences committed against this section, while the same is in force in this Province, or in any part thereof, are prosecuted and the parties committing the same convicted and punished therefor as well after as during the time that this section is in force. R. S., 3078 *in part*.

Law to govern prosecutions.

87. In all other respects, part LVIII of the Criminal Code, 1892, applies to offences against this section or the by-laws made under its provisions.

SECTION IV

INOCULATION AND VACCINATION

§ 1.—*Penalties for Inoculating with Small-Pox Virus*

Penalty against persons inoculating with variolous matter.

88. Any person producing or attempting to produce, by inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article or thing impregnated with variolous matter, or knowingly by any other means whatsoever, the disease of small-pox in any person in this Province, shall be liable to be proceeded against and convicted summarily before any two justices of the peace.

Imprisonment.

For every such offence he shall, upon conviction, be imprisoned for any term not exceeding one month. R. S., 3084.

License of physician to become null if he contravenes this paragraph.

89. If any person licensed to practise medicine, surgery or midwifery in this Province, be convicted of an offence against the provisions of this paragraph, the license of such person in that behalf shall thereby become null and void and of no effect; and such person shall, from and after the date of such conviction, be liable to the same penalty in the event of his practising medicine, surgery or midwifery in the Province, as he would have been liable to for so doing if he had never been licensed to practise the same; but it shall be lawful for the Lieutenant-Governor, on the certificate of the College of Physicians and Surgeons of the Province of Quebec certifying that there is no other reason for the disability or exclusion, at any time at the expiration of the term of imprisonment of any such person so convicted as aforesaid, to permit such person to practise medicine, surgery and midwifery as aforesaid; and thereupon and thereafter such person shall no longer be liable to any fine or penalty for so doing. R. S., 3085.

Proviso.

§ 2.—*Powers of municipalities respecting Vaccination*

Municipal council may order that vaccination, &c., be compulsory, &c.

90. Every municipal council may order that vaccination and revaccination shall be compulsory within the limits of the locality and make by-laws respecting the same. R. S., 3066h : 54 V., c. 27, s. 1.

§ 3.—*Vaccination in certain Localities*

I.—SPECIAL PLACES IN CERTAIN CITIES AND MUNICIPALITIES TO BE FIXED FOR VACCINATING

91. It is lawful for the council of each of the cities of Quebec, Montreal, Three Rivers, St. Hyacinthe and Sherbrooke, and of any other municipality having a population of three thousand souls or more, and they are hereby respectively empowered and required, to contract with some legally qualified and competent medical practitioner or practitioners, for the period of one year, and so from year to year, as such contract may expire, for the vaccination, at the expense of the city or municipality, of all poor persons, and, at their own expense, of all other persons, resident in such city or municipality, who may come to such medical practitioner or practitioners for that purpose; provided, always, that it shall be a condition of every such contract, that the amount of the remuneration to be received under the same shall depend on the number of persons who, not having been previously successfully vaccinated, shall be successfully vaccinated by such medical practitioner or medical practitioners respectively so contracting. R. S., 3086.

Certain municipalities may employ medical practitioner to vaccinate inhabitants thereof

Proviso.

92. The council of each such city or municipality shall appoint a convenient place in one or more wards of such city or of the municipality, and if it concerns a municipality not already divided into wards, then in one or more wards which it erects for the purposes of this act, for the performance, at least once in each month, of such vaccination, and shall take effectual means for giving, from time to time, to all persons resident within each such ward, due notice of the days and hours at which the medical practitioner or one of the medical practitioners contracted with for such purpose will attend, once at the least in each month, at such place, to vaccinate all persons, not successfully vaccinated, who may then appear there, and also of the days and hours at which such medical practitioner will attend at such place to inspect the progress of such vaccination in the persons so vaccinated. R. S. 3087.

Council to appoint convenient place for that purpose.

II.—DUTIES OF PARENTS TO HAVE THEIR CHILDREN VACCINATED

93. The father or mother of every child, whether residing permanently or not, in any of the said cities or municipalities above mentioned shall, at some such appointed time, within three months after the birth of such child or in the event of the death, illness, absence or inability of the father and mother, then the person who has the care, nurture or custody of the child, shall, at some such appointed

Parents bound to take their children to be vaccinated.

time within four months after the birth of such child, take or cause to be taken the said child to the medical practitioner in attendance at the appointed place according to the provisions of this paragraph, for the purpose of being vaccinated, unless such child have been previously vaccinated by some legally qualified medical practitioner and the vaccination duly certified; and the said medical practitioner so appointed shall, (and he is hereby required,) thereupon, or as soon after as it may conveniently and properly be done, to vaccinate the said child. R. S., 3088.

And take them again on the eighth day thereafter to be inspected.

94. Upon the eighth day following the day on which any child has been vaccinated as aforesaid, the father or mother, or other person having the care, nurture or custody of the said child, shall again take or cause to be taken the said child to the medical practitioner by whom the operation was performed, or other similarly appointed medical practitioner in attendance, in order that such medical practitioner may ascertain by inspection the result of such operation. R. S., 3089.

III -- CERTIFICATES OF VACCINATION GIVEN BY PHYSICIANS

Certificate of successful vaccination to be given.

95. Upon and immediately after the successful vaccination of any child residing in any of the said cities or municipalities above mentioned, the medical practitioner who performed the operation shall deliver to the father or mother, or other person having the care, nurture or custody of the said child, a certificate under his hand, according to Form A of this act, that the said child has been successfully vaccinated, and shall also transmit a duplicate of the said certificate to the secretary-treasurer of the city or municipality in which the operation was performed, and such certificate shall, without further proof, be admissible as evidence of the successful vaccination of such child in any information or complaint brought against the father or mother or person who had the care, nurture or custody of such child, for non-compliance with the provisions of this paragraph. R. S., 3090.

If the child is found unfit for vaccination.

96. If any medical practitioner, appointed as aforesaid, be of opinion that any child brought to him is not in a fit and proper state to be successfully vaccinated, he shall deliver to the father or mother of such child or to the person having the care, nurture or custody of such child, on demand and without fee or reward, a certificate under his hand, according to Form B of this act, that the child is in an unfit state for successful vaccination.

Such certificate or any similar certificate of a legally qualified medical practitioner, respecting any child as aforesaid, shall remain in force for two months from its delivery; and the father or mother of the said child, or the person having the care, nurture or custody of the said child, shall, (unless they have within each succeeding period of two months, obtained from a legally qualified medical practitioner a renewal of such certificate) within two months after the delivery of the said certificate, and if the said child be not vaccinated at or by the termination of such period of two months, then during each succeeding period of two months, until such child has been successfully vaccinated, take or cause to be taken to the said medical practitioner, so appointed, such child to be vaccinated by him.

Certificate.

Child to be presented again until successfully vaccinated.

If the medical practitioner deem the said child to be in a fit and proper state for such successful vaccination, he shall forthwith vaccinate it accordingly, and shall, upon or immediately after the successful vaccination of such child, deliver to the father or mother of such child, or person having the care, nurture or custody of such child, a certificate under his hand according to Form A of this act, that such child has been successfully vaccinated.

Duty of physicians to vaccinate child.

If the medical practitioner be of opinion that the said child is still in an unfit state for successful vaccination, then he shall again deliver to the father or mother of such child, or to the person having the care, nurture or custody of the said child, a certificate under his hand, according to Form B of this act, that the child is still in an unfit state for such successful vaccination; and the said medical practitioner, so long as such child remains in an unfit state for vaccination and unvaccinated, shall, at the expiration of every succeeding period of two months, deliver, if required, to the father or mother of such child, or the person having the care, nurture or custody of such child, a fresh certificate under his hand, according to the said Form B of this act; and the production of such certificate, or of any similar certificate from any legally qualified medical practitioner, shall be a sufficient defence against any complaint brought against the father or mother, or person having the care, nurture or custody of such child, for non-compliance with the provisions of this paragraph. R. S., 3091.

Further certificate if child still unfit.

Effect of certificate.

97. In the event of any medical practitioner employed under the provisions of this paragraph, or any other duly qualified medical practitioner, being of opinion that any child, that has been vaccinated by him, is insusceptible to the vaccine disease, he shall deliver to the father or mother of such child, or to the person having the care, nurture or custody of such child, a certificate under his

If the child insusceptible to the vaccine disease.

hand, according to Form C of this act ; and the production of such certificate shall for a period of five years be a sufficient defence against any complaint which may be brought against the father or mother, or person having the care nurture, or custody of such child, for non-compliance with the provisions of this paragraph. R. S., 3092.

Fees under this section.

98. In all contracts made under the provisions of this paragraph, the sums contracted to be paid shall not be more than fifty cents for every person successfully vaccinated, including all or any of the certificates herein required. R. S., 3093.

IV.—VACCINATION IN SCHOOLS

Power of school commissioners, &c., to require certificate of vaccination from children.

99. School commissioners and trustees and all educational authorities may, at any time, require that no pupil shall be admitted to any school under their control, unless he hands to the teacher of the school he attends a certificate or other sufficient evidence, either of efficient vaccination, or of his being insusceptible to vaccination.

In cases of epidemics of small-pox, production of certificate of vaccination by pupils attending school may be required.

100. Whenever he deems it necessary, the executive officer of the municipal sanitary authority of any locality which is invaded by small-pox or which is threatened to be so, may, with the approval of the municipal sanitary authority, require a certificate or other sufficient evidence of efficient vaccination or insusceptibility to vaccination—the operation having been had within the seven years—shall be handed by every pupil attending a school, college, convent, university or other educational institution, to the authorities of the institution which he attends ; and every pupil who refuses or neglects to give up such certificate on demand shall be excluded from the institution during the whole time his refusal or neglect continues.

If not furnished.

V.—OFFENCES AGAINST THIS PARAGRAPH

Penalty for non-compliance.

101. If any father or mother, or person having the care, nurture or custody of any child, shall not cause such child to be vaccinated within the period prescribed by this paragraph, or shall not, on the eighth day after the vaccination has been performed, take or cause to be taken such child for inspection, according to the provisions therein contained, such father or mother, or any person having the care, nurture or custody of such child, so offending, shall be liable to a fine not exceeding five dollars, recoverable on summary conviction before the judge of the sessions, police magistrate, or district magistrate having jurisdiction in the city or municipality in which the offence was committed,

Recovery of fines.

or if there be no such officer, then before any two justices of the peace having jurisdiction in such city or municipality. R. S., 3094.

102. After the expiration of two months from the conviction of any person for an offence against this paragraph, in respect of any child, no plea of such conviction shall be a sufficient defence against any complaint which may then be brought against the same or any other person for non-compliance with the provisions of this paragraph in respect of the same child ; but the production of a certificate under the hand of a legally qualified medical practitioner, according to any of the forms of this act, shall be a sufficient defence against any such complaint; provided always, that if the certificate produced be in the Form B, the production thereof shall not be a sufficient defence, unless the vaccination be thereby postponed to a day subsequent to that on which the complaint is brought. R. S., 3095.

How far and when plea of conviction shall avail.

103. Every person or corporation having the control over a school, college, convent, university or other educational institution, refusing to exclude a pupil who does not furnish a certificate of vaccination or insusceptibility to vaccination when required so to do, as prescribed by article 100 of this act, is liable for each day during which the contravention exists, to a fine not exceeding ten dollars, recoverable in the manner provided for offences mentioned in article 84.

Penalty on persons, &c., controlling schools, &c., refusing to exact certificate of vaccination from pupils.

§ 4.—Prosecutions

104. Part LVIII of the Criminal Code, 1892, applies to offences created by this section or by the by-laws made under its provisions.

Law applicable.

SECTION V

VITAL STATISTICS

105. The Board of Health of the Province of Quebec, called in this section the " Board of Health " shall, every year, make a compilation of births, marriages and deaths, as well as of causes of death, by means of the information it may obtain in virtue of this act, and transmit such compilation to the Provincial Secretary on the first of March. R. S., 3059a ; 56 V., c. 29, s. 1.

Compilation of vital statistics by the Board of Health.

Annual re-
turns of births
by the keeper
of registers of
civil status.

106. During the first fifteen days of January in every year, every person entrusted with the registration of births required by the Civil Code, shall forward to the Board of Health a return, in the Form D of this act, of the births registered during the preceding year.

If the registers of several municipalities are kept by one person, such person shall use a separate form for each of such municipalities. R. S., 3059*b*; 56 V., c. 29, s. 1.

Annual re-
turns of births
by secretary-
treasurers.

107. Every secretary-treasurer of any municipality shall, during the month of January in every year, forward to the Board of Health a return, according to Form D of this act, of the births registered by him during the preceding year. R. S., 3059*c*; 56 V., c. 29, s. 1.

Annual re-
turns of mar-
riages.

108. During the first fifteen days of January, in every year, every person entrusted with the registration of marriages required by the Civil Code, shall forward to the Board of Health a statement, drawn up in the Form E of this act, of the number of marriages registered by him during the preceding year.

If the registers of several municipalities are kept by one person, such person shall use a separate form for each of such municipalities. R. S., 3059*d*; 56 V., c. 29, s. 1.

Certificates
of death by
physicians.

109. Every physician, who has been called upon to give professional services during the last illness of any deceased person, shall, under his hand, certify to the death and cause of death of such person, according to Form F of this act.

Certificates
by others.

When no physician has been called, or when it is impossible to have a physician's certificate, the certificate is signed, either by the clergyman who has been called, or by two credible persons who establish, to the best of their knowledge, the cause of death.

No burial
without cer-
tificate.

Such certificate shall be required by the person entrusted by the Civil Code with the registration of acts of civil status and must be delivered to him before he can proceed to the interment or grant the burial permit.

Transport
permit in cer-
tain cases.

If the cemetery wherein the body is to be buried is not that in use for the place where the death occurred, the certificate of death is given to the secretary-treasurer of the municipality of the place whence the body is taken, or to any other person appointed for that purpose by the municipal council, who gives in exchange a transport permit according to the form approved by the Board of Health. Such transport permit is accepted as equivalent to the certificate by the person who afterwards presides at the burial.

On the first juridical day in every month, the person entrusted with the registration of acts of civil status shall forward to the Board of Health the certificates received by him during the preceding month

Monthly returns of burials.

During epidemics, the Board of Health may require these certificates to be sent oftener than once a month.

Returns during epidemics.

The certificates shall be destroyed immediately after the compilation of the statistics. R. S., 3059e; 56 V., c. 29, s. 1.

Destruction of certificates after compilation.

110. The Lieutenant-Governor in Council may declare that this section shall not apply to any territory in which statistics are already obtained in a manner approved by the Board of Health, and may make the regulations necessary for the said Board to have access to such statistics. R. S., 3059f; 59 V., c. 27, s. 1.

Lieutenant-Governor may declare section not to apply to certain territory, &c.

111. The Lieutenant-Governor in Council may, whenever it is impossible to obtain statistics of certain localities under the provisions of this section, make the regulations requisite for facilitating or obtaining the same.

How statistics may be obtained from certain localities.

112. The forms to be used for the certificates of deaths and for the annual reports of births and marriages, and the prepaid envelopes for the monthly or annual returns, are furnished and forwarded free to those entitled to them by the Board of Health. R. S., 3059g; 56 V., c. 29, s. 1.

Forms to be, &c., supplied by Board of Health.

113. Any person who knowingly makes a false return concerning any facts which are required to be reported in virtue of this section to the person entrusted with the registration of acts of civil status, or to the secretary-treasurer of a municipality, shall, upon conviction before a justice of the peace, be liable to a fine not exceeding fifty dollars.

Penalty for making false returns to persons keeping registers of civil status, &c.

Whosoever is obliged by this section to report to the person having charge of the registration of acts of civil status or to the secretary-treasurer of a municipality, any birth, marriage or death, or any cause of death, and who refuses or neglects so to report, as well as every person who infringes the regulations made by the Lieutenant-Governor in Council, is liable to a fine not exceeding twenty dollars.

Penalty for neglecting to make returns to such officer.

Prescription of prosecutions.

Prosecutions under this section shall be instituted by the Board of Health of the Province within two years after the offence was committed. R. S., 3059h; 56 V., c. 29, s. 1.

114. In other matters, part LVIII of the Criminal Code, 1892, applies to offences created by this section.

Law to apply.

Temporary Provisions, etc.

R. S., Title
7, c. 3, &c.,
repealed.

115. Chapter third of title seventh of the Revised Statutes and the acts amending the same are repealed and the foregoing provisions are substituted therefor

Present mem-
bers and offi-
cers, etc., of
Board of
Health.

116. The appointments of the present members of the Board shall expire as follows: that of Robert Craik and Pantaléon Pelletier, on the first of July, 1901, that of Emmanuel Persillier Lachapelle and Henry Robert Gray on the first of July, 1902, and that of Laurent Catellier, Arthur Simard and Pierre Julien Léonidas Bissonnette, on the first July, 1903.

The officers and functionaries of the Board of Health of this Province, appointed in virtue of the repealed provisions, shall continue to perform their functions until they are replaced in the terms of this act.

Effect of re-
peal as to
penalties.

117. Such repeal shall not have the effect of operating a remission of the penalties incurred in virtue of the repealed law, but such penalties shall be imposed, and the convictions carried into execution in virtue thereof, as if this act had not been passed.

By-laws
under repeal-
ed provisions.

118. The by-laws made under the repealed provisions shall remain in force until they have been repealed, amended or replaced by others made under this act.

Short title.

119. This act may be cited as the "Quebec Public Health Act, 1901."

Coming into
force.

120. This act shall come into force on the day of its sanction.

SCHEDULE

FORM A

CERTIFICATE OF VACCINATION

I, the undersigned, hereby certify that
 child of _____, aged _____ residing at
 No. _____ street, in the municipality of _____,
 has been successfully vaccinated by me.

Dated at _____, this _____ day of _____ 19 _____

(Signed)

A. B.

R. S., Schedule A.

FORM B

CERTIFICATE THAT CHILD IS NOT FIT FOR VACCINATION

I, the undersigned, hereby certify that I am of opinion,
 that _____ the child of _____
 residing at No. _____ street in the municipality of _____,
 aged _____, is not now in a fit and proper state to
 be successfully vaccinated, and I do hereby postpone the
 vaccination until the _____ day of _____

Dated at _____, this _____ day of _____ 19 _____

(Signed,)

A. B.

R. S., Schedule B.

FORM C

CERTIFICATE THAT CHILD IS NOT SUSCEPTIBLE TO VACCINATION

I, the undersigned, hereby certify that I am of opinion
 that _____, the child of _____, residing at
 No. _____ street, in the municipality of _____,
 is insusceptible to vaccination.

This certificate is only valid for five years from the date.

Dated at _____, this _____ day of _____, 19 _____

(Signed,)

A. B.

R. S., Schedule C.

FORM F

CERTIFICATE OF DEATH

Name of the municipality in which }
death has taken place: }

County of.....

Name and surname }
of deceased. }

Age :.....Sex :.....

Nationality :.....Religion :.....

Married, widowed or single :.....

Profession }
or calling }

Date of death.....

Duration of illness.....

Cause of } Primary.....
death } Immediate:.....

I, the undersigned, certify that the above statement is correct.

Dated at..... the.....19
Residence.

.....M. D.

In case the certificate is not }
signed by a physician, state }
if it is because no physician }
has been called in. }
