



BRITISH COLUMBIA.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 2.

An Ordinance for promoting the Public Health in the Colony of British Columbia.

[23rd February, 1869.]

WHEREAS it is necessary to adopt measures with the object of preventing or guarding against the origin, rise, or progress, of endemic, epidemic, or contagious diseases, and to protect the health of the Inhabitants of this Colony, and for this purpose to grant to the Governor in Council extraordinary powers to be used when urgent occasion demands;

Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:

I. It shall be lawful for the Governor in Council, by any order duly made and passed, from time to time, and at any time, to mark out, define, and vary certain portions of the Colony to be Health Districts, and to make and alter such Rules, Regulations, and By-Laws, as such Governor in Council may deem expedient, in respect to the following matters, that is to say:—

Governor to define Health Districts, and make Sanitary Regulations,

(a.) The establishment, management, and maintenance of Local Boards of Health, their functions and powers.

(b.) The duties and jurisdiction of the Local Boards of Health, in all matters whatsoever in anywise relating to drains, sewers, privies, pigsties, slaughter-houses, unwholesome food, diseased cattle, noxious or offensive trades or business, epidemic, endemic, or contagious diseases or disorders, and for the summary abatement of any nuisance, or injury to public health likely to arise therefrom, and all matters relating to quarantine, as well of Her Majesty's Ships of War as other and all Vessels and Boats entering any Port, River, or Harbour in this Colony.

(c.) The regulation of the inspection of dwelling-houses, curtilages, hospitals, gaols, and other places, and generally to regulate all such other matters and things whatsoever in relation to or in connection with Sanitary matters, which the said Governor in Council shall from time to time deem expedient to ordain.

(d.) Any fines or penalties for the enforcement of the provisions of such By-Law, not exceeding in amount the fines and penalties hereinafter provided in case of the evasion of any of the provisions of this Ordinance. Provided always that the Governor may make such Orders, Rules, Regulations, and By-Laws, to apply to certain portions of the Colony only.

II. Every

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having the force of Law.

II. Every such Order, Rule, Regulation, and By-Law so made, when published in the *Government Gazette*, shall, so far as the same shall not have been in like manner repealed or varied, be deemed to be and have the force of law, and be so recognized in all Courts of the Colony, and every such Order, Rule, Regulation, and By-Law so made, shall be laid before the Legislative Council immediately if it be in Session, or if not, as soon as possible after its next meeting, together with an account of all sums expended, and all sums required for the due execution of this Ordinance, in order to be dealt with as such Legislative Council may deem expedient.

Local Boards;

III. For the purposes of this Ordinance, the Corporation of the City of Victoria and the Municipal Council of New Westminster, and the Council of any Municipality or Municipal District now or hereafter to be created, respectively, shall be the Local Boards of Health within their respective limits and jurisdictions; and it shall be lawful for the Governor, by writing under his hand, to appoint such and so many persons as he may think fit to form a Local Board for any other town, district or place, and from time to time to remove any such person or persons from such Board, and appoint any other person or persons in his or their stead; or if he think fit or desirable, the Governor may order the persons who compose such Local Board to be elected, in such manner as he may think feasible, by the Inhabitants of any of the Health Districts of the Colony.

their duties.

IV. It shall be the duty of the various Local Boards of Health to carry out the Rules, and Regulations, and By-Laws, from time to time made and issued by and under the authority of the Governor in Council, and may from time to time, by and with the approval of the Governor, appoint or employ such Officers and Servants as may be necessary for this purpose, and subject to such approval, may make Regulations and By-Laws specifying the duties and powers of the Officers and Servants so appointed or employed, and may remove such Officers and Servants as such Board may see fit, and may recommend that the officers and servants so appointed shall be paid such sums as they may deem fit out of such part of the General Revenue as may be reserved for such purpose, and it shall be lawful for the Governor to order payment to be made to them, respectively, of sums not exceeding those recommended. Provided, always, that the Corporation of the City of Victoria and the Municipal Council of New Westminster, and the Council of any Municipal District shall provide for any expenses incurred, or Officers or Servants employed by them in carrying out the provisions of this Ordinance within their respective limits, out of the General, City, Town, or District Taxes, as they may deem fit.

No Officer to be concerned in contract.

V. No officer or servant of any Local Board shall be concerned or interested, directly or indirectly, in any bargain or contract entered into by such Local Board.

Health Officer.

VI. Whenever there is good and sufficient reason to apprehend the invasion of any contagious or epidemic disease, likely seriously to endanger life, the Governor may appoint and pay a fit and proper Officer, to be called the Health Officer, whose duty it shall be to provide that the Local Boards carry out the Orders in Council, and generally to perform such duties as the Governor in Council may direct, either in respect of quarantine or other sanitary matters, but such appointment shall be of a temporary nature only, and shall cease upon the termination of the cause that gave it origin, or sooner if by such Governor considered advisable, or expedient, or necessary.

Penalties;

VII. Whoever shall wilfully obstruct any Health Officer or any Member of the Local Board of Health, or any Officer or person duly employed in the execution of this Ordinance, or of any By-Law, or of any provision of any such By-Law, or destroy, pull down, injure, or deface any board, placard, or notice made or published under this Ordinance, or in any way commit any wilful breach or contravention of any provision, or part of any provision,
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of this Ordinance, or of any Rule, Regulation, or By-Law to be made in pursuance thereof, shall be punishable summarily before any Justice of the Peace, upon information under oath and upon conviction, by any fine not exceeding for a first offence One hundred dollars, and for a second offence any sum not exceeding Two hundred dollars.

VIII. Every penalty imposed by this Ordinance, and by any By-Law, Rule, Order, or Regulation made in pursuance thereof, may, with the costs of conviction, be levied by distress and sale of the goods and chattels of any offender, and in default of payment of such penalty and costs, then by imprisonment of such offender for any term not exceeding three calendar months in one of Her Majesty's gaols; and no warrant of commitment upon a conviction under this Ordinance shall be held to be invalid by reason of any defect or informality, if it be therein alleged that the offender has been convicted, and there be a good and valid conviction to sustain the same. how enforced.

IX. In the construction of this Ordinance the word "Governor" shall be held to mean the Governor of this Colony for the time being, or other the Officer administering the Government of this Colony for the time being; and whenever in this Ordinance in describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it otherwise be provided or there be something in the subject or context repugnant to such construction. Interpretation.

X. This Ordinance may be cited for all purposes as the "Health Ordinance, 1869." Short Title.

Passed the Legislative Council the 7th day of February, A. D. 1869.

CHARLES GOOD,
Clerk of the Council.

WILLIAM A. G. YOUNG,
Presiding Member.

Assented to, on behalf of Her Majesty, this 23rd day of February, 1869.

FREDERICK SEYMOUR,
Governor.

VICTORIA, B. C.:

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