



ANNO DECIMO TERTIO

VICTORIÆ REGINÆ.

CAP. XII.

AN ACT to amend an Act passed in the Third Year of His Late Majesty's Reign, entitled "An Act to provide for the performance of Quarantine, and more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Island."

[Passed 30th April, 1850.]

WHEREAS in and by a certain Act of the General Assembly of Newfoundland, passed in the Third Year of the Reign of His late Majesty, entitled "An Act to provide for the performance of Quarantine, and more effectually to provide against the introduction of infectious or contagious diseases, and the spreading thereof in this Island," various penalties, forfeitures and punishments are prescribed and imposed upon and in respect of the breach or violation of the provisions of the said Act, and of any order or orders of the Governor and Council, as also of any orders, rules and regulations made and established by any Board or Boards of Health appointed, or to be appointed, under the said Act; and whereas for the better enforcing the provisions of the said Act, and for the more effectual preservation of the public health, it is expedient to substitute for the penalties, forfeitures and punishments above referred to, penalties, forfeitures and punishments of less amount and duration, and to provide a more speedy means for enforcing the same :

I.—*Be it therefore enacted*, by the Governor, Council and Assembly of Newfoundland, in Legislative Session convened, and by the authority of the same, that in every case in which any person shall offend against any of

Preamble.

Penalty of ten pounds imposed upon any person offending against

3d Wm. 4, cap. 1, or of any rule or order made thereunder.

the provisions of the said recited Act passed in the third year of His late Majesty's Reign, or shall be guilty of any breach or violation of any order or orders, direction or directions, of the Governor or Commander-in-Chief, by and with the advice of Her Majesty's Council, made and established, or to be made and established, under and in pursuance of the said Act, or of any order, rule or regulation hereafter to be made and established by any Board of Health to be established and appointed under the said Act, whether such offence, breach, or violation shall or shall not be subject to any specific penalty, forfeiture or punishment, by the said Act, every such person so offending, or being guilty of any such breach or violation, as aforesaid, shall, on conviction thereof, in manner hereinafter provided, forfeit and pay to Her Majesty, Her Heirs and Successors, a sum not exceeding ten pounds, at the discretion of the Justice or Justices before whom he shall be convicted; and in default of payment thereof on conviction, together with costs of suit, shall be liable to be imprisoned for such period as the convicting Justice or Justices shall think fit, not exceeding two calendar months; and in every case in which any person shall pay the amount of such penalty and costs, or shall suffer such imprisonment as last aforesaid, he shall not be subject or liable to any penalty, forfeiture, or imprisonment, for or in respect of the same offence, breach, or violation, under or by virtue of the said recited Act.

Offender paying penalty or suffering imprisonment under this Act to be relieved from penalty under recited Act for same offence.

Provido that the offender may be proceeded against under 3d Wm. 4, cap. 1, and liable to penalty thereby imposed.

II.—*Provided nevertheless, and be it further enacted,* That any person guilty of any such offence, breach, or violation, as aforesaid, shall (in any case in which the Governor or Acting Governor, or any Board of Health, shall think fit so to direct,) be subject to and shall be liable to be prosecuted for the penalty or forfeiture imposed or prescribed by the said recited Act, upon or in respect of any such offence, breach or violation; and in every case in which any such prosecution shall be directed, as last mentioned, and notice thereof, in pursuance of such direction, shall have been given to the party offending, such offender shall not be liable to any penalty, forfeiture, or imprisonment, under this Act, and no conviction of such offender under this Act, after such notice to him as aforesaid, shall bar or prevent his prosecution or conviction under the said recited Act.

Penalties imposed by this Act may be recovered before a Justice of the Peace by complaint of any informer.

III.—*And be it further enacted,* That all penalties and forfeitures imposed by this Act shall and may be sued for and recovered before any one or more of Her Majesty's Justices of the Peace, in any district of this Island in which the offence shall have been committed, or in which the offender shall happen to be, to the use of Her Majesty, Her Heirs and Successors, by any person who shall inform and sue for the same; and upon complaint being made before any one Justice, he shall issue a summons, requiring the party offending or complained against to appear on a day and at an hour and place to be named in such summons; and every such summons shall be served upon the party offending or complained against, or left at his last house or place of residence or of business, or on board any ship or vessel to which he may belong; and either upon the appearance, or the default to appear, of the party offending or complained against, it shall be lawful for any one or more Justices, as aforesaid, to proceed summarily upon the case, and either with or without any written information; and upon proof of the offence, either by confession of the party offending or complained against, or upon the oath of one or more credible witness or witnesses, whose attendance such Justice or Justices shall have power to enforce by summons, (and by warrant if such summons be disobeyed,) it shall be lawful for such Justice or Justices to convict the offender or party complained against, and to adjudge him to pay such penalty, not exceeding the sum of ten pounds aforesaid, as such Justice or Justices shall think fit, together with the costs attending the information, summons and conviction; and if such penalty and costs be not forthwith paid, the same may be levied, together with the costs, by distress and sale of the offender's goods and chattels, the surplus money levied (if any) to be paid to him

Attendance of witnesses may be enforced by Justices.

upon demand; and any such Justice or Justices may issue his or their warrant accordingly, and may also order the party convicted to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless such party give sufficient security, to the satisfaction of such Justice or Justices, for his appearance before them on the day appointed for such return, such day not being more than eight days from the time of taking such security; but if it shall appear to such Justice or Justices, by the admission of such party, or otherwise, that no sufficient distress can be had whereon to levy the penalty adjudged to be paid, and costs, such Justice or Justices may, if he or they shall think fit, refrain from issuing such warrant of distress; and in such case, or if such warrant shall have been issued, and upon the return thereof such insufficiency as aforesaid shall be made to appear to the Justice or Justices, then such Justice or Justices shall, by warrant, cause the party ordered to pay such penalty and costs, as aforesaid, to be committed to gaol, there to remain, without bail, for any period not exceeding two calendar months, unless such penalty and costs, and such costs of distress and sale, as aforesaid, be sooner paid: *Provided*, that the Justice on issuing his summons requiring the appearance of the party offending or complained against, as aforesaid, shall forthwith, and before proceeding to hear the cause, give notice thereof to the Colonial Secretary or to the Board of Health at or nearest to the place where the complaint may be made.

IV.—*And be it further enacted*, That all prosecutions for penalties under this Act, shall be commenced and sued for within six calendar months after the offence committed, and that in all proceedings it shall be sufficient to cite this or the said recited Act respectively by the title of the “Quarantine Act;” and no conviction under this Act shall be quashed for want of form; and where any distress shall be made for any penalty and costs, or either of them, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any want of form in the information, summons, conviction, warrant of distress, or other proceedings relating thereto.

Prosecutions to be commenced within six calendar months.

No conviction to be quashed for want of form.

V.—*And be it further enacted*, That the proceeds of all penalties and forfeitures recovered under and by virtue of this Act, shall be divided and paid, one moiety to the person who shall inform and sue for the same, and the other moiety to the use of Her Majesty, Her Heirs and Successors.

Moiety of penalty to be paid informer, and other to Her Majesty.

VI.—*And be it further enacted*, That in order to defray the fees, charges and expenses of inspecting and reporting upon vessels arriving from sea, by the Health Officer, in the manner provided by the said recited Act, it shall be lawful for the Governor, or Acting Governor, by and with the advice of Her Majesty’s Council, (if he and they shall think fit,) in lieu and instead of the rate or table of fees authorized to be established by the thirty-fifth section of the said recited Act, to establish and impose a tonnage duty upon all vessels arriving from any port or place out of this Island or its dependencies, to be paid, collected, received and accounted for in the manner and by the means in and by the said recited Act declared and provided in respect of the rate or table of fees, charges and expenses, thereby authorized to be established.

Governor and Council may impose a tonnage duty upon vessels in lieu of rate authorized by 3d Wm. 4, cap. 1.