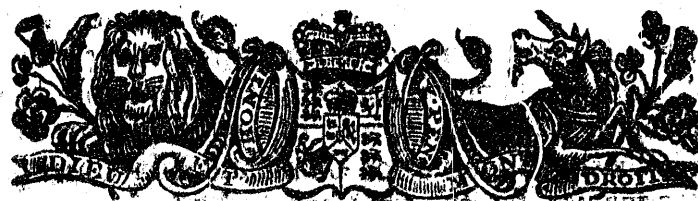


Oct 23

Customs



ANNO TERTIO
GULIELMI IV. REGIS.

CAP. I.

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.

[27th March, 1833.]

WHEREAS a malignant and highly dangerous disease, called the Cholera, or Spasmodic or Indian Cholera, has for some time past prevailed on the Continent of Europe, in Great Britain, and on the Continent of America, and apprehensions are entertained that the same may be introduced into this Island;

Preamble.

Be it therefore enacted, by the Governor, the Council, and Assembly, that henceforth all Vessels, as well His Majesty's Ships of War as others, coming from or having touched at any place from where the Governor or Commander-in-Chief, by and with the advice and consent of His Majesty's Council, shall have adjudged and declared it probable any infectious disease or distemper highly dangerous to the health of the inhabitants of this Island and its Dependencies, whether such disease be Plague, Small Pox, Yellow Fever, Typhus Fever, Cholera Morbus, or any other infectious disease or contagious distemper whatsoever, may be brought; and all Vessels and Boats receiving any Persons, Goods, Wares and Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other article whatsoever, from or out of any Vessel so coming from or having touched at such infected place as aforesaid, whether such Persons, Goods, Wares and Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other article whatsoever, shall have come or been brought in such Vessels, or such Persons shall have gone, or articles have been put on board the same, either before or after the arrival of such Vessels at any port or place in this Island or

Governor and Council to declare what places are infected.

All Vessels and Boats receiving any persons, goods &c. from any Vessel coming from or having touched at an infected place, liable to Quarantine;

its Dependencies, and whether such Vessels were or were not bound to any port or place in this Island or its Dependencies, and all Persons, Goods, Wares and Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other article whatsoever, on board of any Vessel so coming from or having touched at such infected place as aforesaid, or on board of any such receiving Vessels or Boats as aforesaid, shall be, and be considered to be, liable to Quarantine, within the meaning of this Act, and of any Order or Orders which shall be made by the Governor or Commander-in-Chief of this Island and its Dependencies, for the time being, by and with the advice of His Majesty's Council, concerning Quarantine and the prevention of infection, from the time of the departure of such Vessels from such infected place as aforesaid, or from the time when such Persons, Goods, Wares, Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other articles, shall have been received on board respectively, and all such Vessels and Boats as aforesaid, and all Persons (as well Pilots as others), Goods, Wares and Merchandize, and all other articles aforesaid, whether coming or brought in such Vessels or Boats from such infected place as aforesaid, or going or being put on board the same either before or after the arrival of such Vessels or Boats at any port or place in this Island or its Dependencies, and all Persons, Goods, Wares and Merchandize, and all other articles as aforesaid, on board such receiving Vessel or Boat as aforesaid, shall, upon their arrival at any such port or place, be obliged to perform Quarantine in such place or places, for such time and in such manner, as shall from time to time be directed by any such Governor or Commander-in-Chief for the time being, by his Order or Orders in Council notified by Proclamation or published in the *Royal Gazette* Newspaper at St. John's; and that until such Vessels and Boats, Persons, Goods, Wares and Merchandize, and other articles as aforesaid, shall have respectively performed and shall have been duly discharged from Quarantine, no such Persons, Goods, Wares and Merchandize, or other articles as aforesaid, or any of them, shall either before or after the arrival of such Vessels or Boats at any port or place in this Island or its Dependencies, come or be brought on shore, or go and be put on board any other Vessel or Boat in order to come or be brought on shore in any such port or place, although such vessels so coming from such infected place as aforesaid may not be bound to any port or place in this Island or its Dependencies, unless in such manner and in such cases and by such license as shall be directed or permitted by such Order or Orders made by such Governor or Commander-in-Chief, for the time being, in Council as aforesaid; and all such Vessels and Boats, whether coming from such infected places as aforesaid, or being otherwise liable to Quarantine as aforesaid, and all Persons (as well Pilots as others), Goods, Wares and Merchandize, and other articles as aforesaid, whether coming or brought in such Vessels or Boats, or going or being put on board the same, either before or after the arrival of such Vessels or Boats at any port or place in this Island or its Dependencies, and although such Vessels or Boats shall not be bound to any port or place in this Island or its Dependencies, and all Commanders, Masters, and other persons having the charge or command of any such Vessels or Boats, whether coming from any infected place or being otherwise liable to Quarantine as aforesaid, shall be subject to all provisions, rules, regulations and restrictions, contained in this Act or in any Order or Orders which shall be made by such Governor or Commander-in-Chief for the time being as aforesaid, in Council, concerning Quarantine and the prevention of infection, and

and to any orders made by the Governor and Council.

All persons (Pilots as well as others), goods, &c. from on board vessels having touched at an infected place, liable to Quarantine.

Governor to appoint Quarantine stations.

Governor & Council to regulate the mode of communication with vessels liable to Quarantine.

Masters of Vessels and others liable to Quarantine, subject to the provisions of this Act, &c.

to all pains, penalties, forfeitures and punishments contained in this Act for any breach or disobedience thereof, or of any Order or Orders of the said Governor in Council made under the authority thereof.

II.—*And be it further enacted*, That it shall and may be lawful for such Governor or Commander-in-Chief, by his Order in Council, notified by Proclamation or published in the *Royal Gazette*, from time to time, as often as he may see reason to apprehend that the Plague, Small Pox, Yellow Fever, Typhus Fever, Cholera Morbus, or any other highly infectious disease or contagious distemper, prevails in the said United Kingdom or any part thereof, or on the Continents of Europe or of America, or in any Country, Colony, or place whatsoever, to require that every Vessel coming from or having touched at any port or place in the said United Kingdom, or Continents of Europe or of America, or other Country or Colony, shall come to an anchor at certain places, to be appointed from time to time by such Order or Orders in Council, or in default of such appointment then at such place or places as the Officers of His Majesty's Customs or Health Officer at the ports where or near to which such Vessel may arrive or be (and which said Officers are hereby authorised to make such appointment, where and as often as shall be necessary,) may direct, for the purpose of having the health of the crew of such Vessel ascertained before such Vessel shall be permitted to enter the Port whereto she shall be bound, or any other Port in this Island or its Dependencies, but that such Vessel shall not be deemed liable to Quarantine unless it shall be afterwards specially ordered under that restraint.

Governor & Council to appoint stations for the inspection of vessels.

III.—*And whereas* certain sorts of Goods and Merchandise are more especially liable to retain infection, and may be brought from places infected into other Countries, and from thence imported into this Island and its Dependencies: *Be it enacted*, that all such Goods and Merchandise as shall be particularly specified for that purpose, in any Order or Orders of the Governor or Commander-in-Chief in Council, concerning Quarantine, and the prevention of infection, as aforesaid, which shall be brought or imported into any port or place in this Island or its Dependencies, from the said United Kingdom or any Foreign Country, or any other place whatsoever, whether in this Island or out of the same, in any Vessel whatsoever, and the Vessels in which the same shall be brought, and also all Vessels which shall arrive from any port or place wheresoever under any alarming or suspicious circumstances, as to infection, shall be subject and liable to such regulations and restrictions as shall be made by such Order or Orders of the Governor in Council, as aforesaid, respecting the same.

To specify what goods are liable to retain infection, and to order thereon.

IV.—*And be it further enacted*, that it shall and may be lawful for the said Governor or Commander-in-Chief, or in his absence for the said Council, or for any person or persons empowered by him or them in the Out-ports of this Island and its Dependencies, to make such order as he or they shall see necessary or expedient upon any unforeseen emergency, or in any particular case or cases with respect to any Vessel arriving, and having any infectious disease or distemper on board, or on board of which any infectious disease or distemper may have appeared in the course of the voyage, or arriving under any other alarming or suspicious circumstances as to infection, although such Vessels shall have not come from any place from which such Governor or Commander-in-Chief, by and with the advice of His Majesty's Council, may have adjudged and declared it probable that the Plague, or any other infectious disease or distemper as aforesaid, may be brought, and also with respect to the Persons, Goods, Wares, and Merchandise,

To make orders in cases of emergency with respect to any Vessel.

To empower persons at the out-ports to shorten the period of Quarantine.

and other articles as aforesaid, on board the same; and in case of any infectious disease or distemper appearing or breaking out in this Island or its Dependencies, to make such Orders and give such directions, in order to cut off all communication between any person infected with any such disease or distemper and the rest of His Majesty's subjects, as shall appear to the said Governor or Commander-in-Chief, or in his absence to the said Council, or to any person or persons empowered by him or them in the Out-ports of this Island and its Dependencies, to be necessary and expedient for that purpose; and likewise to make such orders as he or they shall see fit for shortening the time of Quarantine to be performed by particular Vessels, or particular persons, Goods, Wares and Merchandise, or any other articles, or for absolutely or conditionally releasing them or any of them from Quarantine, and all such orders so made by the said Governor or Commander-in-Chief, or in his absence by the said Council, or by any person or persons by him or them empowered for that purpose in the Out-ports of this Island and its Dependencies, shall be as good, valid and effectual, to all intents and purposes, as well with respect to the Commander, Master, or other person having charge of any Vessel, and all other persons on board the same, as with respect to any other person having intercourse or communication with them, and to the penalties, forfeitures and punishments to which they may respectively become liable, as any Order or Orders made by such Governor for the time being, by and with the advice of His Majesty's Council, concerning Quarantine, notified by Proclamation or published in the *Royal Gazette*.

Vessels arriving from sea with disease on board to proceed to such place as Governor and Council may direct.

Master to make known his case to Collector of Customs or Health Officer, &c., who shall send intelligence thereof to the Governor, or in his absence to H. Majesty's Council, that precautions may be taken.

Penalty for disobedience of orders.

V.—*And be it further enacted*, that if any such highly infectious disease or distemper as aforesaid shall appear on board any Vessel at sea bound to any port or part of this Island or its Dependencies, then the Commander, Master or other Person having charge or command thereof shall immediately proceed to such place as the said Governor or Commander-in-Chief for the time being shall, by and with the advice of His Majesty's Council, from time to time direct and appoint, where being arrived he shall make known his case to some Officer of His Majesty's Customs, or Collector of Colonial Duties, Justice of the Peace, or Health Officer, who shall with all possible speed send intelligence thereof to the local Board of Health appointed to see Quarantine performed, or the Governor, or in his absence His Majesty's Council, to the end that such precautions may be used to prevent the spreading of the infection as the case shall require; and the said Vessel shall there remain until directions shall be given thereto by the Board of Health or the said Governor, or the Council in his absence, nor shall any of the Crew or Passengers on board such Vessel go on shore; and such master and every other person on board such Vessel shall obey such directions as shall be received or given by the Board of Health, or the Governor or Council, and the said Master or Commander, or any other person on board such Vessel as aforesaid who shall not act conformably to the provisions and regulations herein directed, or shall act in disobedience to such directions as shall be received on board such Vessel from the Board of Health, the Governor or the Council as aforesaid, shall forfeit the sum of *One Hundred Pounds* sterling money of Great Britain.

VI.—*And be it further enacted*, that every Master or other person having charge of any Vessel liable to the performance of Quarantine, or on board whereof the Plague or other infectious disease or distemper highly dangerous to the health of His Majesty's Subjects shall actually be, shall be and is hereby required at all times when such Vessel shall meet

with any other Vessel at sea, or shall be within two leagues of the Coast of this Island or its Dependencies, to hoist a Signal to denote that his Vessel is liable to the performance of Quarantine, which signal shall in the day time be a large Yellow Flag of six breadths of Bunting at the main-topmast head, or in the event of not having such Yellow Flag, an Ensign with the Union downwards, or an Union Jack half-mast high, and in the night time the Signal shall be, a large Signal Lantern, with a light therein (such as is commonly used on board His Majesty's Ships of war) at the same mast-head; and such Commander, Master or other Person, shall keep such Signals respectively, as the case may be, hoisted during such time as the said Vessel shall continue in sight of such other Vessel, or within two leagues of the coast of this Island or its Dependencies, and while so in sight, or within such distance, until such Vessel so liable to Quarantine as aforesaid, shall have arrived at the Port or place where it is to perform Quarantine, and until it shall have been legally discharged from the performance thereof; on failure whereof such Commander, Master, or other Person having charge of such Ship or Vessel, so liable to the performance of Quarantine, shall forfeit and pay for every such offence the sum of *Twenty Pounds* sterling money as aforesaid.

Vessels liable to perform Quarantine to hoist a distinguishing flag;

to be kept flying till released, under penalty of £20.

VII.—*And be it further enacted*, that every Commander, Master, or other Person having the charge of any Vessel coming from *Foreign parts*, or any country or place out of this Island, shall give to the Pilot who shall go on board such Vessel and be engaged to pilot the same, a true account (which shall be in writing if required by such Pilot) of the names of the Place and Country at which such Vessel shall have loaded, and also of the places at which any such Vessel shall have touched on the voyage, on pain of forfeiting *One Hundred Pounds* Sterling Money as aforesaid, for any neglect or refusal to give such account, and in writing if required, or for any false representation or wilful omission therein; and if by any Proclamation or Order of the *Governor in Council* made after the departure of any Vessel from this Island, and then in force, Vessels coming from any place mentioned in such account or writing shall be liable to the performance of Quarantine, such Pilot shall immediately give notice thereof to the Commander, or other person aforesaid in charge of such Vessel, on pain of forfeiting the sum of *Twenty Pounds* Sterling money as aforesaid, for any neglect therein, and such Commander or other Person shall thereupon hoist the proper signal according to the provisions of this Act, under the penalties herein contained for any neglect or refusal in respect of hoisting such signal.

Master to give the Pilot a true account of places where the Ship loaded or touched during the voyage, under penalty of £100.

Pilot to give notice to Commander if any place mentioned in such account be liable to Quarantine, under penalty of £20

VIII.—*And be it further enacted*, that if any Pilot being on board, or any Commander, Master or other Person, having the charge of any Vessel coming from foreign parts, or any Country or Place out of this Island or its Dependencies, whether such Vessel shall be liable to Quarantine or not, shall be required by any Health Officer, Officer of the Customs, or other Person authorized to act in the service of Quarantine, to bring to such Vessel, to the end that the Master, Commander, or other Person having the charge thereof, may be interrogated according to the provisions of this Act, and shall neglect or refuse to bring to such Vessel as soon as it can be done with safety, in obedience to such requisition, every such Pilot, Commander, Master, or other Person having the charge of any such Vessel, shall for every such offence forfeit and pay the sum of *One Hundred Pounds* Sterling money as aforesaid.

All Vessels from foreign parts to be brought to be interrogated.

Pilot or Commander refusing liable to a penalty of £20.

IX.—*And to the end that it may be better known whether any Vessel be actually infected with the plague or other highly infectious*

disease or distemper as aforesaid, or whether such Vessel or the Mariners or Passengers coming, or the Cargo imported therein, are liable to any orders touching Quarantine: *Be it further enacted*, that when any Country or Place whatsoever shall be known or suspected to be infected with the plague or other such infectious disease or distemper as aforesaid, or when any order or orders shall be made by the Governor in Council concerning Quarantine, and the prevention of infection as aforesaid, then and in such case, as often as any Vessel shall attempt to enter into any Port or Place in this Island or its Dependencies, whether such Port shall have been appointed for the performance of Quarantine or not, the Health Officer or Superintendent of Quarantine, or his Assistant, at such Port or Place, or if not, the principal Officer of His Majesty's Customs at such Port or Place, or such Person as shall be authorized to act in that behalf, shall go off to such Vessel, and shall, at convenient distance from such Vessel, or on board thereof, demand of the Master, Commander or other Person having the charge of such Vessel, and such Commander or other Person shall upon such demand give a true answer in writing or otherwise, and upon Oath or not upon Oath, according as he shall by such Health Officer or his Assistant, Officer of the Customs, or other Person authorized as aforesaid, be required, to all such questions or interrogatories as shall be put to him, by virtue and in pursuance of such regulations and directions as such Governor, by Order in Council, shall be pleased to prescribe; and in case such Commander or Master, or other Person having the charge of such Vessel, shall, upon such demand as aforesaid, refuse to make a true discovery in any of the particulars concerning which he shall be interrogated in manner aforesaid, or, in case he shall not be required to answer such questions or interrogatories upon Oath, shall give a false answer to any such question or interrogatory as aforesaid, such Commander, Master or other Person having charge of such Vessel, for every such offence, shall forfeit and pay the sum of *One Hundred Pounds* Sterling money as aforesaid.

Vessels attempting to enter any Port, liable to be interrogated.

False answers liable to a penalty of £100.

Vessels to anchor at the Quarantine Ground appointed and there remain until examined.

His Majesty's Officers upon due notice to be aiding and assisting in requiring Vessels to repair to Quarantine Ground.

No person to land from said Vessels till permission given.

Refusal to give information, making false representation, or obstructing Officer, penalty £200.

X.—*And be it further enacted*, that every Ship or Vessel arriving at or attempting to enter any Port or place of this Island or its Dependencies, shall forthwith repair to and anchor at the Quarantine Ground or Place assigned for examination thereof, and there remain until examined by the Health Officer, and there, until permitted to enter or come to her place of destination, shall continue under the orders and directions of the Health Officer; and it shall and may be lawful to and for the Officers of any of His Majesty's Ships of War or hired Vessels, Forts or Garrisons, and all other His Majesty's Officers, upon notice thereof given to them, or any of them, respectively, and to and for any other persons whom they or the Health Officer shall call to their or his assistance or aid, and such Officers and other Persons are hereby required, to oblige every such Vessel to go and repair to such Quarantine Ground, and there to remain until examined and permitted to proceed into the Port of destination, and for that purpose to use all necessary means, either by firing of Guns upon such Vessel or by any other kind of necessary force whatsoever; and if the Master, Commander, or other Person having charge of any such Vessel, shall neglect or refuse to proceed to such Quarantine Ground for examination, or depart therefrom, or shall come or permit any person to come on shore from such Vessel, before permission given to enter the Port of destination, or before Quarantine fully performed, if ordered, or shall refuse to give to the Health Officer all information required touching the health of the Persons on board such Vessel, or the nature of her Cargo, or shall make any false representation or misrepresentation in

respect thereof, or shall obstruct the Health Officer in the performance of his duty, such Master, Commander, or Person in charge of such Vessel, shall forfeit a sum not exceeding *Two Hundred Pounds Sterling* money as aforesaid.

XI.—*And be it further enacted*, that every Commander, Master, or other person having charge of any Vessel which shall be ordered to perform Quarantine as aforesaid, shall forthwith after his arrival at the place appointed for the performance of Quarantine, deliver, on demand, to the Health Officer, Superintendent of Quarantine, or his Assistant, Officer of the Customs, or other person authorized to act in that behalf, (who is hereby required to make such demand,) his Bill of Health and Manifest, with his Log Book and Journal, under pain of forfeiting the sum of *Fifty Pounds Sterling* Money as aforesaid, if he shall wilfully neglect or refuse so to do.

Master to deliver Bill of Health and Manifest, with his Log Book, to Health Officer;

XII.—*And be it further enacted* that if any Commander, Master, or other Person having charge of any Vessel liable to perform Quarantine, and on board of which the Plague or other Infectious Disease or Distemper shall not then have appeared, shall himself quit, or knowingly permit or suffer any Seaman or Passenger coming in such Vessel to quit, such Vessel, by going on shore, or by going on board any other Vessel or Boat, before such Quarantine shall be fully performed, unless by such license as shall be granted by virtue of any Order or Orders in Council, to be made concerning Quarantine as aforesaid; or in case any Commander or other Person having charge of such Vessel, shall not, within a convenient time after due notice given for that purpose, cause such Vessel, and the Lading thereof, to be conveyed into the place or places appointed for such Vessel and Lading to perform Quarantine, then and in every such case such Master, Commander, or other person as aforesaid, for every such offence shall forfeit and pay the sum of *Four Hundred Pounds Sterling* Money as aforesaid; and if any such Person coming in any such Vessel liable to Quarantine (or any Pilot or other Person going on board the same, either before or after the arrival of any such Vessel at any Port or Place in this Island or its Dependencies) shall, either before or after such arrival, quit such Vessel unless by such license as aforesaid (or unless being such Health Officer, Superintendent of Quarantine, his Assistant, or Officer of the Customs, or other Person authorized to act in that behalf), by going on shore in any Port or Place of this Island or its Dependencies, or by going on board any other Vessel or Boat with intent to go on shore as aforesaid, before such Vessel so liable to Quarantine as aforesaid shall be regularly discharged from the performance thereof, it shall and may be lawful for any person whatsoever by any kind of necessary force to compel such Pilot or other person so quitting such Vessel liable to Quarantine, to return on board the same, and every such Pilot or other person so quitting such Vessel so liable to Quarantine shall for every such offence suffer imprisonment for the space of *Six Months*, and shall forfeit and pay the sum of *Two Hundred Pounds Sterling* money as aforesaid.

Responsible for any person quitting his Vessel;

To take his Vessel and lading to the Quarantine station;

under a penalty of £400.

Pilot or other person going on board not to quit the Vessel.

Any person may compel the Pilot or other person quitting such Vessel to return on board.

Penalty six months imprisonment and fine of £200.

XIII.—*And whereas* disobedience or refractory behaviour in persons under Quarantine, or liable to the performance of Quarantine, or in other persons who may have had any intercourse or communication with them, may be attended with very great danger to His Majesty's subjects:—*Be it further enacted*, that all persons liable to perform Quarantine, and all persons having had any intercourse or communication with them, whether in Vessels or in a Lazaretto, or elsewhere, shall be subject during the said Quarantine, or during the time they shall be liable to

All persons liable to perform Quarantine subject to the orders of the Health Officer.

Quarantine, to such orders as they shall receive from the Health Officer, Superintendent of Quarantine, or his Assistant, Officer of His Majesty's Customs, or other person authorized to act in that behalf, and the said Officers are hereby required and empowered to enforce all necessary obedience to the said orders, and in case of necessity to call in others to their assistance, and all persons so called in are hereby required and empowered to assist accordingly, and such Officers shall, and they are hereby required and empowered to compel all persons liable to perform Quarantine as aforesaid, and persons having had any intercourse or communication with them, to repair to such Lazaretto, Vessel or Place, and to cause all Goods, Wares and Merchandize, and other articles comprised within any such order to be made as last aforesaid, to be conveyed to such Lazaretto, Vessel or place duly appointed in that behalf in such manner and according to such directions as shall be made by order of the Governor in Council as aforesaid, or of the Governor or Commander-in-Chief for the time being, or in his absence of His Majesty's Council; and if any person or persons liable to perform Quarantine as aforesaid, or any person or persons having had any intercourse or communication with him, her or them, shall wilfully refuse or neglect to repair forthwith, when required and directed so to do by such Officers as aforesaid, to the said Lazaretto, Vessel or Place duly appointed in that behalf, or having been placed in the said Lazaretto, Vessel or Place, shall escape or attempt to escape out of the same before Quarantine duly performed, it shall and may be lawful to and for the said Quarantine Officers, and also to and for the watchmen and other persons appointed to see Quarantine performed, and each of them, and they are hereby required, by such necessary force as the case shall require, to compel every such person so refusing or neglecting as aforesaid, and every person escaping or attempting to escape as aforesaid, to repair or return to such Lazaretto, Vessel or place so appointed as aforesaid; and every person so refusing or neglecting to repair forthwith as aforesaid to the said Lazaretto, Vessel or Place, and also every person actually escaping as aforesaid, shall forfeit the penalty of *Two Hundred Pounds* Sterling money as aforesaid.

Officers to call in assistance if necessary.

Watchmen and others appointed to see Quarantine performed, to compel parties to return on board.

Persons contravening the Act may be apprehended, and carried before a Magistrate, who may grant Warrants for apprehending and conveying on board:

But not confine in a public Gaol.

Board of Health or His Majesty's Council may give direction for the disposal of such person.

XIV.—*And be it further enacted*, that it shall be lawful for any Sheriff, Constable, or other Peace Officer, or any other person, to seize and apprehend any person that shall, contrary to the provisions of this Act, have quitted or come on shore from any Vessel liable to perform Quarantine, or from any Lazaretto, Vessel, or place appointed in that behalf, for the purpose of carrying such person before any Justice of the Peace or Magistrate; and it shall be lawful for any such Justice of the Peace or Magistrate to grant his Warrant for the apprehending and conveying of any such person to the Vessel from which he or she shall have come on shore, or to any Vessel performing Quarantine or Lazaretto from which he or she shall have escaped, or for the confining of any such person in any such place of safe custody (not being a public Gaol), and under such restrictions as to having any communication with any other person as may, in the discretion of any Justice of the Peace or Magistrate (calling to his aid if he shall think fit any medical person), appear to be proper, until such person can be safely and securely conveyed to some place appointed for the performance of Quarantine, or until directions can be obtained from the Board of Health or His Majesty's Council as to the disposal of any such person, and to make any further Order and to grant any further Warrant that may be necessary in that behalf.

XV.—And whereas it may be necessary, for the public security, to prevent all communication whatever with Vessels performing Quarantine:—*Be it therefore further enacted*, that it shall and may be lawful to and for the Governor or Commander-in-Chief, for the time being, by his Order or Orders in Council, notified by Proclamation, or published in the Royal Gazette, to prohibit all Persons, Vessels and Boats whatsoever, from going under any pretence whatsoever within the limits of any station which by any Order or Orders in Council as aforesaid has been or may be assigned for the performance of Quarantine: and if any person whatsoever after such notification or publication of any such Order or Orders in Council shall presume under any pretence whatsoever to go with any Vessel or Boat within the limits of any such station, he or she shall for every such offence forfeit and pay the sum of *Fifty Pounds* Sterling money as aforesaid.

Governor or Commander-in-Chief may, either by order in Council, by Proclamation, or publication in the Royal Gazette,—prohibit Vessels or Boats going within the limits of Quarantine station.

XVI.—*And be it further enacted*, that if any Health Officer, Superintendent of Quarantine or his Assistant, or Officer of His Majesty's Customs, or any other Officer or person whatsoever to whom it doth or shall appertain to execute any Order or Orders made or to be made concerning Quarantine or the prevention of infection, and notified as aforesaid, or to see the same put in execution, shall knowingly and wilfully embezzle any goods or articles performing Quarantine, or be guilty of any other breach or neglect of his duty in respect of the Vessels, Persons, Goods or Articles performing Quarantine, every such Officer or Person so offending shall forfeit such Colonial office or employment as he may be possessed of, and shall become from thence incapable to hold or enjoy the same or to take a new grant thereof; and every such officer and person shall forfeit and pay the sum of *Two Hundred Pounds* Sterling money as aforesaid, and if any such Officer or Person shall desert from his duty when employed as aforesaid, or shall knowingly and willingly permit any Person, Vessel, Goods or Merchandise, to depart or be conveyed out of the said Lazaretto, Vessel, or other place as aforesaid, unless by permission under an order of the Governor or Commander-in-Chief by and with the advice of His Majesty's Council, or under an order of His Majesty's Council or the Board of Health, or if any person hereby authorized and directed to give a Certificate of a Vessel having duly performed Quarantine or Airing, shall knowingly give a false Certificate thereof, every such person so offending shall be guilty of Felony; and if any such Officer or person shall knowingly or willingly damage any Goods performing Quarantine under his direction, he shall be liable to pay *One Hundred Pounds* Sterling money as aforesaid, damages and full costs of suit, to the owner of the same.

Officer of Health or Superintendent of Quarantine, &c. &c. embezzling any goods or articles performing Quarantine to forfeit office;

And subject to a fine of £200.

Officers neglecting their duty, giving a false Certificate, or wilfully damaging goods. Penalty £100.

XVII.—*And be it further enacted*, that if any Vessel arriving from the United Kingdom, or any part thereof, or from any Port on the Continent of Europe or of America, or from any Country, Colony or Place whatsoever, shall have undergone examination by the proper Health Officer, Superintendent or other Officer of Quarantine, and upon a report of such examination being made to the Board of Health or the Governor or His Majesty's Council, such Board or the Governor or the Council shall think proper to direct the release of such Vessel from the performance of Quarantine, it shall be lawful for such Officer and he is hereby required to grant to the Master or person having the charge or command of such Vessel a Certificate in writing of such examination and release, and upon the production of such Certificate to the Collector or Principal Officer of His Majesty's Customs at any Port in this Island or its Dependencies, such Vessel shall be admitted to entry without being liable to any further restraint.

Report of examination by the proper Officer to be made to the Board of Health, Governor, or His Majesty's Council.

On production of Officer's Certificate, Collector to admit Vessels to entry.

Vessels having performed Quarantine, Masters to make Oath thereof before Health Officer;

XVIII.—*And be it further enacted*, that after Quarantine shall have been duly performed by any Vessel, Person or Persons, obliged to perform Quarantine as aforesaid, according to this Act and to such Order or Orders made as aforesaid, and upon proof to be made by the Oaths of the Master or other person having charge of such Vessel or of three or more of the persons belonging thereto, or upon proof to be made by the oaths of two or more credible witnesses before the Health Officer or Principal Officer of the Customs at the Port where such Quarantine shall be performed, or at the Port nearest thereto, or before the Superintendent of Quarantine or his Assistant, at the Quarantine station, or before any Justice of the Peace living near to the Port or Place that such Vessel and all and every such person or persons respectively have duly performed Quarantine as aforesaid, and that the Vessel and all and every person and persons are free from infection, then and in the said respective cases such the Board of Health, or the Health Officer, or the Superintendent of Quarantine or his Assistant, or such Justice of the Peace, respectively, are hereby required to give a Certificate thereof, and thereupon such Vessel and all and every such Person or Persons so having performed Quarantine shall be liable to no further restraint or detention upon the same account for which such Vessel, Person or Persons shall have performed Quarantine as aforesaid.

when they will be subject to no further restraint.

Goods to be aired as shall be appointed by the Governor or Commander-in-Chief.

Proof thereof to be made on the oath of the Master, the Officers appointed for the purpose, or of two credible Witnesses serving in Lazaretto or Vessel.

Certificate to be granted on such proof by the proper Officer.

XIX.—*And be it further enacted*, that all Goods, Wares and Merchandize, Wearing Apparel, and other articles liable to Quarantine as aforesaid, shall be opened and aired in such place or places and for such time and in such manner as shall be directed by the Governor or Commander-in-Chief for the time being, by such Order or Orders to be made as aforesaid; and after such Order shall have been duly complied with, proof thereof shall be made by the oaths of the Master of the Lazaretto or Vessel in which the Goods, Wares and Merchandize, Wearing Apparel, and other articles, shall have been opened and aired, and one of the Guardians, or if there be no Guardians then one of the Officers authorized by the Governor, Council, or Board of Health, to act in the service of Quarantine in such Lazaretto or Vessel, or if there be no such Officer then by the oaths of two or more credible witnesses serving in the said Lazaretto or Vessel before the Health Officer, the Superintendent of Quarantine or his Assistant, in case such opening and airing shall be had at a Port or Place where such Health Officer, Superintendent or Assistant, shall be established, or otherwise before the Principal Officer of the Customs authorised to act in the service of Quarantine at such Port or Place, which Oath such Health Officer, Superintendent, Assistant, or Principal Officer, is hereby authorized to administer, and such Health Officer, Superintendent, Assistant or Principal Officer, as the case may be, shall grant a Certificate of such proof having been made, and upon production of such Certificate to the proper Officer of the Customs, such Goods, Wares and Merchandize, Wearing Apparel, and other articles, shall be liable to no further restraint or detention either at the Port or Place where such Quarantine shall have been performed or at any other Place whereto they may afterwards be conveyed.

Forging, &c. such Certificate, a felony.

XX.—*And be it further enacted*, that if any person shall knowingly or wilfully forge or counterfeit, interline, erase or alter, or procure to be forged, or counterfeited, interlined, erased, or altered, any Certificate directed or required to be granted by any Order of the Governor in Council now in force or hereafter to be made touching Quarantine, or shall publish any such forged, or counterfeited, interlined, erased or

altered certificate, knowing the same to be forged, counterfeited, interlined, erased or altered, or shall knowingly and wilfully utter and publish any such Certificate with intent to obtain the effect of a true Certificate to be given thereto, knowing the contents of such Certificate to be false, he or she shall be guilty of Felony.

XXI.—*And be it further enacted*, that if any person shall land or unship, or shall move in order to the landing or unshipping thereof, any Goods, Wares or Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other Articles, from on board any Vessel liable to perform Quarantine as aforesaid, or shall knowingly receive the same after they have been so landed or unshipped, every such person shall forfeit and pay the sum of *Three Hundred Pounds* Sterling money as aforesaid; and if any person or persons shall clandestinely convey or secrete or conceal for the purpose of conveying any Letters, Goods, Wares and Merchandize, or other Articles as aforesaid from any Vessel actually performing Quarantine or from the Lazaretto or other place where such Goods, Wares and Merchandize or other Articles as aforesaid shall be performing Quarantine every such person so offending as last aforesaid shall forfeit the sum of *One Hundred Pounds* Sterling money as aforesaid.

Landing any Goods, &c. from Vessels under Quarantine—Penalty £300.

Persons clandestinely conveying Goods, &c. from Vessels under Quarantine subject to a penalty of £100.

XXII.—*And be it further enacted*, that in all cases wherein by virtue of this Act or any other Act hereafter to be made touching Quarantine, any examination or answer shall be taken or made upon Oath, the person who shall be authorized and required to take such examination and answers shall and may be deemed to have full power and authority to administer such Oaths, and if any person who shall be interrogated or examined shall wilfully swear falsely to any matter concerning which such person shall depose or make Oath on such examination or in such answer, or if any person shall procure any other person so to do, he or she so swearing falsely or procuring any other person so to do, shall be deemed to be guilty of, and shall be liable to be prosecuted for, perjury or subornation of perjury, as the case may be, and shall suffer the pains, penalties and punishments of the Law in such case respectively made and provided.

Persons authorized to take examinations may administer oaths.

Persons swearing falsely or procuring others to do so, guilty of perjury.

XXIII.—*And be it further enacted*, that all Health Officers, Superintendents of Quarantine at the several Ports and their Assistants, shall and may be appointed by any Instrument signed by the Governor for the time being, and every thing required to be done and performed by the Health Officer, Superintendent of Quarantine or his Assistant, may in case of the absence or sickness of such Health Officer, Superintendent or Assistant, be done and performed by such Principal Officer of the Customs or other person as shall be authorized to act in that behalf.

All Appointments to be made under signature of the Governor.

In the absence of Health Officer, Officer of Customs may act for him.

XXIV.—*And be it further enacted*, that the publication in the *Royal Gazette* Newspaper, at St. John's, or any Order of the Governor and Council, or of His Majesty's Council, made in pursuance of this Act, or the publication of the Governor's Proclamation made in pursuance of the same, shall be deemed and taken to be sufficient notice to all persons concerned of all matters therein respectively contained.

Publication in the Royal Gazette of any Order of the Governor, &c. or of Governor's Proclamation, to be deemed a sufficient notice.

XXV.—*And be it further enacted*, that all forfeitures and penalties that shall be incurred by reason of any offence committed against this Act shall and may be recovered by suit in any of His Majesty's Courts of Record in this Island, or in such Ports or Places where there is no Court of Record then before one or more Justices of the Peace, residing at or near such Port or Place, and every such forfeiture and penalty

Penalties incurred may be recovered by suit in any of His Majesty's Courts of Record; and where no Court before one or more Justice of the Peace;

One moiety to the Informer, the other to His Majesty.

Persons aggrieved may appeal from Justice's decision—giving security to prosecute such appeal; to be heard in the Supreme or Circuit Courts.

Actions for the recovery of fines &c. to be entered in the name of Attorney or Solicitor General under direction of the Governor or Board of Health.

Attorney or Solicitor General may stop proceedings.

Offences against this Act, for which no specific penalty is provided may be tried before one or more Justices of the peace.

Penalty not to exceed £50 nor imprisonment to exceed six months.

shall belong and be given one moiety to the person who shall inform and sue for the same and the remainder to His Majesty, His Heirs and Successors, for the public uses of the Island; Provided always that any person or persons who shall or may consider himself or themselves aggrieved by any Judgment or decision to be given by any such Justice or Justices of the Peace as aforesaid shall and may be entitled to appeal from such Judgment or decision, and shall within three days after such Judgment or decision give notice of his appeal therefrom and on entering into sufficient security to prosecute such appeal within twelve months, and also for the payment of such Judgment with the costs thereon, execution shall be stayed, and not otherwise, it being the intent and meaning of this Act that every person or persons who shall be adjudged by any Justice or Justices of the Peace liable to any fine under this Act shall and may be permitted to have a re-hearing in the Supreme or Circuit Courts of this Island within six months after such Judgment or decision as aforesaid; And provided further, that it shall not be lawful for any person or persons whatsoever to commence, prosecute, enter or file, or cause or procure to be commenced, prosecuted, entered or filed, any Action, Bill, Complaint, Information or Prosecution, or Actions, Bills, Complaints, Informations or Prosecutions, in any of His Majesty's Courts of Record or before any Justice or Justices of the Peace as aforesaid for the recovery of any fine, penalty or forfeiture, fines, penalties or forfeitures, incurred by reason of any offence committed against this Act or against any Order or Orders made by the Governor in Council, or by His Majesty's Council as aforesaid, unless the same be commenced, prosecuted, entered or filed, in the names of His Majesty's Attorney-General, or, in his absence, the Solicitor General, of this Island, under the direction of the Governor or the Board of Health respectively: And if any Action, Bill, Complaint, Information, or Prosecution, Actions, Bills, Complaints, Informations, or Prosecutions, or any proceeding or proceedings before any Justice or Justices as aforesaid, shall be commenced, prosecuted, entered or filed, in the name or names of any other person or persons than is in that behalf beforementioned, the same shall be and are hereby declared to be null and void.

XXVI.—*Provided also and be it further enacted*, that in case any prosecution, suit, complaint, or other proceeding as aforesaid, shall be commenced or depending by any Prosecutor for the recovery of any fine, penalty or forfeiture, fines, penalties or forfeitures, incurred by reason of any offence committed against this Act, or against any Order or Orders made by the Governor in Council or by His Majesty's Council as aforesaid, it shall and may be lawful for His Majesty's Attorney-General, or in his absence His Majesty's Solicitor-General, to stop all further proceedings therein, as well with respect to the share of such fine, penalty or forfeiture, fines, penalties or forfeitures, to which any such prosecutor shall or may claim to be entitled, as to the share thereof belonging to His Majesty, if upon consideration of the circumstances under which any such fine, penalty, or forfeiture, fines, penalties or forfeitures, may be incurred, it shall appear to them respectively fit and proper so to do.

XXVII.—*And be it further enacted*, that all offences committed against any of the provisions of this Act for which no specific penalty, forfeiture or punishment is provided by this Act, shall and may be tried, heard and determined before one or more Justices of the Peace of the District or place where such offence or disobedience shall happen; and if any person shall be convicted of any such offence or disobedience, he or she shall be liable to such forfeiture or penalty, not exceeding the sum of *Fifty Pounds* Sterling money as aforesaid,

for any offence, or to such imprisonment, not exceeding six months for any one offence, as shall in the discretion of such Justice or Justices of the Peace who shall have heard and determined the same be judged proper; and such forfeiture and penalty shall be paid one moiety to the person suing or prosecuting for the same and the remainder to His Majesty, His Heirs and Successors, to be applied as the proceeds of other penalties and forfeitures are hereinbefore directed to be applied.

XXVIII.—*And be it further enacted,* that in any prosecution, suit, or other proceedings against any person or persons whatsoever, for any offence against this Act or any Act which may hereafter be passed concerning Quarantine, or for any breach or disobedience of any Order or Orders which shall be made by the Governor with the advice of His Majesty's Council concerning Quarantine and the prevention of infection, and notified or published as aforesaid, or of any Order or Orders made by His Majesty's Council as aforesaid, or the Board of Health, whatsoever, the answer or answers of the Commander, Master or other person having charge of any Vessel, to any question or interrogatory put to him by virtue and in pursuance of this Act or of any Act which may hereafter be passed concerning Quarantine, or of any such Order or Orders as aforesaid, may and shall be given and received as evidence, so far as the same relates or relate to the place from which such Vessel shall come or to the place or places at which such Vessel touched in the course of the Voyage; and where any Vessel shall be directed to perform Quarantine by the Health Officer, Superintendent of Quarantine or his Assistant, or where there is no Superintendent or Assistant, by the Principal Officer of the Customs at any Port or Place, or other Officer authorized to act in that behalf, it having been so directed to perform Quarantine, may and shall be given and received as evidence that such Vessel was liable to Quarantine, unless satisfactory proof shall be produced by the Defendant in any such prosecution, suit or other proceeding, to shew that the Vessel did not come from or touch at any such place or places as is or are stated in the said answer or answers, or that such Vessel although directed to perform Quarantine was not liable to the performance thereof, and where any such Vessel shall in fact have been put under Quarantine at any Port or Place by the Health Officer, Superintendent of Quarantine or his Assistant, or other Officer authorized as aforesaid to act in that behalf, and shall actually be performing the same, such Vessel shall, in any prosecution, suit or other proceeding against any person or persons whatsoever, for any offence against this Act or any other Act which may hereafter be passed concerning Quarantine and the prevention of infection, or any Order or Orders of the Governor in Council or His Majesty's Council as aforesaid, be deemed and taken to be liable to Quarantine without proving in what manner or from what circumstance such Vessel became liable to the performance thereof.

In any prosecution the answers of the Commander shall be received as evidence that such Vessel was liable to Quarantine;

Unless shewn that she did not come from the place or places contained in the said answers; Or that she was not liable to Quarantine.

XXIX.—*And Whereas* in the event of the introduction of the said disease, or any other infectious plague, disease or distemper, into this Island, it may be impossible, by the authority of the General Assembly, to establish with sufficient promptitude to meet the exigencies of the cases, or of any such cases as may occur, such regulations as may be necessary in the several Ports and Places of this Island and its Dependencies for averting, diminishing or preventing, so far as may be possible, the spreading of any such infectious disease therein; And whereas, also, it may become necessary to adopt more effectual measures than are now in use for preventing the introduction of the said disease called the Cholera, or other infectious or contagious dis-

Governor by and with the advice of Council, or Council in the absence of Governor to revoke, alter, &c. regulations for the prevention of disease.

tempers, into this Island and its Dependencies: *Be it further enacted*, that it shall and may be lawful for the Governor or Commander-in-Chief for the time being, by and with the advice of His Majesty's Council, and for the said Council in the absence of the Governor, by any Order or Orders in Council by him or them from time to time made, to establish, and again from time to time by any such Order or Orders to revoke, renew, alter or vary, all such rules and regulations, and to substitute any such new rules and regulations as to him or them may appear necessary or expedient, for the prevention as far as may be possible of the introduction into this Island and spreading of the said disease called the Cholera, or Spasmodic or Indian Cholera, or any other highly infectious or contagious disease or distemper within this Island and its Dependencies or any part thereof, or for the relief of any persons suffering under or likely to be afflicted by any such disease; and for the safe and speedy interment of any person or persons who may die of any such disease:

All orders and regulations so made to be certified by the Secretary or Clerk of Council and published in the Royal Gazette;

XXX.—*And be it further enacted*, that every such Order as aforesaid, shall be certified under the hand of the Secretary of the Island, or Clerk for the time being of His Majesty's Council, and shall be published in the Royal Gazette Newspaper at St. John's, and that the publication therein of any such Order as aforesaid shall for all intents and purposes be taken, admitted and received in all Courts, and before all Judges, Justices and Magistrates and others, as good and sufficient evidence of the making, and of the dates and contents of any such Order.

And kept in force so long as the Governor or Council may require:

XXXI.—*And be it further enacted*, that every such Order as aforesaid, and all rules, regulations, proceedings and measures thereby established and declared to be such as to the said Governor and Council appear of urgent necessity and indispensable and proper to be adopted for preserving the public health or preventing the introduction or arresting of any such disease as aforesaid, shall and may be continued and kept in force so long as the necessity of the case shall appear to the said Governor or Council to require, and shall and may be enforced and put in execution, in all places, and for and in respect of all Persons, Houses, Buildings, Vessels, Goods, Wares, Merchandize, Matters and Things whatsoever, and by any kind of necessary force whatsoever, which the occasion may require, and obedience to such Orders, Rules, Regulations and Directions may be enjoined and enforced under any penalties or forfeitures therein to be expressed, but not exceeding *One Hundred Pounds* Sterling money as aforesaid for any one offence; and all and every such rules, regulations, orders and directions shall be, to all intents and purposes, good, legal, valid and effective, for all the objects and purposes thereof, notwithstanding the same may exceed or appear to exceed any powers or authorities by the existing Laws vested in the Governor or Council for the preservation of the public health throughout the Island and its Dependencies, and disobedience to any such orders, rules, regulations and directions respectively shall be a misdemeanour, and subject the offender to be indicted, fined and imprisoned therefor, or to the penalties, fines and forfeitures therein to be established.

Penalties not to exceed £100;

Such orders, &c. to be binding although they may exceed the powers vested by existing laws.

Disobedience of them a misdemeanour.

Governor, with advice of Council, may appoint Health Officers,

XXXII.—*And be it further enacted*, that it shall be lawful for the Governor for the time being, by the advice of His Majesty's Council, at all times when to him or them it shall appear expedient for preventing the introduction or spreading of any contagious or infectious disease into or in this Island or its Dependencies, or necessary to make such appointments, to appoint and commission such competent

persons at the several Ports of this Island and its Dependencies, as may be required to act as Health Officers therefor respectively; and also to establish and appoint in any place or places, a Board of Health for carrying into effect and enforcing the rules, regulations and directions in any such order to be made by the Governor in Council or His Majesty's Council; contained; and also to prescribe and direct the particular duties and modes of proceeding to be executed or observed by such Health Officers, Board or Boards of Health, and to authorize and empower them; or any of them, to make, establish and cause to be observed, any rules and regulations which may be found necessary to preserve the public health, and to render effectual all measures of precaution against the introduction or spreading of such infectious disease or diseases as aforesaid; and in case of any vacancy in any such appointments, the same shall and may be supplied as the said Governor in Council or the Council shall from time to time think proper.

and Boards of Health, for carrying regulations into effect—prescribe the duties of such Health Officers, &c.—and empower them to make, rules and regulations.

Governor in Council, or Council, to fill up vacancies.

XXXIII.—*And be it further enacted*, that when and so long as any Order or Orders of the Governor in Council, or of the Council, shall be in force respecting any Vessels, arriving from any place whence any such infectious or contagious disease may probably be brought, it shall be the duty of the Health Officer appointed for any Port or Place in this Island or its Dependencies, immediately on the arrival of any such Vessel, or upon the entry thereof into the Port, to repair alongside, or on board thereof, and to make strict search and enquiry into the health of the Officers, Crew and Passengers, and into the state of the Vessel and Cargo, and without delay to report his observations and opinion thereon to the Governor, the Council, or the person or persons appointed to receive such report; and every such Health Officer shall do and perform all other duties, acts and things by the Governor, the Council or other person or persons thereto appointed, required or directed to be done in respect thereof, and make an immediate report as aforesaid of his proceedings and their result as the case may require; and every such Health Officer is hereby authorized and required, when necessary, to administer an oath to, and on oath to examine, all persons on board of any such Ship or Vessel, and put to them all questions by him deemed proper, to enable him to ascertain the state of the Vessel, Cargo, Crew and Passengers arriving as aforesaid, and such questions shall be truly answered accordingly.

Health Officer to repair alongside any Vessel entering, to make strict search and enquiry;

And report his observations to the Governor or Council, &c.

Health Officer empowered to administer Oaths.

XXXIV.—*And be it further enacted*, that no Vessel whatever, subject under any Order or Orders of the Governor in Council, or of the Council, to be examined as aforesaid, shall be admitted to entry inwards at any Custom House, or by any Officer of His Majesty's Customs in this Island or its Dependencies, until a certificate of her examination, signed by the Health Officer, shall be exhibited to the proper Officer of the Customs.

No Vessel subject to examination to be admitted to entry without a certificate from the Health Officer.

XXXV.—*And be it further enacted*, that every Vessel arriving from Sea, and inspected and reported upon by any Health Officer, as aforesaid, shall be subject to and chargeable with such Fees, and to such charges and expenses necessarily incurred in such inspection and report, as the Governor in Council, by any rate or table for that purpose, shall think fit to establish; and all such fees, charges and expenses shall be chargeable upon and paid by the Master, Owner or Consignee of such Vessel, at the Custom House, before her Entry inwards or Clearance outwards thereat; and all monies so received at the Custom-House shall by the Officers thereof be duly accounted for and paid over to the Colonial Treasurer, or other proper Officer

Vessels inspected and reported are to be subject to such fees, as the Governor in Council shall establish; which fees are to be paid by the Masters, Owners or Consignees before the Vessels are admitted to entry, and applied towards the expenses of the Quarantine establishments.

appointed for that purpose, to be applied towards the payment of the Health Officers and towards the expenses that may be incurred in carrying the provisions of this Act into execution.

Governor and Council at Saint John's and Justices of the Peace in other Districts to appoint Health Wardens,

who are to act gratuitously,

and are authorized to enter and examine, in the day-time, houses, &c.

and to ascertain and report their condition to the Governor or such person as may be appointed to receive such report.

Health Wardens with approbation of the Board of Health to give orders for the removal of nuisances, &c.

XXXVI.—*And be it further enacted,* that it shall be lawful for the Governor, with the advice of the Council, in St. John's, and for the Justices assigned to keep the Peace in any other District, to nominate and appoint from time to time such and so many persons as may be necessary to fill the office of Health Wardens within the Town of St. John's and other Towns within the Island and its Dependencies, who shall act gratuitously and be severally sworn to the due performance of their office pursuant to this Act; and the said Health Wardens, or any two of them, shall, and are hereby required and authorized, when and so often as they may deem it necessary so to do, to enter into and examine, in the day-time, all Houses, Buildings, Stores, Lots of Land, Wharves, Yards, Enclosures, and other places whatsoever, and all Vessels and Boats lying at any place in this Island or its Dependencies, and to ascertain and report to the Governor, or such persons as may be appointed to receive such reports, the state and condition of all such Buildings, Places, Vessels and Boats, as aforesaid, in regard to any substances, articles or animals there or therein being, or any trade, calling or business, matter or thing, there or therein used, followed or transacted, whereby or by means whereof any nuisance may be occasioned, or the public health be endangered or affected; and further to give all such orders and directions, and to adopt, enforce and put in execution such ways, means and measures as in their judgment, with the approbation of the Board of Health, may be most prompt, effectual or necessary for removing every nuisance, and cleansing and purifying every such House, Building, Store, Lot of Land, Wharf, Yard, Enclosure, or other place, Ships, Vessels or Boats, as aforesaid, and all, every, or any part or parts of such Towns as aforesaid, and for the immediate removal and carrying away therefrom respectively, of all articles, substances and animals by or by means whereof any offensive nuisance may be occasioned or the public health affected or endangered; and further to do, or cause to be done, in relation to each and every such Buildings, Places, Ships and Vessels whatsoever, and all parts of the said Towns, and in respect of all such articles, substances, animals and nuisances therein being, every matter and thing which in the opinion of such Health Wardens, or any two of them, with the approbation of the Board of Health, may be necessary to be done for preserving the public health, maintaining cleanliness, and preventing contagion or infection.

To cause Houses &c. to be white-washed, fumigated, &c.

And to order all putrid substances to be removed.

XXXVII.—*And be it further enacted,* that it shall and may be lawful for such Health Wardens, or any two of them, with the approbation of the Board of Health, and they are hereby empowered to order and cause any House, Warehouse, Building, Place, Ship or Boat whatsoever to be white-washed with Lime, or to be fumigated, washed or purified by and with proper disinfecting substances, or subjected to the process necessary for disinfecting or cleansing the same, and also to order and cause to be used Lime or other disinfecting substances, in all places where the same may be necessary, for the removal of offensive nuisances; and likewise to order or cause any article, substance, matter or thing whatsoever that may be putrid or otherwise dangerous to the public health in any part of any such Town, or on board of any Vessel or Boat, to be destroyed or removed when, and to such place, and in such manner, as they shall direct.

XXXVIII.—*And be it further enacted,* that whosoever shall violate, or wilfully and knowingly infringe the provisions of this Act, or the orders or directions of any Board of Health hereafter to be established, or of any Health Officer or Health Wardens, or shall resist, oppose, or obstruct the lawful execution of this Act, or any such orders or directions as aforesaid, or the said Officers in the execution of their duty, shall for every such offence be deemed guilty of a Misdemeanour, and shall incur and become liable to a penalty not exceeding *Ten Pounds* Sterling money as aforesaid, nor less than *Five Pounds* of like lawful money, for every such offence; to be recovered in manner hereinbefore provided.

A violation of this Act to be deemed a misdemeanor;—Penalty not to exceed 10*l.* nor be less than 5*l.*

XXXIX.—*And be it further enacted,* that if any Action or Suit shall be commenced against any person or persons, for any matter or thing done in pursuance or execution of this present Act, or of any order made by virtue thereof, the Defendant or Defendants, in such Action or Suit, may plead the General Issue, and give this Act and the special matter in Evidence at any trial to be had thereupon; and that the same was done in pursuance and in execution of the said Act: and if it shall appear so to have been done, then the Jury shall find for the Defendant or Defendants, and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgment shall have been given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall and may recover treble Costs, and have the like remedy for the same as the Defendant or Defendants hath or have in other cases by Law; and that no such Action or Suit shall be brought against any person for any matter or thing done in pursuance or execution of this Act, but within the space of six months after such matter or thing shall have been done.

Defendant may plead General Issue in any action taken against any person acting in pursuance of this Act.

Where Judgment shall have been given in favor of Defendant, he may recover treble costs.

Limitation of action for any thing done in pursuance of this Act—Six Months.

XL.—*And be it further enacted,* that this Act shall continue and be in force for one year, and from thence to the end of the then next Session of the General Assembly.

Act to continue in force one year.

Repealed

XLI.—*And be it further enacted,* that this Act may be altered, amended, or repealed, by any Act or Acts that may be passed by the General Assembly in the present Session, any usage or custom to the contrary notwithstanding.

May be altered, amended or repealed in the present Session.