

## CAP. IV.

*An Act to provide for Quarantine and the Establishment of Boards of Health.*

[Passed 1st May, 1866.]

Preamble.

**W**HEREAS it is expedient to provide for Quarantine and the establishment of Boards of Health :

Governor may make Quarantine orders and regulations,

and affix penalties.

I.—The Governor in Council may, from time to time, make such general and particular Quarantine orders and regulations applicable to vessels, goods, persons and things, being within this Colony, or expected hither from abroad, as they may deem expedient ; and may revoke, vary, or amend the same, or any of them ; and may affix penalties, forfeitures, and punishments, for the breach of any such general or particular orders and regulations, and for the breach or violation of any provision of this Act, except where otherwise provided.

Publication and proof of orders.

II.—The said general orders and regulations shall be notified by proclamation, or published in the *Royal Gazette*, and the production of any such proclamation or publication shall be evidence of the making, date, and contents thereof. Particular orders may be proved either by production of the original, or of a paper purporting to be a copy thereof, certified to be such under the hand of the Colonial Secretary, or any Member of the Executive Council.

Orders shall have the force of law while unrevoked.

III.—Such general and particular orders and regulations shall have the force of law while they remain unrevoked or unexecuted. Their expiry, revocation, or amendment, shall not prevent any person, liable for a breach or violation, during their operation, from being tried and punished therefor.

IV.—The Governor in Council may appoint Health and all other Officers necessary for the due execution of this Act, and of the orders and regulations to be made thereunder, and shall appoint to such Officers their respective duties.

Governor to appoint Health and other Officers, and assign their duties.

V.—Custom House Officers and Licensed Pilots shall be subject to the orders of the Governor in Council, as the case may be, for the purpose of aiding in the execution of this Act, and of the regulations and orders to be made thereunder.

Customs Officers and Pilots to aid execution of orders.

VI.—Persons required or appointed according to the provisions of the fourth and fifth sections of this Act, who shall neglect the duties to be by them performed, or shall violate any of the provisions of this Act, or of any regulations or orders to be made thereunder, shall, besides being subject to punishment or forfeiture, also be liable to dismissal from all employment under the Crown.

Penalty for neglect of duty.

VII.—All Vessels, and any particular class of Vessels, and all Vessels in particular, any or either of them, shall, from time to time, at particular times, or at all times when the Governor in Council may deem it expedient, be subject to, and chargeable with, such fees and dues, either rated on the tonnage or otherwise, as may be directed by any general or particular order; and such fees and dues shall be a lien on the Vessel before all other claims, and no Vessel shall be entered or cleared outwards at the Custom House if such fees and dues be not duly paid, and the Masters and Owners of any such Vessel shall be liable for such fees and dues as for a Crown debt, and such fees and dues shall be applicable for the purposes of this Act.

Vessels liable to fees, &c.

Application of fees.

VIII.—It shall be lawful for the Governor in Council, at all times when deemed expedient for preventing the introduction or spreading of any Contagious or In-

Governor to appoint Boards of Health.

fectious Disease into or in this Island or its dependencies, to appoint and commission such competent persons, at the several ports of this Island as may be required, to act as Boards of Health for carrying into effect and enforcing the rules and directions in any such order, to be made by the Governor in Council, contained; and also to prescribe and direct the particular duties and modes of proceeding to be executed or observed by such 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 disease or diseases as aforesaid.

Powers of Boards.

Health Wardens

IX.—The Governor in Council may, from time to time, appoint Health Wardens for the several districts, who shall act gratuitously, who may, in the day time, enter and examine all Houses, Buildings and Places, and all Vessels and Boats, and report their condition, as required by the sanitary order in that behalf; they shall give directions for cleansing any house, building, place, vessel or boat, and generally for the preservation of public health, the maintenance of cleanliness, and the prevention of contagion and infection.

Powers of Wardens.

X.—The Wardens, or any two of them, may, by order in writing, cause any house, building, place, vessel or boat, to be whitewashed, fumigated, or otherwise purified, and may cause anything dangerous to the public health to be removed or destroyed.

Penalty on Health Wardens refusing to act.

XI.—If any Health Warden, upon being notified of his appointment, shall refuse to accept the office, or, when accepted, shall refuse to discharge the duties thereof, or to comply with any sanitary orders to him communicated, he shall forfeit Twenty Dollars, to be

recovered in manner in the sixteenth section specified, and another shall be immediately appointed in his place; but no appointment of Health Warden shall continue for more than one year, nor shall any party be bound to serve oftener than once in four years.

XII.—Any Board of Health, or Health Wardens, or, where none exist, any Justice of the Peace, may order to be removed from any dwelling-house or place, or from any vessel or boat approaching near to or within any place or port, any person sick with any contagious or infectious disease, to any hospital, house or place proper for that purpose, it being first certified by a Medical Practitioner that such removal is necessary for the public health. And if any person be sick with any infectious or contagious disease, in any house or place, and such person cannot, in the opinion of such Medical Practitioner, be removed, then the Board, or Health Wardens, or Justice, as the case may be, may cause such house or place, or any contiguous house or place, to be vacated, by other occupants, for such time as the safety of the inhabitants shall require.

Board of Health or Health Wardens may order removal of sick persons in certain cases.

XIII.—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 Act, or of any order made by virtue hereof, 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 the execution of this Act; and no such action or suit shall be brought against any person, for any matter or thing done in pursuance of this Act, but within the space of three months after such matter or thing shall have been done.

In actions against persons for acts done in pursuance of this Act, defendants may plead G. n. Issue, and give special matter in evidence.

Limitation of suit

XIV.—The Governor in Council, as aforesaid, shall, amongst the general orders to be made under this Act,

Governor to affix penalties and forfeitures, &c.

adjudge and affix the punishment, penalties, and forfeitures, that shall attach against any person, or vessel, and the estate and effects of any person who shall violate the provisions of this Act, or of any general or particular regulations or orders to be made thereunder.

Persons in certain cases guilty of misdemeanor—mode of punishment.

XV.—Where the punishment so prescribed shall involve imprisonment, or the penalty or forfeiture shall be of a sum or thing exceeding in value fifty dollars, the party subject or liable may be deemed guilty of a misdemeanor, and may be tried therefor and punished, at the discretion of the Court, by fine or imprisonment, or both, instead of by the mode hereafter prescribed.

Summary conviction.

XVI.—In any case of violation, as aforesaid, the offender may be tried, in a summary way, before any Justice of the Peace in this Island, at the suit of the Queen, or of any person entitled to prosecute, under any general or particular order, as aforesaid, and, upon conviction, shall be committed to prison where imprisonment shall be the penalty; and where a penalty or forfeiture shall be imposed, with or without imprisonment, the amount of such penalty or forfeiture, together with costs, may be levied by Warrant of Distress, under the hand of any Justice of the Peace, or the offender may be detained in custody, or committed to prison, (where imprisonment is not part of the sentence) until such penalty or forfeiture be paid; Provided that such detention or imprisonment shall not exceed three months; Provided, further, that no proceeding had or done by a Justice of the Peace, under this Act, shall be set aside by certiorari, or otherwise, for want of or for matter of form, nor shall any offender be relieved therefrom, nor shall any action lie therefor, if such proceedings, had they been regular, shall be found to have been justified by

Proviso.

Not to be removed by certiorari.

Proceedings not to be set aside for want of form.

the facts: Provided, also, that nothing herein contained shall prevent any person being sued for a penalty or forfeiture in an action in a Superior Court of Record. Proviso.

XVII.—Forfeitures and penalties shall be applied as any general or particular regulation or order, to be made by the Governor in Council, may prescribe. Application of penalties.

XVIII.—In the absence of the Governor from the Seat of Government, the Executive Council shall have and exercise all powers vested in the Governor in Council under this Act. Executive to have power in the absence of the Governor.

XIX.—The provisions of this Act, and the general and particular regulation and orders aforesaid, shall be the law of this Colony for the time being, although they may in all or any respects differ from the Acts now in force relating to Quarantine and Boards of Health. The orders to be made in pursuance of this Act shall be the law of the Colony.

## CAP V.

*An Act for the Reduction of Pauperism, by encouraging Agriculture and more effectually carrying into operation the Provisions of the Act 23 Vic., Cap. 3.*

[Passed 1st May, 1866.]

**W**HEREAS the condition of the People of this Colony, for some years past, shews that the present means of support are not sufficient to provide for their wants; and the drain from the Public Treasury for the relief of the able-bodied Poor absorbs the funds that should be devoted to the improvement of the Country: it is therefore expedient to make provision for the reduction of Pauperism, by encouraging: Preamble.