

judgment to be entered up for such amount, with costs, unless the retainer shall be disputed, or make such other order thereon as such Court or Judge shall deem proper.

Repeal.

Repeals
Ordinance
No. 2 of 1853.

33. The Ordinance numbered two for the year of our Lord one thousand eight hundred and fifty-three and entitled "An Ordinance to alter and amend the Laws relating to Solicitors and Conveyancers" is hereby repealed, save only and except so far as the said Ordinance relates to matters or things done before the passing of this Ordinance, all which matters and things shall be and remain good, valid and effectual to all intents and purposes as if this Ordinance had not been passed.

Passed in Council this sixteenth day of August, in the year of our Lord one thousand eight hundred and seventy-one.

A. C. ROSS,
Clerk of the Council.

No. 9.—1871.

AN ORDINANCE as to Quarantine.

(L. S.) J. R. LONGDEN, *Governor.*

30th October, 1871.

WHEREAS it is desirable to consolidate the law relating to Quarantine: Be it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows:—

Title of
Ordinance.

1. This Ordinance may for all purposes be cited as "The Quarantine Ordinance, 1871."

Interpretation
of terms.
"Infected
place."

2. In this Ordinance the term "infected place," means any port or place where yellow fever, the plague, cholera, or any epidemic disease of a contagious or infectious character, in fact prevails, or any port or place which the Governor with the advice of the

Executive Council may declare to be an infected port or place.

The word "vessel" means any ship, vessel, or boat; "Vessel." and the word "master" means the master, officer, or "Master." other person for the time being in charge or command or such vessel. The word "Governor" means the "Governor." officer for the time being lawfully administering the government of this Colony, and the word "Justice" "Justice." means any Police Magistrate or Justice of the Peace within the Colony.

3. The Governor is hereby authorised to appoint not less than three nor more than five persons to be a Board of quarantine board. to be called "The Quarantine Board," and from time to time to fill up the vacancies to such Board; and such Board, of whom two shall be a quorum, shall have full power and authority to superintend and enforce the carrying out of the laws, rules and regulations for the time being in force relating to quarantine.

4. The Governor is hereby authorised to appoint such officers as may be necessary to carry out the said laws, rules and regulations under the direction of the said board. Appointment of officers.

5. The Governor with the advice of the Executive Council may from time to time make such rules and regulations to be enforced by such fines and penalties as to him shall seem fit, for the more effectual carrying out the provisions of this law, and to secure the due performance of quarantine, and for the government of all vessels or persons coming from any infected place, and may from time to time alter or revoke all or any of such rules and regulations. Such regulations shall be duly published in the *Royal Gazette*, and after such publication shall have the same force and effect as if the same had been herein particularly specified. Power to Governor to make rules.

6. Whenever it shall appear to the Governor and Executive Council that any disease of a contagious or infectious character prevails at any port or place, or that it is probable that any such disease might be brought into the Island from any port or place it shall be lawful for him to declare, by public notification, that such port or place is an infected port or place. Governor may declare "infected places."

Vessels and
persons liable
to quarantine.

7. Every vessel arriving at this Island, together with all persons, goods, and merchandise whatsoever thereon, coming from any infected place, or having on board any person who has come from any infected place, or who is ill of any contagious or infectious disease, or on board of which vessel any person shall have died or shall have been ill from any such disease during the passage to this Island, shall be liable to perform quarantine in such place for such time and in such manner as hereinafter provided.

Vessel to be
visited by
harbour-
master or
visiting
officer.

8. Every vessel arriving at any of the ports of this Island from any infected place shall immediately on arrival, and before having any communication with the shore, be visited by the harbour master, or visiting officer of the port to which such vessel shall come, who is hereby authorised and required at a convenient distance from such vessel to put the following questions, or such of them as may be necessary, and any other questions which he may consider desirable.

1. What is the name of the vessel and of the master ?
2. To what port or place does she belong ?
3. From whence do you come ?
4. To what port or place are you bound ?
5. At what ports or places have you touched in the course of the voyage ?
6. What vessels have you had any intercourse or communication with during your voyage, and from whence did they come ?
7. Have you any and what bill of health ? Produce it.
8. Did you carry any bill of health with you to the port or place where you took in the cargo or passengers you now have on board ? From what place ? Were the said bills of health clean, unclean or suspected ?
9. Did any contagious or infectious disease prevail in any degree at the port or place from which you sailed, or at any of the ports or places at which you touched ? If yes, say what disease prevailed and at which port or place ?

10. What number of officers, crew, passengers, or other persons have you on board ?
11. Were any of these taken on board at any port or place during the voyage to this Island ? If yes, who were so taken on board, and at what port or place, and on what day or days ?
12. Are any persons on board your ship suffering under any contagious or infectious disease, or have any persons died or been ill of a disease of that nature in your passage to this Island ; and if any, what number ?
13. If any have died or been ill of any such disease were their bedding and clothes destroyed ?
14. In the course of your voyage have any persons on board suffered from sickness of any kind ? What was the nature of the sickness and when did it prevail ? How many persons were affected by it ?
15. How had the persons attacked been employed before they came on board ? Had they been employed in loading or unloading the vessel ?
16. Did the persons who were ill fall sick nearly about the same time, or within a few days of each other, or did the disorder spread successively from one to another and increase considerably ?
17. What is the number of persons now ill on board your vessel ? Are the convalescents able to be on deck ? If so, parade them on the gangway.
18. Have there been any deaths on board during the voyage ? If yes, what were the causes of the deaths, and when did such deaths take place ?
19. Have you any person on board who has left (name of infected port or place) within fourteen days, or who has been taken on board within fourteen days from a ship which has left (name of infected port or place) within thirty days ?
20. Where did you take in the cargo now on board, and when ? If at more than one place state the places.
21. Was any cargo, or were any letters, parcels or articles of any kind put on board at (name of

infected port or place). If yes, state what was put on board, and when and whether any special precaution was taken with respect to such things.

Harbour master or visiting officer may go on board.

9. The said harbour master or visiting officer may, if he thinks it necessary, go on board any such vessel and examine the master, officers, crew, and passengers thereof respectively, as to their state of health then and during the voyage, and demand to see the journal or log and ship's papers of such vessel, and put any of the questions set forth in the preceding section, or any other questions which he shall think desirable.

Penalty for concealment or untrue answer.

10. Any master or other person who shall conceal from any such harbour master or visiting officer the true state of the health of the crew or other persons on board of such vessel, or shall give an untrue answer to any inquiry made by such harbour master or visiting officer under the authority of this law, shall be liable to a penalty not less than five pounds and not exceeding one hundred pounds.

Penalty for quitting vessel before visit of harbour master.

11. No master or other person belonging to or on board of any such vessel, and no pilot or pilot's assistant, who shall have proceeded on board such vessel, shall quit the same for the purpose of landing or communicating with the shore before such vessel shall have been visited by the harbour master or visiting officer, unless permission to do so be granted in writing by the harbour master or visiting officer.

Proceeding on board without permission.

12. No person, the pilot or his assistant excepted, shall proceed on board such vessel before she shall have been visited by the harbour master or visiting officer, unless permission to do so be granted to him in writing by the harbour master or visiting officer.

13. Any person offending against the provisions of either of the two preceding sections shall be liable to a penalty not less than five pounds and not exceeding fifty pounds.

Vessels from infected places may be ordered to

14. If any vessel shall have arrived from or touched at any infected place, or have on board any person who has come from any infected place, or on board which

any person may have died or may have been ill during the passage to this Island, or may be ill of any contagious or infectious disease, or if the harbour master or visiting officer shall have good grounds to suspect that such vessel or some person on board thereon, has arrived from or touched at any such place, the said harbour master or visiting officer, is required to cause the said vessel to hoist the quarantine flag, and to anchor at the quarantine ground until further directions from the Quarantine Board.

15. The harbour master or visiting officer shall forthwith, after making such inquiry and examination as aforesaid, report thereon to the Quarantine Board, who shall, upon such report, or upon further inquiry, if thought necessary, decide whether the said vessel is to remain in quarantine, and for how long.

16. Subject to any special rules and regulations made by the Governor with the advice of the Executive Council, the following rules as to the duration of quarantine shall be observed:—

1. All vessels on board of which any person shall be sick, or shall have been sick of any contagious or infectious disease, or shall have died of such disease within fourteen days before her arrival at this Island, shall remain in quarantine until the expiration of fourteen days from the day when such sickness shall cease, or shall have ceased, or from the day when such death shall have occurred.
2. All vessels that shall have sailed from or touched at any infected place, or shall have any person on board who shall have come from any such place, shall remain in quarantine for such time, not being less than two days nor exceeding fourteen, as shall be directed by the Quarantine Board on a due investigation of all the circumstances of the case.
3. If, during the continuance of a vessel in quarantine, any person on board such vessel falls sick of any contagious or infectious disease, such vessel shall be liable to remain in quarantine for a

further period of fourteen days from the day when such sickness shall cease.

Selection of quarantine grounds.

17. The Quarantine Board shall, with the approval of the Governor, appoint suitable places for quarantine grounds, and shall have power, with the like approval, from time to time to change such places.

Removal of vessel to quarantine ground.

18. Any master of a vessel liable to the performance of quarantine who shall not, after being required so to do, cause such vessel to proceed to the quarantine ground, shall be liable to a penalty of not less than ten pounds and not exceeding one hundred pounds; and it shall be lawful for the harbour master or visiting officer, or any person called to their assistance, to enforce the removal of any such vessel to the quarantine ground, and to use all necessary means for that purpose.

A flag to be hoisted during quarantine.

19. The master of every vessel subject to quarantine shall, during the day, hoist and keep flying a yellow flag, which shall be provided by the Quarantine Board, and shall, during the night, hoist and keep alight a signal lantern, which, when necessary, shall also be provided by the Quarantine Board; and every master offending herein shall be liable to a penalty not less than five pounds and not exceeding fifty pounds.

No person to land and no cargo to be taken from such vessel.

20. Until any vessel as aforesaid shall have performed and been duly discharged from quarantine, no person on board of or belonging to such vessel, nor any part of the cargo, stores or lading of the same, nor any articles or things belonging to the passengers, master, officers or crew thereof, shall be permitted to leave or be removed or taken from such vessel, either to go or be put on shore, or on board of any other vessel in any port of this Island, unless by the direction of the Governor and Executive Council, or of the Quarantine Board, or of some person duly authorised by them; and every such vessel, and all persons, goods and merchandise thereon, and all vessels and persons having communication with the same, shall be subject to such rules and regulations as may from time to time be made by the Governor with the advice of the Executive Council.

No person or thing to go or be taken on

21. Until any vessel as aforesaid shall have performed and duly discharged from quarantine, no person, except

the harbour master or visiting officer, or such other person as may be authorised by the Quarantine Board, shall go on board such vessel; and no article or thing shall be taken or received on board such vessel except by the direction of the said Quarantine Board, or of the said harbour master or visiting officer.

board without permission.

22. Any person offending against the provisions of sections 20 and 21 shall be liable to a penalty not less than five pounds and not exceeding fifty pounds.

Penalty on any person for infringement of the Ordinance.

23. If, during the time that any vessel is in quarantine, the master thereof shall, without the permission of the Quarantine Board or of the harbour master or visiting officer, quit or knowingly suffer any passenger, seaman or other person on board, to quit such vessel, or any goods, articles or things whatsoever, to be taken from such vessel, he shall be liable to a penalty not less than ten pounds and not exceeding one hundred pounds.

Penalty on master for infringement of Ordinance.

24. Any person who, during the continuance of quarantine, leaves the vessel without proper permission in that behalf, may in addition to the penalty hereinbefore mentioned, be apprehended by any constable or other person, and compelled to return to the said vessel, or be taken before a Justice, who may order that such person be returned to the said vessel, or be confined in some lazaretto or other suitable place of confinement, for such period not less than two days nor exceeding fourteen, as he may think fit.

Unlicensed person may be compelled to return on board.

25. Any person who goes on board a vessel in the performance of quarantine without permission as aforesaid may be compelled to remain on board the said vessel, and be subject to the rules and regulations thereof during the continuance of the quarantine, or until such time as to the Quarantine Board shall seem fit.

Unlicensed person may be compelled to remain on board.

26. The Governor with the advice of the Executive Council is hereby authorised, whenever it shall be thought necessary, to provide, at the public expense, one or more vessel or vessels, or buildings, and to cause the same to be fitted up as lazarettos for such use and purposes as the Quarantine Board shall, with the ap-

Governor empowered to provide lazarettos.

proval of the Governor, from time to time order and direct.

Governor to
frame rules
for lazarettos.

27. The Governor with the advice of the Executive Council may from time to time make, and may from time to time alter or revoke such rules and regulations as may be deemed expedient for the government and direction of the lazaretto or lazarettos, and of such persons as may belong thereto or be placed therein.

Penalties for
entering or
leaving
lazarettos
without
permission.

28. Any person, except the harbour master or visiting officer, who enters or leaves any lazaretto, without permission from the Quarantine Board, or from the said harbour master or visiting officer, may be dealt with in the manner hereinbefore provided in the case of a person, without permission, going on board or leaving a vessel in the performance of quarantine, and shall be liable to like penalties.

Misconduct of
quarantine
officers.

29. Any officer or person appointed to enforce the performance of quarantine, who shall desert from duty, or shall infringe, or knowingly suffer or permit any person to infringe the provisions of this Ordinance, and of any rules and regulations in force concerning quarantine, shall be liable to a penalty not less than five pounds and not exceeding fifty pounds, and shall be subject to immediate dismissal.

Concealment
or conveyance
of property
from vessel or
place in
quarantine.

30. Any person who shall knowingly conceal or clandestinely convey any letters, goods, wares, or merchandise from any vessel liable to, or in the performance of quarantine, or from any vessel, house, or other place where any persons or goods shall be subjected to quarantine, shall be liable to a penalty of not less than ten pounds, and not exceeding fifty pounds.

Release from
quarantine.

31. As soon as any quarantine shall have been fully performed by any vessel or person, the harbour master or visiting officer, or other person appointed by the Governor in that behalf, shall grant a certificate to that effect; whereupon every such vessel or person, and all cargo and goods on board such vessel shall be liberated from all detention on the ground of quarantine.

Recovery of
penalties.

32. All penalties incurred under this Ordinance may be recovered before any Justice, who, in default of pay-

ment, is hereby authorised to commit the offender to the common gaol for any period not exceeding six months: Provided always that upon payment by the offender of the penalties and costs after commitment his imprisonment shall cease.

33. All penalties which shall be recovered and paid under this Ordinance shall be paid to Her Majesty, her heirs and successors, for the public use of this Island. Appropriation of penalties.

34. For the protection of persons acting in the execution of this Ordinance, all actions and prosecutions against any person for anything done in pursuance of this Ordinance shall be commenced within six calendar months after the act committed, and not otherwise, and notice in writing of such action, and the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue and give this Ordinance and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become non-suit, or discontinue any such action after issue joined, or if upon demurrer, or otherwise, judgment shall be given against plaintiff, the defendant shall recover his full costs as between attorney and client, and shall have the like remedy for the same as any defendant hath by law in other cases; and although a verdict shall be given for the plaintiff in any such action such plaintiff shall not have costs against the defendant unless the Judge before whom the trial shall be shall certify his approbation of the action and of the verdict obtained thereupon. Protection of persons acting under this Ordinance.

35. It shall be lawful for the Governor to draw upon the Receiver General for any expenses incidental to the execution of this Ordinance. Expenses of Ordinance provided for.

36. Nothing in this Ordinance contained shall extend, or be construed to extend, to prevent the delivery by the officers in charge of Her Majesty's mails, or officers of the Royal Mail, or any other steam packet company, of Proviso with regard to Royal Mail Steam Packet Company and other vessels carrying mails.

any mails that may from time to time be on board of any such steam packet under such rules and regulations for the prevention of the introduction of any of the before-mentioned diseases as may from time to time be made by the Governor with the advice of the Executive Council, who is hereby empowered to make such rules and regulations in regard to the landing and receipt of the said mails, and in regard to the coaling of the said steamers in any port within this Government.

Repeal of
Ordinance 9
of 1832, &c.

37. The Ordinance mentioned in the schedule hereto annexed, and all rules and regulations now existing with respect to quarantine, shall be, and the same are hereby repealed.

Passed in Council this sixteenth day of October, in the year of our Lord one thousand eight hundred and seventy-one.

A. C. ROSS,
Clerk of the Council.

SCHEDULE.

ORDINANCE 9 of 1832.

*For altering and amending the law relating to
Quarantine.*
