

WESTERN AUSTRALIA

ANNO TRIGESIMO SECUNDO

VICTORIÆ REGINÆ

No. 12

An Ordinance to repeal the Laws relating to Quarantine,  
and to make other provisions in lieu thereof.

*[Assented to 7th August, 1868.]*

Preamble

WHEREAS it is expedient to repeal the Ordinances relating to the performance of Quarantine, and to make other provisions in lieu thereof: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Quarantine  
Ordinances,  
3 Will. IV., No. 1,  
and 14 Vic.,  
No. 11, repealed

1. From the passing hereof the Ordinances of the Legislative Council, No. 1 of 1833 and No. 11 of 1850, and all other Ordinances and parts of Ordinances relative to the performance of Quarantine, be and the same are hereby repealed.

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2. All vessels, as well Her Majesty's ships of war as others, coming from or having touched at any place from which the Governor shall have adjudged and declared it probable that any infectious disease dangerous to the health of Her Majesty's subjects may be brought, and all vessels and boats receiving any person, goods, wares and merchandise, packets, packages, baggage, wearing apparel, books, letters or any 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 merchandise, packets, packages, baggage, wearing apparel, books, letters or other articles 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 the said Colony, and whether such vessels were or were not bound to any port or place in the said Colony, and all persons, goods, wares and merchandise, packets, packages, baggage, wearing apparel, books, letters or any 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 Ordinance, and of any order or orders which shall be made by the Governor 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 and merchandise, 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 merchandise, and all other articles as 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 the said Colony, and all persons, goods, wares and merchandise, and other articles as aforesaid, on board such receiving vessel or boat as aforesaid, shall, upon their arrival at any 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 the Governor by his order or orders, notified by proclamation or published in the 'Government Gazette'; and until such vessel and boats, persons, goods, wares and merchandise, or other articles as aforesaid, shall have respectively performed and shall be duly discharged from quarantine, no such person, goods, wares or merchandise, 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 the said Colony come or be brought on shore, or go or 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 vessel so coming from such infected place as aforesaid may not be bound to any port or place in the said Colony, 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 the Governor as aforesaid, or by the order or orders of the Quarantine Officer, Collector or Sub-Collector of Customs; and all such vessels and boats, whether coming from such infected place as aforesaid or being otherwise liable to quarantine as aforesaid, and all

What vessels  
liable to quaran-  
tine

Time, place, and  
manner of per-  
forming quaran-  
tine

Place of quaran-  
tine, order of  
Governor

Until quarantine  
be performed no  
person to leave  
the vessel

*Quarantine*

Masters liable to penalties in Ordinance

persons, as well pilots as others, goods, wares and merchandise 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 the said Colony, and although such vessels or boats shall not be bound to any port or place in the said Colony, and all commanders, masters or 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 Ordinance or in any order or orders which shall be made by the Governor as aforesaid concerning quarantine and the prevention of infection, and to all the pains, penalties, forfeitures and punishments contained in this Ordinance for any breach or disobedience thereof, or of any order or orders of the Governor made under the authority thereof: Provided that nothing in this Ordinance contained shall apply to Her Majesty's mails and loose letters, which after being duly fumigated shall be brought on shore by the Quarantine Officer.

Goods and vessels specified in any order subject to quarantine, as also all vessels arriving from any port under suspicious circumstances as to infection

3. All goods and merchandise particularly specified for that purpose in any order or orders made by the Governor concerning quarantine and the prevention of infection as aforesaid which shall be brought or imported into any port or place in the said Colony from any other Colony or place in any vessel whatsoever, and the vessels in which the same shall be brought, and also all vessels which shall arrive at any port or place whatever 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 as aforesaid respecting the same.

Master, &c., quitting or permitting another to quit vessel before visit of Quarantine Officer. Penalty, £50

4. If the master or commander or other person in charge of any ship or vessel arriving at or entering any port or harbour of the said Colony from any port or place beyond the limits of the said Colony shall, before or after such ship or vessel shall have come to anchor, quit or knowingly permit any seaman, passenger or other person to quit such ship or vessel by going on shore or by going on board any other ship, vessel or boat, or if any seaman, passenger or other person shall in like manner, whether before or after such ship or vessel shall have come to anchor, quit such ship or vessel by going on shore or by going on board any other ship or vessel or boat before the Quarantine Officer of the port or place of arrival, where such officer has been appointed, or where no such officer is appointed, or where such officer is ill or absent, then before the Collector or Sub-Collector of Customs or other officer duly authorised by the Governor, shall have visited and inquired into the state of health of the crew and passengers of such ship or vessel, such person so offending shall forfeit and pay a sum not exceeding fifty pounds: Provided that such penalty shall not be imposed, if it shall appear to the convicting Justices there was not on board such ship or vessel at such time an infectious disease, or that she had not been ordered into quarantine.

Quarantine Officer may order vessel into quarantine and report to Governor

5. It shall be lawful for any Quarantine Officer, Collector or Sub-Collector of Customs or other officer duly authorised by the Governor to order any ship or vessel arriving at or entering any port or harbour of the said Colony into quarantine, although such ship or vessel shall:

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not have come from any place from which the Governor may have adjudged and declared it probable that any infectious disease may be brought, provided there be at the time or shall have been during the voyage any infectious disease on board such ship or vessel, or provided such ship or vessel shall have touched at any port or place during her voyage where any such infectious disease shall have prevailed, or shall have communicated with any other ship or vessel on board which such disease may have existed, or arriving under any other alarming or suspicious circumstances as to infection, in consequence of which danger may be reasonably apprehended to the public health from the immediate admission of any such ship or vessel to enter: Provided that every such case shall be immediately reported to the Governor or any two or more members of the Executive Council, or if occurring elsewhere than in the port of Fremantle, then to the Resident Magistrate respectively of the ports or places where the same shall occur, in order that further measures may be taken by the said Governor, members of Executive Council or such Resident Magistrate or other person respectively, under the provision hereinafter contained for unforeseen emergencies; and every such ship or vessel so placed in quarantine, with the contents thereof and every person on board, whether any such person shall belong to or have come as passenger by such ship or vessel or shall have gone on board the same after arrival thereof, shall be subject to the same laws, provisions and penalties in all respects as are in force with respect to ships and vessels, goods or persons placed in quarantine under this Ordinance, by order of the Governor, notified by proclamation or otherwise as aforesaid.

6. Within the limits of the said Colony, elsewhere than the roadsteads and anchorages of the port of Fremantle, the same powers and authority in respect of the performance of quarantine by any ship or vessel placed in quarantine under this Ordinance, shall and may be exercised by the Resident Magistrate of any port or place or other person lawfully acting for him for the time being, as fully and effectually to all intents and purposes as are exercisable by the Governor or by any two or more members of such Council, under this Ordinance.

Power given to  
Resident  
Magistrate

7. The Governor or any two or more members of the Executive Council may make such order or orders from time to time as he or they shall see necessary and expedient upon any unforeseen emergency or in any particular case or cases with respect to any ship or vessel arriving and having any infectious disease on board or on board of which any infectious disease 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 not have come from any place from which the Governor may have adjudged and declared it probable that any such infectious disease may be brought; and also with respect to the persons, goods, wares, merchandise and other articles as aforesaid on board the same; and likewise may make such orders as he or they shall see fit, as to the time, place and manner, and for shortening or prolonging the time of quarantine to be performed by particular vessels or particular persons, goods, wares, 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 Governor or any

Executive  
Council may  
make such order  
as they shall  
think necessary  
upon emer-  
gencies

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two or more members of the Executive Council, as aforesaid, shall be as good, valid and effectual to all intents and purposes, as well with respect to the master, commander or other person having charge of any ship or vessel, and all other persons on board the same, as with respect to any other persons having any 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 the Governor concerning quarantine, notified by proclamation or published in the 'Government Gazette.'

Masters to give pilots account of places. Penalty, £50

8. Every master or other person having the charge of any ship or vessel arriving from places beyond seas, shall truly answer all questions put to him by the pilot hailing such vessel, touching the names of the place and country at which any such vessel shall have loaded, and of all places at which any such vessel shall have touched on her voyage, and shall truly answer all questions put to him by such pilot touching the health of the crew and passengers thereof during the voyage on pain of forfeiting any sum not exceeding fifty pounds for any neglect or refusal to answer such questions or for any false representation, false answer or wilful omission relating thereto: And if by any proclamation or order of the Governor then in force, vessels coming from any place mentioned in such answers shall be liable to the performance of quarantine, such pilot shall immediately give notice thereof to the master or other person aforesaid of such vessel, on pain of forfeiting any sum not exceeding fifty pounds for any neglect therein; and such master or other person shall thereupon hoist a proper signal to denote his vessel is subject to the performance of quarantine, which signal shall be such as such pilot shall direct; on failure whereof, such master or other person having charge of such ship or vessel so subject to the performance of quarantine, shall forfeit and pay for every such offence any sum not exceeding fifty pounds.

Pilots to give notice of proclamation. Penalty, £50

Pilot to give notice of any articles liable to quarantine. Penalty, £50

9. Every master or other person having charge of any ship or vessel coming from parts beyond seas which shall not be liable to quarantine, in respect of the place from whence such vessel comes, shall give to the pilot who shall hail such vessel true answers to all such questions as shall be put to him by such pilot touching the transshipment of any goods composing the cargo of such vessel, and the place at which such goods were originally laden, on pain of forfeiting any sum not exceeding twenty-five pounds for any neglect or refusal to give such answers or for any false representation or wilful omission relating thereto; and if by any proclamation or order then in force, vessels having on board any of the articles mentioned in such answers, shall be liable to the performance of quarantine, such pilot shall immediately give notice thereof to the master or other person having the charge of such vessel on pain of forfeiting any sum not exceeding fifty pounds for any neglect therein; and such master or other person shall thereupon hoist a signal according to the provisions and under the respective penalties in this Ordinance contained for any neglect or refusal in respect of hoisting such signals; and in case any pilot shall bring or cause to be brought or conducted any vessel liable to the performance of quarantine into any place which is not or shall not be specially appointed for the reception of vessels so liable, after receiving such answers as aforesaid, whereby it shall have been made to

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appear that such vessel was liable to the performance of quarantine, or without requiring or receiving such answers as aforesaid, unless compelled thereto by stress of weather, adverse winds, or accidents of the sea, such pilot shall, for every such offence, forfeit and pay any sum not exceeding one hundred pounds.

10. If any pilot being on board, or any master or other person having the charge of any vessel, coming from parts beyond seas, whether such vessel shall be liable to quarantine or not, shall be required by any Quarantine Officer or other Officer authorised to act in the service of quarantine, to bring to such vessel, to the end that the master or other person as aforesaid may be interrogated according to the provisions of this Ordinance, 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, master, or other person as aforesaid, shall, for every such offence, forfeit and pay any sum not exceeding fifty pounds.

Pilot to bring to  
at requirement  
of Quarantine  
Officer. Penalty,  
£50

11. When any country or place shall be known or suspected to be infected with an infectious disease, as aforesaid, or when any order or orders shall be made 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 the said Colony, whether such port shall have been appointed for the performance of quarantine or not, the Quarantine Officer at such port, or if not, the principal Officer of Customs there, or the Superintendent of Water Police, or such other officer as shall be authorised in that behalf, shall go off to such vessel and shall, at a convenient distance from such vessel, demand of the master or other person as aforesaid, and such master or other person as aforesaid shall, upon such demand, give a true answer in writing or otherwise, and upon oath, or not upon oath, according as he shall be thereby required by such Quarantine Officer or other person duly authorised in that behalf, to all such questions or interrogatories as shall be put to him by virtue and in pursuance of such regulations and directions as the Governor by order shall be pleased to prescribe; and in case such master or other person as aforesaid shall upon such demand made as aforesaid refuse to make a true discovery of 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 questions or interrogatories as aforesaid, such master or other person as aforesaid for every such offence shall forfeit and pay not less than one nor more than three hundred pounds.

Masters to give  
true answers to  
questions.  
Penalty, £200

12. Every 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 Quarantine Officer or other officer authorised to act in that behalf, and which Quarantine Officer or other officer as aforesaid is hereby required to make such demand, his bill of health and manifest, together with his official log-book, under pain of forfeiting any sum not exceeding fifty pounds, if he shall wilfully refuse or neglect so to do.

Master to deliver  
bill of health,  
&c.

13. If any master or other person having charge of any vessel liable to perform quarantine, and on board of which any infectious

Penalty on  
masters and  
others quitting

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vessels or not conveying them to place appointed. Penalty, £300

Penalty on persons coming in such vessels or going on board, &c., before discharged from quarantine, imprisonment six months, and forfeit £300

Disobedience or refractory behaviour of persons under quarantine; or persons having intercourse with them

disease shall not have then appeared, shall himself quit, or shall 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 duly performed, unless by such license as shall be granted by virtue of any order by the Governor or otherwise to be made concerning quarantine as aforesaid, or in case any master or other person having charge of such ship or 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 every such master or other person as aforesaid, for every such offence shall forfeit and pay any sum not exceeding three hundred pounds; and if any such person coming in any such vessel, liable to quarantine or ordered into quarantine, or any pilot or other person going on board the same either before or after the arrival of such vessel at any port or place in the said Colony, shall either before or after such arrival quit such vessel unless by such license as aforesaid, by going on shore in any port or place in the said Colony, 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 so 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 any term not exceeding six months, and shall forfeit and pay any sum not exceeding three hundred pounds.

14. All persons liable to perform quarantine, and all persons having had any intercourse or communication with them, whether in vessels or elsewhere, shall be subject during the said quarantine, or during the time they shall be liable to quarantine, to such orders as they shall receive from the Quarantine Officer or other officer authorised to act in that behalf, and the said officers are hereby empowered and required to enforce all necessary obedience to the said orders, and in case of necessity to call others to their assistance, and all persons so called in are hereby required to assist accordingly; and such officers shall, and they are hereby empowered and required to, compel all persons liable to perform quarantine as aforesaid, and persons having had any intercourse or communication with them, to repair to such vessel or place and to cause all goods and merchandise, and other articles comprised in such orders, to be made as last aforesaid, to be conveyed to such vessel or place appointed in that behalf, in such manner and according to such directions as shall be made by order of the Governor, or otherwise as aforesaid; 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 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 vessel or place duly appointed in that behalf, or having been placed in the said 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

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for the Quarantine Officers, and also the Watchmen and other persons appointed to see quarantine performed, and each of them, and they are hereby respectively required, by such necessary force as the case shall require, to compel every such person so refusing or neglecting as aforesaid, and every such person escaping or attempting to escape as aforesaid, to repair or return to such vessel or place so appointed as aforesaid; and every person so refusing or neglecting to repair forthwith as aforesaid to the said vessel or place, and also every person actually escaping as aforesaid, shall for every such offence suffer imprisonment for any term not exceeding six months, or shall forfeit any penalty not exceeding two hundred pounds.]

Persons refusing to repair to vessel or place. Penalty, £200, or imprisonment

15. It shall be lawful for any Police Constable or other peace officer, or any other person, to seize and apprehend any person that shall, contrary to the provisions of this Ordinance, have quitted or come on shore from any vessel liable to perform quarantine, or who shall have escaped from or quitted any vessel under quarantine, or from any vessel appointed on that behalf, for the purpose of carrying such person before any Justice of the Peace, and it shall be lawful for any such Justice of the Peace to grant his warrant for the apprehending and conveying of such person to the vessel from which he shall have come on shore, or to any vessel performing quarantine from which he shall have escaped, or for confining of any such person to 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, calling to his aid, if he shall see 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 Governor or any two or more members of the Executive Council as to the disposal of any such person; and to make any further order, or grant any further warrant that may be necessary in that behalf.

Persons quitting vessels liable to quarantine, &c, may be seized

16. It shall be lawful to and for the Governor by his order or orders, or any two or more members of the Executive Council by their order or orders, notified by proclamation, or published in the 'Government 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 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, shall presume, under any pretence whatever, to go with any vessel or boat within the limits of any such station, he shall, for every such offence, forfeit and pay any sum not exceeding two hundred pounds.

Intercourse with stations may be prohibited by Governor

17. If any Quarantine Officer, 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 or wilfully embezzle any goods or articles performing quarantine, or be guilty of any other breach or neglect of duty in respect of the vessels, persons, goods or articles performing quarantine, every such officer or person so offending shall forfeit such

Penalty on persons embezzling goods in quarantine; or neglecting duty or giving false certificate



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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 or person shall forfeit and pay any sum not exceeding one hundred pounds; and if any such officer or person shall desert from his duty when employed as aforesaid, or shall knowingly or wilfully permit any person, vessel, goods, or merchandise to depart or be conveyed out of the said vessel or other place as aforesaid, unless by the permission under an order of the Governor or under an order of two or more of the members of his Executive Council, or in cases provided for by the sixth section hereof, by order of a Resident Magistrate; or if any person hereby authorised 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 wilfully damage any goods performing quarantine under his direction, he shall be liable to pay not exceeding two hundred pounds damages and costs of suit to the owner of the same.

After proof of performance of quarantine, and certificate to that effect, vessels or persons shall not be liable to further detention

18. After quarantine shall have been performed by any vessel, person or persons obliged to perform quarantine as aforesaid, according to this Ordinance or 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 two or more of the persons belonging thereto or upon proof to be made by the oaths of two or more credible witnesses, before the Quarantine Officer or his assistant at the quarantine station or before any Justice of the Peace, 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, and after producing a certificate to that purpose, signed by the Quarantine Officer or person acting for him, then and in such respective cases the Collector or principal Officer of Customs or the Resident Magistrate at the port or place of quarantine or the Superintendent of Water Police respectively are hereby required to give a certificate thereof, and thereupon such vessel and all and every 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.

Goods liable to perform quarantine, shall be opened and aired, as directed by order, and proof thereof made

19. All goods, wares and merchandise 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 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 vessel in which the goods, wares and merchandise and all other articles shall have been opened and aired or by the oaths of two or more credible witnesses before the Quarantine Officer or Officers acting as such or a Justice of the Peace, which oath such Quarantine Officer or Officers acting as such and Justice of the Peace is hereby authorised to administer; and such Quarantine Officer or Officers acting as such or Justice of the Peace, as the case may be, shall grant a certificate of such proof having been made, and upon production of such certificate to the Collector or principal Officer

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of Customs, Resident Magistrate or Superintendent of Water Police, such goods, wares and merchandise 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 be afterwards conveyed.

20. 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 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 or 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 shall be guilty of felony.

Forging or  
uttering false  
certificate;  
felony

21. If any person shall land or unship, or shall move in order to the landing or unshipping thereof, any goods, wares or merchandise, 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 any sum not exceeding three hundred pounds: And if any person or persons shall clandestinely convey or secrete or conceal for the purpose of conveying, any letters, goods, wares or merchandise or other articles as aforesaid, from any vessel actually performing quarantine or from any other vessel or place where such goods, wares, merchandise or other articles as aforesaid shall be performing quarantine, every such person so offending as last aforesaid shall forfeit any sum not exceeding one hundred pounds.

Penalty on land-  
ing, receiving, or  
secreting goods  
performing  
quarantine

22. In all cases wherein by virtue of this Ordinance any examination or answer shall be taken or made on oath, the person who shall be authorised and required to take such examinations 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 so swearing falsely or procuring any other person so to do shall be deemed to have been 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 autho-  
rised to take  
examinations  
may administer  
oaths, &c.

23. All Quarantine Officers at the several ports and their assistants shall be appointed by the Governor or Resident Magistrate, as the case may be, and everything required to be done and performed by the Quarantine Officer or his assistant may, in case of the absence or sickness of such Quarantine Officer or his assistant, be done and performed by the principal Officer of Customs or other person as shall be authorised by the Governor to act in that behalf.

Quarantine  
Officers to be  
appointed

Principal Officer  
of Customs to  
act in absence of  
Quarantine  
Officer

24. All offences committed against any of the provisions of this Ordinance for which no specified penalty, forfeiture or punishment is

Offences for  
which no specific  
penalty is

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provided may be determined before Justices, who may fine or imprison

provided by this Ordinance shall and may be prosecuted, tried, heard and determined before any three or more Justices of the Peace, and if any person shall be convicted of any such offence or disobedience, he shall be liable to such forfeiture and penalty not exceeding four hundred pounds for any offence, or to such imprisonment not exceeding twelve months for any one offence as shall in the discretion of the Justices who shall have heard and determined the same be judged proper.

Penalties to be recovered summarily in the name of Attorney-General

25. All penalties, fines and forfeitures imposed by this Ordinance or which may be incurred under any of the provisions thereof, may be sued for, recovered and enforced by summary proceedings before three or more Justices of the Peace, in the name of the Attorney-General or of some superior Officer of Customs, in the same manner as any pecuniary or other penalty may be recovered and enforced under the provisions of the Ordinance No. 5 of 1850, intituled 'An Ordinance to facilitate the Performance of the Duties of Justices of the Peace out of Sessions with respect to Summary Convictions and Orders:' Provided always that in all cases in which there shall not be sufficient goods whereon any pecuniary penalty or forfeiture can be levied, the offender may be committed and imprisoned for any term not exceeding twelve months.

Answers of persons having the charge of vessels to be evidence of the facts thereby disclosed

26. In any prosecutions or other proceedings for any offence against this Ordinance, or for any breach or disobedience of any order or orders which shall be made by the Governor concerning Quarantine and the prevention of infection, and notified or published as aforesaid, or of any order or orders made as aforesaid, the answer or answers of the master or other person having charge of any vessel to any question or interrogatories put to him by virtue and in pursuance of this Ordinance 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 have been directed to perform quarantine by the Quarantine Officer, Collector or Sub-Collector of Customs, or other person as aforesaid, they 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 or other proceeding to show 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 when any such vessel shall have in fact been put under quarantine at any port or place by the Quarantine Officer or other person authorised as aforesaid to act in that behalf, and shall be actually performing the same, such vessel shall, in any prosecution or other proceeding against any person or persons whatever, for any offence against this Ordinance or any order or orders which shall be made as aforesaid, be deemed and taken to be liable to quarantine, without proving in what manner or from what circumstances such vessel became liable to the performance thereof.

Shortening Ordinance

27. Sections C, G and I of 'The Shortening Ordinance, 1853,' shall be incorporated with and taken to form part of this Ordinance to

*Quarantine*

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all intents and purposes, and in as full and ample a manner as if the said section or sections had been introduced and fully set forth in such Ordinance.

28. This Ordinance may be cited as 'The Quarantine Ordinance, Short title 1868.'

J. S. HAMPTON,  
GOVERNOR AND COMMANDER-IN-CHIEF.

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