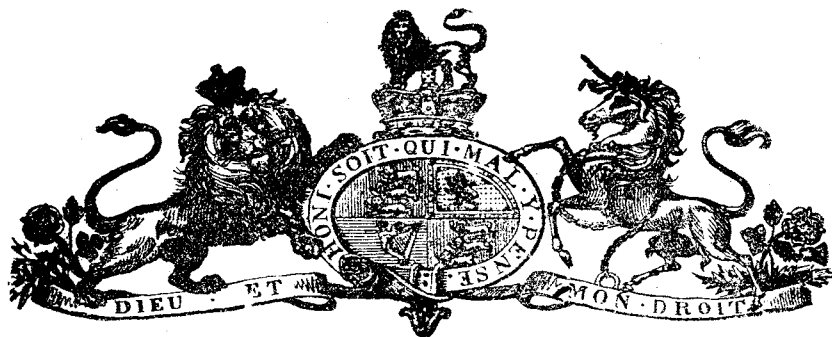


T A S M A N I A.



1885.

ANNO QUADRAGESIMO-NONO

VICTORIÆ REGINÆ,

No. 18.

AN ACT to provide for the Conservation of the Public Health. A.D. 1885.
[5 December, 1885.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

Preliminary.

1 This Act may be cited for all purposes as “The Public Health Short title. Act, 1885.”

2 This Act shall commence and come into operation on the First Commencement day of *January*, One thousand eight hundred and eighty-six.

3 This Act is divided into Parts, relating to the following subject- Division of Act. matters ; that is to say—

Part I.—Central and Local Boards of Health.

Part II.—Prevention of Adulteration of Articles of Food or Drink, and of the Sale of Unwholesome Food or Drink.

131 Part III.—Infant Life Protection.

Part IV.—Infectious Diseases and Hospitals.

Part V.—Nuisances.

Part VI.—Dwelling-houses.

Part VII.—Miscellaneous.

Part VIII.—Legal Proceedings.

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Repeal.
Schedule (1.)

4 The several Acts mentioned in the Schedule (1.), to the extent to which the same are in and by the said Schedule expressed to be repealed, shall be and the same are hereby repealed; but nothing herein contained shall be deemed or taken to affect any things done, proceedings taken, penalties and liabilities incurred, appointments, orders, and directions made, or certificates granted under the said repealed Acts or any of them; and all By-laws made under the authority of any of the said Acts and not revoked before the commencement of this Act shall have the same force and effect, and may be altered and repealed, as if the same had been made under this Act.

Interpretation of
terms.

5 In the construction and for the purposes of this Act the following terms shall, if not inconsistent with the context or subject-matter, have the respective meanings hereby assigned to them; that is to say—

“Abattoir” or “slaughter-house” shall mean and include the buildings and places commonly called abattoirs or slaughter-houses, and also knackers’ yards, and any building or place used for slaughtering cattle, horses, or animals of any description :

“Article of food” shall mean not only all alimentary substances, whether solids or liquids, but also all eatables and drinkables whatsoever, and all condiments and articles of confectionery :

“Central Board” or “Central Board of Health” shall mean any persons hereafter from time to time appointed by the Governor in Council as Members of the said Board :

“Cesspool” shall mean any receptacle for night-soil or for noxious or offensive matter below or above the ground :

“Drain” shall mean any drain from and used for the drainage of one building only, or premises within the same curtilage, and made merely for the purpose of communicating therefrom with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed :

“Drug” shall include medicine for internal or external use :

“Earth closet” shall mean a seat similar to the seat of a privy, and having underneath a bucket or other receptacle for excrement, with convenient apparatus for the supply of as much dry powdered earth or other deodorising material as will completely cover the excrement every time the closet is used by any person :

“Water closet” shall mean a pan of a pattern approved by the Local Board, with a seat similar to that of a privy, having a trapped and ventilated soil-pipe, and a water supply from a cistern disconnected from any pipe containing water for household use :

“House” shall mean and include dwellings of any kind, schools, public-houses, factories, work-rooms, common or other lodging-houses, or other buildings or premises :

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- “Land” shall mean and include messuages, buildings, lands, and hereditaments of every tenure, also rivers, streams, wells, and waters of every description, also easements of every description in respect of the foregoing particulars : A.D. 1885.
- “Local Board” or “Local Board of Health” shall mean the Municipal Council of the City of *Hobart*, of the Town of *Launceston*, and of every Rural Municipality, and, where any Town shall have been proclaimed under and for the purposes of “The Town Boards Act, 1884,” shall include the Board of such Town :
- “Minister” shall mean the Responsible Minister of the Crown for the time being administering this Act :
- “Owner” shall mean the person for the time being entitled to receive the rent of the land or premises in connection with which the word is used, whether on his own account or as the agent of or as trustee for any other person, or who would be entitled to receive the same if the lands or premises were let at a rent :
- “Secretary to the Local Board of Health,” or any words having the like import, shall mean the Town Clerk of *Hobart* and *Launceston* respectively, the Council Clerk of any Rural Municipality, and the corresponding officer of any Town Board :
- “Sewer” shall mean and include sewers and drains of every description, except drains to which the word drain interpreted as aforesaid applies :
- “Street” shall mean and include any highway and any public bridge, and any road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not :
- “*Gazette*” shall mean *The Hobart Gazette*.

6 This Act shall, save where the application thereof or of any portion thereof is hereinafter expressly limited, apply to the City of *Hobart* and the Town of *Launceston*, to every Rural Municipality in *Tasmania* now existing or which may hereafter be constituted, and to every Town proclaimed under and for the purposes of “The Town Boards Act, 1884”; and its provisions, or any portion thereof, may from time to time be extended by the Governor in Council to any other portion of *Tasmania* than is hereinbefore mentioned, by Proclamation in the *Gazette*. Application of Act.

7 If the provisions of this Act or of any portion thereof be at any time extended to any such other portion of *Tasmania* as aforesaid, the Governor in Council may from time to time appoint, and may remove, such and so many persons, not less than Three, as he may think fit to be the Local Board for such portion; and any Local Board so appointed shall have and may exercise all the powers given to Local Boards under this Act. Formation of Local Board in certain cases. 11 & 12 Vict. c. 63, s. 12.

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PART I.**CENTRAL AND LOCAL BOARDS OF HEALTH.***Constitution and Officers.*Appointment of
Central Board.

8 The Governor in Council may appoint any number of persons not exceeding Five to be a Board to be called the Central Board of Health ; and such Board shall have and execute, under the direction of the Minister, all the powers and duties vested in or imposed upon such Board by this Act ; and the Governor in Council may from time to time at his pleasure remove all or any of the persons so appointed and appoint others in their stead ; and the powers and duties vested in the said Board may be exercised and executed by a quorum thereof of not less than Three members. The Members of the Central Board shall be entitled to receive out of the Consolidated Revenue Fund the sum of One Guinea as compensation for attending each meeting of the Board, but the amount paid to any member in any one year shall not exceed the sum of Fifty Guineas.

President or
Chairman of
Central Board.

9 The Governor in Council shall appoint one of the members of the Central Board to be the President thereof. In the event of the absence of the President from any meeting the members present shall elect one of their number to be Chairman of such meeting ; and at all meetings of the said Board the President or Chairman shall have a vote, and in case of an equality of votes shall also have a casting vote ; and during any vacancy in the said Board, whether of the office of President or not, the continuing members or member may act as if no vacancy had occurred.

Officers of Central
Board.

10 The Governor in Council may from time to time appoint, and remove, a Secretary, Inspectors, and such other officers of the Central Board of Health as may be deemed necessary for the purposes of this Act ; and the qualifications of every such officer shall be approved of by the said Board before his appointment.

Central Board
may make
regulations, &c.

11 The Central Board may from time to time make, alter, and rescind regulations, directions, orders, and notices in the execution of this Act.

Documents signed
by Secretary to
be evidence.

12 All documents whatever purporting to be issued or written by or under the direction of the Central Board and purporting to be signed by the Secretary of the said Board, shall be received as evidence in all Courts of Law, and shall be deemed to be issued or written by or under the direction of the said Board without further proof, unless the contrary be shown.

Expenditure of
Central Board.

13 All expenses incurred by the Central Board, or incurred with the authority of the Governor in Council upon the recommendation of the said Board, by any Local Board appointed by the Governor in Council, shall be defrayed out of the moneys that may from time to time be appropriated by Parliament for the expenses of the said Board : Provided that no moneys shall be expended by the Central Board unless such expenditure shall have been previously sanctioned by the Governor in Council.

Power of Board
to direct inquiries.
38 & 39 Vict.
c. 55, s. 293.

14 The Central Board may from time to time cause to be made such inquiries as they think fit in relation to matters concerning the

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public health in any place, or with respect to any matter to which their sanction, approval, or consent is required by this Act. A.D. 1885.

15 Where it is proved to the satisfaction of the Central Board that a Local Board of Health have made default in doing their duty in relation to the abatement of nuisances under this Act, the Central Board, after due notice to such Local Board of their intention, may authorize any officer of police or police constable acting within the district of the defaulting Board to institute any proceeding which the defaulting Board might institute with respect to the abatement of nuisances; and such officer or constable, in case of a conviction of the person causing the nuisance in respect of which such proceedings have been taken, may recover from the defaulting Board any expenses incurred by him and not paid by the person proceeded against.

Power of police to proceed in certain cases against nuisances. 38 & 39 Vict. c. 55, s. 106.

16 Where complaint is made to the Central Board that a Local Board of Health has made default in enforcing any provisions of this Act which it is their duty to enforce, the Central Board, if satisfied after due inquiry that such Local Board has been guilty of the alleged default, shall make an Order limiting a time for the performance of the duty of the Local Board in the matter of such complaint. If such duty be not performed within the time limited in such order, the performance of such duty may be enforced by writ of Mandamus, or the Central Board may appoint some person to perform such duty, and shall order that the expenses of performing the same, together with a reasonable remuneration to the person appointed for superintending such performance, and amounting to a sum specified in the Order, together with the costs of the proceedings, be paid out of the Corporate funds by the Local Board in default; and any Order made for the payment of such expenses and costs may be removed into the Supreme Court and be enforced in the same manner as if the same were an Order of such Court in its Equitable Jurisdiction.

Proceedings on complaint to Central Board of default of Local Board. *Ib.*, s. 299.

Any person appointed under this Section to perform the duty of a defaulting Local Board shall in the performance and for the purposes of such duty be invested with all the powers of such Local Board; and the Central Board may from time to time remove any person so appointed and appoint another in his stead.

17 Each Local Board shall appoint a legally qualified medical practitioner as Officer of Health of such Local Board's District, and may remove any such officer which such Local Board have appointed, and shall thereupon appoint another in his stead. The appointment and removal of such officer shall be subject to the approval of the Central Board. Such Officer of Health shall be paid a sum as remuneration for his services, being not less than Ten Pounds for any year, as such Local Board fix, and shall perform such duties and in such manner as such Local Board may from time to time direct, and also such as are specially prescribed by any Minute or Order addressed by the Central Board to such Local Board.

Officers of Health —appointment and remuneration and duties. 11 & 12 Vict. c. 63, s. 40.

Provided always, that it shall be lawful for any Local Board to continue in his appointment any person who is its Officer of Health or Sanitary Officer at the date when this Act comes into operation.

The Local Boards of two or more contiguous districts may, with the approval of the Central Board, join in the appointment of an Officer of Health, and in directing the duties to be performed by such officer and in remunerating him to an amount not less than that hereinbefore mentioned.

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If any Local Board do not appoint or join in appointing an Officer of Health within Two months from the coming into operation of this Act or from the occurrence of a vacancy in such office, it shall be lawful for the Governor in Council, upon a recommendation from the Central Board, to appoint an Officer of Health for the district of such Local Board, and also to fix a sum as the amount of remuneration, not less than that hereinbefore mentioned which shall be paid to such Officer of Health, and the sum so fixed shall be a charge upon the General Rates of the district of such Local Board, and shall be paid to such officer by the Local Board, and in default of payment may be recovered by action of debt by such officer in any Court of competent jurisdiction.

Inspectors to carry out instructions of Officer of Health.

18 Officers of Health are hereby empowered to give to any Inspector appointed by the Local Board of Health of their respective districts such directions and instructions as such officers may deem necessary from time to time for the due execution of this Act, and such Inspectors are hereby required to faithfully obey and carry out any such directions or instructions so given.

Officers of Health to have powers of Inspectors.

19 Officers of Health shall, in addition to the powers conferred on such officers by this Act, have all the powers hereby conferred on any Inspector appointed by the Local Board of Health of their respective districts.

Local Boards to appoint officers—duties—salaries.

11 & 12 Vict. c. 63, s. 37.

20 The Local Boards of Health shall from time to time appoint such officers, inspectors, and servants as may be necessary for the due carrying out of the provisions of this Act, and shall make such rules specifying the duties and conduct of such officers, inspectors, and servants, as they think necessary; and may remove such officers, inspectors, or servants, as such Boards think fit; and may direct to be paid to such officers, inspectors, and servants, such wages, salaries, or allowances as such Local Boards deem reasonable, and the same, and all other expenses incurred by Local Boards in the due execution of this Act, shall be paid out of the Municipal Fund or the Town Rate as the case may be.

No officer to be concerned in contract.

Ib., s. 38.

21 No member, officer, inspector, or servant of the Central Board, or of any Local Board, shall be concerned or interested directly or indirectly in any bargain or contract entered into by such Central or Local Board respectively; and if any such member, officer, inspector, or servant is so concerned or interested, or if any such member, officer, inspector, or servant under colour of his office or employment exact, take, or accept any fee or reward whatsoever, other than his proper salary, wages, remuneration, and allowances, he shall be incapable of afterwards holding or continuing in any office or employment under this Act, and shall for each such offence incur a penalty not exceeding Fifty Pounds.

By-Laws and Orders.

Local Board may make Orders and By-laws.

Ib., s. 115, *et seq.*

22 The Local Board of Health may from time to time make such Orders for efficiently enforcing this Act within their jurisdiction as they think fit; and may, and if required by the Central Board, shall, from time to time, subject to the provisions herein contained, make By-laws, as hereinafter provided, for the purpose of carrying this Act into execution within their jurisdiction; and may from time to time repeal, alter, or amend any such Orders or By-laws. Provided that such Orders and By-laws are not repugnant to any law in force in *Tasmania*, or to

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the provisions of this Act, and that such By-laws shall be confirmed and published in manner hereinafter mentioned. Provided also that such By-laws may be made to apply to and to have operation in the the whole or any part of the place or places, and that such Orders may be addressed to one or more of the owners or occupiers within the jurisdiction of the Local Board.

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23 The Local Board, by any By-laws so to be made by them, may impose such reasonable penalties as they think fit not exceeding Ten Pounds for every breach of any such By-law, or a penalty not exceeding Five Pounds for each day during which such breach shall be committed or continued; but such By-laws shall be so framed as to allow the Justices before whom any penalty imposed thereby is sought to be recovered to order the whole or part only (not being less than Five Shillings) of such penalty to be paid.

Penalties for Breaches of By-laws.

11 & 12 Vict. c. 63, s. 115.

24 No By-law made by the Local Board under the authority of this Act shall be of any force until it shall have been confirmed by the Central Board of Health, who are hereby empowered to allow or disallow the same as they think fit; and no such By-laws shall be confirmed unless notice of the intention to apply for a confirmation of the same have been given in the City, Town, Rural Municipality, or other portion of *Tasmania* for which such By-law has been made One month at least before the making of such application by posting a copy of such By-laws in some conspicuous place in or upon the door of the office of such Local Board.

Confirmation of By-laws.

Ib.

25 For One month at least previous to any such application for confirmation of any By-law a copy of the proposed By-law shall be kept at the office of the Local Board, and all persons may at all reasonable times inspect such copy without payment of any fee; and the Local Board shall furnish every person who applies for the same with a copy thereof, or of any part thereof, on payment of Sixpence for every one hundred words so to be copied. Every By-law when confirmed shall before coming into operation be published once in the *Gazette*.

Copy of By-law may be inspected and purchased.

Ib.

By-laws to be published.

Ib.

26 No By-law made by the Local Board under the authority of this Act shall be of any force unless, previous to the confirmation thereof by the Central Board, it shall have been certified by the Attorney or Solicitor-General not to be repugnant to any law in force in *Tasmania*, or to the provisions of this Act.

By-laws to be certified by Attorney or Solicitor-General;

and laid before Parliament.

No such By-law shall, if Parliament is sitting at the time of the making thereof, be of any force until Fourteen days after the same, or a copy thereof signed by the Secretary to the Local Board of Health, has been laid upon the Table of both Houses of Parliament; and if Parliament or either House thereof disallows such By-law or any part thereof, such By-law or the part thereof so disallowed shall not come into operation: and if Parliament is not sitting at the time of the making of any such By-law, the same shall, after Fourteen days from the publication thereof in the *Gazette* as provided by this Act, be of full force and effect, and a copy of every such By-law as last aforesaid, signed as aforesaid, shall be laid upon the Table of both Houses of Parliament within Five days after the commencement of the Session thereof holden next after the making of such By-law; and if the Parliament or either House thereof disallows any such By-law as last aforesaid, or any part thereof, within One month after such By-law

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has been laid upon the Table as aforesaid, such By-law or the part thereof so disallowed shall, upon such disallowance thereof being notified in the *Gazette*, thenceforth cease to be of any force or effect whatsoever.

By-laws for
certain purposes.
11 & 12 Vict.
c. 63, ss. 55 & 56
21 & 22 Vict.
c. 98, s. 32.

27 Every Local Board of Health may in the By-laws to be so made provide for the removal by the occupier, or in case of his default by the Local Board, of dust, mud, ashes, rubbish, filth, blood, offal, manure, dung, or soil collected, placed, or found in or about any house, stable, cow-house, pigsty, lane, yard, street, or place whatsoever, and for preventing the placing or depositing thereof in any place so as to be a nuisance to any person, and for requiring the occupiers of houses or premises to provide boxes or other specified receptacles for the temporary deposit of house refuse, and for authorizing and directing the placing of such boxes or other receptacles at or between certain specified hours in places at or contiguous to such houses or premises convenient for the discharge and removal of the contents of such boxes or receptacles, and for regulating the times and manner of cleansing, emptying, and managing of earth closets, water closets, privies, cesspools, and places for the deposit of night-soil, offal, blood, or other refuse matter, and for regulating the disinfecting or the deodorizing of the night-soil, offal, blood, or other refuse matter contained therein or removed therefrom, and for the prevention of nuisance or injury to health from the transport, deposit, or use as manure of night-soil, offal, blood, or other offensive matter, for the rendering of the foundations of any new building, and the ground over which such building is to be placed, dry, sound, and well drained, so that no water, soakage, or damp shall lodge there, for the drainage and plumbing of buildings, and for the following and any matters or other things specially mentioned in this Act as matters in regard to which By-laws may be made by a Local Board of Health; that is to say—

The mode of carriage of meat to or from abattoirs or butchers' shops or premises :

The registration annually with the Local Board of all persons carrying on the trade of cowkeepers, dairymen, or purveyors of milk, and the payment by each such person to the Local Board of a reasonable fee not exceeding One Pound for each such registration :

The inspection of the grazing ground of dairy cattle, and, if found to be likely to be prejudicial to health by affecting the milk or otherwise, to prohibit the use of the same, and for the inspection of cattle in dairies, and the prescribing and regulating of the lighting, ventilation, cleansing, drainage, and water supply of houses, dairies, and cow-sheds in the occupation of persons following the trade of cowkeepers or dairymen :

The securing of the cleanliness of milk stores, milk shops, and of milk vessels used for containing milk for sale by such persons :

The prescribing of precautions to be taken for protecting milk against infection or contamination, and for the registration and regulation of bakehouses and butchers' establishments :

The prevention of the storage or keeping of bone-dust or artificial or other manure so as to be a nuisance or injurious to health :

The prevention of the keeping of animals of any kind so as to be a nuisance or injurious to health :

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The supply of a sufficient quantity of water to abattoirs or slaughter-houses : A.D. 1885.

The prevention of danger to the public from manufactories or places for the storage, keeping, or sale of inflammable materials :

The disinfection of, and the prevention of nuisance or injury to health from, rags or other materials used or stored in marine stores, flock or bedding or furniture manufactories :

The regulation of noxious or offensive trades, businesses, or manufactories, whether established before or after the passing of this Act, in order to prevent or diminish the noxious or offensive effects thereof, and to prevent nuisance or injury to health arising therefrom :

The position and manner of construction of water or earth closets or urinals :

The prevention of the use of steam whistles at factories or other establishments so as to be a nuisance to any person :

And generally for the abatement and prevention of nuisances not hereinbefore specified, and for securing the healthfulness of the district and of its inhabitants.

28 Every Inspector of any Local Board shall and is hereby empowered, without any express order or direction of such Local Board, to take proceedings against any person offending against any By-law made by such Local Board. Inspector to prosecute for breach of By-laws.

29 A copy of any order, authority, consent, or notice made or given by a Local Board of Health, and signed and certified by the Secretary to such Board to be a true copy, and to have been duly made, confirmed, or given, and a copy of any notice given by or under the authority of this Act, and so signed and certified by an Inspector of the Local Board, shall, unless the contrary is shown, be evidence in all legal proceedings of the due making, existence, confirmation, or giving of such order, authority, consent, or notice without further or other proof. Evidence of By-laws, notices, &c. 10 & 11 Vict. c. 34, s. 207.

30 If any person think himself aggrieved by any By-law of any Local Board of Health, such person may address a memorial thereon to the Local Board, stating the grounds of his complaint and the manner in which he may be prejudiced by such By-law, and, failing to induce such Local Board to alter or amend such By-law wherein prejudicial to him, he may by like memorial address the Central Board ; and the said Central Board may hear and decide between such Local Board and such person, and if satisfied of the justice of such person's complaint, may (notwithstanding any previous confirmation or allowance thereof) rescind or annul such By-law or such part thereof as to them seems fit. Appeal from By-laws of Local Board to Central Board.

31 Such provisions of this Act as are opposed to or restrictive of the provisions of any Act now or hereafter to be in force relating to any City, Town, or Rural Municipality respectively shall be of no force in such City, Town, or Rural Municipality respectively ; and nothing herein contained shall be deemed or construed to repeal or invalidate any By-law lawfully made and in force at the time of the coming into operation hereof in such City, Town, or Rural Municipality. Wherever any Act now or hereafter in force relating to any City, Town, or Local and general provisions.

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Rural Municipality respectively and this Act contain provisions for effecting the same or a similar object, but in different modes, the Local Board of Health may proceed under such first-mentioned Act or under this Act.

PART II.**PREVENTION OF ADULTERATION OF ARTICLES OF FOOD OR DRUGS AND OF THE SALE OF UNWHOLESOME FOOD.***Description of Offences.*

Prohibition of the mixing of injurious ingredients, and of selling the same.
38 & 39 Vict.
c. 63, s. 3.

32 No person shall mix, colour, stain, or powder, or order or permit any other person to mix, colour, stain, or powder, any article of food with any ingredient or material so as to render the article injurious to health with intent that the same may be sold in that state, and no person shall sell any such article so mixed, coloured, stained, or powdered, under a penalty in each case not exceeding Fifty Pounds for the first offence. Every offence under this Section after a conviction for a first offence hereunder shall be a Misdemeanor, for which the person on conviction shall be imprisoned for a period not exceeding Six Months with hard labour.

Prohibition of the mixing of drugs with injurious ingredients, and of selling the same.
Ib., s. 4.

33 No person shall, except for the purpose of compounding as hereinafter described, mix, colour, stain, or powder, or order or permit any other person to mix, colour, stain, or powder, any drug with any ingredient or material so as to affect injuriously the quality or potency of such drug with intent that the same may be sold in that state, and no person shall sell any such drug so mixed, coloured, stained, or powdered, under the same penalty in each case respectively as in the preceding Section for a first and subsequent offence.

Exemption in case of proof of absence of knowledge.
Ib., s. 5.

34 No person shall be liable to be convicted under either of the two last foregoing Sections of this Act in respect of the sale of any article of food or of any drug if he shows to the satisfaction of the Justice or Court before whom he is charged that he did not know of the article of food or drug sold by him being so mixed, coloured, stained, or powdered as in either of those Sections mentioned, and that he could not with reasonable diligence have obtained that knowledge.

Prohibition of the sale of articles of food and of drugs not of the proper nature, substance, and quality.
Ib., s. 10.

35 No person shall sell to the prejudice of the purchaser any article of food or any drug which is not of the nature, substance, and quality of the article demanded by such purchaser, under a penalty not exceeding Twenty Pounds: Provided that an offence shall not be deemed to be committed under this Section in the following cases; that is to say—

- i. Where any matter or ingredient not injurious to health has been added to the article of food or drug because the same is required for the production or preparation thereof as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the article of food or drug or conceal the inferior quality thereof:
- ii. Where the drug or food is a proprietary medicine, or is the subject of a patent in force, and is supplied in the state required by the specification of the patent:
- iii. Where the article of food or drug is compounded as in this Part of this Act mentioned:

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iv. Where the article of food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation, or being of known instability has been unavoidably changed. A.D. 1885.

36 In determining whether an offence has been committed under the preceding Section by selling to the prejudice of the purchaser spirits not adulterated otherwise than by the admixture of water, it shall be a good defence to prove, except in the case of spirits sold under a trade mark, that such admixture has not reduced the spirit more than twenty-five degrees under proof for brandy, whisky, or rum, or thirty-five degrees under proof for gin. Reduction allowed to the extent of 25 degrees under proof for brandy, whisky, or rum, and 35 degrees for gin.
42 & 43 Vict. c. 30, s. 6.

37 No person shall sell any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser, under a penalty not exceeding Twenty Pounds. Provision for the sale of compounded articles of food and compounded drugs.
38 & 39 Vict. c. 63, s. 7.

38 No person shall be guilty of any such offence as aforesaid in respect of the sale of an article of food or a drug mixed with any matter or ingredient not injurious to health, and not intended fraudulently to increase its bulk, weight, or measure, or conceal its inferior quality, if at the time of delivering such article of food or drug he supplies to the person receiving the same a notice by a label, distinctly and legibly written or printed on or with the article of food or drug, to the effect that the same is mixed, and stating the nature or composition of such mixture. Protection from offences by giving of label.
Ib., s. 8.

39 No person shall, with the intent that the same may be sold in its altered state without notice, abstract from an article of food any part of it so as to affect injuriously its quality, substance, or nature, and no person shall sell any article so altered without making disclosure of the alteration, under a penalty in each case not exceeding Twenty Pounds. Prohibition of the abstraction of any part of an article of food before sale, and selling without notice.
Ib., s. 9.

40 In any prosecution under this Part of this Act for selling to the prejudice of the purchaser any article of food or any drug which is not of the nature, substance, and quality of the article demanded by such purchaser, it shall be no defence to any such prosecution to allege that the purchaser having bought only for analysis was not prejudiced by such sale. Neither shall it be a good defence to prove that the article of food or drug in question, though defective in nature or in substance or in quality, was not defective in all three respects. In sale of adulterated articles no defence to allege purchase for analysis.
42 & 43 Vict. c. 30, s. 2.

Appointment and Duties of Analysts, and Proceedings to obtain Analysis.

41 The Local Board of any district may, as soon as conveniently may be after the passing of this Act, and in all cases as and when vacancies in the office occur or when required so to do by the Central Board, shall for their respective districts appoint some person (not being persons engaged directly or indirectly in any trade or business connected with the sale of food or drugs within that district), possessing competent knowledge, skill, and experience, as Analyst of all articles of food and drugs sold within their districts respectively, and shall pay Appointment of Analyst.
38 & 39 Vict. c. 63, s. 11.

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to such Analyst such remuneration as may be mutually agreed upon, and may remove him as they deem proper ; but such appointments and removals shall at all times be subject to the approval of the Central Board, who may require satisfactory proof of competency to be supplied to them, and may give their approval absolutely or with modifications as to the period of the appointment and removal or otherwise.

Local Board may engage the Analyst of another Local Board.

38 & 39 Vict.
c. 63, s. 11.

42 Any Local Board may agree that the Analyst appointed by the Local Board of any other district, or that any Analyst appointed by the Governor in Council, may act for their district during such time as the said Board think proper, and shall make due provision for the payment of his remuneration ; and if such Analyst consent, he shall during such time be the Analyst for such district for the purposes of this Act.

Existing Analyst continued.

43 Where, at the time of the commencement of this Act, any Analyst shall have been appointed under any former Act by any Municipality which by this Act is constituted a Local Board of Health, every such Analyst shall continue in office and be deemed to be duly appointed under the provisions of this Act ; and the Analyst heretofore appointed by the Governor in Council shall continue to hold such office notwithstanding the repeal by this Act of the enactment under which he may have been appointed.

Power to purchaser of an article of food to have it analysed.

Ib., s. 12.

44 Any purchaser of an article of food or of a drug in any place being a district where there is any Analyst appointed under this Act shall be entitled on payment to such Analyst of a sum not exceeding Ten Shillings and Sixpence (or if there be no such Analyst then acting for such place, to the Analyst of any district where there is an Analyst appointed under this Act, on payment of such sum as may be agreed upon between such person and the Analyst), to have such article analysed by such Analyst, and to receive from him a certificate of the result of his analysis.

Officer may obtain a sample of food or drug to submit to Analyst.

Ib., s. 13.

45 Any officer of the Central Board or of any Local Board, or any Police Constable, may, at the cost of the Central Board or of the Local Board appointing such officer or in whose district such constable then is, procure any sample of food or drugs, and if he suspect the same to have been sold to him contrary to any provision of this Act, shall submit the same to be analysed by the Analyst of the place being a district in which he then is, or if there be no such Analyst then acting for such place, to the Analyst of any district where there is an Analyst appointed under this Act, and such Analyst shall upon receiving payment as is provided in the last Section, with all convenient speed analyse the same, and give a certificate to such officer or constable wherein he shall specify the result of the analysis.

Officer or constable may obtain a sample of milk at the place of delivery to submit to Analyst.

42 & 43 Vict.
c. 30, s. 3.

46 Any officer of the Central Board or of any Local Board, or any police constable, may, at the cost of the Central Board or of the Local Board appointing such officer or in whose district such constable then is, procure at the place of delivery any sample of milk in course of delivery to the purchaser or consignee of such milk, and such officer or constable, if he suspect the same to have been sold contrary to any of the provisions of this Act, shall submit the same to be analysed.

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47 The person purchasing any article with the intention of submitting the same to analysis shall, after the purchase has been completed, forthwith notify to the seller or his agent selling the article his intention to have the same analysed by the Public Analyst, and shall offer to divide the article into three parts, to be then and there separated, and each part to be marked and sealed, or fastened up in such manner as its nature will permit, and shall, if required to do so, proceed accordingly, and shall deliver one of the parts to the seller or his agent.

He shall afterwards retain one of the said parts for future comparison, and submit the third part, if he deems it right to have the article analysed, to the Analyst.

48 If the seller or his agent do not accept the offer of the purchaser to divide the article purchased in his presence, the Analyst receiving the article for analysis shall divide the same into two parts, and shall seal or fasten up one of those parts and shall cause it to be delivered either upon receipt of the sample, or when he supplies his certificate to the purchaser, who shall retain the same for production in case proceedings are afterwards taken in the matter.

49 If the Analyst do not reside within Two miles of the residence of the person requiring the article to be analysed, such article may be forwarded to the Analyst through the Post Office as a Registered Letter, subject to any regulations which the Governor in Council may make in reference to the carrying and delivery of such article; and the charge for the postage of such article shall be deemed one of the charges of this Act, or of the prosecution, as the case may be.

50 If any such officer or constable as above described apply to purchase any article of food or any drug exposed for sale or on sale by retail on any premises, or in any shop or store, or in any street or open place of public resort, or to procure any sample of any milk in course of delivery to the purchaser or consignee in pursuance of any contract for the sale to such purchaser or consignee of such milk, and tender the price for the quantity which he requires for the purpose of analysis, not being more than is reasonably requisite, and the person exposing the said article of food or drug for sale refuse to sell the same to, or the seller or consignor, or any person or persons entrusted by him for the time being with the charge of such milk, refuse to allow the quantity required for the purpose of analysis to be taken by, such officer or member of the Police Force, such person, seller, or consignor shall be liable to a penalty not exceeding Ten Pounds.

51 The certificate of the analysis shall be in the form set forth in the Schedule (2) or to the like effect.

52 Every Analyst appointed under this Part of this Act shall report quarterly to the Local Board appointing him the number of articles analysed by him under this Act during the foregoing quarter, and shall specify the result of each analysis and the sum paid to him in respect thereof, and such report shall be presented at the next meeting of the Local Board appointing such Analyst; and every such Local Board shall annually transmit to the Central Board, at such time and in such form as the said Board directs, a certified copy of such quarterly report.

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Provision for dealing with the sample when purchased.

38 & 39 Vict. c. 63, s. 14.

Provision when sample is not divided.

Id., s. 15.

Provision for sending article to the Analyst through the Post Office.

Id., s. 16.

Person refusing to sell any article to any officer liable to penalty.

Id., s. 17.

42 & 43 Vict. c. 30, ss. 4 & 5.

Form of the certificate.

38 & 39 Vict. c. 63, s. 18.

Quarterly report of the Analyst.

Id., s. 19.

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Proceedings against Offenders.

Proceedings
against offenders.
38 & 39 Vict.
c. 63, s. 20.

19 Vict. No. 8.

Special provision
as to time for pro-
ceedings.
42 & 43 Vict.
c. 30, s. 10.

Certificate of
Analyst *prima*
facie evidence for
the prosecution,
but Analyst to be
called if required.

Defendant and his
wife may be
examined.

38 & 39 Vict.
c. 63, s. 21.

Power to Justices
to have articles of
food or drug
analysed.

Ib., s. 22.

In any prosecu-
tion defendant to
prove that he is
protected by
exception or pro-
vision.

Ib., s. 24.

Defendant to be
discharged if he
prove that he
bought the article
in the same state
as sold, and with
a warranty.

No costs except
on issues proved
against him.

Ib., s. 25.

53 When the Analyst, having analysed any article, shall have given his certificate of the result, from which it may appear that an offence against some one of the provisions of this Part of this Act has been committed, the person causing the analysis to be made may take proceedings for the recovery of the penalty herein imposed for such offence before any Two Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*.

Every penalty herein imposed may be reduced or mitigated according to the judgment of the Justices.

54 In all prosecutions under this Part of this Act, and notwithstanding anything contained in *The Magistrates Summary Procedure Act*, the summons to appear before the Justices shall be served upon the person charged with violating the provisions of this Act within a reasonable time, and in the case of a perishable article not exceeding Twenty-eight days, from the time of the purchase from such person for test purposes of the food or drug for the sale of which in contravention to the terms of this Act the seller is rendered liable to prosecution; and particulars of the offence or offences against this Act of which the seller is accused, and also the name of the prosecutor, shall be stated on the summons; and the summons shall not be made returnable in a less time than Seven days from the day it is served upon the person summoned.

55 In any such proceeding the production of the certificate of the Analyst shall be sufficient evidence of the facts therein stated unless the defendant require the Analyst to be called as a witness, and the parts of the articles retained by the person who purchased the article shall be produced; and the defendant may, if he think fit, tender himself and his wife to be examined on his behalf, and he or she shall, if he so desire, be examined accordingly.

56 The Justices before whom any information may be heard, or the Court before whom any appeal may be heard under this Act may, upon the request of either party, in their discretion, cause any article of food or drug to be sent to the Central Board, who shall thereupon direct some person other than the Analyst who shall have made any analysis of such article of food or drug to make the analysis, and give a certificate to such Justices of the result of the analysis; and the expense of such analysis shall be paid by the complainant or the defendant as the Justices may by Order direct.

57 In any proceedings under this Act where the fact of an article having been sold in a mixed state has been proved, if the defendant shall desire to rely upon any exception or provision contained in this Act, it shall be incumbent upon him to prove the same.

58 If the defendant in any proceedings under this Act prove to the satisfaction of the Justices or Court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the prosecutor, and with a written warranty to that effect that he had no reason to believe at the time when he sold it that the article was otherwise, and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor, unless he have given due notice to him that he will rely on the above defence.

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59 Any person who shall forge, or shall utter knowing it to be forged, for the purposes of this Part of this Act, any certificate or any writing purporting to contain a warranty, shall be guilty of a misdemeanor, and be punishable on conviction by imprisonment for a term of not exceeding Two years.

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Punishment for forging certificate or warranty.
38 & 39 Vict.
c. 63, s. 27.

Every person who wilfully applies to an article of food or a drug in any proceedings under this Act a certificate or warranty given in relation to any other article or drug shall be guilty of an offence under this Act, and be liable to a penalty not exceeding Twenty Pounds.

Punishment for wilful misapplication of warranty.

Every person who gives a false warranty in writing to any purchaser in respect of an article of food or a drug sold by him as principal or agent shall be guilty of an offence under this Act, and be liable to a penalty not exceeding Twenty Pounds.

Punishment for false warranty.

And every person who wilfully gives a label with any article sold by him which shall falsely describe the article sold shall be guilty of an offence under this Act, and be liable to a penalty not exceeding Twenty Pounds.

Punishment for false label.

60 Nothing in this Part of this Act contained shall affect the power of the Attorney-General to proceed by information, or take away any other remedy against any offender under this Act, or in any way interfere with contracts and bargains between individuals and the rights and remedies belonging thereto.

Proceedings by Attorney-General and contracts not to be affected.

Ib., s. 28.

In this Section the expression "Attorney-General" includes an officer appointed under the Fifth Section of the Act of the Imperial Parliament of the 9th *Geo.* 4, Chapter 83, for the prosecution of crimes, misdemeanors, and offences cognizable in the Supreme Court.

61 In any action brought by any person for a breach of contract on the sale of any article of food or of any drug, such person may recover alone or in addition to any other damages recoverable by him the amount of any penalty in which he may have been convicted under this Act, together with the costs paid by him upon such conviction and those incurred by him in and about his defence thereto, if he prove that the article or drug the subject of such conviction was sold to him as and for an article or drug of the same nature, substance, and quality as that which was demanded of him, and that he purchased it not knowing it to be otherwise, and afterwards sold it in the same state in which he purchased it; the defendant in such action being nevertheless at liberty to prove that the conviction was wrongful, or that the amount of costs awarded or claimed was unreasonable.

Person convicted under this Act may bring action against the original vendor.

Ib.

Unwholesome Food.

62 Any officer of the Central Board or of any Local Board, or any police constable, may at all reasonable times in the day-time, and, with respect to those shops, places, or premises where articles of food or drugs are usually manufactured, prepared, or sold during the night, at any hour of the day or night, enter into and inspect any abattoir or slaughter-house, or any butcher's, poulterer's, or fishmonger's shop, or any shop, store, bakery, dairy, warehouse, bonded or free store, auction room, custom house, shed, or any place or premises, or any part thereof, which he may have reasonable ground for believing is kept or used for the slaughter or for the sale or storage or preparation for sale of any animals or carcasses of animals, or any meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, tea, sugar, or milk, or any articles

Diseased animals or unwholesome food may be seized.

Ib., s. 63.

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used, or which he may have reasonable ground for believing are intended to be used, as food or drugs for human consumption, and may inspect any such animals, carcasses, or articles; and may inspect any articles of food or drugs which are being conveyed through the public streets or roads by any butcher, baker, milkman, grocer, dealer, hawker, or other person, and may examine and cut open any articles or packets or cases of articles contained therein or conveyed thereby, and may remove portions of such articles for examination or analysis, and may seize any of such animals, carcasses, or articles which are or appear to him to be diseased or deleterious to health or unwholesome, or any meat which has been blown, spouted, greased, stuffed, or pricked, and may destroy such articles or portions thereof as are, or have before they are claimed, become decayed or putrefied; and any persons claiming any animals, carcasses, or articles so seized may, within Forty-eight hours after such seizure, complain thereof to any Justice, and such complaint may be heard and determined before any Two Justices, who may either confirm or disallow such seizure wholly or in part, and may order the animals, carcasses, or articles so seized, or some or portion of them, to be restored; and in the event of no such complaint being made within Forty-eight hours after such seizure, or of such seizure being confirmed, the animals, carcasses, or articles as to the seizure of which no complaint has been made, or the seizure of which has been confirmed, shall thereupon become the property of the Local Board of Health, and shall be destroyed or otherwise disposed of so as to prevent their being used for human consumption.

Penalty on importation or possession of diseased animals or unwholesome food.

63 If any person knowingly sells or imports, or has in his possession or under his control for the purpose of sale or storage or preparation for sale for human consumption, any meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, tea, sugar, milk, or any articles of food or drugs of a nature deleterious to health or unwholesome, or any meat which has been blown, spouted, greased, stuffed, or pricked, such person shall be guilty of an offence against this Act, and shall be liable, on conviction thereof, to pay any expenses incurred in the inspection, seizure, and disposition of such articles as hereinbefore provided, and shall also be liable to a penalty not exceeding Twenty Pounds for every such offence, and for any second or subsequent offence to a penalty not exceeding Fifty Pounds; and if any person knowingly sells or imports, or has in his possession or under his control for the purpose of sale or storage, or preparation for sale for human consumption, any diseased animals or carcasses of animals, he shall be guilty of an offence against this Act, and shall be liable, on conviction thereof, to pay any expenses incurred in the inspection, seizure, and disposition of such animals or carcasses, and to a penalty for any such offence not exceeding One hundred Pounds, or to imprisonment not exceeding Two years.

Onus of proof.

64 If in any case under this Part of the Act it appears that the animals, carcasses, or articles as aforesaid are of a kind usually used as food or drugs for human consumption, the proof that such animals, carcasses, or articles were not intended for human consumption, or for sale for human consumption, shall be on the party contending that they were not so intended.

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PART III.

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INFANT LIFE PROTECTION.

65 From and after Six months after the commencement of this Act it shall not be lawful for any person to retain or receive for hire or reward in that behalf more than one infant, or in case of twins more than two infants, under the age of Two years, for the purpose of nursing or maintaining such infants apart from their parents for a longer period than Twenty-four hours, except in a house which is registered as herein provided.

Houses of persons receiving infants for nursing to be registered.
35 & 36 Vict.
c. 38, s. 2.

66 Every Local Board shall cause a Register to be kept, in which shall be entered the name of every person applying to register any house within the district of such Local Board for the purposes of this Part of this Act, and the situation of every such house; and every such Local Board shall from time to time make regulations for fixing the number of infants who may be received into each house so registered; all such regulations shall within Two weeks of the making thereof be published in the *Gazette*, and such registration shall remain in force for One year, and no fee shall be charged for such registration. Every person who receives or retains any infant in contravention of the provisions of this Act or of any regulations made thereunder shall be guilty of an offence against this Act.

Register to be kept by Local Board.
Ib., s. 3.

67 Any Local Board of Health may refuse to register any house unless they are satisfied that such house is suitable for the purposes for which it is to be registered, and unless they are satisfied by the production of certificates that the person applying to be registered is of good character, and able to properly maintain infants proposed to be maintained in such house.

Local Board may refuse to register.
Ib., s. 4.

68 The person registered as aforesaid shall immediately enter in a Register to be kept by him the name, sex, and age of each infant under his care, and the date at which, and the names and addresses of the persons from whom they were received; and shall also enter in the said Register immediately after the removal of such infant the time of such removal, and the names and addresses of the persons by whom such infant received and retained as aforesaid was removed immediately after the removal of such infant; and shall produce the said Register when required to do so by the Local Board of Health; and in the event of his refusing so to produce the said Register, or neglecting to enter in a Register the name, sex, and age of each of the said infants, and the date at which, and the names and addresses of the persons from whom they were received and by whom they were removed respectively, such person shall be liable to a penalty not exceeding Five Pounds. The person registered shall be entitled to receive gratuitously from the Local Board of Health a book of forms for the registration of infants; such Register may be in the form contained in the Schedule (3.)

Registered persons to keep a register of infants and to produce it.
Ib., s. 5.

Schedule.

69 If any person make any false representation with a view to being registered under this Part of this Act, or forge any certificate for the purpose hereof, or make use of any forged certificate knowing it to be forged, or falsify any Register kept in pursuance of this Part of this Act, he shall be guilty of an offence against this Act.

Forgery of certificate, &c.
Ib., s. 6.

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Local Board may
strike off register.
35 & 36 Vict.
c. 38, s. 7.

70 If at any time it be proved to the satisfaction of the Local Board of Health that any person whose house has been registered as aforesaid has been guilty of serious neglect, or is incapable of providing the infants entrusted to his care with proper food and attention, or that the house specified in the Register has become unfit for the reception of infants, the Local Board of Health may strike his name and house off the Register.

Inquests to be
held.

Ib., s. 8.

71 The person registered as aforesaid shall, within Twenty-four hours after the death of an infant so retained or received, cause notice thereof to be given to a Coroner, and the Coroner shall hold an inquest on the body of such infant, unless there be produced to such Coroner a certificate under the hand of a legally qualified medical practitioner stating that such practitioner has personally attended or examined such infant, and specifying the cause of its death, and unless the Coroner be satisfied by such certificate that there is no ground for holding such inquest. No such infant shall be buried without the production of a certificate under the hand of the Coroner authorizing such burial. If the person so registered neglect to give notice as aforesaid, or if any person bury, or cause to be buried, any such child without the certificate of such Coroner as aforesaid, such person shall be guilty of an offence against this Part of this Act.

Penalties.

Ib., s. 9.

72 Every person guilty of an offence against this Part of this Act shall, on conviction thereof before any Two Justices, be liable to imprisonment for not more than Six months, with or without hard labour, or to a penalty not exceeding Five Pounds, and shall in addition be liable to have his name and house struck off the Register.

Exceptions.

Ib., s. 13.

73 The provisions of this Part of this Act shall not extend to the relatives or guardians of any infant retained or received as aforesaid, nor to institutions established for the protection or care of infants or children.

PART IV.

INFECTIOUS DISEASES AND HOSPITALS.

Provisions against Infection.

Local Board to
report to Central
Board.

74 Every Local Board shall make a report to the Central Board, in such form and at such times as the Central Board from time to time directs, in regard to the health, cleanliness, and general sanitary state of the city, town, rural municipality, or other portion of *Tasmania* for which such Local Board is established; and such report shall contain a statement of all works executed and proceedings taken by such Local Board during the period to which such report relates.

Local Boards to
report appearance
of certain diseases
to Central Board.

75 Upon the appearance of any epidemic, endemic, or contagious disease, or of any indications thereof, or of any peculiar circumstances or occurrences involving or affecting, or likely to involve or affect, the sanitary condition of any such city, town, rural municipality, or portion, the Local Board shall immediately report the same to the Central Board; and such report shall be accompanied by such remarks, evidence, or information as such Local Board may possess in regard to the disease, locality, or other facts that may have come to their knowledge and may

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tend or appear to tend towards the better or more full comprehension of the disease, indications, occurrences, or circumstances so reported. A.D. 1885.

76 Upon the receipt of any such last-mentioned report, the Central Board shall forthwith transmit the same to the Minister, accompanied by such information, remarks, and suggestions as such Central Board think fit or desirable. The Central Board shall make a report and transmit information respecting the public health to the Minister, in such form and at such times as the Minister directs. Central Board to transmit report to the Minister.

77 The Governor in Council may make Orders from time to time directing that the provisions hereinafter in the next following Section contained for the prevention of epidemic, endemic, and contagious diseases be put in force in *Tasmania*, or in such parts thereof or in such places therein as in such Orders respectively may be expressed; and may, in like manner, from time to time revoke, alter, or vary any such Order; and such Orders shall have the like effect as if the provisions therein contained were included in this Act. Provided that all such Orders shall within One week from the making thereof be published in the *Gazette*. Governor in Council to direct enforcement of provisions to prevent diseases. 11 & 12 Vict. c. 107, s. 4.

78 From time to time after the issuing of any such Order as is in the last preceding Section mentioned, and whilst the same continues in force, the Central Board may make such regulations as the said Board shall think fit for the prevention as far as possible, or mitigation of such epidemic, endemic, or contagious diseases, and may from time to time revoke, renew, and alter any such regulations, or substitute such new regulations as to the said Board may seem expedient; and the said Board may by such regulations provide for the effectual cleansing of streets and public ways and places by those entrusted by law with the care and management thereof, or by the owners and occupiers of houses and tenements adjoining thereto; and for the cleansing, purifying, ventilating, and disinfecting of houses, schools, churches, buildings, and places of assembly or entertainment by the owners or occupiers or persons having the care and ordering thereof; for the disinfection of bedding, clothing, and other articles, and of night-soil or the fœcal or other discharges of persons suffering from infectious or contagious disease; for a house-to-house visitation and inspection of the whole or any part of a district; for lessening or regulating the number of the inmates and occupants of common or other lodging-houses, work-rooms, or factories or other public buildings; for causing public and private privies and earth closets to be established and properly constructed, maintained, and cleansed; for the speedy removal of nuisances; for the speedy interment of the dead; and generally for preventing or mitigating such epidemic, endemic, or contagious diseases in such manner as to the said Board may seem expedient; and the said Board may by any such regulations authorize, require, and direct any Local Board of Health or their Officers to superintend and see to the execution of any such regulations, and to provide for the dispensing of medicines, and for affording to persons afflicted by or threatened with such epidemic, endemic, or contagious diseases such medical aid as may be required; and the said Board may do and provide all such acts, matters, and things as may be necessary for executing or superintending and aiding in the execution of such regulations; and such regulations shall extend to all parts or places included in any Order to be issued by the Governor in Council as aforesaid, unless such Central Board to make regulations as to diseases.

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regulations be expressly confined to some of such parts or places, and shall continue in force until such Order be rescinded in regard to the parts or places to which such regulations shall extend. All such regulations shall within Two weeks from the making thereof be published in the *Gazette*.

Isolating houses,
&c.

79 Upon proof by the certificate in writing of the Officer of Health of the district and of two other duly qualified medical practitioners that smallpox, cholera, or any other malignant, infectious, or contagious disease exists within a district, that there is danger that the same may spread, and that to prevent the spreading thereof it is necessary to the public safety that power should be given to isolate any tenements, it shall be lawful for the Governor in Council to make an Order empowering and directing such persons as the Central Board may for that purpose appoint to stop the traffic into or through any streets, thoroughfares, or places, whether public or private, which the Central Board shall specify, and to limit or prevent ingress, egress, or regress of any persons to or from any house or premises within the streets, thoroughfares, or places so specified, for so long as shall seem to the Central Board necessary for the public safety; and no proceedings at law or otherwise shall be taken or lie against any person for anything done in conformity with such order and direction.

Infectious diseases
to be reported.

80 The legally qualified medical practitioner in attendance at any house in which there is any person suffering from any smallpox, cholera, plague, yellow fever, or other malignant, infectious, or contagious disease, shall furnish to the occupier of such house a certificate that there is in such house a person suffering from such disease; and such occupier shall thereupon report the existence of such disease in such house to the Local Board of Health not later than Twenty-four hours after the receipt of such certificate; and if any person fails to comply with the provisions of this section, he shall be deemed to be guilty of an offence under this Act, and shall, on conviction thereof, be liable to a penalty not exceeding Fifty Pounds for every such offence.

Duty of local
authority to
cause premises to
be cleansed and
disinfected.38 & 39 Vict.
c. 55, ss. 120-2.

81 Where the Officer of Health, or any two legally qualified medical practitioners, certifies in writing to the Local Board of Health that the cleansing and disinfecting of any house or part thereof, or of any articles therein likely to retain infection, would tend to prevent or check infectious disease, it shall be the duty of such Board to give notice in writing to the owner or occupier of such house or part thereof, requiring him to cleanse and disinfect the same or any articles therein to the satisfaction of the Officer of Health within a time specified in such notice.

Where the owner or occupier of any such house or part thereof is from poverty or otherwise unable in the opinion of the Local Board effectually to carry out the requirements of this Section, such Board may, without enforcing such requirements on such owner or occupier, enter therein, cleanse and disinfect such house or part thereof, or any articles therein likely to retain infection, and may defray any expenses so incurred.

Destruction of
infected bedding,
&c.*Ib.*, s. 121.

82 Any Local Board may direct the destruction of any bedding, clothing, or other articles which in their opinion have been exposed to infection from any dangerous, infectious, or contagious disease, and may give compensation for the same.

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83 Any Local Board may provide a proper place, with all necessary apparatus and attendance, for the disinfection of bedding, clothing, or other articles which have become infected, and may cause any articles brought to such place for disinfection to be disinfected free of charge.

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Provision of means of disinfection.

38 & 39 Vict. c. 55, s. 122.

84 Any Local Board may provide and maintain a carriage or carriages suitable for the conveyance of persons suffering under any infectious or contagious disease, and may, pay the expense of conveying therein any person so suffering to a hospital or other place of reception.

Provision of conveyance for infected persons. *Ib.*, s. 123.

85 Where any hospital or place for the reception of the sick is provided within the district of a Local Board, or within a convenient distance of such district, any person who is suffering from any dangerous, infectious, or contagious disease, and is without proper lodging or accommodation, or lodged in a room occupied by more than one family, or is on board any ship or vessel, may, on a certificate signed by a legally qualified medical practitioner, and with the consent of the superintending body of such hospital or place, be removed by order of any Justice to such hospital or place at the cost of the Local Board; and any person so suffering who is lodged in any common lodging-house or other house where isolation cannot be effectually carried out may, with the like consent, and on a like certificate, be so removed by order of the Local Board.

Removal of infected persons without proper lodging to hospital by order of Justice.

Ib., s. 124.

Any Order under this Section may be addressed to such Officer of the Local Board as the Justice or Local Board making the same may think expedient; and any person who wilfully disobeys or obstructs the execution of such Order shall be liable to a penalty not exceeding Ten Pounds.

86 Any Local Board may make regulations (to be approved of by the Central Board) for removing to any hospital to which such Board are entitled as hereinafter provided to remove patients, and for keeping in such hospital so long as may be necessary, any persons brought within their district by any ship or boat who are infected with a dangerous infectious disease, and such regulations may impose on offenders against the same reasonable penalties not exceeding Forty Shillings for each offence. Provided that such regulations shall, within Two weeks from the approval thereof by the Central Board, be published in the *Gazette*.

Removal to hospital of infected persons brought by ships.

Ib., s. 125.

87 If any person who knows that he is suffering from any dangerous, infectious, or contagious disease, intentionally expose himself in any street or public place without taking reasonable precautions against spreading such disease:

Penalty on exposure of infected persons and things.

Ib., s. 126.

Or if any person, being in charge of any person so suffering, knowingly expose or permit to be exposed such sufferer in the circumstances aforesaid:

Or if any person who knows that he is suffering from any such disease enter any shop, wareroom, factory, theatre, inn, or place of common resort, or public conveyance:

Or if any such person enter any railway carriage, public conveyance, ship, or vessel without previously notifying to the owner or the person in charge thereof that he is so suffering:

Or if any person, having the charge of any person so suffering, cause or permit any such sufferer to enter into any such place, or without the notice aforesaid into any such carriage, conveyance, ship, or vessel:

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Or if any person gives, lends, sells, transmits, or exposes without previous disinfection any bedding, clothing, rags, or other things which have been exposed to infection from any such disease—

Every person so offending shall be liable to a penalty not exceeding Five Pounds; and any person who, while suffering from any such disease, enters any public conveyance without previously notifying to the owner or driver thereof that he is so suffering, shall, in addition, be ordered by the Court to pay such owner or driver the amount of any loss and expense such owner or driver may incur in carrying into effect the provisions of this Act with respect to the disinfection of such conveyance:

Provided that no proceedings under this Section shall be taken against persons transmitting with proper precautions any bedding, clothing, rags, or other things for the purpose of having the same disinfected.

Penalty on failing to provide for disinfection of public conveyance.

38 & 39 Vict., s. 127.

88 Every owner or driver of a public conveyance shall disinfect such conveyance immediately after it has, to his knowledge, conveyed any person suffering from a dangerous, infectious, or contagious disease, and if he fail to do so to the satisfaction of an Inspector of the Local Board he shall be liable to a penalty not exceeding Five Pounds; but no such owner or driver shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this Section.

Infection in schools.

41 & 42 Vict. c. 52 (*Ireland*), s. 146.

89 Any person who knowingly or negligently sends a child to school who, within the space of Three months, has been suffering from any dangerous, infectious, or contagious disease, or who has been resident in any house in which such disease has existed within the space of Six weeks, without a certificate from some legally qualified medical practitioner that such child is free from disease and infection, and unless the clothes of such child have been properly disinfected, shall be liable to a penalty not exceeding Five Pounds.

Power of Local Board to cause schools to be closed in case of infection.

90 Any Local Board may, on the certificate of the Officer of Health of its District, cause any school in such District wherein any infectious or contagious disease has appeared to be closed, and may make such arrangements with regard to the attendance of the pupils as may seem expedient.

Penalty on letting houses in which infected persons have been lodging.

38 & 39 Vict. c. 55, s. 128.

91 Any person who knowingly lets for hire any house, room, or part of a house in which any person has been suffering from any dangerous, infectious, or contagious disease without having such house, room, or part of a house, and all articles therein liable to retain infection, disinfected to the satisfaction of a legally qualified medical practitioner, as testified by a certificate signed by him, shall be liable to a penalty not exceeding Twenty Pounds.

For the purposes of this and the next following Section, the keeper of a public-house shall be deemed to let for hire part of a house to any person admitted as a guest into such public-house.

Penalty on persons letting houses making false statements as to infectious disease.

Ib., s. 129.

92 Any person letting for hire, or showing for the purpose of letting for hire, any house or part of a house, who, on being questioned by any person negotiating for the hire of such house, or part of a house, as to the fact of there being, or within six weeks previously having been, therein any person suffering from any dangerous, infectious, or contagious disease, knowingly makes a false answer to such question, shall be liable

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to a penalty not exceeding Twenty Pounds, or to imprisonment, with or without hard labour, for a period not exceeding One month. A.D. 1885.

Hospitals.

93 Any Local Board may provide hospitals or temporary places for the reception of the sick, and for that purpose may—
 Themselves build or provide such hospitals or places of reception; or
 Contract for the use of any such hospital, or part of a hospital, or place of reception; or
 Enter into any agreement with any person having the management of any hospital for the reception of the sick inhabitants of their district, on payment of such annual or other sum as may be agreed on.

Power of Local Board to provide hospitals.
 38 & 39 Vict. c. 55, s. 131.

Two or more Local Boards may combine in providing a common hospital.

94 The managers of any hospital maintained by or receiving aid from the State may be required by an Order from the Central Board to enter into reasonable arrangements with the Local Board or combined Local Boards for the reception into such hospital of sick inhabitants of their district or districts, and of the reasonableness of such arrangements the Central Board shall be judge, and shall decide finally.

Hospitals.

95 Any costs incurred by a Local Board in maintaining a patient in a hospital or in a temporary place for the reception of the sick (whether or not belonging to such Local Board) shall be deemed to be a debt due from such patient to the Local Board, and may be recovered from him in a summary way, before any Two Justices, at any time within Twelve months after his discharge from such hospital or place of reception, or from his estate in the event of his dying in such hospital or place.

Recovery of costs of maintenance of patient in hospital.
Ib., s. 132.

PART V.**NUISANCES.***Offensive Trades.*

96 Any person who, after the commencement of this Act, establishes or newly carries on within the district of a Local Board, without their consent in writing, any of the under-mentioned trades, businesses, or occupations (that is to say):—

Restriction on establishment of offensive trade.
Ib., s. 112.

Works for the boiling down of meat, bones, blood, or offal;

Bark mills;

Bone mills or bone manure depôts;

Manure works;

Fellmongeries, tanneries, or wool-scouring establishments;

Glue factories;

Marine stores;

Piggeries;

Soap or candle works or factories;

Sugar works;

Fish-curing establishments;

Places for the storing, drying, or preserving of bones, hides, hoofs, or skins; or

Any other noxious or offensive trade, business, or manufacture;—

or who, without such consent, adds to or extends any buildings or premises

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used for the purposes of such trade, business, or manufacture, shall be guilty of an offence against this Act, and shall, on conviction thereof, be liable to a penalty not exceeding Fifty Pounds in respect of the establishment or extension thereof, and shall also be liable to a penalty not exceeding Five Pounds, nor less than Forty Shillings, for every day during which such trade, business, or manufacture is carried on, whether there has or has not been any conviction in respect of the establishment or extension thereof. Provided that prior to the granting of any such consent notice of intention to apply for the same shall be given by advertisement One month previously in Two of the newspapers circulating in the district; and that if any person, whether a resident in the district of such Local Board or not, object to the establishment of such business he may state such his objection to the Local Board; and if, nevertheless, the Local Board decide to grant such permission, he may appeal to the Central Board, whose decision shall be final, and if against the granting of such permission shall prevent or annul the same.

Premises to be registered.

97 The owner or occupier of any place, building, or premises used for the purpose of carrying on any noxious or offensive trade, business, or manufacture, whether established before or after the commencement of this Act, shall register or cause the same to be registered as a "Noxious Trades Establishment" at the office of the Local Board of Health during the first week in *January* next following the passing of this Act, and shall so register or cause to be registered such establishment thereafter during the first week in *January* in each year, and shall pay to such Local Board an annual registration fee of Twenty shillings; and if such owner or occupier fails to comply with the provisions of this Section he shall be liable to a penalty not exceeding Two Pounds per day for each day during which such provisions shall not be complied with.

Duty of Local Board to complain to Justice of nuisance arising from offensive trade.

38 & 39 Vict.
c. 55, s. 114.

98 Where any noxious or offensive trade, business, or manufacture as hereinbefore mentioned, whether established before or after the coming into operation of this Act, or any abattoir or slaughter-house, or any manufactory, building, or place used for any trade, business, process, or manufacture whatsoever causing effluvia, offensive fumes, vapours, smoke, or gases, or discharging dust, foul liquid, or other impurity, is certified to any Local Board of Health by their Officer of Health or by any Two legally qualified medical practitioners, or by any Ten inhabitants of the district of such Local Board, to be a nuisance or injurious to the health of any of the inhabitants of the district, such Local Board shall cause complaint to be made before a Justice, who may summon the person by or on whose behalf the trade so complained of is carried on to appear before a Court of summary jurisdiction. The Court shall inquire into the complaint, and if it appear to the Court that the business carried on by the person complained of is a nuisance or causes any effluvia, offensive fumes, vapours, or gases, or discharges dust, foul liquid, or other impurity which is a nuisance or injurious to the health of any of the inhabitants of the district, the person so offending (being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier) shall be liable to a penalty not exceeding Five Pounds nor less than Forty Shillings, and on a second and any subsequent conviction to a penalty double the amount of the penalty imposed for the last preceding conviction, but the highest amount of such penalty shall not in any case exceed the sum of Two hundred Pounds. Provided that the Court may suspend its final determination on condition that the person complained of undertakes

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to adopt within a reasonable time such means as the Court may deem to be practicable and order to be carried into effect for abating such nuisance or mitigating or preventing the injurious effects thereof.

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99 Where any noxious or offensive trade, business, or manufacture, or any abattoir or slaughter-house, or any manufactory, building, or place used for any trade, business, process or manufacture whatsoever causing effluvia, offensive fumes, vapours, or gases, or discharges dust, foul liquid, or other impurity which is certified in pursuance of the last preceding Section to be a nuisance or injurious to the health of any of the inhabitants of the district of a Local Board, is situated without such district, such Local Board may take or cause to be taken any proceedings by that Section authorised in respect of the matters alleged in the certificate, with the same incidents and consequences as if such manufactory, building, or place were situated within such district; so, however, that summary proceedings shall not in any case be had otherwise than before a Court having jurisdiction in the district where such manufactory, building, or place is situated.

Power to proceed where nuisance arises from offensive trade carried on without district.

38 & 39 Vict.
c. 55, s. 115.

100 The person carrying on, in, or upon any premises any manufacture, business, or process producing or causing or emitting or discharging offensive or noxious fumes, smoke, gases, vapours, dust, liquid, or other impurity, shall provide and use thereon the best and most effective means and appliances for freeing such production, emission, or discharge from offensiveness or noxiousness, and shall intercept and prevent the escape, discharge, or removal of the same from such premises whilst such production, emission, or discharge is offensive or noxious or a nuisance.

Offensive fumes to be rendered inoffensive.

101 If upon the certificate of the Officer of Health, or of any one or more duly qualified medical practitioners, or of any Ten or more persons residing in the neighbourhood, it appears to any Local Board or to any Two Justices that any abattoir or slaughter-house, or any shop, building, stall, or place kept or used for the sale of butchers' meat, or any place used for carrying on the business of a soap-boiler, tallow-melter, candle-maker, starch manufacturer, blood-boiler, bone-boiler, tripe-boiler, boiler of refuse or animal matter, tanner, currier, or fellmonger, or gas manufacturer, or the premises occupied with the same or appurtenant thereto, is or are in such a filthy state as to be a nuisance or offensive to persons residing in the neighbourhood, or in such an unwholesome condition that the health of any person is likely to be endangered thereby, or that the whitewashing, cleansing, ventilating, or purifying of any such place, premises, or appurtenances would tend to prevent or check infectious, contagious, or epidemic disease, such Local Board or Justices may give or cause to be given notice to the owner or occupier of such place or premises to whitewash, cleanse, ventilate, or purify the same, as the case may require; and such notice may be served by leaving a copy thereof with any person found on the premises, or by affixing a copy thereof on a conspicuous part of the place or premises directed to be whitewashed, cleansed, ventilated, or purified as aforesaid.

Danger to health from premises in a filthy state.

10 & 11 Vict.
c. 34, s. 102.

Nuisances generally.

102 For the purposes of this Part of this Act—

Definition of nuisances.

- i. Any house or premises in such a state as to be a nuisance or injurious to health :

Ib., s. 91.

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- ii. Any pool, ditch, gutter, watercourse, stagnant waterhole, privy, urinal, cesspool, earth closet, water closet, drain, or ashpit so foul or in such a state as to be a nuisance or injurious to health or any cesspool or other receptacle for night-soil which is not perfectly water-tight, or any animal so kept as to be a nuisance or injurious to health :
- iii. Any accumulation or deposit which is a nuisance or injurious to health :
- iv. Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates, whether or not members of the same family :
- v. Any workroom or factory not kept in a cleanly state or not ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust, or other impurities generated in the course of the work carried on therein that are a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of those employed therein :
- vi. Any street, lane, right-of-way, passage, yard, land, or premises which is in such a state in regard to drainage as to be a nuisance or injurious to health :
- vii. Any fireplace or furnace, whether constructed before or after the commencement of this Act, which does not, as far as practicable, consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse, or gaswork, or in any manufacturing or trade process whatsoever ; and any chimney (not being the chimney of a private dwelling-house) sending forth smoke in such quantity as to be a nuisance—

shall be deemed to be a nuisance, and shall be liable to be dealt with in manner provided by this Part of this Act. Provided—

First. That a penalty shall not be imposed on any person in respect of any accumulation or deposit necessary for the effectual carrying on any business or manufacture, if it be proved to the satisfaction of the Court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing nuisance or injury to the public health being caused thereby.

Secondly. That where a person is summoned before any Court in respect of a nuisance arising from a fireplace or furnace which does not consume the smoke arising from the combustible used in such fireplace or furnace, the Court shall hold that no nuisance is created within the meaning of this Part of this Act, and dismiss the complaint if it be satisfied that such fireplace or furnace is constructed in such manner as to consume as far as practicable, having regard to the nature of the manufacture or trade, all smoke arising therefrom, and that such fireplace or furnace has for that purpose been carefully attended to by the person having the charge thereof.

Information of
nuisances to
Local Board.
38 & 39 Vict.
c. 55, s. 93.

103 Information of any nuisance under this Part of this Act in the district of any Local Board may be given to such Local Board by any person aggrieved thereby, or by any two inhabitant householders of such district, or by any Officer of such Board, or by any Police Constable.

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104 On the receipt of any information respecting the existence of a nuisance, the Local Board shall, if satisfied of the existence of a nuisance, or of the likelihood of the recurrence of a nuisance, make an Order on the person by whose act, default, or sufferance the nuisance arises or continues, or if such person cannot be found, on the owner or occupier of the premises on which the nuisance arises, requiring him to abate or discontinue the same within a time to be specified in such order, and to execute such works and do such things as may be necessary for that purpose. Provided—

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Local Board to serve notice requiring abatement of nuisance. 38 & 39 Vict. c. 55, s. 94.

That where the person causing the nuisance or the owner of the premises is not known, or cannot be found, and where there is no occupier of the premises, the Local Board may themselves remove or abate the same without further order or notice; and any expenses incurred by the Local Board in the removal or abatement of such nuisance shall remain a charge upon the premises, and be recoverable as hereinafter provided by the Local Board from the owner of such premises at any future time.

105 Complaint may be made to a Justice of the existence of a nuisance under this Part of this Act on any premises within the district of any Local Board by any person aggrieved thereby, or by any inhabitant of such district, or by any owner of premises within such district, and thereupon the like proceedings shall be had with the like incidents and consequences as to making of orders, penalties for disobedience of orders, and otherwise, as in the case of information or complaint relating to a nuisance received by or made to a Local Board. Provided that the Court may, if it thinks fit, adjourn the hearing or further hearing of the summons for an examination of the premises where the nuisance is alleged to exist, and may authorize the entry into such premises of any constable or other person for the purposes of such examination. Such Court may authorize any constable or other person to do all necessary acts for executing an Order made under this Section, and to recover the expenses from the person on whom the Order is made in a summary manner; and any constable or other person authorized under this Section shall have the like powers and be subject to the like restrictions as if he were an Officer of the Local Board authorized under the provisions of this Act to enter any premises and do any act thereon.

Power of individual to complain to Justice of nuisance. *Ib.*, s. 105.

106 Where a nuisance under this Part of this Act within the district of any Local Board appears to be wholly or partially caused by some act or default committed or taking place without their district, such Local Board may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisances by this Part of this Act authorized, with the same incidents and consequences as if such act or default were committed or took place wholly within their district; so however that summary proceedings shall in no case be taken otherwise than before a Court having jurisdiction in the district where the act or default is alleged to be committed or take place.

Power to proceed where cause of nuisance arises without district. *Ib.*, s. 108.

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PART VI.

DWELLING-HOUSES.

Houses, &c. may be declared unfit for human habitation, and their occupation forbidden.

18 & 19 Vict.
c. 121, ss. 12 & 13.

107 Whenever any Officer of Health, or Inspector of the Central Board or of any Local Board, or any Two legally qualified medical practitioners, certifies in writing to a Local Board that any house or other building within their respective jurisdictions, or any part thereof, is unfit or unsafe for human occupation or habitation, such Local Board may by an Order in writing or print declare that such house or building or such part thereof is not fit for human occupation or habitation, and direct that such house or building or part thereof shall not after a time specified in such Order be occupied or inhabited by any person, and may cause such Order or a copy thereof to be affixed to some conspicuous part of such house or building before the expiration of the time mentioned in such Order.

Penalty.

Any person who, after the expiration of the time mentioned in such Order, lets or occupies, or knowingly suffers to be occupied, such house or building; or (as the case may be) such part thereof, shall be guilty of an offence against this Act, and shall, on conviction thereof, be liable to a penalty not exceeding Five Pounds nor less than Ten Shillings for every day during which such house or building or (as the case may be) such part thereof is let, occupied, or knowingly suffered to be occupied by him in contravention of such Order.

Overcrowding in houses.

Ib., s. 29.

108 Upon the certificate of the Officer of Health, or of any two legally qualified medical practitioners, that any house or building, or any part thereof, is so overcrowded as to be dangerous or prejudicial to the health of the inmates or inhabitants or persons employed therein, the Local Board shall cause complaint to be made before any Justice, who may summon before any Two Justices the person permitting such overcrowding; and the Justices shall thereupon make such order as they may think fit to abate such overcrowding; and the person permitting such overcrowding shall forfeit a sum not exceeding Five Pounds nor less than Twenty Shillings.

Prohibition of occupying cellar dwellings.

38 & 39 Vict.
c. 55, s. 71.

109 It shall not be lawful to let or occupy, or suffer to be occupied, separately as a dwelling, any cellar, including for the purposes of this Part of this Act in that expression any vault or underground room.

Penalty on persons offending against enactment.

Ib., s. 73.

110 Any person who lets, occupies, or knowingly suffers to be occupied for hire or rent any cellar contrary to the provisions of this Part of this Act shall be liable for every such offence to a penalty not exceeding Twenty Shillings for every day during which the same continues to be so let or occupied after notice in writing from the Local Board of Health in this behalf.

Definition of occupying as a dwelling.

Ib., s. 74.

111 Any cellar in which any person passes the night shall be deemed to be occupied as a dwelling within the meaning of this Part of this Act.

Power to close cellars in case of two convictions.

Ib., s. 75.

112 Where two convictions against the provisions of this Part of this Act relating to the occupation of a cellar as a separate dwelling-place have taken place with respect to the same cellar within Three months (whether the persons so convicted were or were not the same), a Court of summary jurisdiction may direct the closing of the premises so

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occupied for such time as it may deem necessary, or may empower the Local Board of Health permanently to close the same, and to defray any expenses incurred by them in the execution of this Section. A.D. 1885.

113 No dwelling-house shall be built within the limits of any city or town unless such dwelling-house have a clear space, uninterrupted by any house or building in other occupation, for the entire length or breadth of such dwelling-house, and access to a street which for its whole distance at and from such dwelling-house into some public street shall at the narrowest be Twenty feet in breadth, and open to the sky. Dwelling not to be erected in certain cases.

No building not originally built as and for a dwelling-house within the limits of this Section above mentioned, whether built before or after the commencement of this Act, shall be converted into or used as a dwelling-house without the previous consent of the Local Board, who may grant such consent upon and subject to such conditions as they may see fit, or in their discretion may refuse the same. Buildings not hitherto used as dwelling not to be so used without consent.

Upon any complaint by the Local Board to Justices of infringement of any of the provisions of this Section, the Justices may, in addition to the imposition of a penalty for an offence against this Part of this Act, declare such dwelling-house a common nuisance, and order such dwelling-house to be removed by the owner thereof, and, in his default, by the Local Board; and the costs of such removal, if effected by the Local Board, to be paid to the Local Board by the owner of such dwelling-house.

PART VII.

MISCELLANEOUS.

114 For the purposes of this Section, the words "public building" whenever herein mentioned shall mean and include any hospital or benevolent or other asylum, or any theatre, opera-house, concert room, music or assembly hall, whether forming part of or appurtenant to a public-house or not, or any church, chapel, or meeting house, or any building, structure, circus tent, gallery, or platform in or upon which numbers of persons are usually or occasionally assembled for the purpose of public amusement. Theatres, hospitals, and public buildings.

Whenever it is intended to build or open or extend any public building, the owner or occupier, or the manager, trustees, or other persons by whose authority such public building is intended to be so built or opened or extended, shall give notice of such intention to the Central and the Local Board of Health, and such notice shall be accompanied by a plan and specification or description showing the proposed mode of constructing, draining, and ventilating such public building; and no such public building shall be built or opened as aforesaid until the said Central Board of Health have approved thereof in writing. Every public building heretofore or hereafter to be built, opened, or extended, may from time to time be inspected by any officer of the Central Board of Health or of the Local Board within whose jurisdiction such public building is situated; and in the case of theatres, opera houses, music or assembly halls, circuses, or places of public amusement, such public buildings may be inspected by any officer of the Central or Local Board of Health at any time during the day or night when such building is open for public amusement or entertainment; and such Boards respectively may from time to time direct or order such means to be taken by the owner or occupier, or by the trustees of such public building, for the proper or better ventilation

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and draining thereof, and for the provision of proper privy and urinal accommodation therein, and for the safe and proper construction thereof, as to such Boards respectively seem fit; and may, if they so think necessary, from time to time direct or order other or better provision for ingress and egress to be made in any such public building; and may also from time to time direct or order the erection or provision therein of suitable appliances for the extinction of fire, and require and order the employment and attendance of skilled persons sufficient in number for the proper using of such appliances.

If any public building or addition thereto be opened without the written approval of the Central Board, the owner or occupier, or the manager, trustees, or other person by whose authority such building or addition has been so opened, shall be liable to a penalty not exceeding One hundred Pounds, and to a further penalty not exceeding Ten Pounds for every day or night during which such building or addition thereto remains opened without such approval.

After the Central Board have given their approval to the opening of any public building or addition thereto, no alteration shall, without the written approval of such Board, be made in the provision therein made for the safety or stability of such building, or for drainage, ventilation, means of ingress or egress, or the extinction of fire.

Power to close
polluted wells.

115 Any Local Board may, with the consent of the Central Board, from time to time direct that any well or other source of domestic water supply which may by an Officer of Health or by any two legally qualified medical practitioners be certified in writing to be so polluted or unwholesome as to be unfit for human consumption, shall forthwith, and until the Local Board have given a notice revoking such direction, be closed, and that the contents thereof shall not be used for human consumption; and any person so using or causing to be used any such well or other source of water supply as aforesaid while such direction remains in force shall be liable to a penalty not exceeding Five Pounds for each day during which such well or other source of water supply shall be so used.

Penalty for
throwing night-
soil into or
placing it near
rivers or running
streams.

116 If any person throw or cast, or cause or allow to be thrown or cast, any night-soil into any river, creek, or running stream, channel, lake, lagoon, swamp, or waterhole; or if any person place or cause, or allow to be placed, any night-soil on any land whence such night-soil flows or falls, or is liable to flow or fall, into any river, creek, or running stream, channel, lake, lagoon, swamp, or waterhole, he shall on conviction forfeit and pay a penalty not exceeding One hundred Pounds, or be imprisoned for any period not exceeding Six months, or both.

Management of
sewers and drains.

117 The Local Boards of Health within their respective jurisdictions shall cause all sewers and drains to be constructed and kept so as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied; and for the purpose of clearing, cleansing, and emptying the same may construct and erect such works as appear necessary, and may cause all or any of such sewers to communicate with and be emptied into such places as they may deem fit or necessary; and no person shall without the consent of the Local Board cause any private drain or sewer to be emptied or flow into any public drain or sewer under the control of such Local Board, nor do any act, matter, or thing which in the opinion of such Local Board tends to the injury or stoppage of any such drain or sewer.

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118 All houses within the jurisdiction of a Local Board shall have such drains leading to such sewers or other places, and having such a fall, and constructed of such materials, and in such manner as such Local Board by notice direct. No drain shall, without the written consent of the Local Board, be made under any house, or under the surface of any yard or premises; and such Local Board may, in the case of there not being any sufficient drain to any house or premises within its jurisdiction (whether erected at any time before or after the commencement of this Act), cause an Order to be served on the occupier or owner to construct, at the expense of the owner, a drain of such a nature and description as such Local Board thinks necessary and describes in such Order.

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Management of drains on private premises.

119 No person shall suffer any waste or stagnant water to remain in any cellar or premises in or about any dwelling-house for Twenty-four hours after notice given and served upon him by the Local Board or their officer to remove the same. If any Local Board have reason to suspect that there is any waste or stagnant water in or about any house or premises, such Local Board, after Twenty-four hours' notice in writing to the occupier or owner of any such house, may, by themselves or by any officer of such Board, make entry into or upon such house or premises, and may cause any floor or portion thereof to be opened up in order to ascertain whether there is in or about any such house any waste or stagnant water; if there be no waste or stagnant water found underneath any floor so removed, such Local Board shall cause to be repaired and made good any such floor or portion thereof so removed as aforesaid; but if there be found any waste or stagnant water under any such floor, then in such case all expenses incurred in the removal and repair of such floor or portion thereof shall be chargeable to the owner or occupier of the house or premises, and may be recovered from such owner or occupier as hereinafter provided. Before any waste or stagnant water having an offensive smell is emptied from any cellar or other premises, the occupier of such premises shall cause such water to be thoroughly deodorised.

Stagnant water in cellars, &c.

120 The owner or occupier of any house to which there is a cellar shall, if so required by the Local Board, and within a time (being not less than Fourteen days) to be specified by the Local Board, cause such cellar to be paved or asphalted in manner directed by and to the satisfaction of the Local Board; and if such cellar be subject to the leakage of water thereinto, and there be no drain for the discharge of such water, such owner or occupier shall likewise, if so required by the Local Board, construct in such cellar where, when, and as directed, and to the satisfaction of the Local Board, a well for the gathering of such leakage, and upon completion of such well shall cause the same to be regularly and periodically emptied at intervals not exceeding Twenty-four hours. Provided that, in case the occupier of any such house has paved or asphalted any such cellar, or constructed any such well, he may, subject to any agreement previously made between him and the owner of such house, recover, before any Two Justices, the moneys expended by him on such paving or asphaltting or in constructing such well, or may deduct the same from any rent payable by him to such owner.

Cellars, asphaltting, &c.

121 The Local Board of Health shall cause to be drained, cleansed, covered, or filled up, all ponds, pools, open ditches, sewers, drains, and places containing or used for the collection of any drainage, filth, water, matter, or thing of an offensive nature, or likely to be prejudicial to

Stagnant water-holes.

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health, by making and serving an Order upon the person causing any such nuisance, or upon the overseer, owner, or occupier of any premises whereon the same exists, requiring him, within a time to be specified in such Order, to drain, cleanse, cover, or fill up any such pond, pool, ditch, sewer, drain, or place, or to construct a proper sewer or drain for the discharge thereof, as the case may require.

Low-lying land.

122 Whenever it appears to the Local Board of any city or town that the surface of any yard or land within such city or town, and not being a street therein, is lower than the level of the nearest street, or of the street, sewer, or drain into which the water off the said yard or land should in the opinion of the Local Board flow, the Local Board may order the owner or occupier of such yard or land to raise the surface thereof to such height, in such manner, and within such time as the said Local Board may by such Order direct.

Brickmaking and other excavations to be fenced in, &c.

123 Any Local Board may, by Order addressed to the owner or occupier of any land which has been excavated for brickmaking, quarrying, mining, or other purposes, whether before or after the commencement of this Act, direct such owner or occupier to have any excavation so made securely fenced round to the satisfaction of such Board; and may further direct such owner or occupier to take such measures as are in the opinion of such Local Board necessary, and as are specified in such Order for preventing any noxious or offensive drainage or other matter from flowing or being thrown or cast into any such excavation.

Houses to have privies.

124 All houses shall have attached to them such earth or water closets or privies, with proper doors and coverings, and so constructed as in the opinion of the Local Board are sufficient for such houses respectively; and if at any time it appears to any Local Board that any house within its jurisdiction, whether built at any time before or after the commencement of this Act, has not a sufficient earth or water closet or privy, with proper doors and coverings, and the owner or occupier, on notice to that effect from such Local Board, do not erect such sufficient earth or water closet or privy with proper doors and coverings in the time to be named in such notice, such owner or occupier shall be liable to a penalty not exceeding Five Pounds per day for every day during which such notice is not complied with, and such Local Board may cause a privy or earth or water closet with proper doors and coverings to be erected at the expense of such owner or occupier.

Public privies may be provided.

125 The Local Board may, if they think fit, provide and maintain in proper and convenient situations, and in proper repair and condition, earth or water closets, privies, or urinals, and other similar conveniences for public accommodation.

Buildings in which many persons collected to have privies.

126 If it appears to the Local Board that any house is used or intended to be used as a school, or a workroom or factory, or building in which persons above ten in number are gathered or employed, or intended to be gathered or employed at one time, such Local Board may, by notice to the owner or occupier of such house, require him, within a time to be specified in such notice, to construct what in the opinion of the Local Board is a sufficient number of earth or water closets or privies or urinals for the use of such persons, and (if they are of different sexes) separate earth or water closets or privies for the use of each sex.

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127 All drains whatsoever, earth or water closets, privies, cesspools, and ashpits shall be constructed and kept so as not to be a nuisance or injurious to health, and so that there is no overflow or leakage or soakage therefrom; and no cesspool shall have attached thereto or connected therewith any pipe, drain, or other appliance for the discharge of the contents of such cesspool into any drain or sewer. The Local Board (upon the written application of any person showing that any drain, earth or water closet, privy, cesspool, ashpit, or other matter is a nuisance or injurious to health, or on the report of the Inspector or other officer of the Local Board that such drain, earth or water closet, privy, cesspool, ashpit, or other matter is not constructed or kept according to the provisions of this Act or of any By-law or Order in that behalf, and after Twenty-four hours' notice in writing, or in case of emergency without notice, to the occupier of the premises of which complaint is made) may by themselves, or by any officer of such Board, make entry upon and examine such premises and cause the ground to be opened, or do any other necessary act to examine any drain, earth or water closet, privy, cesspool, ashpit, or other place. And if such drain, earth or water closet, privy, cesspool, ashpit, or other place be found to be in proper order and condition, the Local Board shall cause the ground to be closed, and any damage done to be made good, as far as can be, at the expense of such Local Board; but if the drains, cesspools, earth or water closet, privy, ashpit, or other place be found to be in a bad condition, or to require alterations or amendment, notice shall be given by such Local Board to the owner or occupier, requiring him to make such alteration or amendment within a time to be named in such notice.

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Construction and maintenance of drains, cesspools, &c.

Local Board to ascertain if drains, &c. are nuisances.

128 The owner of land whereon there is a cesspool for the reception of night-soil, which cesspool in the opinion of the Local Board is in such a condition or position as to be calculated to generate disease or be a nuisance or injurious to health, shall, upon being so required by notice from the Local Board, fill up the same within a time to be expressed in such notice, not being less than One month from the date thereof.

Cesspools below ground to be abolished.

129 From and after the commencement of this Act, no cesspool for the reception of night-soil below the ground shall be constructed in any City, Town, Rural Municipality, or other place whatsoever.

New cesspools for night-soil forbidden.

130 The Local Boards of the City of *Hobart* and of the Town of *Launceston* may by By-law fix limits within the jurisdiction of such Local Boards within which it shall not be lawful for any person to keep any swine or pigs; and any person who after Three days' notice keeps any swine or pigs contrary to the provisions of any such By-law, shall be liable to a penalty not exceeding Five Pounds for each day during which any swine or pigs shall be so kept.

Local Boards of Health, *Hobart* and *Launceston*, may prohibit keeping pigs within certain limits.

131 The provisions of the Four next following Sections of this Act shall apply to every City and Town, and all or some of such provisions shall apply to such Rural Municipalities or such parts thereof respectively as the Governor in Council may from time to time on the recommendation of the Central Board direct.

Application of provisions relating to stables, &c.

132 No person shall keep any swine or pigsty within One hundred feet of any house in any City or Town, or within Fifty feet of any

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house in any Rural Municipality or portion thereof to which the provisions of this Section may be extended as aforesaid, or so as to be a nuisance to any person or injurious to the public health.

Stables not to be near dwellings.

133 From and after the commencement of this Act, no stable or cow-shed shall be erected within Thirty feet of any dwelling-house, school, or workroom or factory, unless such stable be divided from such dwelling-house, school, or workroom or factory, by a wall as high at the least as the highest part of such stable or cow-shed.

Swine, sheep, or cattle not to be kept on premises not licensed for slaughtering.

134 No swine, sheep, or cattle shall be kept on any butcher's premises unless such premises are duly licensed for slaughtering purposes under some Act relating to the slaughtering of cattle or other animals; and any person offending against the provisions of this Section shall, on conviction of such offence, be liable to a penalty not exceeding Five Pounds for each day during which such offence has been committed.

Abattoirs, stables, &c. to be paved.

135 All abattoirs, slaughter-houses, and other premises used for the purpose of slaughtering any cattle, sheep, or other animal, and all stables, cow-sheds, cattle-sheds, and pigsties, shall be paved or flagged with brick, stone, cement, asphalt, or other like impervious material, and shall have such impervious drains and receptacles for offal, dung, or other filth or refuse as the Local Board may by an Order from time to time direct; and if it appears to any Local Board that any such abattoir or slaughter-house or other premises in the said City or Town, or in any borough used for the purpose of slaughtering, or as a stable, cow-shed, cattle-shed, or pigsty as aforesaid within their jurisdiction, is not properly paved or flagged or has not proper drains and receptacles as aforesaid, and the occupier or person in possession of such premises on receipt of an Order to that effect from such Local Board do not pave or flag the premises in his occupation or possession, and provide drains and receptacles as aforesaid, within a time to be specified in such notice, he shall be liable to a penalty of Ten Shillings for every day he continues to make default; and such Local Board may cause such premises to be paved or flagged, and drains and receptacles provided, at the expense of the occupier or person in possession of the premises; such expense shall be recoverable as is hereinafter provided.

Lanes and yards to be paved, &c. 11 & 12 Vict. c. 63, s. 69.

136 In case any street, lane, yard, or passage or other premises formed or set out on private property, or in case any lane or passage formed or set out on public property on land of the Crown, in such manner as to afford means of back access to or drainage from property adjacent to such lane or passage, is not formed, paved, levelled, or drained to the satisfaction of the Local Board, the said Local Board may from time to time, by notice to the respective owners of the premises fronting, adjoining, or abutting upon such parts thereof as may require to be formed, paved, levelled, drained, or made good, require them to form, pave, level, drain, or make good the same in such manner and according to such levels and specifications as may be approved by the said Local Board, and within a time to be named in such notice; and if such notice is not complied with, the persons to whom such notice has been given shall each be liable to a penalty not exceeding Ten Pounds for each day during which such notice is not complied with, and the said Local Board may, if they think fit, subsequently to or in lieu of prosecuting for such non-compliance, execute the works mentioned or referred to therein, and the expenses

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incurred by them in so doing shall be paid by the owners in default in such proportions as may be fixed by the said Local Board, and shall be recoverable as hereinafter provided : Provided however, that, in the case of lanes and passages only, such owners of premises fronting, abutting, or adjoining upon such lanes or passages as by themselves or their tenants have the right to use or commonly do use any such lane or passage, shall for the purposes of this Section be deemed to be owners of premises.

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137 In case it is necessary, for the proper drainage of any land, street, lane, right-of-way, yard, passage, private premises, or other place, that drains or sewers should be made through or under any one or more private premises, whether occupied or not, it shall be lawful for the Local Board to make an Order on the owner or owners of such premises requiring such owner or owners to permit the formation of such drains or sewers through or under such premises, and after the expiration of One month from the making of such Order, the Local Board may form or make through or under such premises such drains or sewers as may in the opinion of the said Local Board be necessary for the proper drainage of any such land, street, lane, right-of-way, yard, passage, private premises, or other place as aforesaid. Provided that such drains or sewers shall be made and maintained in good order so as not to be a nuisance or injurious to health... Where the Local Board have, under the powers conferred by this Section, formed or made any drain or sewer through or under private premises, there shall be paid by the said Local Board to the owner or owners of such premises such equitable compensation as is agreed upon between such owner or owners and the said Local Board, or as in case of dispute may be awarded on appeal by either side to the next Court of General Sessions of the Peace holden for the District in which such Local Board has jurisdiction. The amount of compensation so paid, and all costs and expenses incurred by the said Local Board, together with the cost of forming or making any drain or sewer under the provisions of this Section, shall, in the case of the drainage of any land, yard, passage, or other premises, be repaid to the said Local Board by the owner of the land, yard, passage, or other premises for the drainage of which such drain or sewer has been formed or made, or if there be more than one owner then such compensation and expenses shall be repaid to the said Board, by such owners in such proportions as may be fixed by the said Local Board ; and in the case of the drainage of any street, lane, or right-of-way, such compensation and expenses shall be repaid to the said Local Board, in such proportions as may be fixed by the said Local Board, by the owner or owners of the land or premises fronting, adjoining, or abutting on such street, lane, or right-of-way ; and such compensation and expenses shall be recoverable by the said Local Board from such owners in the manner hereinafter mentioned.

Drains or sewers may be made through private premises.

138 Any Local Board of Health may from time to time give notice for the periodical removal of manure or other refuse matter from houses, stables, or other premises within their District ; and where any such notice has been given, any person to whom the manure or other refuse matter belongs who fails so to remove the same, or permits a further accumulation and does not continue such periodical removal at such intervals as such Local Board direct, shall be liable without further notice to a penalty not exceeding Five Pounds for each day during which such manure or other refuse matter is permitted to accumulate.

Periodical removal of manure from houses and other premises.
38 & 39 Vict.
c. 55, s. 50.

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Private premises
to be cleansed.
38 & 39 Vict.
c. 55, s. 49.

139 All private passages, yards, ways, and other premises shall be kept in such a state in respect of cleanliness as not to be a nuisance or injurious to health ; and if at any time it appears to any Inspector appointed by any Local Board that any stagnant water in any cellar or premises, or in, under, or about any dwelling-house, or other offensive or noxious matter, or any accumulation of manure, dung, soil, or filth, ought to be removed, or that any drain or any stable, cow-shed, or pigsty, or any earth or other closet or cesspool requires cleansing or is in an offensive condition, he shall, under the authority of this Section, and without obtaining an Order from such Local Board, give a notice signed by himself to the person to whom the same belongs, or to the occupier of the premises whereon it exists, to remove or remedy the same, and if at the expiration of Twenty-four hours after such notice the same is not complied with, such Inspector may cause such person to be summoned before any Two Justices, and such person shall on conviction of neglect to comply with such notice be liable to a penalty not exceeding Forty Shillings, and to a further penalty not exceeding Five Shillings a day for each day during which such notice is not complied with ; and such Inspector may cause such manure, dung, soil, filth, or other matter to be removed ; and the ownership thereof shall be vested in such Local Board, and the same may be sold or otherwise disposed of by such Local Board, and if sold, the proceeds thereof shall be applicable by such Local Board for the general purposes of this Act ; and such Local Board may depute any officer or person to enter upon the premises for the purpose of removing such manure, dung, soil, filth, or matter.

The expenses of removal by such Local Board of any such accumulation, so far as they are not covered by the sale thereof, if sold may be recovered by such Local Board in a summary manner from the person to whom the accumulation belongs, or from the occupier of the premises or (where there is no occupier) from the owner.

Transport of
night-soil.

140 Any Local Board may provide within their District or without their District, with the sanction of the Central Board, places for the reception, utilization, or deposit of night-soil, manure, blood, offal, filth, or other refuse matter produced in the District of such Local Board, and any Local Board may cause any night-soil, manure, blood, offal, filth, or other refuse matter to be conveyed to any place provided or appointed as aforesaid. Provided that such night-soil shall be conveyed in carts or other conveyances so covered in as to prevent the escape therefrom of any noxious or offensive effluvia, and that no nuisance shall be caused by the transport, reception, utilization, or deposit of such night-soil, manure, blood, offal, filth, or other refuse matter as aforesaid.

Streets and other
places to be
cleansed.

141 Every Local Board shall from time to time, and at all convenient times, provide and shall take such measures as may be necessary to ensure that all streets within their jurisdiction, including the foot pavements thereof, are properly swept, cleansed, and watered, and that all dust, mud, ashes, rubbish, filth, dung, and soil thereon are collected and removed, and so disposed of as not to be a nuisance or injury to health.

Places to be
provided for
deposit of rubbish,
sewage, &c.
Ib., s. 50.

142 The Local Board may in their discretion provide in proper and convenient situations boxes or other conveniences for the temporary deposit and collection of dust, ashes, and rubbish, and also fit buildings and places for the deposit of the sewage, soil, dung, filth, ashes, dust,

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and rubbish collected by or by the permission of such Board ; and all sewage, soil, dung, filth, ashes, dust, and rubbish so collected by or by the permission of the said Local Board, or in any conveniency provided as aforesaid, shall be vested in and may be sold or otherwise disposed of by such Board, and the proceeds of such sale shall be carried to account of the rates or moneys applicable to the purposes of this Act. And the Local Board of Health may themselves undertake or contract with any person for the proper cleansing of streets, the removal of house refuse from any premises, the cleansing of cesspools, earth closets, privies, or ashpits, either for the whole or any part of their District ; and all matters thus collected by the Local Board of Health or their contractor may be sold or otherwise disposed of, and any profit thus made by the Local Board of Health shall be carried to the account of the rates or moneys as aforesaid. And whosoever deposits or causes to be deposited any filth, dust, ashes, or rubbish in any place except such boxes or conveniences so provided, or without the consent of the said Local Board collects or removes any sewage, soil, dung, filth, ashes, dust, or rubbish, or obstructs the Local Board of Health or contractor in removing any such matters (except in cases where such matters are produced on his own premises and are removed for sale or applied for his own use as manure, and are in the meantime kept so as not to be a nuisance or injurious to health), or wilfully or negligently damages such works, buildings, boxes, or other conveniences, shall for every such offence be liable to a penalty not exceeding Five Pounds, and to repay to the Local Board the cost which such Local Boards shall have incurred in the remedying of such wilful or negligent damage.

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143 If any Local Board having themselves undertaken or contracted with the occupier of any house for the removal of house refuse from premises, or the cleansing of earth closets, privies, urinals, ashpits, or cesspools, fail without reasonable excuse after notice in writing from such occupier requiring them to remove any house refuse, or to cleanse any earth closet, privy, ashpit, or cesspool belonging to such house or used by the occupiers thereof, to cause the same to be removed or cleansed, as the case may be, within Seven days, such Local Board shall be liable to pay to the occupier of such house a penalty not exceeding Five Shillings for every day during which such default continues after the expiration of the said period.

Penalty on neglect of Local Board to remove refuse, &c.

38 & 39 Vict.
c. 55, s. 43.

144 It shall be the duty of every Local Board to make from time to time, either by themselves or by their officers, inspection of the District within their jurisdiction with the view to ascertain what nuisances exist calling for abatement under the powers of this Act, and to enforce the provisions thereof ; and every Local Board is hereby required, on the receipt of any complaint of the existence of any nuisance or cause of injury to the public health, to forthwith cause inquiry to be made into the matter of such complaint.

Local Boards to make inspections and inquire into complaints.

145 Persons acting in the execution of this Act under the authority of the Central or any Local Board may, with such assistance as may be necessary from time to time, and at all reasonable times in the day-time, or, wherein in this Part of this Act specially provided, in the night or other time, or, in the case of a nuisance or cause of inquiry or complaint arising in respect of any business, then at any hour when such business is in progress or is usually carried on, enter and inspect any

Persons acting in the execution of this Act may inspect.

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house, building, or dwelling, and all other places whatsoever, whether private or public, within the jurisdiction of the Local Board in order to ascertain if any person has recently died of any epidemic, endemic, or contagious disease in any of the places aforesaid, or if there is any filth or other matter dangerous to health therein or thereupon, or if there is ground for believing that necessity for such entry and inspection otherwise exists in relation to the execution of the provisions of this Part of this Act.

Penalties for
obstructing the
execution of this
Act.

146 Whosoever wilfully obstructs any Inspector or any member of the Central or Local Board of Health, or any officer or person duly employed in the execution of this Act, or refuses such member, officer, or other person admission to any house, building, or premises for the purpose of carrying out the provisions of this Act, or incites any other person so to do, or destroys, pulls down, injures, or defaces any board, placard, or notice made or published under this Act, shall be liable for every such offence to a penalty not exceeding Five Pounds; and if the occupier of any premises or any other person whosoever prevent the owner thereof, or the agent receiving the rent for the same, from obeying or carrying into effect the provisions of this Act or of any Order, By-law, Regulation, or direction made hereunder, he shall be liable to a penalty not exceeding Five Pounds for every day of such prevention; and if the occupier of any premises, when requested by or on behalf of the Local Board of Health to state the name of the owner of the premises occupied by him, refuse or wilfully omit to disclose or wilfully misstate the same, he shall be liable to a penalty not exceeding Fifty Pounds.

Local Board may
order works to be
done by occupier
instead of owner.

147 In any case where it is ordered or notified by or under the authority of this Act that the owner of any premises shall do any act, matter, or thing for the removal, abatement, or prevention of any nuisance, or construct any works for the aforesaid purpose, the Local Board of Health may, if they think fit, by the same or any subsequent order or notice, require the person occupying or in possession of the premises, or the agent receiving the rent for the same, to do any such act, matter, or thing, or to construct such works, as the said Local Board may deem necessary; and any such owner, and also the person occupying or in possession of premises, or such agent as aforesaid, who refuses or neglects to comply with such direction, order, or notice after service thereof, and within a certain specified time to be named therein, shall be liable to a penalty for each and every day after the expiration of such specified time of not more than Five Pounds and not less than Five Shillings. Provided that any expenses incurred by the person occupying or in possession of the premises, or by such agent, in complying with the said direction, order, or notice of the Local Board, shall (unless any nuisance so removed or abated had been caused or created by or by default of such occupier) be summarily recoverable by the person occupying or in possession of such premises, or by such agent, from the owner before Two or more Justices as money paid to the use of such owner, or may be deducted from or set-off against the rent then due or thereafter at any time and from time to time to become due; and the owner from or against whom such expenses are so recovered, deducted, or set-off, if he be a tenant to another person of the same premises, may in like manner recover, deduct, or set-off the said expenses, any covenant or agreement whatsoever to the contrary

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notwithstanding. Provided further, that in the event of the neglect or failure of the person to whom any such order or notice shall be addressed to comply therewith, the Local Board may, if they see fit, carry out the requirements of such order or notice, and may recover in manner hereinafter provided from such person all costs and expenses which such Local Board shall thereby have incurred. Provided also, that when the owner or occupier of any premises is from poverty or otherwise unable in the opinion of the Local Board effectually to carry out the requirements of any Order, By-law, or of any of the provisions of this Act relating to the removal, abatement, or prevention of any nuisance, or the construction of any works, or the doing of any matter or thing for the aforesaid purpose, the Local Board may, without enforcing such requirements on such owner or occupier, enter the said premises, and out of the rates or moneys applicable to the execution of this Act, remove, abate, or prevent such nuisance or construct such works.

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148 Any expenses incurred under this Act by any Local Board in the removal, abatement, or discontinuance of any nuisance or other cause of offence shall (except when otherwise ordered by the Local Board under the last proviso of the next preceding Section) be payable by and recoverable from the person occupying or in possession of the premises whereon such nuisance or other cause of offence existed, or by and from the agent for the said property; and in all cases in which it is provided by this Act that any works which may be necessary for the removal, abatement, or discontinuance of any nuisance or other cause of offence may be done at the expense of the occupier of premises in which such works are necessary, such expenses shall be recoverable by him or by such agent from the owner as money paid to his use, or the same may be deducted by the occupier from or set-off against the rent then due or thereafter at any time and from time to time to become due, any covenant or agreement whatsoever to the contrary notwithstanding.

Expenses recoverable.

149 Whenever it appears that the person by whose act, default, permission, or sufferance a nuisance arises, or the owner or the occupier of the premises whereon a nuisance exists, or the owner of any land or premises in respect of which an Order has been made by the Local Board to do or to permit the Local Board to do any matter or thing, is not known or cannot be found, then the Local Board may execute such works or do such matter or thing as may in the opinion of such Local Board be necessary in order to remove, abate, or discontinue the nuisance, or as may be mentioned in any Order made as aforesaid; and any costs or expenses incurred by the Local Board in the removal, abatement, or discontinuance of such nuisance or the execution of such works shall be defrayed out of the rates or moneys applicable to the execution of this Act, but shall remain a charge upon such premises, and be recoverable at any future time from any owner thereof.

Local Board may abate nuisances or execute works where owner cannot be found.

150 Where any lands or premises are unoccupied, and any expenses incurred by any Local Board in respect of such land or premises under the provisions of this Act have been unpaid for Three years, such Local Board may in the name of the Municipality take possession of such land or premises, and may hold the same as against any person interested therein, and from time to time grant leases of the same, subject to the provisions hereinafter contained.

Power to take possession of and lease property on which expenses are due.

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Notice to be given
before taking
possession.

151 No Local Board of Health shall take possession of any such land or premises until One month after a notice in writing setting forth that expenses incurred by such Local Board in respect of such property are unpaid, and demanding payment thereof, and stating that in default of such payment such Local Board will take possession thereof under the provisions of this Act, has been served on every person in *Tasmania* entitled to an estate of freehold in possession in such land or premises, or to the possession of such land or premises under any lease, whose name and address is known to such Local Board, or, if there is no such person whose name and address is so known, has been fixed to some conspicuous place on such land or premises; and every such notice served on any person shall contain a sufficient description of the land or premises to identify the same; but every lease granted by any Local Board otherwise in accordance with the provisions of this Act shall be valid notwithstanding the non-compliance with any of the provisions of this Section, unless all expenses incurred by such Local Board and due in respect of such land or premises are paid, and a release demanded from such Local Board, within Twelve months after the Council take possession.

Release of
property after
demand and
payment of
expenses.

152 Within Three months after demand by any person who but for the provisions of this Act would be entitled to the possession of any such land or premises, made within Thirty years after the taking possession thereof on the part of the Local Board of Health, and after payment of all expenses incurred by the Local Board of Health and due in respect thereof, and interest upon all arrears of such expenses at the rate of Eight Pounds per centum per annum, the Local Board of Health shall execute under the common seal of the Municipality a release of such land or premises from all such expenses due in respect thereof; and if the Local Board of Health make default in executing such release the Supreme Court in its equitable jurisdiction may at the suit of any person interested in that behalf compel them so to do; and upon the execution of such release, subject to any lease theretofore lawfully granted by the Local Board of Health under the provisions of this Act, such person or persons shall be entitled to such land or premises and the possession thereof as would have been so entitled if this Act had not passed; and any tenant of such land or premises under any such lease shall attorn to such person or persons accordingly.

Lease.

153 Every such lease shall be for such term not exceeding Seven years as to the Local Board of Health may seem fit, and shall reserve the best rent which can be reasonably gotten for such land or premises, and shall contain and be subject to such other reservations, and such exceptions, covenant, and conditions as to the Local Board of Health may seem fit.

Application of
rent.

154 All rent and other moneys payable under any such lease shall, until the execution of a release as hereinbefore mentioned, or the expiration of Thirty years from the Council's taking possession, whichever shall first happen, be received by the Treasurer of the Municipality, and shall be applicable—

- i. In defraying the expenses of and incidental to the execution of such lease and the collection of the rents :
- ii. In payment to the Council of all expenses incurred by the Local Board and due in respect of such land or premises,

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together with interest on all such expenses at the rate of **A.D. 1885.**
 Eight Pounds per centum per annum from the time such
 expenses have become due respectively, and in payment of
 all rates and other payments accruing due thereon.

And the residue of any such moneys shall belong to such person or persons as would when the same respectively were received have been entitled to receive the rents and profits of such land or premises if this Act had not passed ; and such Treasurer shall deal with such residue in all respects as persons in the public service are directed to deal with money coming to their possession or control by virtue of their office or employment for or on account or for the use or benefit of any other person under any law now or hereafter to be in force relating to the collection and audit of the public moneys and accounts ; and all the provisions of any such law applicable to moneys so received by persons in the public service shall be applicable to such residue.

155 Unless some person entitled in that behalf perform the conditions entitling him to demand a release of any land or premises of which any Local Board has taken possession under the foregoing provisions within Thirty years after such taking possession, such land or premises and all accumulations of rent and other moneys on account thereof shall vest absolutely in the Municipality. **After Thirty years property to vest in Municipality.**

156 On taking possession of any land or premises as aforesaid such Local Board shall cause to be affixed upon some conspicuous part thereof a notice that such land or premises has been taken possession of by such Local Board under the provisions of this Act and is to let on lease. **Notice to be affixed on taking possession.**

157 Where any costs or expenses are recoverable by any Local Board from the owner of any land in respect of works executed on or to improve such land, or any street or road, public or private, adjoining thereto, such costs and expenses shall be recoverable in any Court having jurisdiction. **Costs and expenses recoverable in any Court.**

158 Where any Local Board is empowered to recover any costs or expenses of any works from the owner of any land, any money expended in the purchase of any land necessary for such works, or in compensation in respect of any land injuriously affected by such works, shall be deemed to be included in such costs and expenses. **Costs and expenses of works to include purchase-money and compensation.**

PART VIII.**LEGAL PROCEEDINGS.**

159 Nothing in this Act contained shall be held to affect the power of proceeding by information, or to take away any other remedy against any offender against any of the provisions of this Act. **Other proceedings not affected.**

160 Any notice or order under this Act may be wholly or partly in printing or in writing, or both ; and where under this Act any notice or order is required to be given to the owner or occupier of any house, building, or land, such notice or order addressed to the owner or occupier thereof, as the case may require, may be served on the occupier of such house, building, or land, or left with some inmate **Service of notices. 18 & 19 Vict. c. 121, s. 31.**

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of his abode, or if there is no occupier, may be put up on some conspicuous part of such house, building, or land ; and it shall not be necessary in any such order or notice to name the occupier or the owner of such house, building, or land. Provided that when the owner of any such house, building, or land and his residence are known to the Local Board it shall be the duty of the Local Board, if such owner is residing within the District of such Local Board, to cause every notice or order required to be given to the owner to be served on such owner or left with some inmate of his abode, and if such owner is not resident within the District, to send every such order or notice by the post addressed to the residence of such owner.

Continued operation of notices and orders.

161 All notices or orders required under this Act to be served on any owner or occupier shall, if due service thereof has been once made on any owner or occupier, be binding on all persons claiming by, from, or under such owner or occupier to the same extent as if such order or notice had been served on such last-mentioned persons respectively.

Proceedings where nuisance is caused by two or more persons.
38 & 39 Vict.
c. 55, s. 255.

162 Where any nuisance under this Act appears to be wholly or partially caused by the acts or defaults of Two or more persons, it shall be lawful for the Local Board within whose District such nuisance is caused, or for any other complainant, to institute proceedings against any one of such persons, or to include all or any Two or more of such persons in one proceeding ; and any one or more of such persons may be ordered to abate such nuisance so far as the same appears to the Court having cognizance of the case to be caused by his or their acts or defaults, or may be prohibited from continuing any acts or defaults which in the opinion of such Court contributes to such nuisance, or may be fined or otherwise punished, notwithstanding that the acts or defaults of any one of such persons would not separately have caused a nuisance ; and the costs may be distributed as to such Court may appear fair and reasonable.

Proceedings against several persons included in one complaint shall not abate by reason of the death of any among the persons so included, but all such proceedings may be carried on as if the deceased person had not been originally so included.

Whenever in any proceeding under the provisions of this Act, whether written or otherwise, it becomes necessary to mention or refer to the owner or occupier of any premises, it shall be sufficient to designate him as the "owner" or "occupier" of such premises, without name or further description.

Evidence.

163 Where under this Act it is directed that any By-law, Order, or Regulation shall be published in the *Gazette*, the production of a copy of the *Gazette* containing a copy of such Order or Regulation shall be evidence in all legal proceedings of the due making and approval of such Order or Regulation without further or other proof.

Name of sanitary authority need not be proved.
Ib., s. 260.

164 In any proceeding instituted by or against a Local Board under this Act it shall not be necessary for the plaintiff or complainant to prove the corporate name of such Local Board or the constitution or limits of their district.

Appearance of local authorities in legal proceedings.
Ib., s. 259.

165 Any Local Board may appear before any Court or in any legal proceeding by their Secretary, or by any officer or member authorised generally, or, in respect of any special proceeding, by resolution of such

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Board, and their Secretary or any officer or member so authorised shall be at liberty to institute and carry on any proceeding which such Local Board is authorised to institute and carry on under this Act. A.D. 1885.

166 No order, conviction, or thing made or done or relating to the execution of this Act, shall be vacated, quashed, or set aside for want of form, or (unless otherwise expressly provided by this Act) be removed or removable by *certiorari* or any other writ or process whatsoever into the Supreme Court. Provided that nothing in this Section shall prevent the removal of any case stated for the opinion of such Court, or of any order, conviction, or thing to which such special case relates. Proceedings not to be quashed for want of form. 38 & 39 Vict. c. 55, s. 262.

167 Any person who on any examination on oath under any of the provisions of this Act wilfully and corruptly gives false evidence shall be liable to the penalties inflicted on persons guilty of wilful and corrupt perjury. False evidence punishable as perjury. *Ib.*, s. 263.

168 No matter or thing done, and no contract entered into by the Central Board or any Local Board, and no matter or thing done by any member of any such Board, or by any officer of any such Board, or other person whomsoever acting under the direction of any such Board, shall, if the matter or thing were done, or the Contract were entered into *bonâ fide* for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever; and any expense incurred by any such Board, member, officer, or other person acting as last aforesaid, shall be borne and repaid out of the fund or rate applicable by such Board to the general purposes of this Act. Protection of sanitary authority and their officers from personal liability. *Ib.*, s. 265.

169 All complaints of offences under this Act shall (save as is herein otherwise provided) be heard and determined, and all penalties and sums of money, costs, and expenses imposed or made payable or recoverable hereby, may be heard, determined, and recovered in a summary way before Two or more Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*. Complaints before Justices. 19 Vict. No. 8.

170 Any person who feels himself aggrieved by any conviction or order of any Justices under this Act may appeal from such conviction or order, unless otherwise expressly provided, in the mode prescribed by *The Appeals Regulation Act*. Appeal. 19 Vict. No. 10.

171 Notwithstanding anything hereinbefore contained, any Local Board may, if in their opinion summary proceedings would afford an inadequate remedy, cause any proceedings to be taken against any person in any superior Court of law or equity to enforce compliance with any order given under this Act, or the abatement or prohibition of any nuisance under this Act, or for the recovery of any penalties or expenses from, or for the punishment of any persons offending against the provisions of this Act, and may order the expenses of and incident to all such proceedings to be paid out of the fund or rate applicable by them to the general purposes of this Act. Sanitary authority may take proceedings in superior Court for abatement of nuisances. 38 & 39 Vict. c. 55.

172 Where anything is by this Act or by any regulation or direction of the Central Board, or by any order, notice, direction, or By-law of any Local Board made under the authority of this Act, Penalties for disobedience of this Act.

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directed to be done or forbidden to be done, or where any authority is given to the Central Board or any Local Board, or any officer of theirs, or to Justices, to direct anything to be done or to forbid anything to be done, and such act so directed to be done remains undone, or such act so forbidden to be done is done, in every such case the person making default as to such direction and prohibition respectively shall be deemed guilty of an offence against this Act. And every person guilty of an offence against this Act not otherwise specially provided for by or under the authority hereof shall be liable, for every such offence, besides any costs or expenses which may be incurred in the taking of proceedings against such person guilty of such offence, as well as any costs or expenses which may be incurred in remedying such default as particularly provided for in this Act, to a penalty not exceeding the sum of Twenty Pounds, and to a penalty not exceeding Five Pounds nor less than Twenty Shillings for each day during which such offence is continued by such person; and such penalty or penalties shall be recoverable notwithstanding that the Local Board may not have chosen to exercise any power given to Local Boards by this Act to remedy such default.

Penalties unpaid to be enforced by distress or imprisonment.

173 Whenever any penalty, forfeiture, costs, expenses, or other payment has been imposed, directed, or awarded to be paid under the provisions of this Act, and the person convicted or against whom an Order for the payment of such penalty, forfeiture, costs, expenses, or other payment has been made does not pay the same within such time as the Justices or Court by whom the same has been imposed, directed, or awarded direct, such Justices or Court may order that the same be levied by distress and sale of the goods and chattels of such person, or may in default of such distress, or, in the discretion of such Justices or Court, without ordering any such distress, direct such person to be imprisoned with or without hard labour, as they think fit, for a period not exceeding One month, if the penalty, forfeiture, costs, expenses, or payment do not exceed Twenty Pounds, and for a period not exceeding Three months if the penalty, forfeiture, costs, expenses, or payment be above Twenty Pounds; and such person shall be imprisoned accordingly unless such respective penalties, forfeitures, costs, expenses, and payments shall be sooner paid.

Application of penalties.
38 & 39 Vict.
c. 55, s. 254.

174 Where the application of a penalty under this Act is not otherwise provided for, one half thereof shall go to the person on whose complaint or information of an offence against this Act such penalty has been inflicted, and the remainder to the Local Board of Health of the District in which the offence was committed. Provided that if the Local Board or their officer be the informer, the Local Board shall be entitled to the whole of the penalty recovered.

Except where it is herein otherwise expressly directed, the moneys arising from fines, penalties, and forfeitures imposed by this Act shall when recovered be paid and applied towards defraying the expenses of carrying this Act into execution in such manner as the Local Board within whose jurisdiction such fines, penalties, or forfeitures may have been recovered directs.

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(1.)

ACTS TO BE REPEALED.

Section 4.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
44 Vict. No. 23	“The Sale of Food and Drugs Act, 1881.”	Sections 1 to 32, both inclusive.
48 Vict. No. 37	“The Public Health (Hobart) Act.”	Sections 3, 6, 7, 8, 9, and 10.
48 Vict. No. 38	An Act to confer certain additional Powers upon the Municipal Council of the Town of <i>Launceston</i> .	The whole.

(2.)

FORM OF CERTIFICATE.

Section 51.

To *

I, the undersigned, Public Analyst for the _____ do hereby certify that I received on the _____ day of _____ 18 _____ from † a sample of _____ for analysis, (which then weighed ‡ _____) and have analysed the same, and declare the result of my analysis to be as follows:—

I am of opinion that the same is a sample of genuine _____

Or,

I am of opinion that the said sample contained the parts as under, or the percentage of foreign ingredients as under:—

Observations. §

As witness my hand this _____ day of _____

A.B.

at _____

* Here insert the name of the person submitting the article for analysis.

† Here insert the name of the person delivering the same.

‡ When the article cannot be conveniently weighed this passage may be erased, or the blank left unfilled.

§ Here the analyst may insert at his discretion his opinion as to whether the mixture (if any) was for the purpose of rendering the article portable or palatable, or of preserving it, or of improving the appearance, or was unavoidable, and may state whether in excess of what is ordinary or otherwise, and whether the ingredients or materials mixed are or are not injurious to health.

In the case of a certificate regarding milk, butter, or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.

(3.)

Section 68.

<i>Date at which received.</i>	<i>Name.</i>	<i>Sex.</i>	<i>Age.</i>	<i>Name and Address of Person from whom received.</i>	<i>Date at which removed.</i>	<i>Name and Address of Person by whom removed.</i>

