

Inconsistent enactments repealed.

52. Chapter thirty-four of the Consolidated Statutes of the late Province of Canada, respecting Patents for Inventions,—Chapter one hundred and seventeen of the Revised Statutes of Nova Scotia (third series),—Chapter one hundred and eighteen of the Revised Statutes of New Brunswick, and “*The Patents Ordinance, 1867,*” of British Columbia, “*The Patent Act of 1869,*” —and any Act amending any of the said Acts or Laws, or any other Act relating to Patents, are hereby repealed, in so far as they or any of them may be inconsistent with this Act, or make any provision in any matter provided for by this Act, except only as respects all rights acquired and penalties or liabilities incurred under the said laws or any of them, before the coming into force of this Act, as to which they shall remain in force, and nothing in this Act contained shall affect any suit pending in any court of law or equity at the time of the coming into force of this Act.

Exception.

Short title.

53. In citing this Act it shall be sufficient to call it “*The Patent Act of 1872.*”

Commencement of Act.

54. This Act shall commence and take effect on the first day of September, 1872.

CAP. XXVII.

An Act relating to Quarantine.

[Assented to 14th June, 1872.]

Preamble.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Interpretation

“Master.”

“Vessel.”

“Passengers.”

1. In this Act, unless there be something in the context inconsistent with such interpretation, the word “master” shall apply to any person in command of a vessel ; the word “vessel” shall include all ships, vessels or craft of any kind carrying passengers ; the word “passengers” shall apply to all passengers as well as to immigrants usually and commonly known and understood as such, but not to troops or military pensioners and their families, who are carried in transports or at the expense of the Imperial Government ; the words “Quarantine Station” shall apply to Grosse Isle, Lawlor’s and Partridge Islands, or other place at which quarantine is directed to be performed.

“Quarantine station.”

Governor in Council may make Quarantine Regulations.

2. The Governor in Council may from to time make such Regulations as he thinks proper, for enforcing compliance with all the requirements of this Act, and concerning the entry or departure of vessels at the different ports or places in Canada ;

Canada ; and concerning the landing of passengers or cargoes from such vessels, or the receiving of passengers or cargoes on board of the same, as may be thought best calculated to preserve the public health ; and for ensuring the due performance of Quarantine, by and in respect of vessels, passengers, goods or things arriving at or in the neighbourhood of any port or place within Canada, to which he thinks it right for the preservation of the public health that such regulations should apply ; and for the thorough cleansing and disinfecting of such vessels, passengers, goods or things, or concerning the arrival at or departure from any place in Canada of any persons, goods or things conveyed by land ; and for ensuring the due performance of quarantine by and in respect of such persons, goods and things at or in the neighborhood of any place in Canada to which he thinks it right for the preservation of the public health that such regulations should apply ; and for the thorough cleansing and disinfecting of such persons, goods and things, so as to prevent, as far as possible, the introduction or dissemination of disease into or in Canada ; and may appoint or remove such officers as he may deem necessary for so doing, and assign to them respectively such powers as he may think requisite for carrying out the provisions of such Regulations, and may from time to time revoke or amend the same or any of them, and may make others in their stead, and impose penalties, forfeitures and punishments for the breach thereof : and such Regulations shall be notified by proclamation published in the *Canada Gazette* at least twice, and the production of the copies of the *Gazette* containing any such proclamation shall be evidence of the making, date and contents of such regulations.

Publication and proof of Regulations.

3. Such Regulations shall have the force of law, during the time they respectively remain unrevoked, unless they be expressly limited to be in force only during a certain time or at certain times or seasons, in which case they shall have the force of law during the time and at the times and seasons during or at which they have been limited to be in force : and any person disobeying any such Regulation shall be held guilty of and may be prosecuted for a misdemeanor, punishable by fine or imprisonment or both, as the Court may direct, or otherwise such person may be sued for the penalties contained in such Regulation.

Quarantine Regulations to have the force of law.

Punishment of persons disobeying them.

4. By such Regulations, the Governor in Council may require the master of every vessel coming up the River St. Lawrence from below the Quarantine Station at Grosse Isle, or arriving by sea at or in the neighbourhood of any Port or Place in Canada, (except only such vessels as are therein designated and referred to as excepted), to bring his vessel to anchor, at the anchorage at the proper Quarantine Station designated in the Regulations, and report such vessel in writing to the officer at such station designated for that purpose in such Regulations, with all the particulars relative to the same, and to the voyage, passengers and cargo thereof, required by such Regulations, or by any officer duly authorized under them to require the same, and to allow the proper officer

Vessels from sea, &c., may be required to perform quarantine.

Obligations of masters of vessels coming to Quarantine Station.

officer to visit and inspect such vessel and every part thereof and the passengers and crew and the cargo and other articles on board the same, and to answer truly all questions asked of him touching the same; and to send on shore at such station and at the places there pointed out by the officer thereunto authorized by such Regulations, any or all of the passengers, crew, cargo or other articles on board such vessel, as such officer thinks necessary for preventing the introduction of contagious or infectious disease, and to allow such passengers, crew, cargo or other articles, and also the vessel itself, to remain so long at such station and at such places thereat respectively, and to be so treated, cleansed and purified, as such officer shall think necessary for the purpose aforesaid; and by such Regulations the Governor in Council may require the owners or persons in charge of goods or things conveyed by land to any place in Canada, to allow the proper officer appointed under such Regulations to inspect and examine the same, and to answer truly all questions asked of them by such officer concerning the same, and to allow such goods or things to remain so long in the custody of such officer, and to be so treated, cleansed and purified, as such officer shall think necessary for the purpose of this Act: and by such Regulations the Governor in Council may require all persons arriving by land at any place in Canada, to allow themselves to be inspected and examined by the proper officer appointed under such Regulations, and to answer truly all questions asked of them by such officer, and to remain so long at such place and be so treated, cleansed and purified as such officer shall think necessary for the purposes of this Act.

Inspection of goods, and the cleansing thereof.

Powers of officers at Quarantine Station, under the Regulations.

5. And by such Regulations the Governor in Council may assign to the several officers and persons to be employed at any such Quarantine Station the powers and duties necessary for carrying the said Regulations and this Act fully into effect, and may declare that any such officer or person shall, by virtue of his office or employment, be a Justice of the Peace or a Constable or Peace Officer for such Quarantine Station, and for the space around the same described in such Regulations; and such officer shall accordingly be such Justice of the Peace or Peace Officer, whether he be otherwise qualified or not, for the purpose of carrying out the criminal laws and other laws of the Dominion; and by such Regulations the Governor in Council may impose penalties, not exceeding four hundred dollars in any case, on persons contravening the same, and may provide that the offender shall be imprisoned until such penalty be paid, and may direct that no vessel shall be entered or cleared at any Custom House in Canada until all the requirements of such Regulations are fully complied with, and may direct that any person, vessel or thing, who or which has passed or departed or been removed from any Quarantine Station, before all the requirements of such Regulations are fully complied with in respect of such person, vessel or thing, or without the written permission of the officer empowered to authorize such passing or departure, may be compelled to return or be carried back to such Station, and by force, if necessary.

Penalties for contravention of Regulations, and power to compel obedience.

6. The Governor in Council may appoint one or more medical officers at each of the principal harbours of the Dominion to board, visit and inspect vessels arriving in such harbour from sea, and to perform such other duties and have such power as the Governor in Council may by any regulations direct.

Medical officers at principal harbours.

7. Every penalty or forfeiture, imposed or declared under the authority of this Act, shall be a special lien upon the vessel by reason whereof it has become payable, and the master whereof has become liable in such penalty, and may be enforced and collected by the seizure and sale of the vessel, her tackle, apparel and furniture, under the warrant or process of the Justices or Court, before whom it has been sued for and recovered, and shall be preferred to all other liens or hypothecations except mariners' wages.

Penalties, &c., to be special liens upon vessels.

8. When any vessel not originally bound for any port in the Dominion shall arrive at the port of Halifax, or the port of St. John, New Brunswick, or any other sea port of the Dominion, with contagious or infectious disease on board, and be allowed to remain in quarantine at or near such port, the master of such vessel shall pay to the Collector of the Customs at the port the sum of two dollars, head money, for each person on board the said vessel at the time of her arrival. The said sum shall be a lien on the vessel, and shall be paid before she shall be allowed to leave the port.

As to vessels arriving at ports to which they were not originally bound, with infectious disease on board.

9. A vessel shall have the right, before breaking bulk, of putting to sea, in preference to being quarantined : in the exercise of this right, if the vessel has not arrived at her port of destination, the bill of health shall be returned ; the Inspecting Physician, however, shall mention upon the said bill, the length and circumstances of the detention, and the condition of the vessel upon re-putting to sea ; but before the exercise of this right, the Inspecting Physician must satisfy himself that the sick of such vessel will be taken care of for the remainder of the voyage, and take care of such sick as prefer to remain.

Vessels may on certain conditions put to sea instead of being quarantined.

10. All sums and pecuniary penalties levied under the authority of this Act shall be paid into the hands of the Receiver General, to form part of the Consolidated Revenue Fund of Canada.

Sums and penalties to form part of Con. Rev. Fund.

11. Chapter sixty-three of the Statutes of Canada passed in the thirty-first year of Her Majesty's Reign is hereby repealed, but no Act or enactment thereby repealed shall be revived, and all Acts and enactments inconsistent with this Act are hereby repealed.

31 V., c. 63 repealed.

12. All Regulations made by the Governor in Council, under the first section of the Act, thirty-first Victoria, Chapter sixty-three, hereby repealed, having the force of law at the date of the commencement of this Act, shall continue to have the force of law until revoked by Regulations made under the second section of

Regulations under 31 V., c. 63 to remain in force.

Penalty for disobedience.

this Act ; and any person disobeying any such unrevoked Regulation shall be held guilty of and may be prosecuted for a misdemeanor, punishable by fine or imprisonment, or both as the Court may direct ; or otherwise such person may be sued for the penalties contained in such Regulation.

Provision when Regulations are revoked.

13. When any Regulation made under the said first section of the said Act or under this Act is revoked, and other provisions substituted, all officers and persons acting under the revoked Regulation shall continue to act as if appointed under the revoking Regulation, until others are appointed in their stead ; and all proceedings taken under the revoked Regulation shall be taken up and continued under the revoking Regulation when not inconsistent therewith ; and all penalties and forfeitures may be recovered and all proceedings had in relation to matters which have happened before the revocation, in the same manner as if the revoked Regulation were still in force.

Penalties.

Revocation not to affect things done,

14. The revocation of any such Regulation at any time shall not affect any act done, or any right or right of action existing, accruing, accrued or established, or any proceedings commenced in a civil cause, before the time when such revocation shall take effect.

Nor penalties incurred or proceedings pending.

15. No offence committed, and no penalty or forfeiture incurred, and no proceeding pending, under any such Regulation at any time revoked, shall be affected by the revocation, except that where any penalty, forfeiture or punishment shall have been mitigated by any of the provisions of the revoking Regulation, such provisions shall be extended and applied to any judgment to be pronounced after such revocation.

CAP. XXVIII.

An Act to amend the Immigration Act of 1869.

[Assented to 14th June, 1872.]

Preamble.

32, 33 V., c-10

IN amendment of "*The Immigration Act, 1869*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Duty imposed on master of vessel not carrying a surgeon, and on board which proper measures are not taken for preserving health.

1. Whenever a vessel carrying emigrants, not cleared under the sanction of the Imperial Commissioners of Emigration, arrives in her port of destination in Canada, not carrying a surgeon, and on board of which proper measures for the preservation of the health of the passengers and crew during the voyage have not been observed, the medical officer shall report the fact to the Collector of Customs,