

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Twentieth day of March, 1793, and continued by several Prorogations to the Seventh day of June, 1799; in the Thirty-ninth Year of the Reign of Our Sovereign Lord George The Third of Great-Britain, France, and Ireland, being the Seventh, and last, Session of the Seventh General Assembly convened in the said Province. From Richard John Uniacke, The Statutes at Large passed in the General Assembly held in His Majesty's Province of Nova Scotia: A complete index and abridgement of the whole. John Howe and Son, 1805.

39 George III – Chapter 3

An Act in amendment of an Act, passed in the first year of his present Majesty's Reign, entitled, "An Act to prevent the spreading of contagious Distempers," and also in amendment of an Act, passed in the sixteenth year of the said Reign, entitled, "An Act in addition to the before recited Act."

Whereas the neighbouring states of America, have, for several years past, been visited by the yellow or putrid fever, or some other infectious distemper, which has raged to a most alarming degree, and proved fatal to great numbers of their inhabitants, whereby it hath become highly necessary, that the legislature of this province should make some provision, for obliging persons coming from infected places to perform quarantine, in such manner as may be ordered by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and for punishing offenders in a more expeditious manner, than can be done by the ordinary course of law:

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, and by the authority of the same, that all ships and vessels arriving, and all persons, goods and merchandize whatsoever, coming, or imported into any port or place, within this province, from any port or place of the United States of America, or of the West-India Islands, or from any other place, whence the Governor, Lieutenant-Governor, or the Commander in chief for the time being, by and with the advice of His Majesty's council, shall judge it probable that any infectious disease may be brought, shall be obliged to make their quarantine in such place and places, for such time, and in such manner, as shall be, from time to time, directed by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by his order or orders, made in council, and notified by proclamation, or published in the Royal Gazette, and that until such ships, vessels, persons, goods and merchandize, shall have respectively performed, and be discharged from such quarantine, no such person, goods or merchandise, or any of them, shall come, or be brought, on shore, or go, or be put, on board any other vessel or ship, in any place within this province, unless in such order or orders made by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, in council as aforesaid; and that all such ships and vessels, and the persons, or goods, coming, or imported in, or going, or being put, on board the same, and all ships, vessels, boats and persons, receiving any goods, or persons, out of the same, shall be subject to such orders, rules and directions, concerning quarantine, and the prevention of infection, as shall be

made by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, in council, and notified by proclamation, or published in the Royal Gazette as aforesaid.

And, to the end, that it may be better known whether any ship or vessel shall be actually infected with the yellow fever, or any other malignant or contagious disease, or whether such ship or vessel, or the mariners, or cargo, coming, and imported, in the same, are liable to any orders touching quarantine:

II. Be it also enacted, by the authority aforesaid, that when any country or place is, or shall be infected with any malignant or contagious distemper, or when any order shall be made by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, concerning quarantine, and the prevention of infection as aforesaid, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint one or more health officers, or persons to see quarantine performed, in such ports or places in this province, as he shall think proper, and as often as any ship or vessel shall attempt to enter into any port or place in this province, the health officer, or such other person as shall be authorised to see quarantine performed as aforesaid, or the person so by him appointed for that purpose, shall, at a convenient distance from such ship or vessel, demand of the master or person having charge of such ship or vessel touched in her voyage, whether any such places, and which of them, were infected with any contagious disease, how long such ship or vessel had been in her passage, how many persons were on board when such ship or vessel set sail, whether any and what persons during that voyage had been, or shall then be, infected with any fever, or contagious disease; how many died in the voyage, and of what distemper; what vessels he, or any of his ship's company, with his privity, went on board; and to what place such vessels belonged, and also the true content of his landing, to the best of his knowledge; and if it shall appear, upon examination, or otherwise, that any person then on board such ship or vessel, is actually infected with the yellow fever, or other malignant and infectious disease, or that such ship is obliged to perform quarantine, it shall and may be lawful to, and for the officers of any of His Majesty's ships of war, or any of His Majesty's forts, or garrisons, and all other His Majesty's officers whom it may concern, upon notice thereof given to any of them respectively, and to and for any other persons whom they may call to their aid and assistance, and they are hereby required to oblige such ship or vessel to repair to such place as shall be appointed for performance of quarantine, and to use all necessary means for that purpose, be it by firing of guns upon such ship or vessel, or any other kind of force. And if any such ship or vessel shall come from any place visited by the yellow fever, or any other infectious and malignant distemper, or have any person on board actually infected therewith, and the commander, master, or other person having charge of such ship or vessel, shall conceal the same, or on demand not make a true discovery in any of the particulars aforesaid, such master, or person having charge of such vessel, shall, for every such offence, suffer twelve months imprisonment.

III. And be it further enacted, that if any master, or other person having charge of any ship or vessel which shall arrive in any port, harbour, river, creek or place within this province,

from any country, port or place whatsoever, wherein any infectious disease shall rage, or prevail at the time such vessel shall fail, or depart from such country, port or place, or if such ship or vessel shall be liable to perform quarantine, or if such master, or other person, shall himself quit, or shall knowingly permit or suffer any seaman or passenger, coming in such ship or vessel, to quit such ship or vessel, by going on shore, or on board any other ship, boat or vessel, before such master, or other person, shall have made report of the state of the health of the country, port or place, from whence such ship or vessel shall come, to the proper officer appointed for that purpose, or before such quarantine shall be fully performed; unless in such cases, and by such proper licences, as shall be directed, or permitted by such order or orders to be made concerning quarantine, and the prevention of infection as aforesaid; or in case any master, or other person having charge of such ship or vessel, shall not, within convenient time after due notice given for that purpose, by the proper officer, cause such ship or vessel, and the lading thereof, to be conveyed to the place appointed for such ship or vessel, and lading, to perform quarantine respectively; then, and in every such case, such master, or person having charge of such ship or vessel, for every such offence, shall forfeit and pay the sum of one hundred pounds, one moiety thereof to the King for the use of this province, and the other moiety to him or them who will sue for the same; and if any person shall so quit such ship or vessel, by going on shore, or on board any other ship or vessel, contrary to the true meaning of this act, it shall and may be lawful for all persons whatsoever, by any kind of force or violence, to compel such person to return on board such ship or vessel; and every such person so quitting such ship or vessel, shall suffer imprisonment for the space of six months, and shall also forfeit the sum of fifty pounds, one moiety to the King, his heirs and successors, for the use of this province, and the other moiety to him or them that will sue for the same; such respective penalties and forfeitures to be recovered by action of debt, bill, plaint or information, in any of His Majesty's courts of record in this province; and it shall and may be lawful for any judge or justice of such court of record, to endorse any writ or writs of *capias*, or attachment, for bail to the full amount of any or either of the foregoing penalties. Provided it shall be made appear by affidavit to such judge or justice that the person or persons, against whom such *capias*, or writ of attachment, shall be sued out, has or have transgressed any or either of the several provisions contained in this act.

IV. And be it further enacted, that whenever any ship or vessel shall arrive in any port or place in this province, having on board any person or persons actually infected with the yellow fever, or other infectious sickness, or which, during the voyage, shall have had on board any person or persons who were infected with the yellow fever, or other infectious sickness, or otherwise liable to perform quarantines, and if it shall become necessary, either for the preventing the spreading of the infection, or for the preserving the lives, or the health, of the persons on board such vessel, or for depositing, opening and airing, of the goods or merchandise so liable to perform quarantine, to provide houses, tents or lazarets, for that purpose, it shall and may be lawful for two or more justices of the peace, together with the overseers of the poor, for the town or place where such vessel shall have arrived, upon full and sufficient proof, and after taking the testimony of one or more physicians, surgeons, apothecaries, or other skilful person, living in or near such township or place, to

take care and make effectual provision as well for the preservation of the inhabitants, as of such sick and infected person and merchandise from which infection may be feared: and such justices, and overseers of the poor, being first authorised for that purpose by the proclamation of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, with the advice of His Majesty's council, for the removal of such person and persons, goods and merchandise, so liable to perform quarantine, shall and may place such sick and infected persons, and all other persons coming in any such ship or vessel, in one or more separate houses, tents or lazarets, as shall be deemed requisite: the same being sufficiently remote from any street, highway or dwelling, within the province; and shall and may provide nurses, and other assistance, and all necessaries for them, at the charge of the parties themselves, their parents or masters, if able: and shall also take care that such goods and merchandise be landed, stored and properly aired, at the expence of the owner or owners of such goods and merchandise. And if it shall happen that any person or persons, so liable to perform quarantine, and for whom such expence shall be incurred, are unable to pay the same, the overseers of the poor shall lay the account thereof before the justices of any court of general or quarter sessions of the peace held for the county or district within which such expence has been incurred, and the justices having adjusted the account, and allowed so much thereof as they shall judge reasonable, then such charge shall be defrayed out of the treasury of the province, by warrant from the Governor, Lieutenant-Governor, or Commander in Chief for the time being, on the certificate of the said justices.

V. And be it further enacted, that the proper officers authorised to put in execution any orders to be made as aforesaid, shall, and they are hereby empowered and required, to cause and compel all persons obliged to perform quarantine as aforesaid, and all goods and merchandise comprised within any such orders, respectively to repair, or be conveyed, to some of the said houses, tents or lazarets, or to such other places as shall be provided for the reception of such persons, or for the storing, opening or airing, of such goods or merchandise, according to such order or orders to be made as aforesaid.

VI. And be it further enacted, that if any person obliged to perform quarantine as aforesaid, shall wilfully refuse or neglect to repair within convenient time, after notice for that purpose from the proper officer, to the house, tent, lazaret, or other place duly appointed for him or her, or having been so placed, shall escape, or attempt to escape out of the same, before quarantine fully performed; it shall be lawful for any of the persons appointed to see quarantine performed, by such force as the case may require, to compel such persons respectively to repair, return to, and remain in such house, lazaret, or other place, so appointed for him or her as aforesaid, and every person so refusing or neglecting to repair, after notice as aforesaid, to such house, tent, lazaret, or other place appointed for him or her as aforesaid, and also every person actually escaping as aforesaid, shall be deemed guilty of a high misdemeanor, and be punished by imprisonment for a space of time no less than six months, and shall also forfeit and pay the fine of fifty pounds, for every such offence.

VII. And be it also enacted, that all persons, liable to perform quarantine in ships, lazarets or elsewhere, shall be subject, during said quarantine, to the orders of the officers authorised

to see it duly performed: and such officers may enforce all necessary obedience to their orders, and in case of necessity may call in others to their assistance: and all persons so called are hereby required to assist accordingly.

VIII. And be it further enacted, that if any person, not liable to perform quarantine, shall enter any house, tent, lazaret, or other place so appointed as aforesaid, whilst any person infected, or under quarantine, shall be therein, and shall return, or attempt to return, from thence, except in such cases, and by such licences, as shall be directed or permitted by such order or orders to be made as aforesaid: the persons appointed to see quarantine performed, may, by such force as the case may require, compel such person, so returning, or attempting to return, to repair into such house, tent, lazaret, or other place so appointed, there to perform quarantine: and if such person shall actually escape thereout, before the full performance of such quarantine, he or she shall suffer six months imprisonment, and shall also be fined in a sum not exceeding fifty pounds.

IX. And be it further enacted, that if any officer or person to whom it shall appertain to execute any order or orders concerning quarantine, or the prevention of infection, shall be guilty of any wilful breach or neglect of duty, every such person shall forfeit his office, and also the sum of fifty pounds, one half to His Majesty, and the other moiety to him or them who shall sue for the same, by action of debt, bill, plaint or information, in any court of record in this province; and if any such officer or person, or any other person or persons whomsoever, shall wilfully embezzle or damage any goods performing quarantine, he, she or they, shall be liable to pay treble damages, and full costs of suit.

And whereas it hath been experienced, that beds, bed cloaths, wearing apparel, and household goods, that have been used by persons infected with the yellow fever, or other contagious disease, or which have come from places infected with the said fever or disease, are more especially liable to retain and communicate infection:

X. It is hereby further enacted, that when any such beds, bed cloaths, wearing apparel or household goods, which have been worn or used by any infected person, or imported from places infected as aforesaid, shall be found on board any ship or vessel, or in any house or place whatsoever, it shall be lawful for any two of His Majesty's justices of the peace, upon notice, and due proof thereof, by the oath of one or more credible witness, to cause such beds, bed cloaths, wearing apparel or household goods, to be burnt, or otherwise to be delivered to the proper officer, in order that they may be aired or purified in the same manner as goods liable to perform quarantine.

XI. And be it further enacted, that when any ship or vessel, person or persons, goods or merchandise, obliged to perform quarantine as aforesaid, shall have duly performed the same, they shall be freed from all further restraint or detention, and the chief officer superintending the quarantine shall certify the same, and that such ship and vessel, person and persons, goods and merchandise, are free from infection; and if any such officer shall

knowingly give a false certificate, he shall be adjudged guilty of felony, without benefit of clergy.

XII. And be it further enacted, that if any person or persons shall knowingly, or wilfully, conceal from the health officer, or persons superintending the quarantine, or shall clandestinely convey any letters, goods or merchandise, from any ship or vessel liable to perform quarantine, or from any place where persons or goods shall be performing a quarantine, every such person shall be adjudged guilty of felony, without benefit of clergy.

XIII. And be it further enacted, that whenever the Governor, Lieutenant-Governor, or Commander in Chief for the time being, of this province, shall make any order concerning quarantine, and the prevention of infection, and notify the same by proclamation, or cause it to be published in the Royal Gazette as aforesaid, such proclamation, or order in council, shall be publicly read upon the next Sunday after receipt of the same, and the first Sunday in every month afterwards, while such order is in force, immediately after the prayers in all churches, and other places set apart for divine worship, in this province.

XIV. And be it further enacted, that whensoever after the publication of this act, any ship or vessel shall arrive in any port, harbour, river, creek or place, within this province, from any country, port or place whatsoever, which is now, or shall hereafter be, infected with the yellow fever, plague, or any other pestilential disease; or if there shall be, or shall have been, during the voyage of such ship or vessel, any yellow fever, plague, or other pestilential disease, on board said ship or vessel, then, and in such case, if the master thereon, or other person having the charge or command of such ship or vessel, shall, on any account whatsoever, land, or come on shore himself, or go on board any other boat, ship or vessel, or shall permit or suffer any person whatsoever to come on shore, or land from said ship or vessel, or go on board any other ship, boat or vessel, or any letter or letters, goods, wares or merchandise whatsoever, to be put on shore, or on board any other ship, boat or vessel, or shall permit or suffer any person or persons whatsoever to come on board such ship or vessel, until such ship or vessel shall be visited and examined by the health officer as aforesaid, or if the master, or person having the command of such ship or vessel, shall conceal, or keep secret from such health officer, the true state and condition of the health of the inhabitants at the several ports or places where such ship or vessel shall have been during her voyage, or the true state and condition of his own health, and the health of those on board, or who were on board at any time during the voyage of such ship or vessel, or the true state and condition of the health of the people on board of any ship or vessel, which the master, or any person on board of such ship or vessel, might have boarded during the voyage, or shall give to such health officer any false or untrue information touching or concerning the premises; and if such ship or vessel be ordered to perform quarantine, and the master or person having the command of such ship or vessel, shall neglect or refuse to proceed with such ship or vessel to the place appointed for performing quarantine, or shall attempt to make his escape with such ship or vessel, after she shall be so ordered to perform quarantine, or any person or persons to come on board said ship or vessel after such order, unless with the permission, and by the order, of the health officer; then, and in

all such cases, such master, or person having the charge of such ship or vessel, shall forfeit and pay for every such offence, a fine not exceeding two hundred pounds, to be recovered as aforesaid.

XV. And be it further enacted, that it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's council, immediately after the publication of this act, to appoint, during pleasure, in all the counties and districts in this province, so many fit and proper persons as may be deemed necessary to act as health officers within such county or district: which officers shall be duly sworn faithfully and diligently to carry this act, and every matter and thing therein contained, into effect; and such officer and officers shall have fully power and authority to execute all and every matter and thing needful and necessary to be done, touching and concerning the performing of quarantine, and the carrying the several provisions, contained in this act, into full force and effect; and such officer or officers shall be paid, out of the province treasury, a reasonable sum for all services which he or they shall necessarily perform in carrying this act, or any matter or thing therein contained, into effect, upon such officer or officers exhibiting a just and true account of such services to the general assembly of the province at its respective sittings.

XIV. And be it further enacted, that if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants may plead the general issue, and give this act, and the special matter, in evidence.