

Acts of the General Assembly of His Majesty's Province of Lower Canada passed in the year 1795. Quebec: William Vondenvelden, Printer to the King's Most Excellent Majesty, 1795.

35 George III – Chapter 5

An Act to oblige ships and vessels coming from places infected with the plague or any pestilential fever or disease to perform Quarentine, and prevent the communication thereof in this Province.

Whereas it is necessary that provision be made by the Legislature of this Province for obliging ships and persons coming into the same by the river Saint Lawrence, from any country or place where the plague or any pestilential fever or disease may prevail, to perform Quarentine [Quarantine], and remain at such part of the said river St. Lawrence or the lands adjoining to or Islands in the said river and for such time as may be judged requisite to prevent the communication of diseases that may endanger the lives of his Majesty's subjects; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled "*An Act to repeal certain parts of an Act, passed in the fourteenth year of his Majesty's reign, intituled "An Act for making more effectual provision for the Government of the Province of Québec, in North America, and to make further provision for the Government of the said Province;"*" that all ships and vessels arriving and all persons, goods and merchandises whatsoever coming or imported into any port or ports in this Province by the river Saint Lawrence, from any place from which his Excellency the Governor, Lieutenant Governor or Person administering the Government, by and with the advice and consent of his Majesty's Executive Council, shall judge it probable that any plague or any pestilential fever or disease may be brought, shall be obliged to make their Quarentine; that is to say, remain and continue at such part of the river Saint Lawrence and in such place and places and for such time and in such manner as shall or may from time to time be appointed and directed by the Governor, Lieutenant Governor or Person administering the Government of this Province, by his or their order or orders made in and by advice of the Executive Council aforesaid, and notified by proclamation published in the Quebec Gazette ; and that until such ships, vessels, persons, goods and merchandizes shall have respectively performed, and be discharged from such Quarentine, no such person, goods or merchandises, or any of them, shall come or be brought on shore or go or be put on board any other ship or vessel in any place within this Province, unless in such manner and in such cases and by such licence as shall be directed or permitted by such order or orders made by the Governor, Lieutenant Governor or Person administering the Government, with the advice of the said Executive Council, 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 Quarentine and the prevention of infection, by any way or means aforesaid, as shall be made by the Governor, Lieutenant Governor or Person administering the Government, with the advice and consent of the Executive Council aforesaid, and notified by proclamation published in the Quebec Gazette aforesaid, and more especially respecting the opening and airing all goods, apparel and merchandize.

II. And to the end that it may be better known whether any ship or vessel be actually infected with the plague or any pestilential fever or disease, or whether such ship or vessel or the passengers, mariners or cargo, coming and imported in the same, are liable to any orders touching Quarentine; be it further enacted, that when any country or place is or shall be infected with the plague or any pestilential fever or disease, or when any order or proclamation shall be made as aforesaid concerning Quarentine, and the prevention of infection as aforesaid, as often as any Ship or vessel shall attempt to enter into the Harbour of Quebec, or the same to approach within sixty leagues thereof, the Master or Captain of the said port or such other person or persons as shall by warrant under the hand and seal of the Governor, Lieutenant Governor or Person administering the Government be authorized to see Quarentine duly performed and this Act carried into execution, shall go off or cause some other person, to be by such authorized Officer appointed for that purpose, to go off to such ship or vessel so coming to or towards the harbour aforesaid, and such person, so authorised and appointed as aforesaid, shall, at a convenient distance from such ship or vessel, demand an account from the commander, master or other person having charge of such ship or vessel, and such commander, master or other person having charge of such ship or vessel shall upon such demand give an account of the following particulars, that is to say, the name of such ship or vessel, and of the commander or person having charge thereof, at what place or places the cargo was taken on board, what place or places the ship or vessel touched at in her voyage, whether such place or places or any and which of them was infected with the plague or any pestilential fever or disease, how long such ship or vessel had been in her passage, how many persons were on board when the said ship or vessel sailed, whether any and what persons during that voyage on board such ship or vessel had been or may be then infected with the plague or any pestilential fever or disease, whether any and how many persons died during the voyage, and of what distemper, what ships or vessels he or any of his ship's-company or passengers with his privity went on board or had any of their company come on board his ship or vessel in the voyage, and to what place such ships or vessels belonged. And also the true contents of his lading to the best of his knowledge. And in case it shall appear upon such examination or otherwise, that any person then on board such ship or vessel shall at the time of such examination be actually infected with the plague or any pestilential fever or disease, or that such ship or vessel is obliged in virtue of this Act or any order or direction made as above declared to perform Quarentine, in such case, it shall and may be lawful for the said Captain of the port of Quebec or person and persons so authorized as abovesaid, and all others whom they may call at their aid and assistance, and they are hereby required to oblige such ship or vessel to go and repair to such place or places as shall be appointed by the Governor, Lieutenant Governor or Person administering the Government, with the advice of the said Executive Council, for performance of Quarentine, and to use all necessary means for that purpose, be it by firing of guns upon such ship or vessels or any kind of force or violence whatsoever, and in case any such ship or vessel shall come from any place visited with the plague or any pestilential fever or disease, or have any person on board actually infected with such disease, and the commander or other person having charge of such ship or vessel shall conceal the same, such commander, master or other person having charge as aforesaid, shall be adjudged guilty of felony and shall suffer death as in cases of felony without benefit of clergy ; and in case any such commander, master or other person having command as aforesaid, shall, upon such

demand made as aforesaid, not make a true discovery in any other of the particulars aforesaid; or shall neglect or refuse to perform such Quarentine, and obey all and every order and direction which may from time to time be to him signified by the said Captain of the port of Quebec or other person authorized for that purpose touching and respecting the Quarentine so to be observed, and in all respects truly performed; and more particularly of the persons, goods or effects of what nature soever going to or coming from any vessel that may be under orders for performance of Quarentine, shall forfeit and pay a penalty and sum not less than five pounds currency and not exceeding one hundred pounds currency, for every such offence, to be paid and accounted for as by this Act directed, and the same may be sued for and recovered by plaint or information on the oath of one or more credible witness or witnesses, in any of his Majesty's courts of record in this Province.

III. And be it further enacted, that it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government to appoint such physician or surgeon as to him may seem meet, to inspect all or any vessel that may arrive in the river St. Lawrence after proclamation or notification as aforesaid, and may have on board or may be suspected of having on board any person or persons infected with the plague or any pestilential fever or disease; and it shall and may be lawful for every such physician or surgeon, and he is hereby authorized and required to enter on board all and every ship and vessel coming into this Province under the circumstances abovesaid, and to make strict search, examination and enquiry into the health state and condition of the master, passengers and mariners of such vessels respectively, and to report his or their opinion thereon, without delay to the Governor, Lieutenant Governor or Person administering the Government and if any person or persons shall presume to prevent or obstruct any such physician or surgeon in performing the duties required of him under this Act, such offender shall forfeit for every such offence a penalty and sum not exceeding one hundred pounds, nor less than five pounds to be recovered, paid and applied as aforementioned.

IV. And be it further enacted, that if any commander or master or other person taking the charge of any ship or vessel so coming from any place that is or may be suspected to be infected as aforesaid, and who may be ordered to perform the Quarentine, shall himself, or shall knowingly permit or suffer any seamen belonging to such ship or any passenger or other person being therein to quit such ship or vessel by going on shore or by going on board any other ship, boat or vessel whatsoever during the time of the Quarentine, and until such ship shall be discharged therefrom, without special licence first had and obtained according to this Act, then and in all and every such case and cases, every such Commander or Master or other person taking the charge of any such ship or vessel as aforesaid, shall forfeit for every such offence a penalty and sum not exceeding three hundred pounds, not less than fifty pounds current money of this Province, and the same may be sued for and recovered in any of his Majesty's courts of record in manner as any penalty under this Act may be prosecuted for and recovered, and the monies therefrom proceeding, paid and applied as penalties are directed by this Act.

V. And be it further enacted that if any person or persons whatsoever who may be onboard any ship or vessel after the master or person having charge thereof shall be ordered and directed to perform Quarentine as abovesaid, shall quit such ship or vessel by coming on shore or by going on

board any other ship or vessel before or while under such Quarentine, without special licence as above laid, it shall and may be lawful for the person or persons appointed to see the Quarentine duly performed, to compel, and in case of resistance, by force and violence to oblige such person and persons to return onboard such ship or vessel, and there to remain during the time of Quarentine; and all and every person who shall presume to go on board and return from any ship or vessel under order to perform Quarentine as aforesaid, without such licence as abovesaid, shall and may be compelled, and in case of resistance may by force and violence be obliged by the persons abovesaid to return on board such ship or vessel, and there to remain during the time of Quarentine; and the master of such ship or vessel shall be and is hereby obliged to keep and maintain such person and persons on board accordingly.

VI. And be it further enacted, that in case of any person quitting a ship or vessel so under Quarentine as abovesaid, or going on board and returning without licence, besides being obliged to return on board and there remain, shall forfeit and pay a fine and sum not less than five pounds and not exceeding fifty pounds, to be recovered by information in any of his Majesty's courts of record in this Province in manner abovesaid, and paid and applied as other penalties by this Act imposed, and for want of goods or chattles, lands or tenements on which such fine may be levied and recovered, the person so adjudged to pay the same may be committed to the common goal; and there to remain for a period of time not exceeding three months.

VII. And be it further enacted that when and so often as any boat, canoe or shiff shall be found with any ship or vessel so under order for performance of Quarentine, without licence from the Captain of the port or person authorized to see the said Quarentine performed, he or they may seize and take the same, and the said boat, shiff or canoe shall become forfeited to his Majesty, and may be so adjudged by two of his Majesty's Justices of the Peace on the oath of one or more credible witnesses.

VIII. And be it further enacted, that all and every person taking upon himself the charge and trust of executing any warrantor order touching and respecting the due performance of Quarentine, and the execution of this Act or any part thereof, who shall wilfully neglect the execution of the said trust, or who shall for interest, gain, profit or favor openly or by connivance suffer or permit this Act or any part thereof, or any order legally made under the same respecting the premises, to be evaded or transgressed, shall and may be prosecuted in any court of record in manner as aforesaid, and upon conviction shall be liable to and suffer a fine not less than ten pounds and not exceeding two hundred pounds currency of this Province or imprisonment not exceeding twelve months as the court before which the same suit may be prosecuted, may adjudge in that behalf, one moiety of all and every such fine shall be paid to the in-former or person prosecuting for the same, any thing therein contained to the contrary notwithstanding.

IX. And be it further enacted, that all and every penalty or forfeiture that may be prosecuted for and recovered under this Act, shall be paid to his Majesty, his heirs and successors for the public uses of this Province and the support of the Government thereof, except in such cases where the penalties are by this Act otherwise applied, and that the due application of the same shall be accounted for to his Majesty, his heirs and successors, through the Lord Commissioners of his

Majesty's treasury for the time being in such manner as his Majesty, his heirs and Successors may direct.

X. And be it further enacted, that after Quarentine shall have been duly performed by any ship or vessel and the persons therein shall have conformed to the proclamation and orders that may be issued as abovementioned, and the several rules and orders that may in that respect be made under this Act, and upon proof on oath or otherwise being made thereof to the satisfaction of the said Governor, Lieutenant Governor or Person administering the Government aforesaid in his Majesty's said Executive Council, and that such ship or vessel and all and every the person and persons therein, have duly performed the Quarentine and orders aforesaid, and that the ship or vessel and all the persons on board and the goods and merchandise therein laden are free from fection, then and in every such case, the commander, master or person having charge of such ship or vessel shall obtain a passport and discharge from the Quarentine imposed, and the restraints by this Act laid to support the same, and which passport and discharge shall be granted under the hand and seal of the Governor, Lieutenant Governor or Person administering the Government, and shall free the said ship or vessel and all and every person and persons therein and thereunto belonging, and the goods and merchandise that may be laden or have been imported in the said ship and vessel; from all further restraint or detention during that voyage, by reason of any matter or thing in this Act contained.