

of Baptism &c. either by witnesses or family registers.

Penalty on persons taking a false oath.

Penalty on persons guilty of altering any entry respecting Baptisms, &c.

Proviso.

The title of an Ordinance of his Christian Majesty, of April 1667 and of a declaration of the 9th of April 1796 repealed in part.

Copies of this Act to be transmitted to the Rectors, &c. and to the Church wardens of every parish. And to be left to their clerical successor respectively.

ed to prevent the proof of Baptisms, Marriages or Burials being made and received either by witnesses or family registers or papers or other means allowed by law, saving to the adverse party the right of impeaching or disproving such evidence; provided always, that if any person shall knowingly and wilfully make a false oath, respecting any of the matters aforesaid, and be thereof lawfully convicted, such person shall be subjected to the penalties inflicted by a Statute passed in the fifth year of the reign of Queen Elizabeth for the punishment of wilful perjury,

XIV. And be it further enacted, that if any person shall after the passing of this Act, make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged or counterfeited, or act or assist in falsely making, altering, or counterfeiting any entry respecting the Birth, Marriage or Burial of any party or parties in any register book so directed to be kept as aforesaid, or shall utter or publish as true, any false, forged, altered or counterfeited entry as aforesaid, or a copy or certificate of any entry, knowing such copy or certificate to be false, altered, forged or counterfeited, or shall wilfully destroy or cause or procure to be destroyed any such register-book as heretofore is directed to be kept by the priest or minister of any parish or congregation, or the Clerk of any of his Majesty's courts of King's Bench respectively, every person so offending, and being thereof lawfully convicted, shall suffer such fine and imprisonment as to the court shall seem meet; provided such imprisonment be for a term not less than twelve calendar months.

XV. And be it further enacted by the authority aforesaid, that so much of the twentieth title of an Ordinance passed by his most Christian Majesty, in the month of April, in the year one thousand six hundred and sixty-seven, and of a declaration of his most Christian Majesty of the ninth of April one thousand seven hundred and thirty-six, which relate to the form and manner in which the registers of Baptisms, Marriages and Burials are to be numbered, authenticated or paraphed, kept and deposited, and the penalties thereby imposed on persons refusing or neglecting to conform to the provisions of said Ordinance and declaration, are hereby repealed, so far as relates to the said registers only.

XVI. And be it further enacted by the authority aforesaid, that a printed copy of this Act shall be transmitted to each Rector, Curate, Vicar or other priest or minister doing the parochial or clerical duty of any parish, protestant church or congregation, religious community and hospital in this Province, and to the Church Wardens of every parish and protestant church, in the same manner as to persons who by law are intitled to such copies, to be by each of them preserved and left to their clerical successors respectively.

C A P. V.

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.

Preamble.

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*, 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

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 merchandises 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.

Ships bound to perform Quarentine when notice is given by Proclamation.

And no Person nor goods shall come from or go on board any vessel performing Quarentine without licence.

And all such ships, persons & goods, &c. shall be to the order of the Governor respecting Quarentine.

That Masters of all ships arriving after Proclamation for performance of Quarentine, shall give an account of the place from whence they came and the health of Persons on board.

The account to be rendered, &c.

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-ship 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 authorized 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

That Masters of all vessels liable to perform Quarentine & to obey the orders in that respect given, and repair to places appointed for the performance of Quarentine.

Captain concealing the Plague, &c. guilty of Felony and liable to judgment of death.

And Captain refusing or neglecting to obey every direction and order respecting the due performance of Quarentine, shall forfeit a sum not less than £5. and not exceeding £100.

Governor, &c. may appoint a physician or surgeon to examine all ships suspected of having infected Persons on board.

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 aforesaid, 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 aforesaid, and to make strict search, examination and enquiry into the health state and condition of the master, passengers and

And report opinion thereon.

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.

After suffering Persons to go on shore after orders to perform Quarantine forfeit a sum not exceeding £300. nor less than £50.

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 Quarantine, 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 Quarantine, 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.

Persons quitting a ship under Quarantine without licence may be compelled to return.

V. And be it further enacted that if any person or persons whatsoever who may be on board any ship or vessel after the master or person having charge thereof shall be ordered and directed to perform Quarantine as aforesaid, 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 Quarantine, without special licence as above said, it shall and may be lawful for the person or persons appointed to see the Quarantine duly performed, to compel, and in case of resistance, by force and violence to oblige such person and persons to return on board such ship or vessel, and there to remain during the time of Quarantine; and all and every person who shall presume to go on board and return from any ship or vessel under order to perform Quarantine as aforesaid, without such licence as aforesaid, shall and may be compelled, and in case of resistance may by force and violence be obliged by the persons aforesaid to return on board such ship or vessel, and there to remain during the time of Quarantine; 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.

And Persons going on board and returning without licence may be compelled to return and remain, &c.

Persons coming on shore or going on board and returning without licence shall forfeit a sum not less than £5. and not exceeding £50.

And for want of payment may be imprisoned.

VI. And be it further enacted, that in case of any person quitting a ship or vessel so under Quarantine as aforesaid, 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 aforesaid, 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.

Boats going to any ship &c. without licence to be seized and forfeited.

VII. And be it further enacted that when and so often as any boat, canoe or skiff shall be found with any ship or vessel so under order for performance of Quarantine, without licence from the Captain of the port or person authorized to see the said Quarantine performed

formed, 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.

Officers neglecting the execution of this trust subject to Penalties and imprisonment.

VIII. And be it further enacted, that all and every person taking upon himself the charge and trust of executing any warrant or 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 informer or person prosecuting for the same, any thing therein contained to the contrary notwithstanding.

Penalties and forfeitures to be sued for and recovered and accounted for as his Majesty may direct.

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.

After performance of Quarentine, ships shall be cleared.

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 seccion, 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.