

## CAP. XX.

An Act in addition to an Act, intituled, "An Act to make more effectual provision for preventing the importation or spreading of Infectious Distempers within the Towns or Settlements on the River Miramichi."

*Passed 10th February, 1829.*

**W**HEREAS an Act made and passed in the eighth Year of His Majesty's Reign, intituled "An Act to make more effectual provision for preventing the importation or spreading of Infectious Distempers within the Towns or Settlements on the River Miramichi," has been found insufficient.

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That the Health Officers appointed, or that hereafter may be appointed, by the Justices of the Peace of the County of Northumberland, by virtue of the said herein before recited Act, shall, in addition to the power and authority given to them by the said Act, be, and they are hereby respectively fully authorized and empowered, on going on board of any vessel at the instance of any Justice of the Peace, for the purpose of inquiring into the state of the health of the persons on board the said vessel, to examine the master and such other persons on board the said vessel as he may think necessary, on oath, as to the health of all persons on board or who have been on board during any part of the voyage; and whether the said vessel came from, or touched at, any place infected with any of the Distempers, in the aforesaid Act mentioned, and into and concerning all circumstances and matters, in anywise touching or concerning the prevalence of any of the said Distempers, at any place where the said Vessel may have touched or from which she may have sailed; which oath the said Health Officers, respectively, are hereby fully authorized and empowered to administer.

Health Officers in addition to the powers given them by 8 Geo. 4, c. 21, authorized to examine on oath the Master and others on board of any vessel, as to the health of all persons on board, or who have been on board during any part of the voyage.

And whether the vessel came from or touched at any place infected with any distemper.

Persons on board any infected vessel landing or approaching within 80 rods of the shore without licence to forfeit £10 for each offence.

II. *And be it further enacted*, That if any Passenger or other person whatsoever, being on board any Vessel having on board the Yellow Fever, Putrid Bilious Fever, or any other Pesti- lential, or Contagious Distemper, or coming from any place infected with any such Distemper, shall land from such Vessel, or shall leave the said Vessel and approach within eighty rods of the shore, without licence first had, and obtained from the Justices according to the true intent and meaning of the said hereinbefore recited Act, each and every Passenger, or other person, so offending, shall forfeit and pay for every offence, the sum of ten pounds.

Justices by warrant to any Constable may cause to be taken and reconveyed on board, any persons landed or attempting to land.

III. *And be it further enacted*, That if any person or persons shall be found to have been landed, or attempting to land, from any such Vessel, so coming from any infected place, as aforesaid, or having any person on board so infected; as aforesaid; it shall and may be lawful for any Justice of the Peace, in the said County of Northumberland, by Warrant under his hand and seal, directed to any Con- stable of said County, to cause such person to be taken and reconveyed on board such Vessel, and the said Constable having such Warrant, is here- by authorized and empowered to command the necessary assistance to enable him to force back, and convey on board the said Vessel, any and all persons so landed, or attempting to land, as aforesaid; and that it shall be lawful for the persons, so called upon by the said Constable or Officer having such warrant, to assist or use such force as may be necessary to carry the said order into effect, by forcing such persons landed, or attempt- ing to land, back to, and on board such vessel: and the master or person having command or charge of such vessel, from which such persons shall have landed, or attempted to land, shall, on request of the Constable or officer having the execution

Constable to com- mand the necessa- ry assistance.

Persons called up- on, to use force if necessary.

Master of vessel to detain the persons attempting to land,

execution of such warrant, receive, take, and detain on board his said vessel, such person or persons, under the penalty of fifty pounds for each and every person that he shall refuse to receive, or neglect to keep and detain on board after being so returned.

under the penalty of £50, for each person he shall refuse to receive, or neglect to keep on board.

IV. *And be it further enacted*, That in case of any Vessel being ordered to perform Quarantine, that the Justices of the said County, in their General Sessions, or at any Special Sessions, to be for that purpose holden, there not being less than five Members present, shall have power to authorize the landing of either the healthy or the diseased persons from on board such Vessel at such Lazaretto, or place detached from the settled part of the County, and under such restrictions as they may think expedient and necessary, in order to facilitate the recovery of those who are infected, and prevent and guard, as far as possible, the spreading of the disease among the passengers and crew; and after such landing at any time before the said Vessel shall be discharged or released from Quarantine, by like order of General or Special Sessions, cause any or all persons so landed to be again taken on board such Vessel from which they were landed, and kept and detained on board the said Vessel, for such time as they may think necessary, or until the said Vessel shall be released or discharged from Quarantine.

Justices in General or Special Sessions when not less than five are present may authorize the landing of either the healthy or diseased persons.

And after such landing may cause them to be again taken and detained on board.

V. *And be it further enacted*, That if any person after being landed, or permitted to land from such Vessel, shall escape or depart from the Lazaretto; or Limits assigned by the Justices, such person, so offending, shall forfeit and pay the sum of ten pounds, and be liable to be arrested and forced back to the Limits assigned, as aforesaid, or to the Vessel from which he was permitted to land, as the Justice or Justices shall order or direct.

Any person escaping from the Lazaretto or Limits as signed by the Justices to forfeit £10 and be liable to be arrested and forced back again.

Justices may cause to be removed to the Lazaretto or other detached place, any person who after landing shall be attacked with any infectious distemper.

VI. *And be it further enacted,* That if any passenger or person that shall have landed from any Vessel so coming from any infected place as aforesaid, and shall have obtained licence to land as aforesaid, shall after landing, be attacked by such infectious distemper or disease, that it shall be lawful for the said Justice or Justices, by warrant under his or their hand and seal, as aforesaid directed, to cause such person to be removed to the Lazaretto, or place detached from the Settlement as aforesaid, and there kept and detained for such time as may be found necessary to prevent the spreading of such distemper or disease.

Justices may issue a Search Warrant for any person escaping.

VII. *And be it further enacted,* That if at any time it shall be made to appear to the satisfaction of any Justice of the Peace, on oath, that any person has escaped from any such Vessel or from the Lazaretto, or Limits assigned, or to be assigned as aforesaid, and is kept or concealed in any house or other building within the said County, or if oath be made by some credible person or persons, that there is good reason to suspect, and that such person or persons do verily believe that any person so escaping as aforesaid, is so kept or concealed; it shall and may be lawful for such Justice to issue his warrant to any of the Constables, authorizing and requiring him to enter and search such house or other building; and if such person so escaping as aforesaid, shall be found therein, to arrest, take, and convey him or her on board of such Vessel, or to the Lazaretto, or Limits, or place appointed or assigned as aforesaid for such person to be kept.

If such person be found, Constable to convey him or her back again.

Any person aiding or assisting any person to land previous to licence or concealing any such person to forfeit £20.

VIII. *And be it further enacted,* That if any Inhabitant of the said County or other person whatsoever, shall aid, assist or procure any person to aid, abet, or assist any person in landing from such Vessel, previous to a licence for that purpose, obtained as aforesaid, or shall keep, secrete, or conceal or shall procure any person to keep, secrete

secrete or conceal any such person landing or leaving the Lazaretto without licence obtained as aforesaid, or in any manner assist in preventing the detection and apprehension of such person so landing without a licence, as aforesaid, every such person so offending shall, for every offence, forfeit and pay the sum of twenty pounds.

*IX. And be it further enacted,* That if any person who shall be commanded by any Constable or Officer having a warrant from any Justice of the Peace as aforesaid, for the enforcement of the Quarantine or compelling the return of persons, who have landed, or shall be attempting to land without licence as aforesaid, shall refuse or neglect to render and afford such assistance, shall, for every offence, forfeit and pay the sum of ten pounds; and that in case of any action of trespass, or other prosecution or suit whatsoever, being brought or prosecuted against the said Constable, or any person aiding and assisting for any arrest, assault, or violence, or force necessarily used toward persons so landing or attempting to land, the Defendant or Defendants in such action, shall be allowed to plead the general issue, and give the special matter in evidence, at the trial, in like manner as if such matter had been fully and specially pleaded; and if the Plaintiff shall become nonsuit, or shall discontinue the action, or if upon verdict or demurrer, judgment shall be given against the Plaintiff; the Defendant shall recover double costs of suit, and have such remedy for the same as any Defendant can have in other cases where costs are given by Law.

*X. And be it further enacted,* That in all cases where a Pilot shall be detained on board of any Ship or Vessel, under and by virtue of this Act, or of the Act in addition to which this Act is made, each and every Pilot so detained, shall be entitled to receive from the Master or Owner of such Ship or Vessel, (in addition to the Pilot-

Persons neglecting to render assistance when called upon by any Constable to forfeit £10.

In actions against a Constable or persons assisting him.

Defendants to plead the General Issue and give special matter in evidence at the trial.

If plaintiff become nonsuited or discontinued the action; defendants to recover double costs

Pilots detained on board any infected vessel, entitled to receive at the rate of 12s. 6d. per day.

age money,) a sum at and after the rate of twelve shillings and six pence per day, for each and every day he shall be so detained; to be sued for, and recovered in any Court of competent jurisdiction.

Penalties and forfeitures to be sued for, as directed by 8 Geo. 4, c. 21.

XI. *And be it further enacted*, That all the penalties and forfeitures in this Act mentioned, may be prosecuted, sued for, and recovered, in the same manner, and applied to the uses directed in and by the said hereinbefore in part recited Act.

### CAP. XXI.

An Act to amend the Statute Law, relative to offences against the Person, and to provide for the more effectual punishment of such offences.

*Passed 10th February, 1829.*

**W**HEREAS by an Act of the Parliament of the United Kingdom, passed in the ninth year of the Reign of His present Majesty, intituled, "An Act for consolidating and amending the Statutes in England relative to offences against the Person," various Statutes, the Titles of which are therein particularly specified, were thereby repealed, and other provisions made in lieu thereof: And whereas several of the said Statutes so lately repealed in England, have hitherto been considered in force, and acted upon in this Province; and it is deemed advisable that the operation of the same should also cease in this Province, and necessary provision made in lieu thereof by Act of Assembly:

Preamble.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly*, That the Statutes or Acts of Parliament, or parts of Statutes or Acts of Parliament, so repealed in England by the said Statute or Act first mentioned, or such of them as are in force in this Province, be, and the same are hereby declared to be repealed and of no force or effect within the same; any

Acts of Parliament repealed in England by 9 Geo. 4, c. 21, or such of them as are in force in this Province repealed.

Law,