

in trust for the use, benefit, and behoof of the Parish School of Saint Andrews aforesaid.

Not to authorize the Justices to convey absolutely any part of the land so to be held by them in trust.

IV. *And be it further enacted*, That nothing in this Act contained shall extend or be construed to extend to authorize the said Justices of the Peace for the said County of Charlotte, to sell and convey absolutely and in fee simple, any part or the whole of the said shares or divisions of the said Tracts of Land in the Preamble of this Act mentioned, so by them to be held in trust for the said Parish School of Saint Andrews as aforesaid.

Rights reserved.

V. *And be it further enacted*, That nothing in this Act contained shall extend, or be construed to affect, or interfere with the right or title of the King's Majesty, His Heirs or Successors or any other person or persons, body politic or corporate, other than the said Justices, Trustees of the Parish School of Saint Andrews, and the Rector of the said Parish respectively.

To be deemed a public Act.

VI. *And be it further enacted*, That this Act shall be deemed and taken to be a public Act, any thing herein contained to the contrary thereof in any wise notwithstanding.

CAP. XXVII.

An Act to repeal all the Acts now in force relative to the importation and spreading of Infectious Distempers in the City of Saint John; and to make more effectual provision for preventing the same.

Passed 8th March, 1830.

Preamble.

WHEREAS, the Acts now in force relative to the importation and spreading of Infectious Distempers in the City of Saint John have been found ineffectual.

29, Geo. 3. c. 9,
and

I. *Be it enacted by the President, Council and Assembly*, That an Act made and passed in the Thirty-ninth year of the Reign of His late

late Majesty King George the Third, intituled, "An Act to repeal an Act made and passed in the Thirty-sixth year of His said Majesty's Reign, intituled, An Act to prevent bringing Infectious Distempers into the City of Saint John, and to make more effectual provision for preventing the importation and spreading of such contagious Distempers," and also an Act made and passed in the Seventh year of the Reign of His present Majesty, intituled, "An Act to amend the Act to prevent the bringing of Infectious Distempers into the City of Saint John," be, and the same are hereby repealed.

7, Geo. 4. c. 4. repealed.

II. *And be it further enacted*, That no Vessel arriving in the Harbour of Saint John, having on board the Small Pox, Yellow Fever, or other Pestilential or Contagious Distemper, or coming from any place infected with any such Distempers, or at which any such Distempers at the time of her departure were known or supposed to prevail, or on board of which said vessel, any person during the voyage had died, or been sick of any such Distemper, shall come, proceed or be navigated or conducted further or higher up into the Harbour of Saint John than a line running westwardly from Broad or Main Street to Sand Point in Carleton, until such vessel shall have been duly inspected and examined by the Physician or Physicians, to be for that purpose, as hereinafter mentioned, appointed, nor until the said Physician or Physicians shall signify his or their consent and permission, in writing, that such vessel may proceed without danger to the Inhabitants of the said City: and if, on such inspection, and examination as aforesaid, it shall be judged expedient, the said Physician or Physicians be authorized to direct, that the said vessel shall be brought to anchor within the line aforesaid, and remain there for a space of

Vessels having on board, or coming from any place infected with Pestilential or Contagious Distempers, or on board of which any person died on the voyage, not to proceed beyond a certain line until inspected by a Physician.

Physician may order the vessel to be brought to anchor and to remain there for three days unless

the Mayor, &c. shall order such vessel to perform Quarantine.

time not exceeding Three days, unless the Mayor, Aldermen, and Commonalty of the City of Saint John in Common Council convened, shall ordain and direct that such vessel shall perform Quarantine; in which case the Master or Commander of such vessel for the time being, shall forthwith cause the said vessel, with all the Persons, Goods, and Cargo on board thereof, to be removed to, and to anchor at such place, and for such length of time, (not exceeding Forty days,) as they, the said Mayor, Aldermen, and Commonalty, may think proper to direct and appoint. And during the time such vessel shall be performing such Quarantine, the Master or Commander thereof shall not permit or suffer any intercourse between the persons on board the said vessel, and the Shores on either side of the Harbour, or within the County of Saint John, or between the said vessel and any other vessel in the said Harbour, except under the direction of the said Physician or Physicians. And the Master or Commander of any such vessel, and all and every other person or persons belonging to, and being on board such vessel, who shall disobey any such orders and directions as aforesaid, or shall neglect to execute and perform the same, or who shall come on shore, or go on board of any other vessel within the said Harbour, or shall presume to bring or put, or aid and assist in bringing or putting on shore, or on board any other vessel as aforesaid, any Person or any Goods, from any such vessel so having come to anchor, or which shall be ordered to perform Quarantine as aforesaid, without the License and permission of the said Physician or Physicians, being for that purpose first obtained, shall for each and every offence severally forfeit and pay the sum of Two hundred pounds of current money of the Province, or be imprisoned

No intercourse allowed with the vessel performing Quarantine, except under direction of the Physician.

Penalty for disobeying orders, or having any intercourse with the shore or other vessels without permission.

imprisoned for a time not exceeding Twelve months.

III. *And be it further enacted,* That the Master or Commander of every Vessel having on board the Small Pox, Yellow Fever, or other Pestilential or Contagious Distempers, or coming from any place infected with any such Distempers, or at which any such Distempers, at the time of her departure, were known or supposed to prevail, or on board of which said vessel any person during the voyage had died, or been sick, of any such Distempers, immediately on coming abreast of Partridge Island, at the entrance of the Harbour of Saint John, shall cause the said vessel's Ensign, (or such other Colour as shall be on board,) to be hoisted in the Starboard Main Rigging; and shall continue the said Signal so hoisted, until the said vessel shall have been inspected and examined by the said Physician or Physicians, and a License be had from him or them to remove the same, under the penalty of Twenty pounds for each and every offence.

Signal to be made in infected vessels on coming abreast of Partridge Island, and continued until the vessel shall be inspected and License had to remove the same, under penalty of £20.

IV. *And be it further enacted,* That the several branch Pilots belonging to the City of Saint John, shall be furnished with printed Instructions, containing a Notice to the following effect, viz :—“ That no vessel having the Small Pox, Yellow Fever, or other Pestilential or Contagious Distemper on board, or having come from any place infected with any such Distempers, or at which any such Distempers were known or supposed to prevail at the time of her departure, or on board of which any person had died, or been sick of any such Distempers during the voyage, shall proceed or be navigated further or higher up into the Harbour than a line running westwardly from Broad or Main Street to Sand Point in Carleton; and that the Master and Commander

Form of Notice to be contained in printed Instructions to be furnished to the Saint John Branch Pilots.

" Commander of any such vessel shall not go,
 " or put on shore, or on board any other vessel,
 " or suffer any other person to go or put on
 " shore or on board any other vessel, any Per-
 " son or Goods, out of the said vessel, until such
 " vessel shall have been inspected by the Phy-
 " sician or Physicians, and his or their License
 " for that purpose obtained, under the penal-
 " ty of Two hundred pounds. And further,
 " that the said Master or Commander shall
 " cause the said vessel's Ensign, (or such other
 " Colour as shall be on board,) to be hoisted in
 " the Starboard Main Rigging, so soon as the
 " said vessel shall come abreast of Partridge Is-
 " land, and shall continue the same, so hoisted,
 " until leave be granted by the said Physician
 " or Physicians to remove the same, under the
 " penalty of Twenty pounds." And it shall

To be read or pur-
 port, communicated
 by them to the Mas-
 ters of all vessels
 coming into the Har-
 bour.

Penalties for neglect
 of duty in this re-
 spect.

Persons landing un-
 less by direction of
 the Physician, may
 be apprehended and
 carried back to the
 vessel, or such place
 as shall be appoint-
 ed.

be the duty of the said Pilots on first boarding
 every vessel coming into the Harbour of Saint
 John, to read such notice to the Master or
 Commander of such vessel, or communicate to
 him the purport and effect of such notice ; and
 any Branch Pilot who shall neglect his duty in
 this respect, shall for the first offence, forfeit
 and pay the sum of Ten pounds ; and for the
 second offence, in addition to the penalty of
 Ten pounds, be prevented for ever after from
 holding a Branch. And if any person or per-
 sons shall come, or be put on shore from any
 such vessel, unless by the direction of the said
 Physician or Physicians, it shall and may be
 lawful for the Mayor or any one of the Alder-
 men of the said City, or of the Justices of the
 Peace for the City and County of Saint John,
 to cause such person or persons to be appre-
 hended, and carried back to such vessel, or to
 such other place as may be appointed for the re-
 ception of persons under such circumstances so
 as to prevent the spreading of Infection.

V. *And be it further enacted*, That the Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council convened, be, and they are hereby authorized and required, at the usual time of appointing Charter Officers in every year, and oftener if need be, to nominate and appoint one or more Physician or Physicians who shall have power and authority, and whose duty it shall be to go on board, visit, inspect, and examine all vessels arriving in the Harbour of Saint John, and on board of which, such Signal shall have been so hoisted in the Starboard Main Rigging as aforesaid, or on board of any other vessel which may be suspected of having on board the said Small Pox, Yellow Fever or other Pestilential or Contagious Distemper, and to make full enquiry and examination into the state of the health of all persons on board any such Vessels, 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 aforesaid, or at which, at the time of her departure, any such Distempers were known or supposed to prevail. And if the said Physician or Physicians, on such inspection and examination, shall consider that no danger is likely to result to the inhabitants of the said City, from suffering such vessel to proceed into the Harbour, he or they shall give a License in writing to the Master or Commander of such vessel for that purpose, and thereupon such vessel may proceed. But if there should exist any doubts relative thereto, that the said physician or physicians do immediately require the Master or Commander of such vessel to bring the said vessel to anchor within the line herein before mentioned. And the said Physician or Physicians shall thereupon, forthwith, make a report thereof, in writing, to the Mayor or Recorder

Mayor, &c. annually to appoint visiting Physicians with power to make all necessary enquiries as to said distempers.

When no danger is likely to result to the inhabitants, Physician may give License for vessel to proceed.

Doubts existing vessel to be brought to anchor, and Physician to report to the Mayor or Recorder with his opinion and advice.

of

of the said City, with his or their opinion and advice relative thereto. And such Physician or Physicians, who shall go on board, visit, inspect, and examine any such vessels as aforesaid, shall for each and every such visit, inspection and examination, be entitled to demand and receive from the Master, Owner, or Consignee of such vessel so visited, inspected, and examined, according to the following Scale, to wit:—

Scale of fees to be received by the visiting Physician.

For vessels under One hundred Tons burthen, the sum of Seventeen shillings and six pence; for vessels of One hundred and under Two hundred Tons, Twenty shillings; of Two hundred and under Three hundred Tons, Twenty-five shillings; of Three hundred from that upwards, Thirty shillings: the said sums to be sued for and recovered in any Court, competent to take cognizance of the same. And the said Physician or Physicians who shall be guilty of any unnecessary delay in going on board, inspecting, and examining any such vessel as aforesaid, shall be displaced from Office.

Physicians guilty of unnecessary delay to be displaced from Office.

Physician to receive at the rate of one third of the above Scale for each visit after the first.

Provided always, That in case it shall be found necessary for the said Physician or Physicians to make more than one visit on board any such vessel or vessels, on board of which any Distemper or Contagion may actually exist as aforesaid, such Physician or Physicians shall be entitled to receive one third only of the aforesaid rates for every visit so made according to the size of the vessel.

No person other than visiting Physician to go on board of vessels having Signal hoisted under penalty of £20.

VI. *And be it further enacted,* That no person or persons whosoever, other than the Physician or Physicians appointed as aforesaid, shall go on board any vessel so arriving as aforesaid, which shall have such Signal so hoisted in the Starboard Main Rigging as aforesaid, or which having come to Anchor, shall continue to have such Signal so hoisted as aforesaid, under the penalty of Twenty pounds for each and every

every offence : and if any person or persons, other than the Physician or Physicians aforesaid, shall go on board any such vessel, then and in such case, the Master or Commander of such vessel for the time being, is hereby authorized and required to keep and detain such person or persons on board the said vessel, until such License as aforesaid be given for the said vessel to proceed, or until the expiration of such time as shall be directed and appointed for the said vessel to perform Quarantine as aforesaid, or permission in writing be had from the said Physician or Physicians, for him or them to depart. And if any such person or persons so having unlawfully gone on board any such vessel as aforesaid, shall go on shore, or depart from the said vessel, before such License as aforesaid shall be given, or before the expiration of the time appointed for the said vessel to perform Quarantine, or permission be given for him or them to depart as aforesaid, then, and in such case, every such person or persons so offending as aforesaid, and the Master or Commander of any such vessel, so permitting such person or persons to go on shore, or to depart from the said vessel, and every other person aiding and assisting therein, shall for each and every offence severally forfeit and pay the sum of Fifty pounds : and it shall and may be lawful for the Mayor, or any one of the Aldermen of the said City, or one of the Justices of the Peace for the said City and County, to cause such person or persons to be carried back to such vessel, or to such other place as may be appointed by the Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council convened, for the reception of persons under such circumstances, so as to prevent the Infection.

Persons going on board to be detained until License be granted, Quarantine performed or permission for them to depart, be had.

Penalty for allowing persons having unlawfully gone on board to depart from the vessel.

Such persons to be carried back or removed to such place as shall be appointed.

VII. *And be it further enacted,* That during the

Mayor, &c. may order passengers in vessels performing Quarantine to be landed and conveyed to Partridge Island or other appointed place.

the time any such vessel shall be ordered to perform Quarantine as aforesaid, it shall and may be lawful for the Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council convened, (if on the report of the Physician or Physicians aforesaid, it shall be judged expedient,) to order and direct that the Passengers on board such vessel may be landed therefrom, and conveyed to Partridge Island; or such other place or places as may be appointed for the reception of persons under such circumstances, in order to facilitate the recovery of those who are infected, and to prevent the spreading of the Disease among the other Passengers. And the persons so landed as aforesaid, shall remain at such place or places as shall be appointed therefor, until they are restored to health, their clothes thoroughly cleansed under the direction of the said Physician or Physicians, and his or their Certificate be obtained, that they may proceed to the City without danger to the Inhabitants thereof. And the said vessel from which the said Passengers shall be so landed, shall be thoroughly cleansed and purified under the direction of the said Physician or Physicians: and when so cleansed and purified, the said Physician or Physicians shall report the same to the Mayor, or in case of his absence, to one of the Aldermen of the said City: and the said Mayor or Alderman, shall thereupon give a License for the said vessel to depart from such Quarantine as aforesaid. And in case any person or persons shall depart from the place to which they may have been conveyed from the said vessel without the permission of the said Physician or Physicians, being for that purpose first obtained; it shall and may be lawful for the Mayor, or any one of the Aldermen of the said City, or one of the Justices of the Peace for the City and County,

There to remain until the Physician grants his certificate that they may proceed to the City.

When the vessel is cleansed, Physician to report and license to be granted for her to depart from Quarantine.

Persons departing without permission from the place to which they may have been conveyed to be carried back or otherwise disposed of so as to prevent Infection.

to cause such person or persons to be apprehended, and carried back to the place from whence he or they may have so departed, or to be otherwise disposed of, so as to prevent the Infection.

VIII. *And be it further enacted,* That all vessels which shall arrive in the Harbour of Saint John from any Port or place in the West Indies, South America, the United States of America, from Boston and the southward of Boston, Bermuda, Africa, or the Mediterranean; or having Passengers on board from any Port or place in any part of the world, (save and except in this Province, Canada, Nova-Scotia, Newfoundland, and the United States of America to the Northward of Boston,) between the first day of May and the first day of November in any year, shall hoist the said vessel's Ensign; or such other colour as may be on board; in the Starboard Main Rigging as aforesaid; and shall not proceed further or higher up into the said Harbour than a line running westwardly from Broad or Main Street to Sand Point in Carleton as aforesaid, until such vessel shall have been visited, inspected, and examined by the Physician or Physicians aforesaid, and his or their permission in writing first obtained for the said vessel to proceed. And the Master or Commander of any vessel which shall proceed further or higher up than the line aforesaid; until such permission shall be obtained as aforesaid, shall for each and every such offence forfeit and pay the sum of Twenty pounds.

What vessels shall hoist the Signal and remain without the specified line until visited by Physician and obtaining his permission to proceed.

Penalty for proceeding further up the Harbour than the specified line, without permission.

IX. *And be it further enacted,* That all the penalties and forfeitures in this Act mentioned, may be prosecuted, sued for, and recovered in the Supreme Court, by Action of Debt, Bill, Plaint or Information, or in the Inferior Court of Common Pleas for the said City and County, by any person who shall prosecute for the same,

Penalties how to be recovered and applied.

within twenty days after the commission of the offence; and, when recovered, shall be paid, one moiety to the person so suing and prosecuting; and the other moiety to be paid into the Treasury of the Province, for the use and support of the Government thereof; and if no person shall so sue and prosecute within Twenty days, then that the same penalties and forfeitures shall be sued for and recovered by information of His Majesty's Attorney General, in the said Supreme Court; and, when recovered, to be paid, after deducting the costs and charges of prosecution, into the said Treasury for the use as aforesaid.

CAP. XXVIII.

An Act to regulate the Inspection of Dry and Pickled Fish for Home Consumption and for Exportation.

Passed 8th March, 1830.

WHEREAS, the Acts now in force regulating the Inspection and Exportation of Pickled Fish, are found to be very defective; and it is deemed necessary to make more effectual regulations relative thereto.

I. Be it therefore enacted by the President, Council and Assembly, That an act made and passed in the Fifty-ninth year of His late Majesty's Reign, intituled, "An Act to regulate the Exportation of Fish, and to repeal the Laws now in force relating thereto;" and the Acts made and passed in the Fourth year of His present Majesty's Reign, intituled, "An Act in addition to an Act to regulate the Exportation of Fish;" and the Act made and passed in the Eighth year of His Majesty's Reign; intituled "An Act to continue and amend an Act for regulating the inspection of Fish to be consumed within this Province;" also an Act made

Preamble.

59, Geo. 3. c. 13.

4, Geo. 4. c. 6.

8 Geo. 4. c. 5.

made