

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1799. Saint John: John Ryan, Printer to the King's Most Excellent Majesty, 1799.

39 George III – Chapter 9

An Act to repeal an Act made and passed in the Thirty-sixth year of His 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. Passed the 8th of February, 1799.

Whereas an Act made and passed in the Thirty-sixth year of his present Majesty's Reign, intituled "an Act to prevent bringing Infectious Distempers into the City of Saint John," has been found ineffectual.

- I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That the aforesaid Act be and the same is hereby repealed.

- II. And be it further enacted, That no Vessel having on board the Yellow Fever, Putrid Bilious Fever, or other pestilential or contagious Distemper, or coming from any place infected with any of the before-mentioned distempers, shall come or proceed, or be navigated or conducted further from the sea, towards or higher into the harbor of Saint John, than the Point commonly called Pagan's Point, or a line running due West therefrom, until such Vessel shall after her arrival have anchored at some place between the Point and line aforesaid and Partridge Island, and there have been and remained at anchor for the space of three days, nor until such Vessel shall have been duly inspected and examined, and shall have obtained a licence for that purpose from the Mayor, Recorder, and Aldermen of the said City of Saint John, or any two of them; which license shall in no case be granted in less than three days after anchoring as aforesaid: And in case such license shall be denied, and it shall be judged expedient by the said Mayor, Recorder and Aldermen, or any two of them, that the said Vessel, with the Cargo and Goods, and all persons on board should ride or perform Quarantine—then the master or commander, or other person having charge of the said Vessel for the time being, shall cause the said Vessel, with all the persons and Goods and Cargo on board, to anchor in such place and for such length of time not exceeding Forty Days, as the said Mayor, Recorder and Aldermen, or the major part of them shall direct and appoint; and all and every master and masters, and commander and commanders of Vessels, and every other person, who shall disobey or contravene any such direction or appointment, or neglect to execute and perform the same, or shall without a license for that purpose first had and obtained from the said Mayor, Recorder, and Aldermen, or any two of them, go on shore, or put on shore, or unlade, or assist in putting on shore, or unlading any person or Goods from any such Vessel as aforesaid, before the said Quarantine, or time of anchoring, so limited, directed and appointed, shall be fully completed and expired, shall for each and every offence severally forfeit and pay the sum of two hundred pounds.

- III. And be it further enacted, That the Master or Commander of every Vessel, having on board the Yellow Fever, Putrid Bilious Fever, or any other Pestilential or Contagious Distemper, or coming

from any place infected with any of the aforementioned Distempers, shall immediately after her arrival at or within Partridge Island, at the mouth of the Harbour of Saint John, hoist such Vessels Ensign with the Union down, or if there be no Ensign on board, then he shall hoist such other Colours as shall be on board half mast, and continue the said Signal so hoisted, until a Licence be had to remove the same, from the said Mayor, Recorder and Aldermen, or any two of them, which Licence shall in no case be granted in less than three days after first anchoring as aforesaid, under the penalty of twenty pounds, for each and every offence.

IV. And be it further enacted, That the Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council be, and they are hereby authorised and required to nominate and appoint one or more Physician or Physicians, who shall have power and authority to go on board, visit and inspect all Vessels arriving as aforesaid, which may be suspected of having on board the said Yellow Fever, Putrid Bilious Fever, or other Pestilential or Contagious Distemper, and who are required at the request of the mayor, Recorder or Aldermen, or any two of them, to go on board such suspected Vessel or Vessels, and make full enquiry and examination into the state of the Health of all persons on board, or who have been on board, during any part of the voyage, and whether the said vessel or vessels came from, or touched at any place infected with any of the distempers aforesaid, and into, and concerning all circumstances and matters in any wise touching or concerning the prevalence of any of the said Distempers at any place where the said Vessel or Vessels may have sailed; and the said Physician and Physicians shall make report from time to time in writing to the Mayor, Recorder and Alderman, or any two of them, so requesting him or them to go on board and make examination as aforesaid, or the result of such examination and enquiry, with his or their opinion and advice thereon; and such Physician or Physicians, shall have and receive from the Chamberlain of the City such Fees, recompence and reward for the services to be performed from time to time as aforesaid, as the Common Council shall order and appoint.

V. And be it further enacted, That the Master or Commander of every Vessel arriving and coming from any such infected place as aforesaid, or having on board any person or persons infected, or who during the voyage shall have been infected with any of the Fevers or Distempers aforesaid, or on board of which Vessel any person shall have died of any such Fever or Distemper, or being infected therewith, shall have landed or quitted the Vessel during the said voyage, shall permit such Physician and Physicians at all reasonable times, to come on board and make the enquiry and examination aforesaid, and I make and give to him a true and full discovery and relation of all the matters, things and circumstances aforesaid, and if any such Master or Commander shall refuse or neglect to make such full and true discovery and relation as aforesaid, or shall suppress, conceal or deny the truth in any particular, relating thereunto, he shall forfeit and pay for each and every offence, the sum of two hundred pounds.

VI. And be it further enacted, That no person or persons whosoever, other than a Physician appointed as aforesaid, shall go on board any Vessel so arriving and coming from any place so infected as aforesaid, or which shall have on board any person or persons infected as aforesaid, with any of the Fevers or Distempers aforesaid, after her having therein hoisted such signal as aforesaid, before the granting of such Licence as aforesaid, for the Vessel to proceed into the inner Harbour, nor before the expiration of Three Days from and after the time of her first coming to

anchor as aforesaid, between Pagan's Point and Partridge Island, under the penalty and forfeiture of twenty pounds, for each and every offence.

VII. And be it further enacted, That if any person or persons other than a Physician appointed as aforesaid, shall go on board any such Vessel so coming from any infected place as aforesaid, or having any person on board so infected as aforesaid, after such Signal therein hoisted, as aforesaid, and before the granting of such Licence for the Vessel to proceed as aforesaid, and the expiration of the said three days anchoring as aforesaid, contrary to the true intent and meaning of the next preceding Section, that then and in such case, the Master or Commander of such Vessel for the time being, be authorised and required to keep and detain such person or persons aforesaid on board the said Vessel, until such Licence as aforesaid for the Vessel to proceed, be duly granted, and until the expiration of such time as shall be directed and appointed, by the said Mayor, Recorder and Aldermen, or the Major part of them, for the said Vessel to ride Quarantine, or to anchor, in case such Licence shall be denied; and if any Master or Commander of such Vessel shall permit any person or persons, other than the Physician aforesaid, so to come on board as aforesaid, contrary to the prohibitions and provisions aforesaid, and the true intent and meaning of this Act, he shall forfeit and pay the sum of twenty pounds, for each and every offence. And if any such person or persons so having unlawfully gone on board any such Vessel as aforesaid, contrary to the prohibitions and provisions aforesaid, and the true intent and meaning of this Act, shall go on shore or depart from the said Vessel, before such Licence as aforesaid, shall be granted, or if a Licence shall be denied before the expiration of the time appointed as aforesaid, for the said Vessels anchoring and Quarantine aforesaid, then and in such case, every person and persons so offending as aforesaid, and going on shore or departing from the said Vessel, as aforesaid, and the Master or Commander of any such Vessel so permitting the same person or persons to go on shore or to depart from the said Vessel, and every other person or persons aiding or assisting therein, shall for each and every offence severally, forfeit and pay the sum of fifty pounds.

VIII. And be it further enacted, That all the penalties and forfeitures aforesaid, in this Act mentioned, may be prosecuted, sued for, and recovered by action of debt, bill, plaint, or information, in the Supreme Court, by any person who shall prosecute and sue for the same, and shall be divided, one moiety to the person so suing and prosecuting, and the other moiety, to the use of the Mayor, Aldermen and Commonalty of the City of Saint John.