

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1827. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1827.

8 George IV – Chapter 21

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 the 19th March, 1827.

Whereas from the great augmentation of the Population of the Towns of Newcastle and Chatham, and other Towns at and near the entrance of the Miramichi River, in the County of Northumberland, it has become expedient for the safety of the Inhabitants, to make more effectual regulations for preventing the importation of Infectious Distempers in that District, than are already by law provided.

I. Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That no Vessel having on board the Yellow Fever, Putrid Bilious Fever, or any other pestilential or contagious Distemper whatsoever, or coming from any place infected with any such Distempers, shall come or or proceed, or be navigated further from the Sea into the River Miramichi, than Terrill's Point, below Middle Island, until such Vessel shall, after her arrival, have anchored at or below the same place; and there have remained at anchor for three days; or until such Vessel shall have been duly inspected and examined, and shall have obtained a Licence for that purpose, from two of His Majesty's Justices of the Peace, which Licence shall in no case be granted in less than three days after anchorage as aforesaid:—And in case such Licence shall be denied, and it shall be judged expedient by the Justices of the Peace for the said County, or any two of them, that the said Vessel with its cargo and all persons on board the said Vessel 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 Justices, or any two of them shall direct and appoint: and any Master or any Person having charge as aforesaid who shall disobey or contravene any such direction or appointment, or neglect to execute and perform the same, or who shall without Licence for that purpose, first had and obtained from the said Justices, 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 forfeit and pay the sum of two hundred pounds.

II. 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 such distempers, shall immediately after her arrival at, or within Fox Island in the Bay of Miramichi, hoist such vessel's 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 to hoisted until a Licence be had to remove the same, from the said

Justices, 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 lot each and every offence.

III. And be it further enacted, That the Justices of the Peace for the said County, in General or Special Session convened, or the major part of them, be and they are hereby authorized and required to nominate and appoint by warrant, under their hands and seals, 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 instance of the said Justices, or any one of them, to go on board such suspected Vessel or Vessels, and make full inquiry 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 and concerning the prevalence of any of the said Distempers at any place where the said Vessel or Vessels may have touched, or from which the said Vessel or Vessels may have sailed; and the said Physician or Physicians performing such duty, shall make report in writing to the said Justices or any one of them, so requesting him or them, to go on board and make examination as aforesaid, of the result of such examination and inquiry, with his or their opinion and advice thereon; and shall for each and every Visit so made, be entitled to demand and receive from the Master or Owner of such Vessel so visited the sum of Thirty Shillings, to be sued for and recovered in any Court competent to take cognizance of the same.

IV. 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 or Physicians at all reasonable times to come on board and make the inquiry and examination aforesaid, and 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.

V. 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 River or Harbour, nor before the expiration of three days from and after the time of her first coming to anchor as aforesaid, at or below Terrill's Point aforesaid, under the penalty and forfeiture of twenty pounds for each and every offence.

VI. 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 preceeding section, that then and in such case, the Master or Commander of such Vessel for the time being, be, and he is hereby authorised and required to keep and detain such person or persons 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 justices, or any two of them, for the said vessel to ride Quarantine, or to anchor incase such licence shall be denied; and if any Master or Commander shall permit any person or persons, other than the Physician aforesaid, 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 vessel to anchor, and perform Quarantine as aforesaid, then and in such case every person or 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.

VII. And be it further enacted, That all the Penalties and Forfeitures in the said Act mentioned, maybe 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 County by any Person who shall prosecute for the same, 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.

VIII. And be it further enacted, That an Act made and passed in the thirty-ninth year of His late Majesty's Reign, intituled "an Act to prevent the importation or spreading of Infectious Distempers within this Province" so far as the same extends to the said River Miramichi, be, and the same is hereby repealed.