

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1829. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1829.

9 & 10 George IV – Chapter 20

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.

Whereas 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 insufficient.

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.

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 Pestilential, 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.

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 Constable of said County, to cause such person to be taken and reconveyed onboard such Vessel, and the said Constable having such Warrant, is hereby 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 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 attempting 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 of such warrant, receive, take, and detain onboard 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.

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.

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 often 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.

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.

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 their 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.

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 conceal or shall procure any person to keep, 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 any 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 Pilotage 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.

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.