

*Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1830.* Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1830.

10 & 11 George IV – Chapter 27 (Session 1)

**An Act to repeal all the Acts now in force relative to the importation and spreading Infectious Distempers, in the City of Saint John; and to make more effectual provision for preventing the same. Passed 8th March, 1830.**

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.

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 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the Act to prevent the bringing of Infectious Distempers into the City of Saint John," be, and the same are hereby repealed.

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 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 tile 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 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 anyplace 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.

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 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 Person or Goods out of the said vessel, until such vessel shall have been inspected by the Physician or Physicians, and his or their License for that purpose obtained, under the penalty 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 Island, and shall continue the same, so heisted, until leave be granted by the said Physician or Physicians to remove the same, under the penalty of Twenty pounds." And it shall 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 persons 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 Aldermen 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 apprehended, and carried back to such vessel, or to such other place as may be appointed for the reception 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 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:-- 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.

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 aforementioned rates for every visit so made according to the size of the vessel.

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 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 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.

VII. And be it further enacted, That during 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, 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, for 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.

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, 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.