

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1833. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1833.

3 William IV – Chapter 28

An Act for the Establishment and Regulation of Boards of Health in the several Counties of this Province. Passed 19th March 1833

- I. Be it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed at the last Session of the General Assembly, intituled *An Act to prevent the spreading of infectious or pestilential Distempers*, be and the same is hereby repealed.

- II. And be it enacted, That the Lieutenant Governor or Commander in Chief of this Province, by and with the Advice of His Majesty's Council, shall have full Power and Authority in all Times of public Alarm from, or Dread of the Approach of that awful Disease, the Cholera, or of any other infectious or pestilential Distemper, or of the actual Appearance or Prevalence of any of the said Diseases within this Province, to make, constitute and establish such and so many Boards of Health for the several Counties in this Province, or for particular Districts in the said Counties, to consist of such and so many Persons, being Residents of the said Counties or Districts wherein the said Boards of Health shall be constituted, as the said Lieutenant Governor or Commander in Chief by and with the Advice aforesaid may think proper and suitable, and the said Boards, or any of them, at any Time or Times to dissolve, and new ones to constitute in their Room, and to add to the Numbers of those established, or displace therefrom such and so many of the Members thereof as he may deem to be necessary.

- III. And be it enacted, That the Mayor and Recorder shall always form Two of the Members of the Board of Health for the City of Saint John, or such District in the County of Saint John as shall include the said City of Saint John, and the said Mayor, or in his Absence the Recorder, or in the Absence of both, such Person as shall be nominated for that Purpose in the Commission constituting the Board, shall be Chairman thereof; and for the other Counties or Districts in the Province, in the Commissions constituting the said Boards of Health, the Chairman shall be nominated in like Manner; and immediately after the Appointment thereof the several Members shall be sworn to the faithful Discharge of their Duty by and before the several Clerks of the Peace for the said Counties respectively, and shall thereupon sign their Names on the Rolls to be for that Purpose kept in their several Offices: and the said Boards of Health thus constituted and sworn shall respectively meet from Time to Time, and at all Times when necessary, for the Performance of the Duties required by this Act, at the several Court Houses of the said Counties respectively, or at such other Places as they may judge most advisable, and then and there, by a Majority of Votes of those present at any appointed Meeting, decide all Questions and manage all Business touching the public Health; and any Five of the said Board, the whole being duly notified, or in any urgent Case, without Notification, shall be a sufficient Number of Members to proceed to Business; and the said Boards, may nominate a Clerk for each of them respectively; and any Orders made by the said Boards respectively, and signed by their Chairman, and countersigned by their Clerks, shall be sufficient to enforce the Power and Authority of the said Boards.

IV. And be it enacted, That during the Continuance of the said Boards, and until they are respectively dissolved, all the Quarantine Laws heretofore made from Time to Time, or hereafter to be made by the General Assembly, for the City of Saint John, or any other Parts or Places within the Province, shall be enforced by the said respective Boards of Health for the several Districts, and not by any Person or Persons in the said several and respective Quarantine Laws in that Behalf mentioned, save and except Physicians, Pilots, and Constables therein specified, who shall execute their Duties under the said Boards respectively, and under the like Pains and Penalties as therein prescribed in case of Disobedience, any Thing in the said respective Quarantine Laws to the contrary notwithstanding.

V. And be it enacted, That the said Boards respectively shall and may have full Power and Authority, at any and at all Times; to make such Rules and Regulations for the Preservation of the public Health, and the Prevention of infectious, contagious, pestilential and malignant Distempers, with such Penalties and Forfeitures in case of any Breach or Breaches thereof, as they may deem necessary for that Purpose; but such Penalties and Forfeitures shall not in any One Case exceed the Sum of One hundred Pounds.

VI. And be it enacted, That the said Boards respectively shall and may have full Power and Authority either by themselves or their Committees, or other Persons appointed by the said Boards, and any Constable or Constables and Person or Persons acting in their Aid, to enter into and upon all Houses, Buildings, Yards, Inclosures, or Lands not inclosed, within the Bounds of their several and respective Jurisdictions, and remove or cause to be removed therefrom every Thing which may by the said Boards or their Committees, or Persons appointed by them as aforesaid, be considered offensive, noxious, or likely to cause the Spread of any such Diseases or Distempers, or injure the public Health; and the Houses, Buildings, Goods, and Inclosures, or Lands uninclosed, of the Poor or of Persons who will not immediately attend to their Directions, to fumigate, cleanse, and use such other Means for purifying as they shall deem necessary to preserve the Health of the Inhabitants; and the said Boards of Health respectively may cause any Avenue, Street, Alley, or other Passage whatever, to be fenced up, or otherwise inclosed, if they shall think the public Safety requires it, and adopt suitable Measures for preventing all Persons whomsoever from going to any Part of the City, Town, Parish or District so inclosed.

VII. And be it enacted, That the said Boards of Health respectively may in their Discretion prohibit or regulate the internal Intercourse by Land or Water between the Counties or Districts for which they are respectively appointed, and any other Part or Place within the Province, and may direct that all Persons, who shall come into the said Counties or Districts contrary to their Prohibitions or Regulations shall be apprehended and conveyed to the Vessel or Place whence they last came, or beyond the Confines of their respective Districts, or, if sick, that they be conveyed to such Hospital or other Place as the several Boards may appoint; and may adopt prompt Measures to prevent the Spread of any contagious or pestilential Disease, when it shall appear to their Satisfaction that any Person within their Districts is afflicted with a Disease of that Character; and may forbid and prevent all Communication with the House or Family so infected, except by Means of Ministers of the Gospel, Physicians, Nurses, or Messengers to carry the necessary Advice, Medicines and

Provisions to the afflicted, and to exercise all such Powers, whenever a contagious or pestilential Disease shall appear in their said several Districts, as in their Judgment the Circumstances of the Case and the public Good shall require.

VIII. And be it enacted, That the said Boards of Health respectively, whenever in their Judgment the public Health shall require it, may order any Vessel or Boat at the Wharves of any of the Seaport Towns in their Districts, or in any Part of the Waters of such Districts, to the Quarantine Ground, or other Place of Safety, and may require all Persons, Articles, or Things landed or introduced into any of such respective Districts from such Vessel, to be seized and returned on board, or removed to the Quarantine Ground, or other Place of safe Deposit; and in case the Master, Owner, or Consignee of the Vessel cannot be found, or shall refuse or neglect to obey the Order of Removal, the said Boards of Health respectively shall have Power to remove the Vessel at the Expense of such Master, Owner, or Consignee; and no Vessel or Person, or any Goods or Articles so ordered or sent out, shall return or be brought back to or within any Part of the District from which they were sent, without a written Permit from the said respective Boards of Health: and if any Cargo, or Part of a Cargo, or Matter or Thing, within any of the said Districts respectively shall be found putrid, or dangerous to the public Health, the same may be destroyed or removed; such Removal when ordered shall be to the said Quarantine Ground, or to such other Place as the said Boards for the respective Districts may order.

IX. And be it enacted, That the said several Boards of Health shall have full Power and Authority, to hire or build One or more suitable House or Houses in their respective Districts for which they may be appointed, for a public Hospital or Hospitals, for the Reception of such diseased Persons as it may be found necessary to send thereto, and to furnish the same with all Things necessary for the Cure, Comfort, and Convenience of such Persons, and to provide a Physician or Physicians, Nurse or Nurses, and other Persons to attend the sick and diseased therein, and Conveyances or Means to carry such diseased Persons to and from the said Hospital or Hospitals, and Medicines and all other necessary Things for the Purposes aforesaid, and also to provide all proper Means for the Interment of the Dead, under such Regulations as the public Safety may require; and it shall and may be lawful for the said Boards of Health respectively to appoint Committees of any Three Members of each Board, whose particular Duty it shall be to carry into Execution all the Orders of the Board respecting the Matters contained in this Section, and who shall and may Sue and be sued jointly, or the Survivors or Survivor of them, for any Contract or Engagement entered into by them, in Fulfilment of their Duties herein before in this Section specified; and in order to defray the Expenses incurred by the said several Boards of Health respectively or their said Committees, in and about the Execution of this Section, or of any Part of this Act, the Lieutenant Governor or Commander in Chief of the Province is hereby authorized and empowered, by and with the Advice of His Majesty's Council, to grant a Warrant on the Treasurer of the Province for the Payment thereof, so soon as the same shall be ascertained by the said Committees or Boards respectively, and certified by the said Boards to be correct: Provided always, that the said Lieutenant Governor or Commander in Chief shall in no Case grant a Warrant or Warrants for a larger Sum or Sums in the Whole, in any One Year, in favor of any One Board, than the Sum of Five hundred Pounds.

X. And be it enacted, That the said Boards of Health shall have full Power and Authority to remove to the said public Hospital or Hospitals all Persons found within the Districts for which they shall severally be appointed, who shall be afflicted with any such contagious or pestilential Diseases as aforesaid, and who shall not be of sufficient Ability to provide for themselves, or cannot be provided with such necessary Advice, Medicines, Attendance, Food, Lodging, or Clothing as such Diseases may require, and the same Persons to keep there until they are cured, cleansed and purified, and may be safely discharged.

XI. And be it enacted, That whosoever shall violate the Orders or Directions of the said Boards of Health, or either of them, or who shall or may refuse, or wilfully neglect or omit to act in Obedience to or in Conformity with such Orders or Directions, or shall resist, oppose or obstruct the lawful Execution of any such Orders or Directions as aforesaid, or the Members of the said Boards of Health, their Committees or Persons appointed by them, or any Constable or Constables, or other Person or Persons acting in their Aid in the Execution of their Duty, shall for every Offence be deemed guilty of and punishable as for a Misdemeanor, and shall incur and become liable to a Penalty not exceeding One hundred Pounds, and not less than Five Pounds, for every such Offence,

XII. And be it enacted, That all the Penalties and Forfeitures herein before mentioned, or authorized to be ordained and imposed, may be prosecuted, sued for and recovered in the Supreme Court, or in any of the Inferior Courts of Common Pleas, or in case of any Penalty being for Five Pounds or under, before any Two Justices of the Peace for the said Counties respectively, in this Province, by Action of Debt, Bill, Plaint or Information, by any Three Members of the said Boards of Health respectively to be appointed by the said Boards for that Purpose, who shall prosecute for the same within Forty five Days after the Commission of the Offence, and when recovered shall be paid, after deducting the Costs and Charges of Prosecution, 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 the said Forty five Days, that then the said 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 aforesaid: and all and every Person and Persons who may become liable to pay any such Penalty or Penalties, Forfeiture or Forfeitures, shall and may be arrested and held to Bail, according to the Practice of the said Courts respectively, for such Penalty or Penalties, Forfeiture or Forfeitures, at the Suit of the Persons herein before mentioned and entitled to sue for the same, by virtue of an Order for that Purpose to be obtained under the Hand of any Judge of either of the said Courts, on proper Affidavits being laid before him, satisfactorily establishing the Liability to pay the Penalty or Penalties, Forfeiture or Forfeitures aforesaid, which Order any One of the Judges of the said Courts is hereby authorized to grant; and in Default of giving such Bail, such Person or Persons so as aforesaid ordered to be held to Bail, shall be committed to Prison, or to such other Place as any of the said Boards of Health respectively for any District where the Offender may be taken, may order for the public Safety.

XIII. And be it further enacted, That this Act shall continue and be in Force until the First Day of April in the Year of our Lord One thousand eight hundred and thirty five and no longer.