

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1844. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1844.

7 Victoria – Chapter 28

An Act to prevent the spread of a Disorder now existing in certain parts of the Counties of Gloucester and Northumberland. Passed 13th April 1844.

Whereas a loathsome Disease, (supposed to be a species of Leprosy,) has been for several years slowly extending itself among the French population on that part of the Coast of the County of Gloucester immediately adjoining the County of Northumberland, at Tracadie, and also in parts of the said County of Northumberland, and it is absolutely necessary that measures should be adopted to prevent the further spread of the said Disease, and as far as possible to relieve the unfortunate individuals infected with the same;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, to appoint three or more persons to constitute a Board or Boards of Health, to have authority in the said Counties, or in either of them, or in such Parish or Parishes, District or Districts of them, or either of them, as he may deem necessary, to be called the Board of Health of such County or Counties, Parish or Parishes, District or Districts for which such Boards of Health shall be respectively appointed, and to displace all or any such persons, and appoint others in the place or stead of such displaced person or persons, and also to increase the number of the Members of such Board or Boards of Health.

II. And be it enacted, That any Board of Health so to be appointed shall have full power and authority, with the consent and approbation of His Excellency the Lieutenant Governor or Administrator of the Government for the time being, and Her Majesty's Executive Council, to erect or procure a suitable building or buildings, as and for and to be styled and called a Lazaretto, to be erected or procured at such place or places in the said Counties of Gloucester or Northumberland, as His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice aforesaid, may direct and appoint, and such Lazaretto shall be under the full and absolute control, management and direction of the Board of Health within whose District the same may be erected or procured, subject nevertheless to the Rules and Regulations hereinafter mentioned.

III. And be it enacted, That each and every Board of Health to be appointed by virtue of this Act, and each and every Member of any such Board, in their respective Districts, shall have full power and authority, collectively and individually, at all convenient times, in the day time, to visit, inspect and examine any person or persons suspected to be labouring under or infected with the disease hereinbefore mentioned, and for that purpose to enter into any house, building or enclosure in which it may be suspected that any such person or persons may be found, and to break open the same if necessary so to do, in order to obtain entrance, and by order in writing, under the hand of

any Member of such Board of Health, to cause to be removed to the Lazaretto, all and every person or persons who upon such examination and inspection shall be found to be labouring under or infected with the said disease, there to be kept and detained, subject to the Rules and Regulations made and ordained, or to be made and ordained, for the government of such Lazaretto.

IV. And be it enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, from time to time, to make, ordain and establish such Rules and Regulations for the due care, management, support, medical, surgical and other superintendence of any Lazaretto to be erected or procured by virtue of this Act, as to His Excellency the Lieutenant Governor or Administrator of the Government for the time being, by and with the advice aforesaid, may appear expedient and necessary, and to rescind, cancel and annul any such Rules, and in his discretion, with the advice aforesaid, others in their place to make and ordain.

V. And be it enacted, That it shall and may be lawful for any Board of Health to be appointed by virtue of this Act, and for each and every Member of the same, to call upon any Magistrate, Constable or other Peace Officer, or any other person, to render aid and assistance in carrying into effect the provisions of this Act, or of any Rule or Regulation to be made under the authority of the same, or in exercising the powers and authorities hereby given, and all such persons are hereby required to be aiding and assisting such Boards of Health, and the several Members thereof respectively, when so called upon as aforesaid.

VI. And be it enacted, That if any person or persons shall directly or indirectly obstruct or resist any of the Boards of Health so to be appointed, or any Member of the same, or any person or persons acting in aid of or under the authority, direction or requisition of such Board or Member thereof, in removing any person or persons infected or reasonably suspected to be infected with the said Disease, or shall conceal or secrete any diseased person, or shall assist any such diseased or suspected person in escaping, or secrete or conceal any such person or persons as shall or may escape from any Lazaretto erected or procured by virtue of this Act, every person or persons so offending shall forfeit and pay a penalty not less than five pounds nor more than twenty pounds, to be recovered on the oath of one or more credible witness or witnesses, before any one of Her Majesty's Justices of the Peace of the County in which such offence may be committed, at the suit of any Member of the Board of Health within whose District such offence may be committed, to be levied by warrant under the hand and seal of such Justice, by distress and sale of the goods and chattels of such offender; and for want of sufficient goods and chattels, such offender shall be committed to the Common Gaol of such County, there to remain without bail or mainprise for a period not more than forty nor less than twenty days; which penalty, when recovered, shall be applied as follows, namely, one half to the person prosecuting for the same, and the balance towards defraying the expenses of Lazaretto.

VII. And be it enacted, That all and every person or persons who shall or may be sued or prosecuted for any thing by him or them done or committed under the powers given, or liabilities

created by virtue of this Act, he or they shall be allowed to plead the General Issue in such suit and give any special matter in evidence.

VIII. And be it enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government for the time being, in his discretion, by warrant under his hand, to direct and require the removal to such Lazaretto, of any person or persons who upon examination and inspection shall be found to be labouring under or infected with such Disease, and who may be found in any part of the Province to which the powers hereby given to the Board of Health to be constituted under this Act may not extend, there to be detained as provided by the third section of this Act.

IX. And be it enacted, That this Act shall continue and be in force until the first day of May, which will be in the year of our Lord one thousand eight hundred and forty six.