

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1849.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1849.

12 Victoria – Chapter 64 (1848)

**An Act relating to Immigration, and the care and safe keeping of the Children and Property of deceased Emigrants. Passed 30th March 1848.**

Whereas in consequence of the great influx of diseased and pauper Emigrants into this Province, not only have heavy burthens been brought on the community, but the Emigrants themselves and their families have undergone much distress for want of any adequate provision being made for their necessities; for further remedy whereof;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Treasurer of the Province, and Deputy Treasurers respectively, shall keep a separate account of all sums received by them respectively as Head Money or Tax upon Emigrants from Europe arriving in this Province; which sums so received shall be applied from time to time towards relieving destitute and diseased Passengers and Emigrants, and in assisting them to reach their several places of destination, and shall be paid by Warrant of the Lieutenant Governor or Administrator of the Government for the time being.

I. And be it enacted, That the orphan or deserted Children of such Emigrants, or the Children of such as may be Paupers, may be bound out by the Overseers of the Poor of the Parish, or Commissioners of Alms Houses of the Counties, as the case may be, where such Children may be left Orphans, or deserted, or be the Children of Paupers as aforesaid, to any tradesman, farmer, or other fit person engaged in any useful calling, until the age of twenty one, or in the case of girls, until the age of eighteen.

II. And be it enacted, That in case of such binding out, there shall be regular Indentures of Apprenticeship, in two parts, one part to be filed with the Clerk of the Peace of the County or City and County where the same may be made, between the said Overseers of the Poor or any two of them, or the said Commissioners of Alms Houses or any three of them, on the part and behalf of the child or person to be bound, and the Master, or Mistress (if an unmarried woman,) which shall contain an agreement on the part of such Master or Mistress, as the case may be, that he or she shall teach or cause such child or person to be taught to read and write, and some of the general rules of arithmetic.

III. And be it enacted, That every such Indenture of Apprenticeship shall be executed in the presence and by the consent of the Mayor or Recorder of the City of Saint John, or of one of the Justices of the Common Pleas of any of the Counties of this Province, which consent shall be subscribed or endorsed on the said Indenture.

IV. And be it enacted, That no such Indenture shall be as signed without the consent of the said Mayor or Recorder, or Justice of the Common Pleas, subscribed to or endorsed on the said Indenture, under their hands respectively.

V. And be it enacted, That the said Overseers of the Poor or Commissioners of the Alms House as aforesaid, and each and every of them, shall be and they are hereby constituted Guardians of every person so bound out as aforesaid, in their respective Parishes or Counties, to take care that the terms of the Indentures are fulfilled, and to defend the child or person bound from all cruelty, neglect or breach of contract on the part of the Master or Mistress; and it shall be their and each of their special duty, and they and each of them are hereby required to inquire into the treatment of every such child or person so bound as aforesaid, and redress every grievance sustained by them or any of them, according to law.

VI. And be it enacted, That the Province Treasurer, or Deputy Treasurer at any port or place where any Passenger Vessel may arrive, shall be and is hereby empowered to demand, sue for and recover the money, property and effects of deceased Emigrants, and keep a separate account of the same, which account shall be published in the Royal Gazette; and all monies so received by the said Province Treasurer, or any Deputy Treasurer, as the former property of a deceased Emigrant, shall be deposited in one of the Savings Banks of the Province, to the credit of the Province Treasurer, there to remain until claimed by some person or persons legally entitled thereto, when the same shall be paid over to such legal claimant.

VII. And be it enacted, That whenever any Ship or Vessel shall arrive or come from Europe to any port or place within this Province, the Master or person having charge of such Ship or Vessel, before such Ship or Vessel shall be admitted to entry, shall make oath before the Treasurer of the Province, or the Deputy Treasurer at the port or place where such Vessel may arrive, that no passenger embarked or sailed on board of such Ship or Vessel on her said voyage to this province, or otherwise shall deliver to the said Treasurer of the Province, or Deputy Treasurer, a Schedule or List, in writing, signed by him, the said Master or person having charge as aforesaid, setting forth the name, profession or employment of every passenger respectively who may have embarked or sailed on board of such Ship or Vessel on her said voyage; and shall also at the same time deliver to the, said Treasurer of the Province; said, a Schedule or List, in writing, signed as aforesaid of the names and ages or supposed ages of each and every passenger on board such Ship or Vessel who may have died during the voyage; and an account in writing, signed as aforesaid, of all property, goods, chattels or effects, if any, on board such Ship or Vessel belonging to the estate of such deceased passenger; and if required by the Treasurer of the Province, or any Deputy Treasurer as aforesaid, shall deliver such property, goods, chattels and effects to the said Treasurer or Deputy Treasurer immediately after entry, for safe keeping; and if any or either of such Schedules or Lists, or such account of property, shall be false in any particular, then and in every such case the Master or person having charge, who shall make, sign or deliver the same as aforesaid, shall forfeit and pay the sum of fifty pounds, to the use of Her Majesty, to be sued for and recovered by the said Province Treasurer, or any Deputy Treasurer, by summary proceeding before two Magistrates, in the same form and levied in the like manner as is mentioned in the next section of this Act for recovering compensation to passengers.

VIII. And be it enacted, That any passenger arriving in this Province in any Ship or Vessel, who may not, during the voyage, have received the quantity of provisions to which they were entitled by law, shall recover compensation for the deficiency, in a sum not exceeding five pounds, from the Master or Owner, or person having charge of such Ship or Vessel, by summary proceeding before two Magistrates, on the oath of one or more credible witness or witnesses, or other competent testimony, or by confession of the party charged, with costs, to be levied by Warrant of Distress against the goods and chattels of such party, or the tackle, apparel or furniture of the, said Ship or Vessel, directed to some Constable of the Parish or place where the said Ship or Vessel may be, and the overplus, after deducting the costs of levy and sale, to be paid to the said Master or person having charge of such Ship or Vessel, or owner as aforesaid.

IX. And be it enacted, That such Magistrates may grant an order that such Master or person having charge of such Vessel as aforesaid, shall give security for payment of such compensation on affidavit, shewing sufficient cause for requiring such security.

X. And be it enacted, That no Ship or Vessel which may have arrived at any port or place in this Province with Passengers and Emigrants from Europe as aforesaid, shall be cleared out or allowed to proceed to sea until all and every sum and sums of money, penalty or penalties, which the Master or person having charge of such Ship or Vessel shall have been legally adjudged to pay for any violation or violations of an Act of the Imperial Parliament made and passed in the fifth and sixth years of the Reign of Her present Majesty, Chapter one hundred and seven; intituled *An Act to regulate the carnage of Passengers in Merchant Vessels*, or of an Act in amendment thereof, made and passed in the tenth and eleventh years of the Reign of Her present Majesty, Chapter one hundred and three, intituled *An Act to amend the Passengers' Act, and to make further provision for the carnage of Passengers by Sea*, shall first have been paid and satisfied.

XI. And be it enacted, That this Act shall not come into operation or be in force until Her Majesty's Royal approbation be thereunto had and declared.

*[This Act was specially confirmed, ratified and finally enacted by an Order of Her Majesty in Council, dated the 27th day of June, 1848, and published and declared in the Province, the 19th day of July, 1848.]*