

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1850.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1850.

13 Victoria – Chapter 18 New Brunswick Local Acts

**An Act to prevent the spread of a disorder now existing in certain parts of the Counties of Gloucester and Northumberland. Passed 26th April 1850.**

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 therefore deemed 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 from and after the time limited for this Act to come into operation, 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, by and with the advice of the 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 to take possession of and have the control of any Lazaretto or Hospital already erected under the provisions of an Act passed in the seventh year of the Reign of Her present Majesty, under the same title of the present Act, 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 aforesaid, from time to time to make, ordain and establish such bye laws, rules and regulations for the due care, government, management and support, medical, surgical and other superintendence, of any Lazaretto already erected under the provisions of any law now in force, or to be erected or procured under any of the provisions 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, shall appear expedient and necessary, and to rescind, cancel and annul any such bye laws, rules and regulations, and in his discretion with the advice aforesaid, others in their place to make and ordain, and to enforce the same and every thereof by the imposition of such moderate and reasonable fines and penalties to be expressed in such bye laws and regulations, not exceeding for any one breach of the said bye laws or regulations, or of any one of them, the sum of five pounds, to be sued for, recovered and levied in like manner as the penalties imposed by the sixth section of this Act are directed to be sued for, recovered and levied; provided always, that no offender prosecuted and convicted for any penalties or forfeitures under this section shall for the want of goods and chattels whereon to levy the same, be committed to the common gaol, there to remain without bail or mainprize for a period of more than twenty days or less than five days; which fines or penalties when recovered, after the payment of expenses of prosecution, shall be paid over to the Secretary and Treasurer of the said Board of Health, and be applied towards defraying the expenses of the said Lazaretto.

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 authority 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 mainprize for a period of 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 other half towards defraying the expenses of the Lazaretto.

VII. And be it enacted, That all and every person and 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, by and with the advice aforesaid, 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 the Boards of Health already appointed and now in operation under the provisions of the said Act made and passed in the seventh year of Her said Majesty's Reign, under the same title of this Act, shall continue and remain in office in like manner as if appointed under this Act and until another Board or Boards of Health shall be appointed in their place under the provisions of this Act, any thing in this Act contained to the contrary notwithstanding.

X. And be it enacted, That this Act shall not come into operation or take effect until the first day of May next, and the same shall from thence 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 fifty two.