

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 3

An Act to regulate Vessels arriving from Europe with Passengers. Passed 18th March 1850.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the second year of the Reign of His late Majesty, King William the Fourth, intituled *An Act to regulate Vessels arriving from the United Kingdom with Passengers and Emigrants*, be and the same is hereby repealed.

II. And be it enacted, That the Master of any Vessel which may arrive at any Port or place in this Province, from any Port or place in Europe, with Passengers, shall at the time of reporting such Vessel pay to the Treasurer of the Province, or any Deputy Treasurer at the Port or place where such Vessel may arrive, the sum of five shillings for each and every such passenger, provided that such Vessel shall be reported to the Treasurer of the Province, or the Deputy Treasurer at the Port or place of arrival, on or after the first day of April and before the first day of September in any year; and if any Vessel with passengers as aforesaid, shall be so reported as aforesaid, on or after the first day of September, and before the first day of October in any year, that then the Master of such Vessel shall at the time of reporting as aforesaid, pay to the Treasurer of the Province, or Deputy Treasurer as aforesaid, the sum of seven shillings and six pence for each and every such passenger; and if any Vessel with passengers as aforesaid, shall be so reported as aforesaid, on or after the first day of October in any year, and before the first day of April in the succeeding year, that then the Master of such Vessel shall at the time of reporting as aforesaid, pay to the Treasurer of the Province, or Deputy Treasurer as aforesaid, the sum of ten shillings for each and every such passenger; all which said several sums the said Treasurer and Deputy Treasurers respectively are hereby authorized and required to demand and receive.

III. And be it enacted, That if any Vessel arriving at any Port or place in this Province from any Port or place in Europe, with passengers, shall be placed in quarantine, on any other account than merely for the purpose of cleaning or observation, that then in such case the Master of any such Vessel, at the time of reporting such Vessel, in addition to, and over and above all or any other sum or sums required to be paid by this Act, shall pay to the Treasurer of the Province, or the Deputy Treasurer at the Port or place where such Vessel may arrive, the further sum of two shillings and six pence for each and every Passenger on board such Vessel; and if any such Vessel so placed in quarantine as aforesaid, shall be detained in such quarantine for any longer period than ten days, that then and in such case the Master of such Vessel, in addition to and over and above all other sum or sums of money required to be paid by this Act, shall pay to the Treasurer or Deputy Treasurer as aforesaid, the further sum of two shillings and six pence for each and every passenger on board such Vessel; and which said additional and further sum or sums, the said Treasurer and Deputy Treasurers respectively are also hereby authorized and required to demand and receive.

IV. And be it enacted, That upon the refusal or neglect of the Master of any Vessel arriving with passengers as aforesaid, to pay the said several sum or sums for each and every passenger on board such Vessel as aforesaid, it shall and may be lawful to and for the Treasurer of the Province, or Deputy Treasurer, as the case may be, to sue and prosecute for the same, before any two of the Magistrates of the County, or City and County, where such Vessel may be; and on conviction the said Magistrates shall and may levy the same by Warrant of distress, under their hands and seals, directed to any Sheriff, Marshal, or Constable, at or near any Port or place where such Vessel may be, and by sale under the said Warrant of the guns, boats, anchors, chains, tackle, machinery, apparel, and furniture, of such Vessel; and the overplus (if any) of such distress and sale, after deducting the costs, shall be paid to the Master of such Vessel; and provided also, that no Vessel which may have arrived at any Port or place in this Province with passengers from Europe as aforesaid, shall be cleared out or allowed to proceed to sea, until all and every such sum or sums of money due and payable for and on account of such passengers, by virtue or authority of this Act, shall be first paid to the Treasurer of the Province, or the Deputy Treasurer at the Port or place where such Vessel may have arrived.

V. And be it enacted, That it shall be the duty of the Visiting Physician at the Quarantine Station at Partridge Island, in the Port of Saint John, or in his absence, the duty of any other Visiting Physician of the said Port duly appointed, and of the Visiting Physician, or other competent person duly appointed for the purpose, at any other Port or place in this Province, forthwith after the arrival thereof of any Vessel carrying passengers, to examine into their condition; and for that purpose the said Visiting Physician, or other competent person, shall have authority to go on board and through any such Vessel, and to inspect the Passenger List of such Vessel, and the Bill of Health, Manifest, Log-Book or otherwise of the said Vessel, and if necessary, to take extracts from the same; and if on examination of such passengers there shall be found among them any lunatic, idiotic, maimed, blind, or infirm person, not belonging to any emigrant family, and any such person shall, in the opinion of the Visiting Physician or other competent person as aforesaid, be likely to become permanently a public charge, the said Visiting Physician or other competent person, shall forthwith report the same officially to the Treasurer or Deputy Treasurer at the Port or place of arrival, who shall require the Master of such Vessel, in addition to the sum or sums of money payable for the passengers generally, to execute jointly and severally, with two sufficient sureties, a Bond to Her Majesty according to the form in the Schedule to this Act, in the sum of seventy five pounds currency, for every such passenger so specially reported, conditioned to indemnify and save harmless this Province, or any County, City, Town, Parish, or Charitable Institution within the same, from any expense or charge which shall or may be incurred within the space of three years from the execution of the said Bond, for the maintenance and support of any such passenger; and the said sureties shall justify before, and to the satisfaction of the said Treasurer or Deputy Treasurer, and by their oath or affirmation, (which such Treasurer or Deputy Treasurer is hereby authorized to administer,) shall satisfy him that they are respectively residents in this Province, and each worth double the amount of the penalty of such Bond, over and above all their debts and liabilities.

VI. And be it enacted, That in case any passenger, for whom any Bond shall have been given as aforesaid, shall at any time within three years from the execution thereof, become chargeable

upon this Province, or upon any County, City, Town, Parish, or Charitable Institution within the same, the payment of such charge or expense incurred for the maintenance and support of such passenger shall be provided for out of the moneys collected on and under such Bond, to the extent of the penalty therein contained, or such portion thereof as shall be required for the payment of such charges or expenses.

VII. And be it enacted, That if the Master of any Vessel onboard which such passenger, specially reported as aforesaid, shall have been carried, shall neglect or refuse to execute the said Bond forthwith after the Ship shall have been reported to the Treasurer or Deputy Treasurer as aforesaid, such Master shall incur a penalty of one hundred pounds currency; and the said Vessel shall not be cleared on her return voyage, until the said Bond shall have been executed, nor until the penalty shall have been paid with all costs which shall have been incurred on any prosecution for the recovery thereof.

VIII. And be it enacted, That after the execution of any such Bonds as aforesaid, before any Deputy Treasurer in this Province, the same shall be transmitted forthwith to the Provincial Treasurer, who shall keep and hold all such Bonds during the said period of three years from the execution of the same, or until the payment of the penalty therein mentioned, (if incurred,) shall be enforced; and for the purpose of ascertaining the necessity of such enforcement, it shall be the duty of the Chief Emigration Officer, or any Assistant Emigration Officer in this Province, upon representation made to either of them, to ascertain the right and claim to indemnity for the maintenance and support of any such specially reported passenger, and to report the same to the Executive Government of this Province, and the said report shall be final and conclusive in the matter, and shall be evidence of the facts therein stated; and the said penalty, or so much thereof as shall be from time to time sufficient to defray the expense incurred for the maintenance and support of any passenger for whom the said Bond was given as aforesaid, shall be prosecuted for and recovered, by suit or information in Her Majesty's name, in any Court in this Province having jurisdiction in civil cases to the amount for which such suit or information shall be brought.

IX. And be it enacted, That the eleventh section of an Act made and passed in the eleventh year of the Reign of Her present Majesty, intituled *An Act relating to Immigration, and the care and safe keeping of the children and property of deceased Emigrants*, shall be and the same is hereby repealed; and in lieu thereof, be it further enacted, that no Vessel which may have arrived at any Port or place within this Province with passengers, shall be allowed to clear out or proceed to sea until all and every sum and sums of money, penalty or penalties which the Master of such Vessel shall have been legally adjudged to pay for any violation of an Act of the Imperial Parliament made and passed in the twelfth and thirteenth years of the Reign of Her present Majesty, chapter thirty three, intituled *An Act for regulating the carriage of Passengers in Merchant Vessels*, shall first have been paid and satisfied.

X. And be it enacted, That the word "Master," whenever used in this Act, shall be held to apply to any person in command of a Vessel; the word "Vessel" shall include all Ships, Vessels, Steamboats, or Craft of any kind carrying passengers; the word "Passengers" shall apply to all persons except Troops or Military Pensioners and their families, who are carried in Transports, or

at the expense of the Imperial Government; the word "Quarantine" shall apply to the Quarantine Station at the Port of Saint John, or any other place within this Province at which quarantine shall be directed to be performed; and any word importing the singular number shall include a plurality of persons or things, unless there be something in the context inconsistent with such interpretation.

SCHEDULE.
Form of Bond.

Know all men by these Presents, that we, _____, are held and firmly bound unto our Sovereign Lady the Queen, in the sum of seventy five pounds of lawful money of New Brunswick, to be paid to our said Lady the Queen, Her Heirs or Successors, for which payment well and truly to be made, we bind ourselves, and each of us by himself, our and each and every of our heirs, executors and administrators, firmly by these presents. Sealed with our seals, dated the ___ day of _____, in the year of our Lord one thousand eight hundred and _____.

Whereas it has been specially reported by the proper Officer at the Port of _____, that among the passengers lately arrived at the said Port, in and on board the Vessel named the _____, the following person, namely _____, is likely to become permanently a public charge: Now, the condition of this Obligation is such, that if the said _____ do and shall indemnify and save harmless the Province of New Brunswick, or any County, City, Town, Parish, or Charitable Institution within the same, from any expense or charge which shall or may be incurred within the space of three years from the date of these presents, for the support and maintenance of the aforesaid _____ then this Obligation to be void, otherwise to be and remain in full force and virtue.

Sealed and delivered in presence of _____.