

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1861.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1861.

24 Victoria – Chapter 4

**An Act relating to Passengers arriving within this Province. Passed 12th April 1861.**

Section.

1. Report to be made of passengers likely to become a public charge; penalty.
2. Inspection and Report by Immigration officer: Bond for maintenance of paupers.
3. Bonds to be lodged with the Treasurer.
4. Recovery on Bond: Application.
5. Proof of maintenance of pauper passengers
6. Landing pauper passengers to avoid this Act; penalty.
7. Effects of deceased Emigrants, recovery and publication of.

Section.

8. Refusal or neglect to execute Bond, &c.; penalty.
9. Full and special list of passengers, account of effects, &c. to be rendered; penalty.
10. Recovery of compensation for deficient provisions.
11. No clearance of vessels in arrear under Acts of Parliament relating to passengers.
12. Recovery and application of penalties.
13. Cap. 21 of Revised Statutes repealed.

Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. The Master or person in command of any vessel arriving at any place within this Province, from any Port of the United Kingdom, or of any other part of Europe, or from any of the United States of America, or the West Indies, having on board any Passengers who shall be lunatic, idiotic, maimed, deaf and dumb, blind or infirm, and likely to become a public charge, shall within twenty four hours after such vessel shall arrive at any Port of Entry within this Province, and before any entry of such vessel shall be allowed, deliver to the Treasurer or Deputy Treasurer at such Port, a report in writing, under oath, setting forth the name and condition of all such Passengers, stating also whether they are accompanied by relations able to support them; and in case any such Master or person having the command of any such vessel, shall omit or neglect to report the particulars herein specified, or shall make any false report in any such particulars, he shall incur a penalty of not less than twenty dollars and not exceeding one hundred dollars, currency, for every such passenger in regard to whom any such omission or neglect shall have occurred, or any such false report or statement shall be made, for which penalty the owner or owners of every such vessel shall also be liable, jointly and severally, and which may be sued for and recovered as hereinafter provided.

2. The Emigration Officer at the Port of Saint John, and any other officer duly appointed for any other place, shall forthwith, on the arrival of any passenger vessel, go on board thereof, examine her condition, inspect her passenger list, bill of health, manifest, and log book, and if necessary make extracts therefrom; and if he shall find amongst them any person lunatic, idiotic, maimed,

deaf and dumb, or infirm, not belonging to any emigrant family, and likely to become a permanent public charge, he shall forthwith report the same to the proper officer; and it shall be the duty of the proper officer, upon receiving such written report, under oath, required by the first Section of this Act, or upon the report of the said Emigration officer, or other officer, to require the said Master to execute a Bond (A) to the Queen, with two sureties, to the satisfaction of the proper officer, which Bond may be dispensed with or cancelled by the Governor in Council upon the payment of a reasonable sum within the penalty.

3. After the execution of any such Bond before any Deputy Treasurer, he shall transmit the same forthwith to the Provincial Treasurer, who shall retain it for three years from the execution thereof, if not previously satisfied or put in suit.

4. That in case any such passenger, in respect of 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 place or charitable institution therein, the expense of maintaining such passenger may be recovered upon the said Bond to the extent of the penalty therein contained, or such portion thereof as may be required for the payment of such charges or expenses, and shall be applied by the Governor in Council to the maintenance of such passenger named in the Bond; the expense of maintaining any such passenger so chargeable as aforesaid, may in the first instance be paid out of the general revenue of the Province.

5. The Report of the Chief or any Assistant Emigration Officer, as to the maintenance of any such passenger, shall be final and conclusive in the matter, and evidence of the facts therein stated.

6. If the Master or person in charge of any vessel shall land or permit to be landed any such passenger as described in the first Section of this Act, at any place within this Province other than that to which such vessel is destined, with intent to avoid the requirements of this Chapter, he shall forfeit the sum of one hundred dollars for every such passenger so landed.

7. The proper officer shall demand and recover property of deceased Emigrants, keeping a separate account thereof, and publishing it in the "Royal Gazette."

8. If the Master of any vessel on board of which any such passenger specially reported by the Master, Emigration officer, or other officer, as aforesaid, shall have been carried, shall neglect or refuse to execute the said Bond, or to pay the sum which he may as aforesaid pay instead of giving such Bond forthwith after the said vessel shall have been so reported to the proper officer as aforesaid, such Master shall incur a penalty of four hundred dollars; and the said vessel shall not be cleared out or proceed to sea until the said Bond shall have been executed or the said sum paid, nor until the said penalty shall have been paid, with all costs which shall have been incurred on any prosecution for the recovery thereof.

9. The Master of any vessel arriving from Europe shall, previous to entry, deliver to the proper officer, on oath, a list signed by him of every passenger who embarked, died, or arrived, in such vessel, with the names and probable ages of each deceased passenger, and an account signed as

aforesaid of the property of any such passenger, and shall, immediately after entry, if required, deliver the same to the proper officer for safe keeping, under the penalty of two hundred dollars for each offence, to be recovered in the name of the Treasurer or Deputy Treasurer.

10. Any passenger arriving in this Province, not receiving the provisions allowed by law, may recover compensation not exceeding five pounds from the Master or Owner, before a Justice, upon sufficient evidence, to be levied by Warrant of Distress directed to any Constable against the property belonging or attached to such vessel: upon sufficient affidavit, such Justice may cause the Master to give security for the payment of such compensation.

11. No vessel shall be cleared out or proceed to sea, until all sums of money and penalties adjudged against the Master under any Acts of the Imperial Parliament relating to Passengers, shall first have been paid.

12. Any penalty imposed by this Act shall be recovered in a summary manner, with costs, upon information before any two Justices of the Peace of the County in which the offence shall have been committed, or in which the vessel shall have entered, or if in the City and County of Saint John, then before the Police Magistrate or sitting Magistrate at the Police Office in the said City; all proceedings for the recovery, application and enforcing payment of such penalty, to be as near as may be in the form, and according to the mode prescribed by the Acts of the General Assembly relating to summary convictions.

13. That Chapter 21, of Title III, of the Revised Statutes, 'Of Passengers and Head Money,' be and the same is hereby repealed.

(A)

Know all men, that we \_\_\_\_\_ are jointly and severally bound unto the Queen in the sum of three hundred dollars, to be paid to Her Majesty.—Sealed and dated the \_\_\_\_ day of \_\_\_\_\_, A. D. 18\_\_.

Whereas \_\_\_\_\_, a passenger of the vessel \_\_\_\_\_, is likely to become a public charge;

Now the condition of this obligation is, that if the obligors shall indemnify the Province, or any place or charitable institution therein, from any expenses which shall be incurred on account of such passenger within three years from this date, then this obligation to be void, or else in force.

Sealed and delivered in  
presence of }  
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