

THE GLEANER

AND
NORTHUMBERLAND SCHEDIASMA.

VOLUME II.]

"Nec araneorum sane texus ideo melior, quia ex se fila gignunt nec noster vilior quia ex alienis libamus ut apes."

No. 36.

MIRAMICHI, TUESDAY MORNING, MAY 17, 1831.

THE GLEANER.

NEW-BRUNSWICK.

A Bill to make more effectual Provision for preventing the importation and spreading of infectious distempers within the Towns and Settlements in the Counties of Charlotte and Northumberland.

WHEREAS from the great augmentation of the population of the Town of St. Andrews and other Towns in the County of Charlotte, and also of the Towns of Newcastle and Chatham, and other Towns or Villages on the Miramichi River; it has become expedient for the safety of the inhabitants to make more effectual regulations for preventing the importation of infectious distempers in those Districts than are already by Law provided:

I. Be it therefore enacted by the President, Council and Assembly, that an Act made and passed in the eighth Year of the Reign of His late Majesty George the Fourth, intituled "An Act to make more effectual Provision for preventing the importation or spreading of infectious distempers within the Towns or Settlements on the River Miramichi;" and also an Act made and passed in the ninth and tenth years of the Reign of His late Majesty George the Fourth, intituled "An Act in addition to an Act, intituled An Act to make more effectual provision for preventing the importation or spreading of infectious distempers within the Towns or Settlements on the River Miramichi," be and the same are hereby repealed.

II. And be it further enacted, That no vessel having on board the small pox, yellow fever, putrid bilious fever, or other pestilential or contagious distemper, or coming from any place infected with such distempers, or at which any such distempers at the time of her departure were known or supposed to prevail, or on board of which vessel, any person during the voyage had died or been sick of any such distemper, shall come, proceed, or be navigated, further from the sea into the Bay of Passamaquoddy or towards any Port or Place in the County of Charlotte, or further from sea into the River Miramichi, than such place or places as the Justices of the Peace for the Counties of Charlotte and Northumberland at their General Sessions of the Peace, or at any Special Sessions to be for that purpose convened, shall in said Counties respectively order and appoint, until such vessel shall have been duly inspected and examined by the Physician or Physicians to be for that purpose, as hereinafter mentioned, appointed, and shall have received a License for that purpose from two of His Majesty's Justices of the Peace; and in case such license shall be denied, and it shall be judged expedient by the Justices of the Peace of the said Counties respectively or by any two of them that such vessel with her cargo and all persons on board shall ride or perform Quarantine, then the Master or Commander of such vessel for the time being shall forthwith cause such vessel with all the persons, goods, and cargo on board thereof to be removed to and anchor at such place and for such length of time (not exceeding forty days) as the said Justices or any two of them in either county shall direct or appoint; and during the time such vessel shall be performing such Quarantine the Master or Commander thereof shall not permit any intercourse between the persons on board such vessel and the shore or shores, or between such vessel and any other vessel in the said harbour or harbours, except under the direction of the said Physician or Physicians: and the Master or Commander of any such vessel, and all and every other person or persons, belonging to and being on board such vessel, who shall disobey any such orders and directions as aforesaid, or shall neglect to execute and perform the same, or who shall come on shore or go on board of any other vessel within the said harbour or harbours, or shall presume to bring or put, or aid or assist in bringing or putting, on shore or on board any other vessel as aforesaid any person or any goods from any such vessel as aforesaid, or who shall be ordered to perform Quarantine as aforesaid, without the license or permission of the said Physician or Physicians being for that purpose first obtained, shall for each and every offence severally forfeit and pay a sum not less than fifty pounds, nor more than two hundred pounds current money of this Province.

III. And be it further enacted, That the Master or Commander of every vessel having on board the small pox, yellow fever, putrid bilious fever, or any other pestilential or contagious distemper, or coming from any place infected with such distemper of distempers, or at which any such distempers at the time of her departure were known or supposed to prevail, or on board of which vessel any person during the voyage had died or been sick of any such distemper, shall immediately after her arrival at such place or places as shall be appointed as aforesaid by the Justices of the Peace of the County of Charlotte in General or Special Sessions convened, or after her arrival at or within Fox Island in the Bay of Miramichi, in the said County of Northumberland, hoist such vessel's ensign with the union down, or if there be no ensign on board, then she shall hoist such other colours as shall be on board half mast, and continue the said signal so hoisted until a licence be had to remove the same, from the said Justices, or any two of them for the said Counties respectively, under the penalty of twenty pounds for each and every offence.

IV. And be it further enacted, That the several Branch Pilots in the aforesaid Counties of Charlotte and Northumberland respectively, shall be furnished with printed or written Instructions containing such memorandum or abstract of the provision of this Act, and of the regulations to be made in pursuance thereof, as the

said Justices of the Peace of the said Counties respectively at any General or Special Sessions may direct, and such instructions shall in all cases contain a Notice to the following effect: That the Master or Commander of any such vessel shall not put on shore, or on board any other vessel, or suffer any other person to go or put on shore or on board any other vessel, any person or goods out of the said vessel until such vessel shall have been inspected by the Physician or Physicians and his or their Licence for that purpose obtained under the penalty of not less than fifty pounds nor more than two hundred pounds, and further, that the said Master or Commander shall cause the said vessel's ensign or such other colours as shall be on board to be hoisted half mast (if the ensign with the union down), and shall continue the same so hoisted until leave be granted by two Justices of the Peace to remove the same, under the penalty of twenty pounds; and it shall be the duty of the said pilots respectively on first boarding any vessel coming into the said bay of Passamaquoddy or any Port or place in the County of Charlotte, or into the said River Miramichi, to read such Notice to the Master or Commander of such vessel, or to communicate to him the purport and effect of such Notice, and any branch pilot who shall neglect his duty in this respect shall for the first offence forfeit and pay the sum of ten pounds, and for the second offence in addition to the further penalty of ten pounds be prevented forever after from holding a branch.

V. And be it further enacted, That if any person or persons shall be found to have been landed, or attempting to land, from any such vessel so coming from any infected place as aforesaid, or having any person on board so infected as aforesaid, it shall and may be lawful for any Justice of the Peace in such Counties respectively, by warrant under his hand and seal directed to any Constable of said County to cause such person to be taken and conveyed on board such vessel, and the said Constable having such warrant, is hereby authorized and empowered to command the necessary assistance to enable him to force back and convey on board the said vessel any and all persons so landed or attempting to land as aforesaid, and that it shall be lawful for the persons so called upon by the said constable or officer to assist or use such force as may be necessary to carry the said order into effect by forcing such persons landed or attempting to land back to and on board such vessel: and the Master or person having command or charge of such vessel from which such persons shall have landed or attempted to land, shall on request of the constable or officer having the execution of such warrant, receive, take and detain on board his said vessel such person or persons, under the penalty of fifty pounds for each and every person that he shall refuse to receive, or neglect to detain or keep on board after being so returned.

VI. And be it further enacted, That the Justices of the Peace in the said Counties respectively in General or Special Sessions convened, or the major part of them, be and they are hereby authorized and required to nominate and appoint by warrant under their hands and seals one or more physician or physicians who shall have power and authority to go on board, visit and inspect all vessels arriving as aforesaid which may be suspected of having on board the said small pox, yellow fever, putrid bilious fever, or other pestilential or contagious distemper, and who are required at the instance of the said Justices or any one of them to go on board any such suspected vessel or vessels, and make full enquiry and examination into the state of the health of all persons on board, or who have been on board during any part of the voyage, and whether the said vessel or vessels came from or touched at any place infected with any of the distempers aforesaid, and into and concerning all circumstances and matters in any wise touching or concerning the prevalence of any of the said distempers at any place where the said vessel or vessels may have touched, or from which the said vessel or vessels may have sailed; and the said physician or physicians are hereby respectively and fully authorized and empowered to go on board of any vessel or vessels as aforesaid to examine the Master, and such other persons on board said vessel or vessels as he or they may think necessary, on oath, as to the health of all persons on board or who have been on board during any part of the voyage, and into and concerning all circumstances and matters in any wise touching or concerning the prevalence of any of the said distempers at any place where the said vessel may have touched or from which she may have sailed: which oath the said health officers respectively are hereby fully authorized and empowered to administer; and the said physician or physicians performing such duty shall make report in writing to the said Justices or any one of them so requesting him or them to go on board and make examination as aforesaid, of the result of such examination and enquiry, with his or their opinion and advice thereon; and shall for each and every visit so made be intitled to demand and receive from the said master or owner the sum of thirty shillings, to be sued for and recovered as is herein after directed.

VII. And be it further enacted, That during the time any vessel shall be ordered to perform Quarantine as aforesaid, it shall and may be lawful for the Justices of the Peace for the said Counties respectively, in their General Sessions, or at any Special Sessions to be for that purpose holding, there being not less than three such Justices present, to authorize and order the landing of either the healthy or the diseased persons from on board such vessel at such lazaretto or place detached from the settled part of the County, and under such restrictions as they may think expedient and necessary, in order to facilitate the recovery of those infected and to prevent and guard as much as possible against the spreading of the disease among the passengers and crew, and after such land-

ing, at any time before the said vessel shall be discharged from quarantine, by like order of General or Special Sessions, cause any or all persons so landed to be again taken on board such vessel and detained on board said vessel for such time as they may think necessary, or until the said vessel shall be discharged from Quarantine, and, subject always to such order of the General or Special Sessions as aforesaid, the persons so landed as aforesaid shall remain at such place or places as shall be appointed therefore until they are restored to health, their clothes thoroughly cleansed under the direction of the said physician or physicians, and his or their certificate be obtained that they may proceed in the said Town, Towns, Villages or Country without danger to the Inhabitants thereof, and the said vessel from which the said passengers shall be so landed, shall be thoroughly cleansed and purified under the directions of the said physician or physicians, and when so cleansed and purified the said physician or physicians, shall report the same to the said Justice or Justices, and any two of the said Justices shall upon such report give a license under their hands and seals for the said vessel to depart from such Quarantine as aforesaid.

VIII. And be it further enacted, That if any person after being landed or permitted to land from such vessel shall escape or depart from the lazaretto or limits assigned by the Justices, such person so offending shall forfeit and pay the sum of not exceeding twenty pounds, and be liable to be arrested and forced back to the limits assigned as aforesaid, or to the vessel from which he or she was permitted to land, as the Justice or Justices shall order or direct, and there be kept in close confinement at the discretion of any two of such Justices.

IX. And be it further enacted, That if any passenger or other person whatsoever, such physician or physicians as aforesaid excepted, being on board any vessel having on board the before recited or other pestilential or contagious distempers, or coming from any place infected with such distemper, shall land from such vessel, or shall leave the said vessel and approach within eighty rods of the shore, without licence first had and obtained from the Justices, according to the true interest and meaning of this Act, each and every passenger or other person so offending shall forfeit and pay for every offence a sum not less than five pounds nor more than ten pounds.

X. And be it further enacted, That if any passenger or person who shall have landed from any vessel so coming from any infected place as aforesaid, and who shall have obtained licence to land as aforesaid, shall after landing be attacked by such infectious distemper or disease, it shall be lawful for the said Justice or Justices, by warrant under his or their hand and seal as aforesaid directed, to cause such person to be removed to the lazaretto or other place appointed as aforesaid, and there to be kept and detained for such time as may be found necessary to prevent the spreading of such distempers or disease.

XI. And be it further enacted, That if at any time it shall be made to appear to the satisfaction of any Justice of the Peace, on oath, that any person has escaped from any such vessel or from the lazaretto, or limits assigned or to be assigned, as aforesaid, and is kept or concealed in any House or other building within the said Counties respectively, or if oath be made by some credible person or persons that there is good reason to suspect, and that such person or persons do verily believe, that any person so escaping as aforesaid is so kept or concealed, it shall and may be lawful for such Justice to issue his warrant to any of the Constables of such County authorizing and requiring him or them to enter and search such House or other building, as if such person so escaping as aforesaid shall be found therein, to arrest, take and convey him or her on board of such vessel or to the lazaretto or limits or place appointed or assigned as aforesaid for such person to be kept in.

XII. And be it further enacted, That if any person whatsoever shall aid, assist, or procure any person to aid, abet, or assist any person in landing from such vessel, or in escaping from such lazaretto or other place to be so appointed as aforesaid: previous to a licence for that purpose obtained as aforesaid, or shall keep secret or conceal, or shall procure any person to keep secret or conceal, any such person landing or leaving as aforesaid, or in any manner assist in preventing the detection and apprehension of such person, so landing without a licence as aforesaid, every such person so offending shall for every such offence forfeit and pay a sum not less than five pounds nor more than twenty pounds.

XIII. And be it further enacted, That if any person who shall be commanded by any constable or officer having a warrant from any Justice of the Peace as aforesaid for the enforcement of the Quarantine, or compelling the return of persons who have landed or shall be attempting to land without licence as aforesaid, shall refuse or neglect to render or afford such assistance, shall for every offence forfeit and pay a sum not less than two pounds nor more than five pounds; and that in case of any action of trespass or other prosecution or suit whatsoever being brought and prosecuted against the