ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

CAP. XCVIII.

An Act for making additional and further Provisions for the effectual Performance of Quarantine in *Great Britain*. [16th *July* 1806.]

WHEREAS, by an Act passed in the Forty-fifth Year of the Reign of His present Majesty, intituled, *An Act for making further Provision for the effectual Performance of Quarantine*, certain Signals are directed to be used on board of Ships or Vessels having clean Bills of Health, and certain other Signals on board of Ships or Vessels not having clean Bills of Health, and it will be more conducive to the publick Safety that a Third Signal should be used on board of Ships or Vessels having the Plague or other infectious Disease or Distemper highly dangerous to the Health of His Majesty's Subjects actually on board; be it therefore enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the Tenth Day of *October* One thousand eight hundred and six, every Commander, Master, or other Person having the

45 G. 3. c. xciv

Signal to be used by Ships having the Plague, &c. actually on board.

Charge of any Ship or Veſſel, on board whereof the Plague or other infectious Diſeaſe or Diſtemper highly dangerous to the Health of His Majeſty's Subjects, ſhall actually be, ſhall be, and is hereby required at all Times when ſuch Ship or Veſſel ſhall meet with any other Ship or Veſſel at Sea, or ſhall be within Four Leagues of the Coaſt of *Great Britain*, or the Iſlands of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, to hoiſt a Signal to denote that his Ship or Veſſel has the Plague, or other infectious Diſeaſe or Diſtemper highly dangerous to the Health of His Majeſty's Subjects actually on board thereof, which Signal ſhall be in the Day Time a Flag of Yellow and Black, borne quarterly of Eight Breadths of Bunting at the Main Top-maſt Head, and in the Night Time the Signal ſhall be Two large Signal Lanthorns (ſuch as are commonly uſed on board of His Majeſty's Ships of War) One over the other at the ſame Maſt Head, and ſuch Commander, Maſter, or other Perſon, ſhall keep ſuch Signal hoiſted during ſuch Time as the ſaid Ship or Veſſel ſo having the Plague, or ſuch other infectious Diſeaſe or Diſtemper as aforeſaid, on board thereof, ſhall continue within Sight of ſuch other Ship or Veſſel, or within Four Leagues of the ſaid Coaſts or Iſlands; and while ſo in Sight, or within ſuch Diſtance until ſuch Ship or Veſſel ſo having the Plague, or ſuch other infectious Diſeaſe or Diſtemper as aforeſaid, on board thereof, ſhall have arrived at the Port or Place where it is to perform Quarantine, and until it ſhall have been legally diſcharged from the Performance thereof; on failure whereof ſuch Commander, Maſter, or other Perſon having Charge of ſuch Ship or Veſſel, ſhall forfeit and pay for every ſuch Offence the Sum of Two hundred Pounds.

Maſter to deliver Account of Cargo to Pilot on Penalty of 200l.

II. And whereas it is by the ſaid recited Act enacted, that every Commander, Maſter, or other Perſon, having the Charge of any Ship or Veſſel coming from foreign Parts, ſhall give to the Pilot who ſhall go on board ſuch Ship or Veſſel, a written Paper containing a true Account of the Names of the Place and Country at which ſuch Ship or Veſſel ſhall have loaded; and alſo of all the Places at which any ſuch Ship or Veſſel ſhall have touched on the homeward Voyage: And whereas Ships and Veſſels are or may be, by the Order of His Majeſty, His Heirs or Succeſſors, in Council, made liable to Quarantine by reaſon of their having on board thereof certain Sorts of Goods and Merchandize more eſpecially liable to retain Infection; and it is expedient that the Pilot going on board of ſuch Ships and Veſſels ſhould alſo be informed of the Cargo thereof; be it therefore enacted, That from and after the ſaid Tenth Day of *October* every Commander, Maſter, or other Perſon, having the Charge of any Ship or Veſſel coming from Foreign Parts, which ſhall not be liable to Quarantine in reſpect of the Place from whence ſuch Ship or Veſſel comes, ſhall give to the Pilot who ſhall go on board of ſuch Ship or Veſſel, a written Paper containing a true Account of the different Articles compoſing the Cargo of ſuch Ship or Veſſel, on pain of forfeiting the Sum of Two hundred Pounds for any Neglect or Refuſal to give ſuch Paper, or for any falſe Repreſentation or wilful Omiſſion therein; and if by any Proclamation or Order of His Majeſty in Council then in force, Ships and Veſſels having on board any of the Articles mentioned in ſuch Paper, ſhall be liable to the Performance of Quarantine, ſuch Pilot ſhall immediately give Notice thereof to the Commander or other Perſon having the Charge of ſuch Ship.

Pilot to give Notice if any Articles be on board liable to Quarantine on Penalty of 100l. &c.

Ship or Veſſel, on pain of forfeiting the Sum of One hundred Pounds for any Neglect therein; and ſuch Commander or other Perſon ſhall thereupon hoiſt a proper Signal according to the Proviſions of the ſaid recited Act, and under the reſpective Penalties in the ſaid recited Act, or in this Act contained for any Neglect or Refuſal in reſpect of hoiſting ſuch Signals; and in caſe any Pilot ſhall bring, or cauſe to be brought or conducted, any Ship or Veſſel liable to the Performance of Quarantine, into any Place which is not, or ſhall not, be ſpecially appointed for the Reception of Ships and Veſſels ſo liable, after receiving ſuch Paper as aforeſaid, whereby it ſhall have been made appear that ſuch Ship or Veſſel was liable to the Performance of Quarantine, or without requiring and receiving ſuch Paper as aforeſaid, unleſs compelled thereto by Streſs of Weather, adverſe Winds, or Accidents of the Seas, ſuch Pilots ſhall for every ſuch Offence forfeit and pay the Sum of One hundred Pounds.

Penalty on Pilot or Maſter for not bringing to on Requeſt of Quarantine Officer.

III. And whereas, by the ſaid recited Act, Proviſion is made for aſcertaining whether Ships and Veſſels be liable to Quarantine by means of interrogating the Commander, Maſter, or other Perſon having the Charge of ſuch Ships or Veſſels, for which Purpoſe it is neceſſary that Ships or Veſſels ſhould be brought to at the Requiſition of the Officer of Quarantine, which ſalutary Proviſion has in ſome Inſtances been and may again be eluded by the Pilot on board, or by the Commander, Maſter, or other Perſon, having the Charge of ſuch Ships or Veſſels; be it therefore enacted, That if any Pilot being on board, or any Commander, Maſter, or other Perſon having the Charge of any Ship or Veſſel coming from Foreign Parts, whether ſuch Ship or Veſſel ſhall be liable to Quarantine or not, ſhall be required by any Officer authorized by the Commiſſioners of the Cuſtoms, or any Four of them, to act in the Service of Quarantine, to bring to ſuch Ship or Veſſel, to the End that the Commander, Maſter, or other Perſon having the Charge thereof may be interrogated according to the Proviſion of the ſaid recited Act, and ſhall neglect or refuſe to bring to ſuch Ship or Veſſel as ſoon as it can be done with Safety, in obedience to ſuch Requiſition, every ſuch Pilot, Commander, Maſter, or other Perſon, having the Charge of any ſuch Ship or Veſſel, ſhall for every ſuch Offence forfeit and pay the Sum of One hundred Pounds.

Ships liable to Quarantine ſolely by involuntary Communication, exempt from Duty.

IV. And whereas, by the ſaid recited Act, certain Duties are impoſed on Ships and Veſſels which have performed Quarantine; and by the ſame Act a Ship or Veſſel may be rendered liable to the Performance of Quarantine by receiving any Perſon or Perſons from or out of any other Ship or Veſſel coming from or having touched at an infected Place, under which Proviſion a Ship or Veſſel not being originally liable to perform Quarantine may be rendered ſo liable by Force and againſt the Will of the Maſter and Crew; and it is reaſonable that ſuch Ship or Veſſel ſhould be relieved from the Payment of the ſaid Duties; be it therefore enacted, That no Ship or Veſſel which ſhall be rendered liable to perform Quarantine ſolely by reaſon of having received on board thereof, by Force or againſt the Will of the Maſter and Crew, any Perſon or Perſons, ſhall be liable to or charged with any Duty under the ſaid recited Act, provided that it ſhall appear to the Satisfaction of the Commiſſioners of the Cuſtoms that ſuch

Perſon

Perſon or Perſons was or were received on board againſt the Will of the Maſter and Crew of ſuch Ship or Veſſel.

Certificate of Goods having been opened and aired.

V. And whereas the Mode preſcribed by the ſaid recited Act for certifying that all Goods, Wares, and Merchandize, and other Articles liable to Quarantine, have been duly opened and aired, conformably to the Proviſions in the ſame, have been found inconvenient; be it therefore enacted, That ſo much of the ſaid recited Act as relates to the Certificates and Proof of opening and airing ſuch Goods, Wares, Merchandize, and other Articles, ſhall be, and is hereby repealed; and that after ſuch Orders for the opening and airing of ſuch Goods, Wares, and Merchandize, and other Articles, ſhall have been duly complied with, Proof thereof ſhall be made by the Oaths of the Maſter of the Lazaret or Veſſel in which the Goods, Wares, and Merchandize, and other Articles, ſhall have been opened and aired, and of One of the Guardians, or if there be no Guardian, then of One of the Officers authorized by the Commiſſioners of the Cuſtoms, or any Four of them, to act in the Service of Quarantine in ſuch Lazaret or Veſſel, or if there be no ſuch Officer, then by the Oaths of Two or more credible Witneſſes ſerving in the ſaid Lazaret or Veſſel before the Superintendant of Quarantine, or his Aſſiſtant, in caſe ſuch opening and airing ſhall be had at a Port or Place where ſuch Superintendant or Aſſiſtant ſhall be eſtabliſhed, or otherwiſe before the principal Officer authorized by the Commiſſioners of the Cuſtoms, or any Four of them, to act in the Service of Quarantine at ſuch Port or Place; which Oath ſuch Superintendant, Aſſiſtant, or principal Officer is hereby authorized to adminiſter; and ſuch Superintendant, Aſſiſtant, or principal Officer, as the Caſe may be, ſhall make Certificate of ſuch Proof having been made; and upon the Production of ſuch Certificate to the proper Officer of the Cuſtoms, authorized by the ſaid Commiſſioners or any Four of them, ſuch Goods, Wares, or Merchandize, and other Articles, ſhall be liable to no further Reſtraint or Detention either at the Port or Place where ſuch Quarantine ſhall have been performed, or at any other Place whereto they may be afterwards conveyed.

Power for Privy Council to order Ships coming from America or the Weſt Indies when the Yellow Fever, &c. prevails there, to go to certain Places without being liable to Quarantine.

VI. And be it further enacted, That it ſhall and may be lawful for His Majeſty, His Heirs and Succeſſors, by His or their Order in Council, or for the Lords and others of His or their Privy Council, or any Three or more of them, by their Order from Time to Time, as often as they may ſee Reaſon to apprehend that the Yellow Fever, or other highly infectious Diſtemper prevails on the Continent of *America*, or in the *Weſt Indies*, to require that every Ship and Veſſel coming from or having touched at any Port or Place on the Continent of *America*, or in the *Weſt Indies*, ſhall come to an Anchor at certain Places to be appointed from Time to Time by the Commiſſioners of His Majeſty's Cuſtoms in *England* and *Scotland*, (who are hereby reſpectively authorized to make ſuch Appointment) for the Purpoſe of having the State of Health of the Crew of ſuch Ship or Veſſel aſcertained before ſuch Ship or Veſſel ſhall be permitted to enter the Port whereto ſhe may be bound, or any other Port of *Great Britain*; but that ſuch Ship or Veſſel ſhall not be deemed liable to Quarantine, unleſs it ſhall be afterwards ſpecially ordered under that Reſtraint.

VII. And

Intercourſe with Stations allotted for Quarantine of Ships without clean Bills of Health, may be prohibited by Order in Council.

VII. And whereas, it may be neceſſary for the publick Security to prevent all Communication whatever with Ships or Veſſels performing Quarantine without clean Bills of Health; and the Danger of ſuch Communication is greatly increaſed by Perſons not being prevented from going within the Stations allotted for the Performance of Quarantine by ſuch Ships or Veſſels; be it therefore further enacted, That it ſhall and may be lawful to and for His Majeſty, His Heirs or Succeſſors, by His or their Order or Orders in Council, notified by Proclamation, or publiſhed in the *London Gazette*, to prohibit all Perſons, Ships, Boats, and Veſſels whatſoever, from going under any Pretence whatſoever, within the Limits of any Station, which, by His Majeſty, His Heirs or Succeſſors, by any ſuch Order or Orders in Council, has been, or may be aſſigned for the Performance of Quarantine by any Ships or Veſſels without clean Bills of Health; and that if any Perſon whatſoever after ſuch Notification or Publication of any ſuch Order or Orders in Council, ſhall preſume under any Pretence whatſoever, to go with any Ship, Boat, or Veſſel within the Limits of any ſuch Station, he or ſhe ſhall, for every ſuch Offence, forfeit and pay the Sum of Five hundred Pounds.

Perſons forging or uttering falſe Certificates required by Order in Council guilty of Felony.

VIII. And be it further enacted, That if any Perſon ſhall knowingly and wilfully forge or counterfeit, interline, eraſe, or alter, or procure to be forged or counterfeited, interlined, eraſed, or altered, any Certificate directed or required to be granted by any Order of His Majeſty, His Heirs or Succeſſors in Council now in force, or hereafter to be made touching Quarantine, and the Prevention of Infection, or ſhall publiſh as true any ſuch forged or counterfeited, interlined, eraſed, or altered Certificate, knowing the ſame to be forged or counterfeited, interlined, eraſed, or altered, or ſhall knowingly and wilfully utter and publiſh any ſuch Certificate, with Intent to obtain the Effect of a true Certificate to be given thereto, knowing the Contents of ſuch Certificate to be falſe, he or ſhe ſhall be adjudged guilty of Felony, and ſhall ſuffer Death as in Caſes of Felony, without Benefit of Clergy.

Power to Conſuls, &c. to adminiſter Oaths.

IX. And be it further enacted, That the Conſuls and Vice Conſuls of His Majeſty, His Heirs and Succeſſors, ſhall, and are hereby empowered to adminiſter Oaths in all Caſes reſpecting Quarantine, in like Manner as if they were Magiſtrates of the ſeveral Towns or Places where they reſpectively reſide.

Perſons authorized to take Examinations may adminiſter Oaths, and Perſons ſwearing falſely, or procuring others to do, ſhall be deemed guilty of Perjury.

X. And be it further enacted, That in all Caſes wherein by virtue and in purſuance of this Act, or any other now in force, or hereafter to be made touching Quarantine, any Examinations or Anſwers ſhall be taken or made upon Oath, the Perſon who ſhall be authorized and required to take ſuch Examinations and Anſwers, ſhall, and ſhall be deemed to have full Power and Authority to adminiſter ſuch Oaths; and if any Perſon who ſhall be ſo interrogated or examined ſhall wilfully ſwear falſely to any Matter, concerning which ſuch Perſon ſhall depoſe or make Oath on ſuch Examination or in ſuch Anſwer, or if any Perſon ſhall procure any other Perſon ſo to do, he or ſhe ſo ſwearing falſely or procuring any other Perſon ſo to do, ſhall be deemed to have been guilty of, and ſhall be

liable to be profecuted for wilful and corrupt Perjury or Subornation of wilful and corrupt Perjury, as the Caſe may be, and ſhall ſuffer the Pains, Penalties, and Puniſhments of the Law, in ſuch Caſe reſpectively made and provided.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1806.