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At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at HALIFAX, on the fifth Day of December 1785, in the Twenty Sixth Year of the Reign of our Sovereign Lord GEORGE the Third of Great-Britain, France, and Ireland, King, Defender of the Faith, &c. and there continued by several Prorogations unto the Eighth Day of June, 1786, in the Twenty Sixth Year of this said Majesty's Reign, being the Second Session of the Sixth General Assembly convened in the said Province.

C A P. I.

AN ACT for continuing the several Laws mentioned therein, and also for altering the Impost Law hereby continued.

*E* it enacted by the Governor, Council and Assembly, and it is hereby enacted, that an Act passed in the last Session of the General Assembly, intituled, "An Act to encourage and extend the Export of Fish, Lumber, and other Produce of this Province to the West Indies, and also to revive, alter and continue, the several Laws, relating to the Duties of Impost on Beer, Rum and other distilled Spirituous Liquors," which Laws expired the Thirty first Day of December, One Thousand Seven Hundred and Eighty Four, and the several Laws thereby revived shall be continued to the period herein after mentioned; *Provided nevertheless*, that no clause in the said Act hereby continued, shall be construed to extend, to any Rum, Sugar or Molasses, imported into any Port or Ports within this Province; being the Produce of Spermaceti Candles manufactured within this Province, or of strained Oil shipped by the Manufacturers of said Candles, or strainers of said Oil on their own Account, in any Vessel or Vessels of which they are not Owners or part Owners; but that the said Produce may be imported into any Port or Ports, within this Province in any other Vessel or Vessels, free of Impost duty, upon the Owners thereof making the Affidavit in said Act prescribed, any Thing therein contained on the contrary in any wise notwithstanding: Also an Act intituled, *an Act for the Establishment of Fees as regulated by the Governor and Council at the Request of the House of Assembly*, together with the several Acts in Addition to, and Amendment thereof, also an Act made in the fifth Year of His Majesty's Reign intituled, *an Act for the summary Trial of Actions*, together with the several Laws in Amendment thereof, also an Act intituled, *an Act in Addition to, and Amendment of an Act for continuing*

Act relating to the Duties of Impost on Beer, Rum, &c. continued to the Period herein after mentioned.

Provided that no Clause in said Act shall extend to any Rum, Sugar, or Molasses imported into this Province being the Produce of Spermaceti Candles or strained Oil manufactured in this Province and shipped by the Manufacturers thereof.

Act for the Establishment of Fees.

Act for the Summary Trial of Actions.

Act relative to licensed Houses.

Alſo the Act to exempt all Molaffes, Rum, &c. purchaſed for the Uſe of the Navy or Careening Yard from paying Impoſt Duties. Continued to the 31ſt December, 1787.

*the ſeveral Laws, relating to the Duties on licenſed Houſes, and for the Appropriation of the Monies raiſed thereby, together with the ſeveral Acts referred to, and continued thereby; alſo the Act intitled, An Act to exempt all Molaffes, Rum and other diſtilled Spirituous Liquors imported into this Province, or purchaſed for the Uſe of His Majesty's Careening Yard or Navy, from paying the ſeveral Impoſt Duties impoſed thereon, by the Laws of this Province, and every Matter, Clauſe and Thing contained in all the before mentioned Acts, (except as herein before excepted) ſhall be continued until the Thirty firſt Day of December, which will be in the Year of our Lord One Thouſand Seven Hundred and eighty ſeven, any thing in the ſaid Acts, or either of them to the contrary thereof in any wiſe notwithstanding.*

## C A P. II.

An A C T to alter, amend and continue an Act paſſed in the Twenty Fourth Year of His preſent Majesty's Reign intitled, *An Act for more effectually raiſing a Duty of Excife on Wines, Rum, and certain other enumerated Articles, and for preventing Frauds in the Collection of the Revenue.*

Preamble.

*W* H E R E A S the Duties of Excife heretofore paid on Rum, and other ſpirits and alſo on Wine has been inſufficient to anſwer the Exigencies of Government.

From and after Publication of this Act all Rum and Wines to pay a further Excife of 3d per Gallon, in addition to the Excife Duty heretofore paid.

I. *Be it therefore Enacted, by the Governor, Council and Aſſembly, and it is hereby Enacted, That from and after the Publication hereof, all Rum and other diſtilled Spirituous Liquors, and alſo all Wine of every kind, ſold or expended within this Province, ſhall pay a further Excife Duty of three Pence per Gallon, in Addition to the Excife Duties heretofore paid on the ſame Articles, which additional Excife Duty of three Pence per Gallon on Rum and other diſtilled Spirits, and three Pence per Gallon on all Wine, ſhall be paid and collected in the Manner and Form, and under the like Penalties and Regulations contained in the ſaid Act intitled, An Act for more effectually raiſing a Duty of Excife on Wine, Rum and certain other enumerated Articles, and for preventing Frauds in the Collection of the Revenue.*

Stockholders ſettling their quarterly Stock Account with the Collector within Eight Days after the Expiration of the Quarter ſhall have three Months credit for Payment of the Ballance, provided the Sum exceeds £. 20. and the Stockholder ſo

II. *And be it further Enacted, that all Stockholders under the Excife Law of this Province, who ſhall punctually ſettle their quarterly Stock Account with the Collector for the Diſtrict wherein ſuch Stock-Holder ſhall dwell within eight Days after the Expiration of each and every Quarter, ſuch Perſon or Perſons ſhall be entitled to have three Months credit given him for the Payment of the Ballance that ſhall appear to be due on ſuch quarterly Settlement, provided ſuch Ballance appearing due on ſuch Settlement ſhall exceed the ſum of Twenty Pounds, and provided the Stockholder ſo requiring Credit ſhall find one good and ſufficient Perſons at leaſt, to become jointly and ſeverally bound with him.*

him in a Bond in the Form preſcribed by Law for the Payment thereof at the End of ſaid three Months, which Bond it ſhall and may be Lawfull for the Collectors of Impoſt and Excife within the Province to receive in Payment, and the ſaid Collectors are no longer to make a Deduction of *one and a half per cent.* in Lieu of Waſtage or Leakage, Proviſion having been made, by an Act paſſed this Seſſion for an Allowance in Lieu thereof on the Importation of ſaid Article.

ſettling ſhall find ſecurity for the Payment thereof. Collectors no longer to make a Deduction of one and a half per cent in lieu of Leakage or Waſtage.

III. *And be it further Enacted,* that the ſaid Act intituled, *An Act for more effectually raiſing a Duty of Excife, on Wine, Rum and certain other enumerated Articles, and for preventing Frauds in the collection of the Revenue,* and alſo an Act paſſed in the laſt Seſſion of the General Aſſembly in Explanation thereof, and every Matter and thing therein contained, which is not altered or amended by this Act, ſhall be, and the ſame is hereby continued in full Force and Effect until the Thirty Firſt Day of December, which will be in the Year of our Lord One Thouſand ſeven Hundred and Eighty Seven.

Acts relating to the Duties of Excife.

Continued to 31ſt December, 1787.

C A P. III.

An Act to continue the "Act for more effectually raiſing a Revenue within this Province for the Support of its Government" and to enable Perſons exporting certain Articles therein named to receive a Drawback on the Export thereof, and for other Purpoſes therein mentioned.

*Enacted by the Governor, Council and Aſſembly, and it is hereby enacted,* That if from and after the Firſt Day of January which will be in the Year of our Lord 1787, any Merchant or other Perſon reſident within this Province for Six Months then laſt paſt, ſhall export or ſend out thereof, any Sugar, Rum or other diſtilled Spirits actually imported by him and his Property, and truly purchaſed with the Produce of the Province, and on which Rum or other diſtilled Spirits or Sugar, the duty impoſed by the ſaid Act intituled, *An Act for more effectually raiſing a Revenue within this Province for the ſupport of its Government* (which Act is commonly called or known by the Name of the Sunk Duty act) has been actually paid or ſecured; ſuch Perſon or Perſons, ſo making ſuch export, ſhall be entitled to receive out of the Treafury of this Province a Drawback of the full Duties ſo paid by Virtue of ſaid Act; or in caſe ſuch Duty ſhall have been only ſecured, then the Perſon ſo entitled ſhall have credit given him on his Bond or Security for the Amount thereof, except 5 per cent on the ſum ſo to be received or credited, which the ſaid Treafurer is to deduct, *Provided,* That nothing herein contained ſhall extend or be conſtrued to entitle Perſons qualified as aforeſaid to receive a Drawback on the Export of Rum or other diſtilled Spirits or Sugar, which has been longer imported into this Province than Twelve Months before the Export thereof, and on no leſs Quantity to be exported at one Time than five Hundred Gallons of Rum or other diſtilled Spirits, or Twenty Hundred Weight of Sugar, the Rum or other diſtilled Spirits to be exported in no leſs Packages than Caſks containing Sixty Gallons

Merchants exporting Rum, &c. &c. imported by them and Purchaſed with the Produce of the Province.

The duties thereon being paid or ſecured.

Shall be entitled to a Drawback.

Unless the Rum &c. &c. ſhall have been imported into the Province 12 Months before the export thereof. Or may be leſs in Quantity than 500 gallons of Rum &c. or 20 Cwt. of Sugar

To be exported as set forth.

Persons exporting to make report to the collector of Impost and Excise.

Who shall cause the Articles to be gauged. The Gauger to report to the Collector.

The Collector to give Copies of such reports.

Commissioners to be appointed to examine the Claims of Person demanding Drawbacks

And to grant Certificates to be delivered to the Governor, &c.

Who may give Warrants on the Treasury for the Amount of Duties paid. Persons under examination to make Oath &c.

The exportation of the Article must be proved.

And Certificates produced for that purpose from the officers of the Customs where the same may be landed Upon the Importation of Rum &c.

Gallons, and the Sugar in no less Casks than such as contain Two Hundred Weight, and such exports to be made in Vessels of no less burthen then Twenty Five Tons.

I. *And be it further enacted*, That any Person or Persons, qualified as aforesaid, who shall have Occasion to export any of the said Articles, whereon they shall be entitled to a Drawback as aforesaid, before such Export shall be made, such Person or Persons shall report in Writing to the Collector of Impost and Excise for the District where such Export is so to be made, the Quantity of each Article and the Port or Place to which the same is to be exported, as well as the Name of the Vessel and the Master thereof, in which such export is to be made, and after such Report is so made, the Collector of such District shall cause the said Article to be exactly gauged and weighed by a sworn Gauger who shall mark the same, and who shall report in writing to such Collector the Quantity and Quality of the Goods so to be exported, together with a Description of the Packages in which the same is contained, and that he has actually seen the same shipped and loaden on board the Vessel in the said first report mentioned, of which several Reports the said Collector is to give the Person or Persons so exporting attested Copies, and it shall and may be lawful for the Governor, Lieutenant Governor or Commander in Chief for the Time being, to appoint three fit Persons to Act as Commissioners who shall be sworn to the faithful discharge of their Office, which Commissioners shall, and are hereby empowered to examine the Claim or Claims of the different Persons demanding such Drawback or Drawbacks, and if they find such Claim or Claims properly founded, and on the necessary Certificates being produced to such Commissioners, to grant a Certificate to the Person or Persons so applying for the Drawback, stating the Amount, which such Person or Persons shall in their Opinion be entitled to receive by virtue of this Act, which certificate together with all other Papers laid before said Commissioners, the Person or Persons so applying shall deliver to the Governor Lieutenant, Governor or Commander in Chief for the Time being, who shall from time to time grant a Warrant or Warrants on the Treasury with Certificates and Papers annexed thereto, for the Amount of the Duties paid or secured to be paid by Virtue of the aforesaid Act on the articles so exported. *Provided always*, That the person or Persons making application for the said Drawback as aforesaid shall first by his own Oath, and by other sufficient Evidence prove to the Satisfaction of the said Commissioners that he or they is or are qualified and entitled as by this Act is specified, and shall likewise prove to their Satisfaction that the Articles so exported have been actually and *bona fide* landed in the kingdom, Province or Country to which the same has been cleared out, and shall produce, together, with the attested Copies of the reports so to be made as aforesaid, a Certificate from the Principal Officers of the Customs, or principal Collector of the Revenue for the Kingdom, Province or Country to which such export shall have been made, of such Articles having been actually landed within his Jurisdiction.

II. *And be it further Enacted*, That on the Importation of any Rum, or any other distilled Spirits or any Sugars into this Province subject to the Duties in the said Act specified after the same shall be exactly gauged and weighed, the Collector of Impost and Excise for the District

strict, wherein such Importation shall have been made, shall deduct five per cent for the neat Weight or Quantity of said Articles so imported which shall be in Lieu of all other Allowances heretofore made, by any of the Revenue Laws of this Province on Account of Leakage or Wastage.

Collector of Excise to deduct 5 per Cent. on account of Leakage or Wastage.

III. *And be it further Enacted*, That nothing contained in this Act shall take Place or be of effect before the first Day of January, which will be in the Year of our Lord One Thousand seven Hundred and Eighty seven, from which period, this Act together with the said before recited Act intituled, *an Act for more effectually raising a Revenue within the Province for the Support of its Government*, shall be and continue in full Force and Effect, until the Thirty First Day of December, which will be in the said Year our Lord One Thousand seven Hundred and Eighty seven.

This Act not to take place before 1st January 1787.

And to be in force until 31st of Dec. 1787.

C A P. VI.

An ACT for continuing and amending an act intituled, *An Act to raise a Sum of Money towards keeping in repair the Roads leading from Halifax to Windsor and the district of Colchester.*

HEREAS several Persons have found Means to evade the Payment of the Toll appointed by Law, to be paid by those passing the Turnpike Gate at Sackville Bridge; for remedy whereof,

Preamble.

I. *Be it Enacted by the Governor, Council and Assembly, and it is hereby Enacted*, That if from and after the Publication hereof, any Person or Persons whatever, shall endeavour to evade the Payment of the Tolls appointed by Law, to be paid by Persons travelling said Roads, at said Turnpike Gate, by crossing their Horses, Cattle or Carriages, over the River commonly called Sackville River, or shall endeavour to pass the said River in any other Way, than by going through the Turnpike Gate on Sackville Bridge; or shall defraud the Government, or Keepers of said Gate, of the Toll, which should be paid as aforesaid, such Person or Persons, and all others aiding or assisting him or them, shall on Complaint of the Keeper of said Gate forfeit and pay a Penalty of Forty Shillings each, such Penalty together with the Costs of Prosecution, to be recovered before any one of His Majesty's Justices of the Peace for this Province, which Justice shall on Conviction grant Execution against the Body or Goods of such Offender or Offenders; and the Monies arising from such Penalties, shall be paid and applied to the Repair of the said Roads in the same Manner as the Tolls collected at said Gate are now applied.

Persons who shall endeavour to pass Sackville River otherwise than through the Turnpike Gate or who shall defraud Government or the Keepers of said Gate of the Toll shall forfeit and pay 40s. each to be recovered before one or more Justices of the Peace

II. *And be it further Enacted, by the Authority aforesaid*, That the said Act intituled, *an Act to raise a Sum of Money towards keeping in Repair the Roads leading from Halifax to Windsor and the district of Colchester*, and an Act passed in the Twenty fourth Year of His Majesty's

Act for raising a Sum of Money towards keeping in repair the Roads leading from Halifax to Windsor &c.

Continued to 31st  
Dec. 1787.

*Reign in Amendment thereof*, and this Act and every Matter and thing therein contained, shall be, and continue in full Force and Effect; until the Thirty First Day of *December* which will be in the Year of Our Lord, One Thousand Seven Hundred and Eighty Seven.

C A P. V.

An ACT in Addition to, and Amendment of an Act, made in the third Year of the Reign of His present Majesty intituled, *An Act to prevent Nuisances by Hedges, Wares, and other Incumbrances, obstructing the Passage of Fish in the Rivers in this Province.*

Preamble.

HEREAS by an Act made in the third Year of the Reign of his present Majesty, the Justices in their first *General Quarter Sessions*, thereafter to be held Annually, in each County in this Province, were impowered and directed to make certain Rules and Orders for the Regulation of the River Fisheries in their respective Counties; by which Act divers Penalties were inflicted on the Breach or Violation of such Rules and Orders: And whereas none of the Provisions of said Act appear to extend to the Construction or Formation of any Mill Dams, or other Obstruction, that have been or may be erected, put or placed, on or across Rivers in this Province so as to admit the free natural Course of the Fish at the Seasons of their passing up, or coming down the same; and whereas it is highly necessary and expedient for the Preservation of the said River Fisheries, that all Mill Dams or other Obstruction, which may in future be erected, put or placed, on, or across Rivers in this Province, should be formed or made in such Manner, as not to impede the course of the Fish, and also that some effectual Alterations and Amendments should be made in such Mill Dams, or other Obstructions as may have been already built on, or across said River or Streams, to the Prejudice of the Fisheries before mentioned.

Mill Dams or other  
Obstructions across  
Rivers to which  
Fish Resort

must have a Waste  
Gate or slope,  
for the admission of  
Fish.

If not so construct-  
ed.

I. *Be it therefore enacted, by the governor, Council and assembly, and by the Authority of the same it is hereby enacted*, That all Mill Dams, or other Obstructions which may hereafter be made, put or placed, on or across any River or Stream in this Province, which is, or may in future be resorted to by Fish from the Sea at the Time of their Seasons for spawning shall be constructed or built with a waste Gate, or Slope, sufficient for said Fish to pass up in the Spring or Summer Months of the Year, and to return down again in the Fall Months thereof, and which said Waste Gate shall be kept open, or slope kept up and in Repair for the aforesaid Purpose during the whole season of the Fish passing up, and returning down, on the Pains and Penalties hereafter declared.

II. *And be it further Enacted by the Authority aforesaid*, That if any Mill Dam, or other Obstruction shall be made, put or placed on or across any such river or Stream in this Province without a Waste Gate or Slope sufficient

sufficient for the Purpose aforesaid, then, (on Complaint thereof duly made an Oath, in Writing to the justices in their General Quarter Sessions whereof the owner or Owners of such Mill Dam shall have timely Notice also in writing) it shall and may be lawful for the said Justices in Sessions, and they are hereby directed, forthwith to issue their Precept to the Sheriff in due Form of Law, commanding him to impanel Twelve good and lawful men in the County, where the Mill Dam or other Obstruction so complained of, shall be, and with the said Jury to repair to, and view the same: and the said Sheriff, after due Consideration being had by the Jury touching the Matters and Things charged or set forth in such Complaint, and after the Examination of such Witnesses on Oath to be by him administered, as may be produced by either Party shall return the Inquest, so taken, to said Justices in their Sessions, and thereupon the said Justices shall, (in Case the Jury do find the said Complaint to be well grounded and proved,) make up an Order in writing on such finding, thereby directing the Owner or Owners of such Mill Dam, or other Obstruction, to construct or form in the same a sufficient Waste Gate, or Slope, within a reasonable Time therein to be limited, according to the True Intent and Meaning of this present Act, and requiring the Party convicted to pay a fine not exceeding Fifty Pounds, nor less than ten Pounds, immediately into the Hands of the Clerk of the Peace, and if any Offender or Offenders shall refuse or neglect to pay said Fine, together with such reasonable Charges of Prosecution as may be taxed and allowed by the Court, it shall and may be lawful for the said Justices in their Sessions, and they are hereby directed, to issue a Warrant for levying said Fine, and Charges by Distress and Sale made of the Goods and Chattles of the said Offender or Offenders, and if no sufficient Distress can be found, then, on due Return made thereof by the Sheriff, the said Justices in Session shall, by a further Warrant to be by them issued in due Form of Law, commit such Offender or Offenders, to His Majesty's Goal within the County, where the Offence shall have been committed, there to remain for the Space of three Months, or until he shall have paid the said Fine and Charges.

III. *And be it further Enacted by the Authority aforesaid*, That if the Party so convicted, shall not, within the Time limited in the aforesaid Order of the *General Quarter Sessions*, make a sufficient Waste Gate, or Slope in exact Conformity thereto, then it shall and may be lawful for three or more Justices within the County, where the said Offence shall have been committed (either on their own View, or on Complaint being made to them of said Neglect) to hold a *Special Sessions of the Peace* for the purpose of proceeding further in the Premises, and they are hereby further impowered and directed, after the aforesaid Neglect of the Owner or owners of said Mill Dam or other Obstruction, shall be made to appear to them, to issue a Precept to the Sheriff of that County, requiring him to take with him sufficient Aid to the Place where such Mill Dam, or other Obstruction, shall have been made, for the Purpose of prostrating and wholly destroying the same, and all Persons whose Aid shall be required on that Occasion by the Sheriff, are hereby commanded to be assisting to him for the Purpose aforesaid, and if any Action shall be commenced or brought against the Sheriff or his Aid, for any Thing done by him or them, in Obedience to the Commands of said Precept, he or they may plead the general Issue, and give the Special Matter in Evidence to the Jury.

Upon complaint made to the Quarter Sessions.

The Justices, upon the report of a Jury May order the Owner of such Mill Dam or other Obstruction to form a slope &c. &c. And to pay a fine not exceeding £50.

And if the said Fine be not paid.

The same may be levied on the Goods and Chattles of the Offender.

And if no distress be found the Offender to be imprisoned.

If the party convicted do not obey such order of the Justices.

A special Sessions to be held for further proceedings.

And the Sheriff to prostrate such Mill Dam or other obstruction.

All Persons to aid and assist. If any action be commenced against the Sheriff, &c. the special matter to be given in Evidence.

IV. *And*



The Owners of Mill Dams, &c. already made.

To make a Waste Gate or Slope, &c. &c,

Upon refusal to be liable to the same penalty with those refusing to obey the order of the Sessions

Where the Jury shall find the complaint, &c. groundless, the party complaining to pay Costs. Fines levied under this Act to be applied to the making of Roads.

Owners of Lands through which rivers run are entitled to the exclusive right of fishing.

Nothing herein contained to prevent any one fishing. In places appointed for that purpose.

The Justices in their first general Quarter Sessions, to appoint such places for fishing as shall appear convenient to owners Land on such Rivers

This Act not to extend to any sea fish but such as are mentioned in the before recited Act.

IV. *And be it further Enacted by the Authority aforesaid*, That the Owners or Proprietors of all Mill Dams or other Obstructions already made on or across any River or Stream in this Province, to which Fish from the Sea are or have been accustomed to resort, shall on or before the Twentieth Day of September in the present Year of our Lord One Thousand Seven Hundred and Eighty Six, make a Waste Gate or Slope in the same for the Purposes herein before declared, and if any such Owner or Owners shall refuse or neglect so to do, he or they so refusing or neglecting, shall be subject to be proceeded against in the same Manner, and be liable to the same Distress, Penalty and Imprisonment, as such Person or Persons are subject and liable to by this Act, who shall have violated, or who shall have neglected or refused to obey the Order of the said *General Quarter Sessions* in Cases of Mill Dams, or other Obstructions to be made in future on Rivers or Streams within this Province; and in all Cases where the Jury shall find the Complaint against any Mill Dam, or other Obstruction, to be groundless, he or they so complaining, shall by the said *General Quarter Sessions*, be adjudged to pay the Owner or Proprietor the Charges of said Inquest, to be taxed and allowed by the Court; and all the Fines which shall or may be levied and paid by Virtue of this Act, are hereby directed to be paid and applied to the purposes of making public Roads within the County, where the offence shall have been committed.

V. *And be it further Enacted by the Authority aforesaid*, That all and every of His Majesty's Subjects, owning or lawfully possessing Lands by or thorough, or over which any River or Stream in this Province shall or may run, shall be deemed to have the sole and exclusive Right of taking Fish therein, while and so long as the Fish shall or may remain in such Parts of said Rivers or Streams; and no Person or Persons whatever shall or may lawfully take Fish while being or remaining in Rivers running by, through or over such Lands except the Owner or Owners, Possessor or Possessors thereof, or Persons by Virtue of their Leave or Licence; any Usage, Law, or Custom to the contrary in any wise notwithstanding.

VI. *Provided nevertheless, and it is hereby declared and enacted*, That this Act or any thing therein contained, shall not extend or be construed to extend to the depriving of any of His Majesty's Subjects within this Province of the liberty of taking Fish, in any such place or Places as the Justices of the said *General Quarter Sessions* shall or may from time to time appoint for that Purpose; and the said Justices in every County which is now, or may be in future established in this Province, are hereby empowered and directed at their first *General Quarter Session* to be there annually holden to appoint such Place or Places on the several Rivers or streams therein for the Inhabitants in general to resort to, for the Purpose of taking Fish, as have heretofore been fixed on, or as shall appear to them just and necessary, and which shall be attended with the least, loss or Inconvenience to the Owners or Proprietors of the Soil on such Rivers, and provided also, that nothing in this Act shall extend or be construed to extend to any Kind or Species of Fish from the Sea except such as are particularly enumerated in the herein before recited Act.

VII. " And whereas there is no Act or Law of this Province distinguishing

“ing such River therein as are fit and useful for the conveying down  
 “of Timber, Fire wood, Saw Mill Logs, and Boards, from such as  
 “are not ; and whereas it is highly necessary that the same should be  
 “known and distinguished in Order that Persons desirous of making,  
 “or that Persons who may already have made, any Mill Dam or o-  
 “ther Obstructions on or across certain Rivers or streams should be  
 “apprised of the Necessity of building or enlarging the Waste Gates  
 “or Apertures thereof, in such Manner as to admit a Passage for  
 “said Timber, Fire wood, Saw Mill Logs and Boards through the  
 “same.”

IX. *Be it therefore Enacted by the Authority aforesaid, That it shall*  
 and may be lawful for the Justices in their first *General Quarter Sessions*  
 to be holden in each county in this Province, and they are hereby di-  
 rected, either by their own View or Knowledge or by the view or  
 Knowledge of three Persons of their Appointment to distinguish such  
 Rivers or Streams in their respective Counties, as shall appear to them  
 to be of public Utility in respect to the furnishing or supplying of said  
 Timber, Fire wood, Saw mill Logs and Boards ; and thereupon, the  
 said Justices shall make an Order in writing therein requiring all Per-  
 sons who may in future make any Mill Dam, or other Obstruction on  
 or across any such Rivers or Streams to form in the same a Waste  
 Gate or other Aperture sufficient not only for the Fish to pass through,  
 but also for a convenient Passage of said Timber, Fire Wood or Saw  
 Mill Logs and Boards ; a Copy of which Order the said Justices shall  
 cause to be duly published by fixing up the same at several of the most  
 public or frequented Places in the said Counties respectively, and all  
 Persons making Mill Dams or other Obstructions, on or across Rivers  
 or Streams in this Province, so distinguished; contrary to the true Intent  
 and Meaning of this Act, shall be subject to be proceeded against in  
 the same Manner, and be liable to the same Distress, Penalty and Im-  
 prisonment, as Persons are subject and liable to by this Act, in the  
 Cases herein before expressed and declared, and all such Mill Dams or  
 other Obstructions, as shall appear not to be so constructed or formed  
 as to admit a Passage, as well for Timber, Fire Wood, Saw Mill Logs  
 and Boards, as for the several Kinds of Fish herein before enumerated,  
 shall be subject to be prostrated and destroyed by Virtue of such  
 Process ; and in such Manner as is hereby directed in Cases of Mill  
 Dams, or other Obstructions on or across Rivers or Streams, which  
 are not so distinguished by the said Justices in Session.

X. *Provided nevertheless, and it is hereby Enacted, That none of the*  
 Penalties or Forfeitures inflicted by this Act shall extend, or be con-  
 strued to extend, or applied to such Person or Persons, who may  
 heretofore have erected a Mill Dam on or across any River or Stream  
 in this Province with the general Consent and Approbation of the  
 People, living or inhabiting near the same, and against the erecting  
 of which no Complaint shall appear to have been made to any Court  
 having Cognizance thereof, but in all Cases where a Waste Gate or o-  
 ther Aperture shall by the said Justices in Session be judged necessary  
 to be made in such Mill Dams for a Passage to the said Fish, Timber,  
 Fire Wood, Saw Mill Logs and Boards, the same shall be done un-  
 der the Inspection and Direction of one or more Persons, whom the  
 said Justices shall, or may appoint for that Purpose with as little  
 Damage or Injury as possible to the Owner or Owners of said Mill  
 Dam, and at the Expence of the Town, wherein the same shall hap-  
 pen to be.

E

“ And

Justices in their first  
*Quarter Session.*

to distinguish Ri-  
 vers useful for the  
 supplying of Tim-  
 ber &c.

And to order all  
 Persons making a  
 Mill Dam, &c., &c.  
 to form a Waste  
 Gate &c.

Persons acting  
 contrary to this  
 Act,  
 to be proceeded a-  
 gainst in the Man-  
 ner before expressed:  
 Mill, Dams &c.

Not so constructed  
 to be prostrated,  
 in such Manner as  
 directed

No Penalty to ex-  
 tend to Persons who  
 have heretofore  
 erected Mill Dams,  
 &c. with the  
 approbation of the  
 People  
 Waste Gates &c.  
 &c. to be made by  
 the Direction of  
 Justices when neces-  
 sary in such Mill  
 Dams.

“ And whereas it is also highly necessary for the Preservation of  
 “ several kinds or Species of Fish, whose Course has been greatly  
 “ obstructed or diverted of late in divers Parts of this Province by  
 “ the injudicious placing of Seines and Nets in certain Havens,  
 “ Creeks and Harbours therein, to the manifest Injury of Individuals,  
 “ and of the Community at large; for Remedy whereof.”

The Justices to hold  
*Special Session* for  
 regulating the Manner  
 of placing nets,  
 &c. in Rivers.

All Persons violat-  
 ing their Regulati-  
 ons.

to be liable to the  
 Penalties expressed  
 in the said recited  
 Act.

This Act to conti-  
 nue and be in force  
 till the End of the  
 year, 1787.

XI. *Be it further Enacted, by the Authority aforesaid,* That it shall and may be lawful for three or more Justices of the several Counties throughout the Province, and they are hereby directed to hold a *Special Session* in their respective Counties or District, as soon as may be, for the purpose of regulating the Manner of placing Nets and Seines in all such Havens, Rivers, Creeks and Harbours therein, as they shall or may judge necessary to prevent the aforesaid Evil, and under such Forfeitures and Penalties, as are expressed in the herein before recited Act, made in the third Year of His Majesty's Reign. And all Persons violating such Orders, Rules or Regulations, as the said Justices may from Time to Time make in their respective Counties, touching the Premises, shall be subject or liable to the same Pains, Penalties and Forfeitures, as Persons are subject or liable to, who violate or disobey the several Rules, Orders or Regulations, that the Justices in their said first *General Quarter Sessions* to be holden annually, are empowered to make by Virtue of the said recited Act, and this Act is to continue, and be in Force from the Publication thereof, until the End of the Year of Our Lord One Thousand Seven Hundred and Eighty Seven.

C A P. VI.

AN ACT for applying certain Monies therein mentioned, for the Services of the Year One Thousand Seven Hundred and Eighty Seven, and for appropriating the Supplies granted in this Session of *General Assembly*.

*May it please your Excellency.*



E His Majesty's most dutiful and loyal Subjects, the *House of Assembly* of his Majesty's Province of *Nova-Scotia*, towards appropriating the supplies granted to His Majesty in this Session of the *General Assembly*, and for supplying the Exigencies of His Majesty's Government of *Nova-Scotia*, do humbly beseech it may be Enacted, and be it Enacted by the Governor, Council and Assembly, That by or out of such Monies as now are, and from Time to Time shall be, and remain in the public Treasury of this Province, after paying the Interest on the Government Securities, and so much of the principal Sums due on such Securities, as the Proportion of *Ten per Cent.* of all, and singular the Monies arising from the Duties of Impost and Excise, paid into the Treasury will pay off, and discharge; there shall be paid and applied, a Sum not exceeding four Hundred Pounds to each of the Assistant Justices of the *Supreme Court*, for their respective Salaries for the Year One Thousand Seven Hundred

Monies to be paid  
 for the Services of  
 the Year 1787.

to the Assistant Ju-  
 stices of the *Supreme*  
*Court*, £. 400 each.

dred and Eighty Seven, provided the ſaid Offices ſhall be actually filled for that Year, in lieu of all Fees, and Perquiſitics whatever and not otherwiſe, and a further Sum of four Hundred Pounds to the Treafurer of the Province, for his Salary during the Year One Thouſand Seven Hundred and Eighty Seven, and for the Expence of his Clerk, and Office Rent for that Year; and a further Sum of One Hundred Pounds to the Clerk of the Council in *General Aſſembly*, for his Services for the Year One Thouſand Seven Hundred and Eighty Seven: and a further Sum of One Hundred Pounds, to the Clerk of the *House of Aſſembly*, for his Services for the Year One Thouſand, Seven and Eighty Seven; and a further Sum of Thirty Pounds, for defraying the Expences of the Council in *General Aſſembly*, for the ſame Year aforeſaid: and the further Sum of One Hundred Pounds to the Speaker of the *House of Aſſembly* for the ſame Year aforeſaid; and the further Sum of One Hundred Pounds to the Clerk of the Crown for his Attendance on the *Supreme Court* in all their Sitings, and not otherwiſe; and the further Sum of One Hundred Pounds, to the Solicitor General for the ſame Year aforeſaid; and the further Sum of Eighty Pounds to *Anthony Henry*, Printer, for printing for the Government in this Province, and for the *General Aſſembly* thereof, for the ſame Year aforeſaid; and a further Sum of Thirty Pounds to the Keeper of the *Council Chamber and House of Aſſembly*, for the ſame Year aforeſaid; and the further Sum of Seventy Pounds, to each of the two Waiters, employed in the Collection of the Revenue of this Province, for the *District of Halifax*, for the ſame Year aforeſaid, the ſaid Waiters not to act as Clerks in the Office of Collectors of Impoſt and Excife, but to give their whole Attention to the Duty of Waiter only; and the further Sum of Eighty Pounds, to the Gauger employed in the ſame *District*, for the ſame Year aforeſaid; and the further Sum of One Hundred Pounds to the Keeper of the Light Houſe at *Sambro* Iſland, within the County of *Halifax*, for the ſame Year aforeſaid; and a further Sum of One Hundred Pounds Sterling, to the Agent of this Province for his Services for that Year; and a further Sum of three Hundred Pounds, to defray the contingent Expences of the *General Aſſembly* during the preſent Seſſion, the ſame to be drawn for by the Governor; Lieutenant Governor or Commander in Chief, on the Certificate or Certificates of the Speaker of the *House of Aſſembly*, and Secretary of the Province, and not otherwiſe; and a further Sum of Ten Pounds, to the Reverend *Wingate Weeks* for his Attendance, during this Seſſion of *General Aſſembly*, as Chaplain to the *House of Aſſembly*; and a further Sum of Seven Pounds, to *Peter Etter*, Senior, Meſſenger of the Houſe for his Attendance during this Seſſion of *General Aſſembly*; and the further Sum of Thirty Pounds, to Mrs. *Deborah Cotnam* for her paſt Services, as Keeper of the *Council Chamber and House of Aſſembly*, and a further Sum of Sixty Pounds, to Doctor *John Almond* for his Services, as Superintendant Phyſician to the Poor Houſe in *Halifax*, and a further Sum of One Hundred Pounds, to Doctor *Nicholai* the diſpenſing Apothecary, and Surgeon, at the Poor Houſe; or ſo much thereof, as he may not have already received by Warrant on the Treafury, for Account of Medicines furniſhed by him, and his Attendance there; and a further Sum of Seventy five Pounds, to defray the Expence of the Repairs immediately neceſſary to be made, to the *General Aſſembly Houſe in Halifax*.

To the Treafurer  
£ 400.

to the Clerk of the  
Council in *General  
Aſſembly*, £. 100.

to the Clerk of the  
House of *Aſſembly*,  
£. 100.

for Expences of  
Council £30.

To the Speaker of  
the *House of Aſſem-  
bly*, £100.

To the Clerk of  
the Crown, £100.

To the Solicitor  
General, 100.

To the Government  
Printer £80.

To the Keeper of  
the Council Cham-  
ber and Houſe of  
*Aſſembly*, £30.

To the two Reve-  
nue Waiters for the  
*District of Halifax*,  
£10. each

To the Gauger £80.

To the Keeper of  
the Light Houſe  
£100.

To the Agent of the  
Province, £100 ſter-  
ling.

For Contingent Ex-  
pences of *General  
Aſſembly* £300.

To the Chaplain of  
the *House of Aſſem-  
bly*, £10.

To the Meſſenger  
£7.

To Mrs. *Deborah  
Cotnam* £30

To the Superinten-  
dat Phyſician of  
of the Poor Houſe  
£60.

To the diſpenſing  
Apothecary £100.

To defray Expenc-  
es for Repairs of  
*General Aſſembly  
Houſe*, £75.

To the Land Waiters and Gaugers at *Shelburne* to end of year 1786, £40. per annum.  
To End of Year 1787, £50. per annum.

Monies to be paid for making Roads, &c.  
from *Windsor Road* to *New Port*, £100.  
from *Annapolis Royal* to *Shelburne*, £500.  
from *Barrington* to *Shelburne*, £200.  
from *Remsbeg* to the *Cumberland Road*, £100.  
from *Digby* to the *River Sciffabou*, £200.  
from *Onslow* to *Tatmagushe*, £100.  
from *Country Harbour* towards *PiBon*, £250.  
from *Falmouth* to half way *River*, £50

£. 500 granted for the purpose of erecting a Light House leading into *Shelburne Harbour*.

Six per cent allowed Collectors at *Halifax*.

Ten per cent allowed Collectors at the out Ports.

II. *And be it further Enacted*, That out of the Monies which now are, or may be collected, for the Duties of Impost and Excise, there shall be paid and allowed, to the two Land Waiters and Gaugers, employed in the District of *Shelburne*, after the Rate of Forty Pounds *per annum* from the Date of their respective commissions until the end of the year, One Thousand Seven Hundred and Eighty Six, and after the Rate of Fifty Pounds *per annum*, to each of the said Waiters, for the Year One Thousand, Seven Hundred and Eighty Seven in lieu of all Fees, perquisites, and Expences whatsoever.

III. *And be it further Enacted*, That by or out of such Monies as are, or may come into the public Treasury of this Province, there shall be allowed and paid, a Sum not exceeding One Hundred Pounds, for the Repair of the Road, leading from the *Windsor road* to *Newport*; and a further Sum not exceeding Five Hundred Pounds, to compleat the Road lately opened between *Annapolis Royal* and *Shelburne*, and a further Sum not exceeding two Hundred Pounds, to open a Road from the Township of *Barrington* to *Shelburne*; and a further Sum not exceeding One Hundred Pounds, for the Purpose of opening a Road from the Settlement of *Remsbeg*, to the Road leading from *Cumberland* to *Halifax*; and a further Sum not exceeding two Hundred Pounds, for the Purpose of opening a Road from the Township of *Digby* to the *River Sciffabou*; and a further Sum not exceeding one Hundred Pounds, for the Purpose of Repairing the Road, leading from *Onslow* to *Tatmagushe*; and a further Sum not exceeding two Hundred and Fifty Pounds, for the Purpose of making a Road from *Country Harbour*, in the County of *Sydney*, towards *PiBon* by the Way of *Manchester* and *Antigonishe* in said County, and a further Sum not exceeding Fifty Pounds, to compleat the Road leading from *Falmouth* to the *Half Way River* so called; which several Sums of Money so appropriated, for the repair of Roads, shall be laid out and expended, under the Direction of such Commissioners as the Governor, Lieutenant Governor, or Commander in Chief, for the Time being, shall think fit to appoint, agreeable to the Resolves of the *General Assembly*.

IV. *And be it further Enacted*, That by or out of such Monies, as are or may come into the public Treasury of this Province, there shall be paid, a further Sum not exceeding Five Hundred Pounds, for the Purpose of erecting a Light House, for the Safety of the Navigation leading into the Harbour of *Shelburne*, to be laid out and expended under the Direction of such Commissioners as the Governor, Lieutenant Governor, or Commander in Chief for the time being, may see fit to appoint for that Service.

V. *And be it further Enacted*, That there shall be allowed, and paid to the Collector or Collectors of Impost and Excise, out of all and singular the Duties respectively collected by them, and paid into the Treasury of this Province; that is to say, to defray the Charges of Collection at the District of *Halifax*, Six Pounds, on every Hundred Pounds so collected and paid; and Ten Pounds, on every Hundred Pounds so collected and paid at all and every, the other Districts, and outports in this Province, which several Allowances, shall be in Lieu of all other Fees, Perquisites and Expences whatsoever.

VI. *And*

VI. *And be it further Enacted, by the Authority aforesaid, That it shall and may be lawfull, for the Governor, Lieutenant Governor or Commander in Chief for the Time being, to draw by Warrant, on the Treasurer from Time to Time, such Sum and Sums of Money as may be necessary to defray the Expence of maintaining Prisoners committed to the Common Goal in Halifax, and not by Law chargeable to the County, the Expenditure of such Sums to be accounted for to the Committee of public Accounts, in the Manner heretofore used and accustomed.*

Governor to draw Money for support of Prisoners.

VII. *And be it further Enacted, by the Authority aforesaid, That out of all, and any of the Aids and Supplies aforesaid, there shall and may be issued and applied, by the Governor, Lieutenant Governor or Commander in Chief for the Time being, any Sum or Sums of Money not exceeding One Hundred and fifty Pounds, for defraying the contingent Expences of this Government for the same year aforesaid, as may grow due and are not ascertained, or particularly provided for by this or any other Act or Vote of Assembly.*

£150. granted for defraying the contingent Expences of Government for Year 1787.

VIII. *And be it further Enacted, by the Authority aforesaid, That all and singular the several Sums and respective Allowances, and Monies hereby made and granted, shall be issued and applied as by this Act is directed, and for no other Intent or purposes whatsoever, and shall be paid by the Treasurer of this Province for the Time being out of such Monies as may come into the public Treasury from the Duties of Impost and Excise, and other Aids and Supplies granted or to be granted by this or any other Assembly, upon Warrant or Warrants, under the Hand and Seal of the Governor, Lieutenant Governor or Commander in Chief of this Province, as the same shall grow due, without any undue Preference, or partiality whatsoever and not otherwise.*

Monies to be drawn for by Warrant as they grow due.

“ And whereas it is requisite to make Provision for the Payment, and Security of such Part of the Monies voted by this Assembly in their last Session, for Bounties and Premiums, the Repair of Roads, and other Services, as have not yet been paid, or drawn for, and also to ascertain what part of the Government Securities bearing Interest, shall be considered by the Treasurer of this Province as entitled to have a preferable Payment of Interest, and an exclusive appropriation of *Ten per cent.* of the Duties of Impost and Excise, for the Liquidation and Discharge so far as such Proportion will go, of that Part of the public Debt.” *Be it therefore Enacted, That all such Warrants and Treasurer’s Notes now outstanding as have been drawn conformable to any Vote, or Votes of this or former Houses of Assembly and have borne Interest for twelve Months at the least, before the passing of this Act, shall be entitled to such Preference and none others; and the Treasurer of the Province is hereby ordered, so to consider them, in the Payment of the Interest due thereon, and in the Appropriation of the ten per cent. aforesaid.*

Securities of One Year standing to be intitled to the preference of Interest &c. &c.

IX. *And be it also Enacted, That it shall and may be lawful for the Governor, Lieutenant Governor or Commander in Chief for the Time being, to grant Warrants on the Treasury, under his Hand and Seal for all such Sum and Sums of Money, as were voted and applied by the General Assembly in their last Sessions, and have not been received or drawn for; and in case the Treasurer shall not have received Monies in the Treasury, for the Property of Government, sufficient to satisfy such Warrants, as shall or may be granted agreeable to this Act, he is hereby impowered on the Presentation of any such Warrants, to*

Governor to give Warrants for Money voted last Session.

All Warrants which cannot be paid to be acknowledged by the Treasurer bear Interest.

acknowledge the same by endorsing such Acknowledgement on said Warrant, with the Date of its Presentation, and such Warrant from thenceforth, shall carry Interest after the Rate of Six <sup>per cent per annum</sup> and may be taken and received at all the public Offices in this Province, as Cash for provincial Duties there due and payable; and shall be payable to the *bona fide* Holder thereof and no other.

Bounties and Premiums to continue until the End of the Year 1787.

X. *And be it further Enabled*, That the Bounties and Premiums voted and allowed by the *General Assembly*, in their last Sessions, shall be continued, and the same are hereby continued, until the End of the Year One Thousand, seven Hundred and Eighty Seven and no longer, and shall and may be paid and satisfied, conformable to such Votes by Virtue of this Act.

Governor to draw by Warrant £85. 7. to defray the expences incurred for repairs done to the Government House

XI. *And be it further Enabled, by the Authority aforesaid*, That by or out of all and every the Monies that now or may come into the Treasury of this Province the Governor, Lieutenant Governor or Commander in Chief for the Time being, may and shall draw by Warrant a sum not exceeding Eighty Five Pounds seven Shillings Currency to defray the Expences incurred for Repairs done to the Government House; an Account of which has been rendered to the *House of Assembly*.

## C A P. VII.

An ACT to enable one or more Justices of the Peace to issue a Compulsory Process, in the first Instance in civil Causes, which are by Law triable before them.

Preamble.



“HEREAS it frequently happens as the Law now stands, that Persons owing Debts, under three Pounds value, find means to elude Payment, although able to pay or satisfy the same.”

Justice of the Peace may issue a Capias or Warrant to arrest Debtors and hold them to Bail.

I. For Remedy whereof, *Be it enabled by the Governor, Council and Assembly, and it is hereby Enabled*, That from and after the Publication of this Act, it shall and may be Lawful for any Justice of the Peace within this Province, upon Application made to him, and on Affidavit made before him or them, of the Debts due, in the Manner practised in Debts of greater Value, to issue a Capias or Warrant to arrest the Body of the Debtor or Debtors, and hold them to Bail for his, or their Appearance, instead of the Process by Summons as now used, and to make the same returnable forthwith, or at such Period, not exceeding five Days, as he or they in his or their Discretion may judge fit, and to proceed to Trial and give Judgement thereon as in ordinary Cases.

No Person possessing a Freehold of the value of 40s. shall be arrested for a Debt under 20s. or not exceeding 4s.

II. *Provided always*, That no Person having a Freehold Estate within this Province of the Value of Forty Shillings by the Year, shall be arrested for a Debt due by him under Twenty Shillings, nor for any larger Debt not exceeding three Pounds unless in Addition to an Affidavit of the Debt, the Party applying shall also make Oath, that he verily believes that unless such Compulsory Process is allowed the Debt due will be lost.

This Act to continue to 31 Dec. 1787.

This Act to continue in Force until the Thirty first Day of December in the Year of our Lord One Thousand Seven Hundred and Eighty Seven.