

10<sup>th</sup> April 1792

A C T S  
OF THE  
GENERAL ASSEMBLY  
OF  
His MAJESTY'S PROVINCE  
OF  
NEW-BRUNSWICK,

PASSED IN THE YEAR 1792.



F R E D E R I C T O N :  
Printed by CHRISTOPHER SOWER, Printer to the  
King's Most Excellent Majesty. 1792.

Rec. Aug. 14, 1906.

ANNO REGNI

# Georgii III. Regis

*Magnæ Britanniae, Franciæ, & Hiberniæ,*

TRICESIMO SECUNDO.

**A**T the GENERAL ASSEMBLY of the Province of NEW-BRUNSWICK begun and holden at the City of SAINT JOHN, on the THIRD day of JANUARY, Anno Domini 1786, in the twenty-sixth Year of the reign of our sovereign LORD GEORGE the THIRD, by the Grace of GOD, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c.

And from thence continued by several prorogations, to TUESDAY the FOURTEENTH day of FEBRUARY 1792, at FREDERICTON; being the SIXTH Session of the FIRST GENERAL ASSEMBLY of NEW-BRUNSWICK,

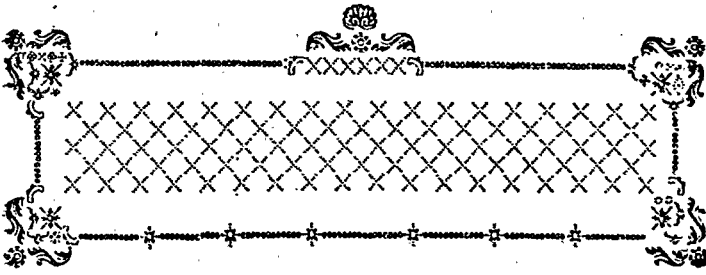
1792.



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ANNO TRICESIMO SECUNDO

# Georgii III. Regis.



C A P. I.

An ACT for CONTINUING the establish-  
ment of a MILITIA and for RE-  
GULATING the same.



HEREAS a well regulated Militia in Preamble  
this Province will tend not only to the se-  
curity and defence thereof but to the honor  
and service of His MAJESTY. AND  
WHEREAS the Law of the Pro-  
vince intituled "*An Act for Establishing*  
*a Militia in the Province of New-Brunf-*

*wick and for regulating the same*" will cease to be in force  
after the first day of *March* next.

I. BE IT ENACTED, by the Lieutenant Governor,  
*Council and Assembly*, That from and after the first day of  
*March* next, every male inhabitant within this province from  
*sixteen to fifty* years of age, shall be inrolled in one of the  
Independent companies, or of the Regimental companies of  
Foot where he dwells or resides, and all Captains or Com-  
manding Officers of Independent and other companies in the

All male inha-  
bitants from six-  
teen to fifty  
years of age, shall  
be enrolled.

Captains of  
companies to  
enroll all male  
inhabitants—

A.

several

and to give to Colonels once in every year rolls of their companies—

and Colonels and Captains of unregimented companies to give rolls of their regiments and companies to the Commander in Chief.

Regiments to be formed by counties.

Captains to order their companies to be mustered and exercised once a year—

of which ten days notice to be given.

Unregimented companies to consist of fifty men—

Captains whereof to give copies of their muster rolls to the Colonel of the regiment in the county—

and upon alarm, to be under the command of the Colonel of such regiment in the absence of the Commander in Chief.

Every person enrolled to be provided with a musket, bayonet, cartridge box, powder and bullets— and to appear once a year to be mustered and exercised— and failure to pay

several towns or parishes within the province are hereby required to take due care to inroll in a book or register, to be kept by them for that purpose, all male inhabitants from sixteen to fifty years of age: and that once in every year, and oftener if thereunto required, each Captain or Commanding Officer of a company shall give to his Colonel or, in his absence, to the next Commanding Officer of the regiment, and such Colonel or next Commanding Officer of the regiment, and the Captains or Commanding Officers of unregimented companies, shall give to the Captain General or Commander in Chief for the time being, fair written rolls of their respective companies and regiments.

II. *And be it enacted*, That the Militia shall be formed into regiments by counties.

III. *And be it also enacted*, That once in every year and not oftener command may be given by the Captain and, in his absence, by the next Commanding Officer of each and every company, that the company under his command, whether the same be an Independent or Regimental company, shall meet at some convenient place within his district and as near the center thereof as conveniently may be, to be then and there mustered and exercised, whereof notice shall be given at least *ten* days before the day of muster.

IV. *And be it further enacted*, That no Unregimented or Independent company shall consist of more than *fifty* men, including Non-commissioned Officers, and that every Captain or Officer commanding such Company shall, when thereunto requested, deliver a copy of his muster roll to the Colonel or Commanding Officer of the regiment or batallion of the county where such Unregimented or Independent company may be, and in case of a general alarm or invasion, all such Unregimented or Independent companies shall, in the absence of the Captain General or Commander in Chief, be under the immediate command and direction of the Colonel and in his absence the next Commanding Officer of such regiment or batallion.

V. *And be it enacted*, That every person inrolled as aforesaid shall at all times be provided with a good and sufficient musket, or fuzee, bayonet, cartridge box, one pound of gun powder and two pounds of sizeable bullets, and being so provided shall, if required, once in every year, and not oftener, appear at the time and place appointed as aforesaid to be mustered and exercised, and on failure thereof shall forfeit and pay  
a fine

a fine of *Five Shillings*; to be levied by distress and sale of the offender's goods by the Captain's or Commanding Officer's warrant directed to a Serjeant or Corporal of the company to which such person so offending belongs, who are respectively impowered to serve and execute the same, rendering the over-plus if any, after deducting the costs and charges of such distress and sale to the offender; such fine to be applied to defray the charges of purchasing drums, fifes and colours for the use of the said company.

five Shillings—  
to be levied by  
the Captain's  
warrant—

rendering the  
over-plus to the  
offender—  
Fines to be ap-  
plied in purchas-  
ing drums, co-  
lours, &c.

VI. *And be it enacted*, That every person inrolled as afore-  
said and appearing under arms, who shall refuse or neglect to  
perform such military duty as shall be required of him, or shall  
on the day of muster depart from the company when under  
arms without leave from the Commanding Officer, shall forfeit  
and pay a fine of *five shillings* to be recovered and applied as  
afore said. ALWAYS PROVIDED, that the Members of  
His MAJESTY'S Council, Members of the Assembly, Justices of  
the Peace, High Sheriffs, Coroners, and all persons who have  
held any commission civil or military under His MAJESTY, Mi-  
nisters of the Gospel, Physicians, Surgeons, School Masters,  
one Miller to a Grist-Mill and one Ferry-man to every pub-  
lic ferry, shall be free from being inrolled in the Militia.

Every person  
enrolled, appear-  
ing under arms,  
and refusing to  
perform military  
duty, or depart-  
ing without  
leave to forfeit  
five shillings.

Persons exempt-  
ed from being  
enrolled.

VII. *And be it enacted*, That no Militia Commissioned Of-  
ficer shall be liable or subject to serve as Constable any law or  
usage to the contrary notwithstanding.

Commissioned  
officers exempt-  
ed from serving  
as constables.

VIII. *And be it further enacted*, That in case of an alarm,  
invasion, insurrection or rebellion, every Officer of the Militia  
shall have full power and authority by virtue of this act and  
is hereby required forthwith to raise the Militia or Company  
under his command, and every Commanding Officer of the  
regiment in every county upon any alarm or receiving intelli-  
gence of any insurrection, invasion or rebellion shall forthwith  
dispatch an express to the Captain General or Commander in  
Chief for the time being, notifying the danger and the strength  
and motions of the enemy, and the said Commanding Officer  
is hereby impowered to impress boats, men and horses as the  
service may require; and shall draw together the Militia under  
his command and march them to such place or places within  
this province as he shall judge most convenient for opposing  
the enemy or to such place or places within the province as  
shall be directed by the Captain General or Commander in  
Chief for the time being; and every Non-commissioned  
Officer or private man for his neglect of such duty shall forfeit  
and pay *five pounds* to be recovered and applied as afore said,  
and

Every officer,  
upon alarm &c.  
forthwith to  
raise the Militia

Commanding  
officers of regi-  
ments upon a-  
larm or intelli-  
gence of an in-  
surrection &c.  
to send express  
to the Com-  
mander in Chief  
and to impress  
boat, horses &c.  
and draw to-  
gether the Militia,  
and march them  
to such place as  
he shall judge  
necessary, or shall  
be directed by  
the Commander  
in Chief—  
Non-commis-  
sioned officers  
and privates ne-  
glecting such  
duty to pay five  
pounds.



Distress to be made within three months after the offence

and that no distress for any fine under this act shall be made or punishment inflicted, unless within *three months* next after the offence be committed.

Notice of muster and levying fines to be executed by a non-commissioned officer.

IX. *And be it further enacted*, That the notice of muster required by this act, and the levying of the several fines herein before recited, shall be served and executed by a Non-commissioned Officer under the warrant of the Commanding Officer of each company; and, in case of neglect or refusal, such Non-commissioned Officer shall forfeit and pay a fine of *twenty shillings*, to be recovered and applied as aforesaid. And in all cases where there are no effects whereon to levy the several fines imposed by this act, the said Commanding Officer is hereby impowered by his warrant to commit the person so offending to the next Gaol; there to be and remain not exceeding *ten days*.

Non-commissioned officers to forfeit twenty-shillings for neglect or refusal. For want of effects whereon to levy, the offender to be committed to Gaol.

Persons disabled to be provided for, at the expence of the province.

X. *And be it enacted*, That if any person be wounded or disabled upon any invasion, insurrection or rebellion, he shall be taken care of and provided for, at the expence of the province during the time of such disability.

Quakers, on producing the necessary certificate, to be exempted from ordinary duties—

XI. *Provided always, and it is enacted*, That every person professing himself to be of the people called *Quakers* and producing to the Captain or Commanding Officer of the company in whose district he resides, a certificate from one of their meetings, signed by six or more of the principal people of such meeting, that such person had been deemed and allowed one of the people called *Quakers*, for the space of one whole year or more before the date of the certificate, such person so producing such certificate, shall be and hereby is exempted from the ordinary duties of training or mustering, unless upon an alarm, invasion, insurrection or rebellion.

except upon alarm, &c.

Limitation of the act.

XII. *And be it enacted*, That this act shall be and remain in force until the *first day of March*; which will be in the year of our LORD one thousand seven hundred and ninety-seven and no longer.

An ACT

## C A P. III.

An ACT in amendment of an act intituled "An Act for more effectually securing the TITLE of Purchasers of REAL Estates against CLAIMS of DOWER." and also to enable FEMES COVERT more easily to convey any REAL Estate they may hold in their OWN Right.

**W**HEREAS in and by an act made and passed in Preamble. the twenty-seventh year of His MAJESTY'S reign intituled "*An Act for more effectually securing the Title of Purchasers of Real Estates against Claims of Dower*" IT IS ENACTED, that no deed of bargain and sale or other conveyance of any lands, tenements or hereditaments in which any *Feme Covert* is or may be intituled to a right of Dower, shall be valid and sufficient to bar such right of dower or the recovery thereof after the decease of her husband, unless such *Feme Covert* or married woman shall sign, seal, and deliver such deed; and shall also appear before some one of His MAJESTY'S Council, Judge of the Supreme Court, or one of the Judges of the Inferior Court of Common Pleas in the several counties of this province, and being examined separte and apart from her said husband, shall declare that she executed the same freely and voluntarily without any threat, fear or compulsion from him: AND WHEREAS it is expedient that some provision should be made to secure such purchasers against the claims of dower of *Femes Covert* residing out of the province who cannot conveniently appear to make the acknowledgment required by the said recited act: AND WHEREAS it is also expedient that some further provision should be made to enable *Femes Covert* or married women to convey any estate of freehold or inheritance which may be vested in them in their own right:

I. BE IT THEREFORE ENACTED, If Femes Covert whose right of dower is to be barred by any conveyance, live out of the province, the acknowledgement of such convey- by the Lieutenant Governor, Council and Assembly, That if any *Feme Covert*, whose right of dower is to be barred by any deed of bargain and sale or other conveyance of any lands, tenements or hereditaments in this province, shall live in parts beyond the

B.

sea,

ance to be made as follows—

in Great-Britain or Ireland, before a Judge of the courts of King's Bench or Common Pleas, Baron of the Exchequer, Master in Chancery, or Judge or Lord of Council and Session—

in other parts of the British dominions before a Judge of the Supreme Court

And in any foreign state, before an ambassador or consul from the court of Great-Britain—

All acknowledgements taken under this act, to be registered with the conveyances—

The acknowledgement of conveyances, made by Femmes Covert of estate held in their own right, to be taken and certified in the same manner.

sea, or out of the limits of this province, the acknowledgement of such deed or conveyance shall be made as follows that is to say; if such *Femme Covert* live within the kingdoms of Great-Britain or Ireland, the acknowledgement of such deed or conveyance may be had and taken by and before any Judge of any of the Court's of King's Bench or Common Pleas, or Baron of the Exchequer, or any Master in Chancery, or any Judge or Lord of Council and Session in Scotland; and if in any other part of the British dominions, by and before any Judge of the Supreme or Superior Court of Judicature in such colony or part of the said British dominions wherein such *Femme Covert* shall reside, and certified on the said deed or conveyance by and under the hand of such Judge or other person so taking the acknowledgement thereof as aforesaid, such certificate being also authenticated, if in the British Plantations, under the hand and seal of the Governor, Lieutenant Governor or Commander in Chief of the province where the same shall be made, and if in Great-Britain or Ireland affidavit in writing shall be made, and certified under the seal of some corporation there, that the signature of the person taking such acknowledgement is the actual and proper hand writing of such person so taking such acknowledgement: And if such *Femme Covert* live in any foreign state or kingdom, the acknowledgement of such deed or conveyance may be had and taken by and before any public Minister, Ambassador or Consul from the Court of Great-Britain resident in any such state or kingdom, and certified on such deed or conveyance by and under the hand and seal of such Minister, Ambassador or Consul so taking the acknowledgement thereof as aforesaid. And all such acknowledgements so taken under and by virtue of this act shall be registered with the respective deeds and conveyances so acknowledged, and shall be an effectual bar to the recovery of any such *Femes Covert* respectively of their right of dower in and to the premises mentioned in any such deed or conveyance, any thing in the said herein before recited act to the contrary notwithstanding.

II. *And be it further enacted*, That the acknowledgement of all deeds of bargain and sale, or other conveyances duly made and executed by any *Femme Covert* of any estate of freehold or inheritance, which such *Femme Covert* may hold in her own right, in any lands, tenements or hereditaments in this province shall and may be had and taken and certified in the same manner and before the same persons respectively as any such *Femme Covert* can or may acknowledge any deed of bargain or sale or other conveyance for barring her right of dower under and by virtue of this or the said herein before recited act.

C A P.

C A P. III.

An ACT to provide for the MAINTENANCE OF BASTARD CHILDREN.

WHEREAS the Laws now in being are not sufficient to provide for the security and indemnification of the several parishes in this province from the great charges frequently arising from children begotten and born out of lawful matrimony, for remedy thereof;

Preamble.

I. BE IT ENACTED, by the Lieutenant Governor, Council and Assembly, That if any single woman shall be delivered of a Bastard Child, which shall be chargeable or likely to become chargeable to any parish, or shall declare herself to be with child, and that such child is likely to be born a bastard and to be chargeable to any parish; and shall in such case in an examination to be taken in writing, upon oath before any one or more Justice or Justices of the Peace of any county or of the city and county of Saint John, wherein such parish shall lie, charge any person with having gotten her with child, it shall and may be lawful to and for such Justice or Justices, upon application made to him or them by the overseers of the poor of such parish or by any one of them, to issue out his or their warrant or warrants for the immediate apprehending such person so charged as aforesaid and for bringing him before such Justice or Justices or before any other of His MAJESTY'S Justices of the Peace of such county or of the city and county of Saint John as the case may be, and the Justice or Justices, before whom such person shall be brought, is and are hereby authorized and required to commit the person so charged as aforesaid to the common gaol, or house of correction of such county or city and county, unless he shall give security to indemnify such parish, or shall enter into a recognizance with sufficient surety upon condition to appear at the next General Sessions of the Peace to be holden in and for such county or city and county, and to abide and perform such order or orders as shall be made in pursuance of an act of Parliament, passed in the eighteenth year of the reign of Her MAJESTY Queen Elizabeth concerning bastards begotten and born out of lawful matrimony.

Any woman being delivered of a bastard child, or declaring herself to be with child likely to be born a bastard and chargeable to a parish— and on examination before a Justice of Peace shall charge any person with having gotten her with child—

Such Justice on application of the overseers of the poor, to issue a warrant for apprehending the person so charged—

and to commit him to gaol—

unless he give security— or enter into recognizance.

II. PROVIDED NEVERTHELESS and be it enacted, That if the woman so charging any person as aforesaid shall happen to die, or be married before she shall be delivered,

If the woman die, or be married or miscarry

OR

or appear not to have been with child—

the person to be discharged from his recognizance or released out of custody.

or if she shall miscarry of such child, or shall appear not to have been with child at the time of her examination, then and in any of the said cases, such person shall be discharged from his recognizance at the next General Sessions of the Peace to be holden for such county or city and county, or immediately released out of custody by warrant under the hand and seal or hands and seals of any one or more Justice or Justices of the Peace residing in or near the limits where such parish shall lie.

Justice of the Peace, upon application of any person committed, to summon the overseers of the poor to shew cause why he should not be discharged—

III. PROVIDED ALSO, *and be it enacted*, That upon application made by any person who shall be committed to any gaol or house of correction by virtue of this act, or by any person in his behalf to any Justice or Justices residing in or near the limits where such parish shall lie, such Justice or Justices is and are hereby authorized and required to summon the overseer or overseers of the poor of such parish to appear before him or them at a time and place to be mentioned in such summons to shew cause why such person should not be discharged:

and if no order appears to have been made within six weeks after the delivery of such woman—the Justice to discharge him from imprisonment.

And if no order shall appear to have been made in pursuance of the said act of the eighteenth year of the reign of Her MAJESTY Queen *Elizabeth* within six weeks after such woman shall have been delivered, such Justice or Justices shall and may discharge him from his imprisonment in such gaol or house of correction to which he shall have been committed.

Justice of the Peace nor to send for any woman before her delivery nor in one month after—nor to compel any woman before her delivery to answer questions concerning her pregnancy.

IV. PROVIDED ALWAYS, *and be it further enacted*, That it shall not be lawful for any Justice or Justices of the Peace to send for any woman whatsoever before she shall be delivered, and in one month after, in order to her being examined concerning her pregnancy or supposed pregnancy, or to compel any woman before she shall be delivered, to answer to any questions relating to her pregnancy; any law, usage or custom to the contrary notwithstanding.

An ACT

C A P. IV.

An ACT for ALTERING the TIMES of HOLDING the Court of GENERAL SESSIONS of the PEACE and INFERIOR COURT of COMMON PLEAS in the County of NORTHUMBERLAND.

WHEREAS the times appointed for holding the Court of GENERAL SESSIONS of the PEACE and INFERIOR COURT of COMMON PLEAS in the County of NORTHUMBERLAND have been found inconvenient. Preamble.

I. BE IT ENACTED, by the Lieutenant Governor, Council and Assembly, That the said Courts shall be holden hereafter on the First TUESDAY in March and the First TUESDAY in August in every year, instead of the third Tuesday in January and the third Tuesday in September as heretofore accustomed. The courts to be held on the first Tuesday in March and August.

II. And be it further enacted, That no writ or process of any kind whatsoever shall abate or be discontinued by reason of the alteration of the times of holding the said Courts as aforesaid, but that all writs and processes which are or shall be returnable to the said Courts respectively on the days and times heretofore established, shall be proceeded upon in the same manner as if the same were made returnable on the same days herein established and appointed. No writ or process to abate by the alteration of the times of holding the courts.

C A P. V.

An ACT to encourage the DESTROYING of WOLVES.

WHEREAS many losses have been suffered by sundry inhabitants of this province from the destruction of their Preamble: Sheep

C.

Sheep by *Wolves*, to the great discouragement of the increase of that valuable stock.

**I. B E I T E N A C T E D**, *by the Lieutenant Governor, Council and Assembly*, That from and after the publication of this act, a reward of *twenty shillings* shall be paid to any inhabitant of this province for each full grown Wolf he shall kill within the limits of the same, and *ten shillings* for each Wolf's whelp under a year old; and to every Indian *ten shillings* for every full grown Wolf, and *five shillings* for every Wolf's whelp under a year old which he shall kill within the limits aforesaid.

Twenty shillings to be paid for each wolf, and ten shillings for each whelp, killed by an inhabitant—  
and ten shillings for each wolf, and five shillings for each whelp, killed by an Indian.

The head of every wolf killed to be brought to the nearest justice of the peace—

who, on being satisfied that the person is entitled to the reward, shall disfigure the head and give a certificate to the Treasurer.

**II. A n d b e i t f u r t h e r e n a c t e d**, That whosoever shall kill any wolf, wolves, their whelps, or whelp shall bring the head or heads of the same to one of His MAJESTY'S Justices of the Peace within the county residing nearest to the place where the same shall be killed, who shall examine the party on oath (if he judge it necessary) and, on being satisfied of his being entitled to the reward, shall disfigure the head of the wolf or whelp by cutting off both the ears, and shall give under his hand and seal a certificate specifying the reward to which the party is entitled directed to the Treasurer of the province, or his deputy, in case any such deputy shall be resident in the county, who shall pay the same out of the monies belonging to the province Treasury: Which certificate shall be a sufficient voucher to the Treasurer for the money paid by virtue of this act.

## C A P. VI.

### An ACT to prevent the DESTRUCTION of SHEEP by DOGS.

**I. B E I T E N A C T E D**, *by the Lieutenant Governor, Council and Assembly*, That if any dog or dogs shall kill any sheep or lambs within this province, the owner of such dog, upon complaint and conviction thereof before any Justice of the Peace shall cause the same to be immediately killed, or shall be liable to pay the owner of such sheep or lambs the full value thereof to be recovered before any one of His MAJESTY'S Justices of the Peace in the county where such offence shall be committed, who is hereby authorised finally to determine the same; PROVIDED the sum so to be recovered

If any dog shall kill sheep or lambs, the owner of the dog to cause him to be killed—

or be liable to pay for the sheep or lambs—  
to be recovered before a justice of the peace—

covered does not exceed *forty shillings*; and on non-payment thereof within *three days* after judgment shall be given, to issue his warrant to the next constable to distrain so much of the offender's goods and chattles as may be sufficient to discharge the same with the charges arising thereby, and to sell such goods at public auction returning the overplus (if there be any) to the owner or owners thereof.

and levied by warrant of distress and sale in three days after judgment.

II. *And be it further enacted*, That if any dog, which had before been proved to have killed any sheep or lamb, shall afterwards kill any other sheep or lamb, then and in such case, the owner shall not only be liable to pay the full value of the sheep or lambs so killed, but also be further liable to the penalty of *twenty shillings* for keeping such dog, to be recovered as aforesaid, and applied to the use of the poor of the parish where such offence shall be committed: And the Justice on conviction thereof shall by his warrant directed to a constable order such dog to be immediately killed. And in case the person so convicted shall not pay such damage and fine, and have no goods and chatties whereon to levy the same as aforesaid, it shall and may be lawful for the Justice to commit him to prison not exceeding *fourteen days* for the first, and *one month* for the second offence: And in case the damage, to be sustained as aforesaid, shall exceed the sum of *forty shillings*, and the owner of such dog or dogs shall neglect or refuse to kill such dog or dogs, or to make full compensation to the owner of such sheep or lambs for the damage sustained by them as aforesaid, then the person or persons, so sustaining damage, shall be at liberty to sue for and recover the same in the Inferior Court of Common Pleas for the county where the said damage shall have been done and sustained.

Any person keeping a dog that has killed sheep, liable to pay for any sheep he may afterwards kill, and a fine of twenty shillings

to be recovered as aforesaid and applied to the use of the poor— and the justice to order such dog to be killed. Persons convicted, not having goods whereon to levy, to be committed to prison.

Damages exceeding forty shillings, to be recovered in the court of common pleas.

C A P. VII.

An ACT to continue an act intituled  
 “An Act to prevent FRAUDS in the  
 “Sale of DAMAGED GOODS im-  
 “ported into this Province.”

I. **B**E IT ENACTED, by the Lieutenant Governor, Council and Assembly, That an act made and passed in the twenty-sixth year of the reign of King GEORGE the third

The act “to prevent frauds



"in the sale of  
"damaged  
"goods" conti-  
nued until the 1st  
March 1795.

third intituled "*An Act to prevent frauds in the Sale of Damaged Goods imported into this Province,*" and by an act passed in the twenty-eighth year of the same reign continued in full force until the *first* day of *March* which will be in the year of our LORD one thousand seven hundred and ninety two, be further continued; and the said act is hereby continued and declared to be in full force until the *first* day of *March* which will be in the year of our LORD one thousand seven hundred and ninety-five.

## C A P. VIII.

An ACT to enable the JUSTICES of the Court of GENERAL SESSIONS of the PEACE and INFERIOR COURT of COMMON PLEAS in KING'S County to hold the same Courts for the present Year at the Time therein mentioned.

Preamble.

WHEREAS the Court of General Sessions of the Peace and Inferior Court of Common Pleas in King's county have not been holden in this present year on the *second* Tuesday in *February* as by law appointed: AND WHEREAS it is expedient that the same Courts should be holden as soon as conveniently may be, for the purpose of transacting the business of and arising in the said county, which might or ought to have been done and transacted on the said *second* Tuesday in *February* in this present year.

The courts to be held on the third Tuesday in March.

I. BE IT ENACTED, by the Lieutenant Governor, Council and Assembly, That the said Courts shall be holden in this present year on the *third* Tuesday in *March* instead of the said *second* Tuesday in *February*, any law or ordinance to the contrary notwithstanding.

No writ or process to abate—

II. And be it further enacted, That no writ or process of any kind whatever shall abate or be discontinued by reason of the

the same courts not having been holden on the said *second* Tuesday in *February* as aforesaid—but that all writs and processes which were returnable on the said *second* Tuesday in *February* shall be proceeded upon in the same manner as if the same were made returnable on the said *third* Tuesday in *March*; and that all other business of what nature or kind soever that might or ought to have been done on the said *second* Tuesday in *February*, shall and may be done and proceeded upon on the said *third* Tuesday in *March*; and shall be valid and effectual to all intents and purposes as if the same had been done and proceeded upon on the said *second* Tuesday in *February*.

but to be proceeded upon on the third Tuesday in March.

III. *And be it further enacted*, That after the said *third* Tuesday in *March*, the times of holding the said courts shall be and remain as already by law established, that is to say, on the *second* Tuesday in *February* and the *first* Tuesday in *July* in every year, any thing herein contained to the contrary notwithstanding.

The courts to be held at the times established.

#### § C A P. IX.

An ACT to restrain all Persons that may be concerned in the collection of IMPOST DUTIES from owning any VESSEL or trading or dealing in DUTIABLE ARTICLES.

I. **B**E IT ENACTED, by the Lieutenant Governor, Council and Assembly, That, from and after the passing of this act, neither the Treasurer of the province, nor any of his deputies, nor any person or persons concerned in the collection of any Impost duties made payable by any act or acts of Assembly, shall own any vessel or vessels or any share or shares in any vessel or vessels trading to and from any port or ports in this province, or shall trade or deal directly or indirectly in any article or articles made dutiable by any such act or acts, under the penalty of *Fifty Pounds* to be recovered by bill, plaint, or information in the Supreme Court of this province, and of being forthwith dismissed from his or their office and offices.

The Treasurer, or his deputies, or any person concerned in collecting Impost duties, are not to own vessels, or trade in dutiable articles, under the penalty of fifty pounds—and of being dismissed from office.

D.

An ACT

C A P. X.

## An ACT for raising a REVENUE in this Province.

I. **B**E IT ENACTED, *by the Lieutenant Govern-*

Duties to be paid  
after the 1st. Ap.

*nor, Council and Assembly,* That from and after the first day of April next, there be, and hereby is granted to His MAJESTY his heirs and successors for the use of this province and for the support of the government thereof, the several rates and duties on the articles herein after mentioned which shall or may be brought or imported into any port or place within this province, (except the produce or manufacture of Great-Britain or Ireland, directly imported from thence); to be paid by the importers thereof, that is to say—For every gallon of rum or other distilled spirituous liquor *two pence*: For every gallon of wine *three pence*: For every gross hundred weight of brown sugar when landed, allowing twenty per cent for tare, *two shillings*: For every pound of coffee *one penny*: For every barrel of wheat or rye flour the growth, produce, or manufacture of any or either of the United States of America *two shillings*, and so in proportion for a greater or less quantity estimating each barrel at one hundred and ninety-six pounds:

For every gallon  
of rum 2d.  
every gallon of  
wine 3d.  
every cwt. of  
brown sugar 2s.  
every lb. of cof-  
fee 1d.  
every barrell of  
flour 2s.

Duties to be paid  
at the time of  
importation—

II. *And be it further enacted,* That the rates, duties and imposts to be raised and paid by virtue of this act shall be paid at the time of the importation of such articles into the city and county of Saint John unto the Treasurer of the province or his deputy to be appointed in the manner herein after mentioned, and at every other port or place unto his deputy or deputies in such county respectively where the same shall be imported, unless such duties on any one cargo shall amount to upwards of ten pounds, in which case the Treasurer or his deputy, upon such importer or owner giving bond with good and sufficient security in double the amount of the duties payable upon the articles as specified in the report estimating each hoghead of sugar at fifteen hundred weight, may take the same payable in three months, and if the said duties shall amount to fifty pounds and upwards, bonds may be so taken payable in six months.

unless they a-  
mount to 10l. on  
one cargo—  
then bond may  
be taken pay-  
able in three  
months—

if they amount  
to 50l. bond may  
be taken payable  
in six months.

Masters of ves-  
sels to report in  
24 hours after  
arrival—

III. *And be it further enacted,* That every master of any ship or vessel coming into any port or harbour of this province, shall within twenty-four hours after his arrival, and before breaking bulk, make report in writing by him subscribed and

upon

upon oath to the said Treasurer or his deputy of all the articles on board his ship or vessel, whether dutiable or not, and shall also make oath that he hath not landed or permitted to be landed or taken from on board such ship or vessel any such articles within this province or any of the coasts thereof since his sailing from the port or place where such articles were laden on board for exportation: And in case of refusal or neglect by any such master, every such ship or vessel shall be, and is hereby declared to be forfeited; and if any dutiable goods shall be landed in any part of this province before entry and report made as aforesaid, or not being duly entered as aforesaid, shall be found on board any ship or vessel after such entry made, or if any such articles shall have been landed from any ship or vessel after report made as aforesaid, other than such as were specified in such report or manifest, or for which a permit shall not have been obtained agreeable to the provisions of this act, such ship or vessel together with the dutiable articles so landed or found on board contrary to the true intent and meaning of this act, shall be and the same are hereby declared to be forfeited, and shall and may be seized by such Treasurer or his deputy and information made and proceedings to condemnation had in the Supreme Court, or any Court of Oyer and Terminer, or in the Court of Vice Admiralty at the option of the prosecutor, and all forfeitures incurred by virtue of this act, after deducting the costs and charges of prosecution, shall be paid as follows, that is to say, one third part to the officer seizing and prosecuting the same to condemnation, and the residue into the hands of the Treasurer of the province for the use thereof.

and to make oath that no dutiable articles have been landed—

The vessel to be forfeited for neglect of the master—  
Dutiable goods landed before entry or found on board not being entered—

or landed after entry, without a permit—

the vessel and goods to be forfeited—

and seized by the Treasurer—  
and prosecuted in the Supreme Court—Court of Oyer and Terminer or Vice Admiralty. Forfeitures to be paid, one third to the prosecutor, and the remainder into the Treasury—

IV. *And be it further enacted*, That for all merchandize of what nature or kind soever imported by or belonging to any person or persons not resident in this province, there shall be paid a duty of five pounds for every one hundred pounds value prime cost at the place from whence the same shall be imported, and so in proportion for a greater or less quantity, except such goods belong to some person or persons subjects and inhabitants of Great-Britain or Ireland and are imported directly from thence, or are of the produce of the provinces of Quebec or Nova-Scotia, or the Islands of Saint John and Cape Breton and their dependencies and are imported directly from thence; which prime cost shall be ascertained by a manifest of the cargo to be lodged in the Treasurer's office or that of his deputy, by the master, owner, or agent of any vessel importing such goods or merchandize, who shall enter at such office and there report  
his

All merchandize, imported by non-residents to pay 5 per cent. on the prime cost—

Exceptions;

Prime cost to be ascertained by the manifest—  
Masters of vessels, in porting such goods, to

enter at the  
Treasurer's of-  
fice, and report  
their whole car-  
go on oath—

Goods not re-  
ported liable to  
forfeiture—

Burthen of proof  
to lie on the  
consignee.

Treasurer to  
cause process to  
be issued against  
persons indebted  
for duties.

Or be answer-  
able therefor.

Treasurer to ap-  
point deputies  
in the counties

who are to give  
security, and be  
accountable for  
duties received—  
and have power  
to make sei-  
zures—  
and be allowed  
10 per cent.

Monies to re-  
main in the  
Treasury until  
disposed of.

his whole cargo, and make oath to the truth of his manifest within twenty-four hours after his arrival at such place or port, and make true report of every parcel of goods or commodities he may have on board, enumerating the quantity and quality of the same, to whom belonging and to whom consigned: And in case of refusal or neglect of such owner, master or agent, all goods not so reported shall be liable to forfeiture and may be seized and proceeded with to condemnation and divided and applied in the manner herein before directed,—PROVIDED ALWAYS, that in case the master cannot make oath to the property, the burthen of proof shall lie upon the consignee.

V. *And be it further enacted,* That, for the recovery of such duties as are imposed by this act, and shall not be paid within three months or six months as aforesaid respectively after the entry thereof, the said Treasurer shall be empowered to cause process to be issued against all and every person and persons who shall stand indebted for duties longer than the said respective times allowed for the payment thereof.

VI. *And be it further enacted,* That if the said Treasurer shall not within one month after the expiration of the respective periods hereby limited for the payment thereof, cause process to be made for any duties to arise by virtue of this act, he shall be answerable for the same.

VII. *And be it further enacted,* That the Treasurer of the province for the time being shall nominate fit persons (to be approved of by the Lieutenant Governor or Commander in Chief) in the several counties in this province to receive the several duties laid and imposed by this act, which persons so appointed shall give good and sufficient security to such Treasurer for the faithful discharge of their duty, and be accountable for all sums so to be received by virtue of this act, to the Treasurer when thereunto required: Which persons so appointed shall have the same powers to make seizures and proceed to condemnation, as are given to the Treasurer by virtue of this act and may retain ten pounds for every hundred pounds they shall so receive in full for their trouble and services.

VIII. *And be it further enacted,* That, all the money to arise by virtue of this act shall remain in the Treasury, until the same shall be disposed of by an act or acts of the Legislature of this province to be passed for that purpose.

IX. *And be it further enacted*, That it shall and may be lawful for the Treasurer of the province, in case of sickness or necessary absence from the city and county of Saint John, to appoint a fit person to act as his deputy in the same city and county, for whose acts the said Treasurer shall be responsible; which deputy shall have the same power and authority to act in every respect as any deputy of the said Treasurer in any other county of this province can or may have by virtue of this act—**PROVIDED ALWAYS**, that such deputy shall not be entitled to the allowance of ten per cent hereby given to the other deputies, any thing herein before contained to the contrary notwithstanding.

Treasurer to appoint a deputy in St. John.

to have the same power as other deputies—

but not allowed 10 per cent.

X. *And be it further enacted*, That from and after the commencement of this act after entry of any ship or vessel at the Treasurer's office, there shall be a permit or permits made out and directed by the Treasurer to some person to be appointed by the Lieutenant Governor or Commander in Chief for that purpose (who shall be sworn to the faithful discharge of his duty) expressing the quantity and quality of the several dutiable articles contained in the said ship or vessel as entered at the Treasurer's office: And if after such entry made at the Treasurer's office as aforesaid, there shall be found landed from, or on board such ship or vessel any dutiable goods not duly entered at the Treasurer's office agreeable to the directions of this act, or if any such dutiable goods shall at any time be found to have been landed from any ship or vessel contrary to the provisions of this act, or without a permit for that purpose obtained as aforesaid, then the said person, so to be appointed, is hereby authorized and required to detain such ship or vessel and all such goods as aforesaid; and shall immediately make report thereof to the Treasurer or his deputy who is hereby authorized and empowered to seize and prosecute the same to condemnation; and such ship or vessel and all such goods so seized, are hereby declared to be forfeited, and shall be proceeded against as directed in the third section of this act; and such person, so detaining such ship, vessel, or goods, shall have and receive one moiety of the third part of such forfeiture herein before directed to be paid to the officer seizing and prosecuting the same.

Permits to be made out by the Treasurer.

Dutiable goods found landed, or on board any vessel, not entered

or found landed without a permit—

the vessel and goods to be detained—and reported to the Treasurer or his deputy who is to seize and prosecute the same. Vessel and goods to be forfeited.

Forfeitures how applied.

XI. *And be it further enacted*, That every master or owner of every ship or vessel coming into any port or harbour of this province, shall, before bulk shall be broken, pay, or give security as aforesaid for the payment of, the duties imposed by this act upon all and every of the dutiable articles on board such ship or vessel—**PROVIDED ALWAYS**, that if any part of

Duties to be paid or secured before breaking bulk—

except on ram

reported for exportation in the same vessel.

the rum imported in any ship or vessel shall, at the time of entry thereof as aforesaid at the Treasurer's office, be reported for exportation in the same vessel, that the duty shall not be required to be paid or secured to be paid, for such rum so reported.

Rum found landed after being reported for exportation, the vessel to be seized

XII. *And be it further enacted,* That if it shall at any time be found that any rum so reported for exportation has been landed contrary to the provisions of this act, every ship or vessel in which the same was imported shall be forfeited and shall and may be seized and prosecuted to condemnation in the manner herein before mentioned.

Drawback allowed on rum exported.

XIII. *And be it further enacted,* That from and after the commencement of this act, there shall be allowed on all rum which shall have been imported into this province, on the same being exported out of the said province (*Provided,* three or more puncheons are exported in one vessel and at one time) a drawback of two thirds of the duty paid or secured to be paid on the said rum.

Drawback to be paid by the Treasurer.

XIV. *And be it further enacted,* That the drawback herein before directed to be paid on rum exported out of this province, shall, upon the same being so exported within three months from the said importation, be paid by the Treasurer to the exporter thereof out of the monies arising from the duty on the said rum, upon the said exporter making the following oath by him subscribed, within six months after the exportation as aforesaid, viz.

Oath of the exporter.

“**I** do swear that I have exported out of this province in the *whereof* gallons of rum, and that the same was master *whereof* rum was imported into this province in the *whereof* was master and legally entered on the *day of* and that the duty imposed on the said rum by an act of this province has been paid or secured to be paid upon the same and upon every part thereof, and that the said rum has been actually landed in some port or place without this province and not in any port or place of the United States of America to the eastward of *Machias harbour to the best of my knowledge and belief.*”

Bonds to be given.

And for the better preventing frauds herein, bonds shall be given with sufficient securities in double the value of such rum so to be exported, that the same or any part thereof shall not be re-landed

re-landed in this province nor in any port or place in the United States of America to the eastward of Machias harbour.

XV. *And be it further enacted,* That if any rum shall be fraudulently re-landed in any port or place in this province after shipment for exportation the same shall be forfeited, proceeded against, and applied in the manner herein before directed.

Rum re-landed to be forfeited.

XVI. *And be it further enacted,* That if it shall be discovered, at any time within one year after the drawback shall be so received upon the exportation of any rum as aforesaid, that such rum hath been landed contrary to the condition of the bond given for the exportation thereof as aforesaid, the owner of such rum shall and may be prosecuted therefor by His MAJESTY'S Attorney General, by bill, plaint, or information in the Supreme Court, and upon due conviction thereof shall forfeit and pay for each and every offence the sum of *Fifty Pounds*.

Rum discovered to be landed contrary to the condition of the bond, the owner to be prosecuted.

XVII. *And be it further enacted,* That the quantities of rum so imported shall be ascertained by the instrument commonly called by the name of Gunter's Callipers and by no other instrument whatever, and shall be so gauged by a sworn gauger or gaugers legally appointed or to be appointed for that purpose in the city of Saint John by the Lieutenant Governor or Commander in Chief of this province for the time being: *Provided,* that no gauger shall gauge any dutiable article his own property or consigned to him within this province.

Rum imported to be gauged by Gunter's calliper's—  
by a sworn gauger.

Gauger not to gauge his own property.

XVIII. *And be it further enacted,* That every person who shall be convicted of making or taking a false oath to any of the facts herein before directed or required to be sworn, shall be deemed guilty of perjury and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

Penalty of taking a false oath.

XIX. *And be it further enacted,* That this act shall continue and be in force until the *first* day of *April* which will be in the year of our LORD one thousand seven hundred and ninety three, and no longer, except for the recovery of any penalties inflicted in and by the sixteenth section of this act.

Limitation of the act.



C A P. XI.

An ACT to DEFRAY the EXPENCES incurred and to be incurred in the PUBLIC SERVICE therein mentioned.

**B**E IT ENACTED, *by the Lieutenant Governor, Council and Assembly*, That there be allowed and paid out of the Treasury of this province unto the several persons hereafter mentioned the following sums—To *Richard Seaman, Esquire* for his services as *Treasurer* from the first day of February one thousand seven hundred and ninety one, to the first day of March one thousand seven hundred and ninety two, *one hundred and eight pounds six shillings and eight pence*: To the *Speaker* of the House of Assembly *twenty shillings* per diem during the session, and going and returning from the General Assembly: To the *Clerk* of the House of Assembly *ten shillings* per diem and for other services during the session *fifty pounds*: To the *Clerk* of the Council in General Assembly *fifty pounds* for his services during the present session: To the *Members* of the House of Assembly *ten shillings* per diem for defraying their expences of travelling and actual attendance in the present session allowing twenty miles travel for one day, the days of such travel and attendance to be certified by the Speaker: To the *Chaplain* of the House of Assembly *twenty pounds*: To the *Door-keeper* of the House of Assembly *five shillings* per diem: To the *Door-keeper* of the Council *five shillings* per diem during the present session: To *Godfrey Leydick* Serjeant at Arms for travelling and attending the House of Assembly *fifteen pounds ten shillings*, and for his services as *Tide Surveyor* under the Treasurer of the province *twenty pounds*: To *John Chaloner* for his services as *Tide Surveyor* *fifteen pounds*: To the *Clerk* of the House of Assembly for monies disbursed by him for House rent, Fuel, Stationary, and other expences of the General Assembly *twenty-four pounds seven shillings and six pence*: To the *Surveyor General* towards completing a map of the province for the use of the House of Assembly *thirty-eight pounds sixteen shillings and nine pence*: To *Thomas Hansford* for gauging rum imported into the city of Saint John *eleven pounds eighteen shillings*: To *Godfrey Leydick* for the like services *two pounds nineteen shillings and six pence*; and for expences actually incurred by him *four pounds sixteen shillings and three pence*: To *Charles M<sup>r</sup> Pherfon* for weighing dutiable articles *six pounds eighteen shillings and ten pence*:

Monies to be paid out of the Treasury.  
To Richard Seaman, Esq.

To the Speaker of the House of Assembly.

To the Clerk of the House of Assembly.

To the Clerk of the Council.

To the members of the House of Assembly.

To the Chaplain.  
To the Door-keepers.

To Godfrey Leydick.

To John Chaloner.

To the Clerk of the House of Assembly for expences.

To the Surveyor General.

To Thomas Hansford.  
To Godfrey Leydick.

To Charles M<sup>r</sup> Pherfon.

8.. 6.. 8

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4- 7- 6

8- 16- 9

1- 18-

7- 15- 9 }

6- 18- 10.

8- 13- 6

pence: To *John Davidson*, Esquire the sum of *twenty pounds* for raising the greatest quantity of clean merchantable wheat in the year one thousand seven hundred and ninety: To the Honorable *George Leonard*, Esq; the sum of *forty one pounds two shillings and two pence* for monies disbursed by him on the road from *Saint John to Westmorland*: To the *Commissioners* for erecting a *Light House* on *Partridge Island* the sum of *sixty nine pounds and six pence* for monies disbursed by them: To such person or persons as His Excellency the Lieutenant Governor shall be pleased to nominate for that purpose the sum of *one hundred pounds* to purchase such boards and plank as may require seasoning before they are wrought up for the building of a House to accommodate the General Assembly and the Courts of Justice at such place as his Excellency shall point out: The sum of *one hundred pounds* to the *Justices of the Peace* of *Queen's County* towards defraying the expences of a Gaol: The sum of *one hundred pounds* to the *Justices of the Peace* for the county of *Northumberland* towards defraying the expences of a Gaol: The sum of *one hundred pounds* to the *Members* for the County of *York* for the purpose of further laying out, opening and amending the road from *Fredericton* to the river *Meductifinicick*: The sum of *sixty pounds* to the Honorable *George Leonard* Esquire, *Joshua Gidney*, and *James Hueston* for the purpose of opening a communication from the *Kennebeckacis* across the head of *Belisle Bay* to the River *Saint John*: The sum of *fifty pounds* to the *Members* for *York* and *Northumberland* counties to be laid out on the road leading through the *Nashwaack* settlements to the river *Miramichi*: The sum of *one hundred pounds* to *Peter Clinch* and *James Campbell*, Esquires for the purpose of opening a road from *L'Etang Portage* to *Musquash Cove*: The sum of *forty pounds* to the *Justices of the Peace* of the county of *Sunbury* to enable them to pay in part for the Gaol built in the said county: The sum of *one hundred pounds* to such person or persons as his Excellency the Lieutenant Governor shall be pleased to appoint, as an allowance in support of a *Provincial Seminary of Learning*: The sum of *fifty pounds* to *Thomas Menzies*, *Gabriel De Veber* and *Samuel Willard*, Esquires for the purpose of finishing the road from *Musquash Cove* to *Manawagonish*: The sum of *twelve pounds and ten shillings* to *Thomas Flewelling* for having erected the first *Fulling Mill* in this province: To *Christopher Sower*, Esquire, His MAJESTY'S Printer, the sum of *twelve pounds* to defray the expences of bringing up his Printing Press and Types and staying at *Fredericton* to print the Journal of the House: To the *Commissioners* appointed last session to prepare a plan and estimate of a House for the  
 F. accommodation

To John Davidson.	20
To the Hon. Geo. Leonard, Esq;	41. 2. 2
To the commissioners of the Light House. To such person as the Lt. Gov. shall appoint.	69. 8. 0
	100
To the Justices of Queen's county.	100
To the Justices of Northumberland.	100
To the Members for York county	100
To the Hon. Geo. Leonard Esq. Joshua Gidney and James Hueston.	60
To the Members for York and Northumberland counties.	50
	100
To Peter Clinch and James Campbell Esqrs.	
To the Justices of the county of Sunbury.	40
To such person as the Lt. Gov. shall appoint.	100
To Tho. Menzies, Gabr. De Veber and Saml. Willard, Esqrs.	50
To Thomas Flewelling.	12. 10
To Christopher Sower, Esq.	12
To the commissioners appointed to prepare a	3. 10

958 - 2  
 368 - 13

Allowance to Members in Genl. Assembly }  
 Speaker 20/ of day . . . . . } 339 -  
 Others - - - - - 10/ of day . . . . . }  
 £1665 - 16

plan of a House  
of accommoda-  
tion.

accommodation of the General Assembly and Courts of Justice, the sum of *three pounds ten shillings* to defray the expences of the same.

The sum by  
which the a-  
mount of the  
sums ordered to  
be paid shall ex-  
ceed the money  
in the Treasury,  
to be paid out of  
the monies to be  
collected for du-  
ties.

II. *And be it further enacted*, That the sum by which the amount of the above sums herein before ordered to be allowed and paid to the several and respective persons herein before mentioned, shall exceed the sum now remaining in the hands of the Treasurer unappropriated, be allowed and paid in the manner herein after mentioned out of such monies as shall hereafter be in his hands arising from the collection of the duties of Impost.

Monies to be  
paid by warrants  
from the Lieut.  
Governor.

III. *And be it further enacted*, That all the aforesaid several sums of money shall be paid by the Treasurer by warrant issued by the Lieutenant Governor or Commander in Chief for the time being, by and with the advice and consent of His MAJESTY'S Council of this province, and the receipts of the several persons entitled to the said sums indorsed on the said warrants, shall be to the Treasurer good vouchers and discharges for so much as shall thereby be acknowledged to be received.

Receipts of the  
persons entitled  
indorsed on the  
warrants good  
vouchers to the  
Treasurer.

Warrants may  
issue on the  
Treasurer for  
contingencies,  
to 18 Ap. 1783.

IV. *And be it further enacted*, That, for answering the contingencies and expences that shall or may happen for the service of this province to the first day of April which will be in the year of our L O R D one thousand seven hundred and ninety three, warrants may issue on the Treasurer from time to time drawn by the Lieutenant Governor or Commander in Chief for the time being, with the advice and consent of His MAJESTY'S Council, which the Treasurer is hereby ordered and directed to pay: PROVIDED, the amount of the said warrants do not exceed the sum of *one hundred pounds* during that time.

Not to exceed  
100l.