



*L. B. Watmase Esq* *D. B. Williams*

*Norton  
Kings County*

# ACTS

OF THE

## GENERAL ASSEMBLY

OF

## HIS MAJESTY'S PROVINCE

OF

## NEW-BRUNSWICK,

PASSED IN THE YEAR

# 1823.



FREDERICTON:

*Printed by GEO. K. LUGRIN, Printer to The KING's Most Excellent Majesty.*

MDCCCXXIII.

ANNO REGNI

**GEORGI II IV.**

*Britanniarum Regis, Quarto.*



**A**T the General Assembly of the Province of New-Brunswick, begun and holden at Fredericton, on the fifth day of February, Anno Domini one thousand eight hundred and twenty-three, in the fourth Year of the Reign of our said Sovereign Lord George the Fourth, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, King, Defender of the Faith, &c. &c. &c. being the third Session of the Eighth General Assembly, convened in the said Province.

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THE  
**A C T S**  
OF THE  
**GENERAL ASSEMBLY,**  
*&c.*

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**CAP. I.**

An ACT to continue an Act, intituled "An Act for raising a Revenue in this Province."

*Passed the 25th March, 1823.*

***B***E it enacted by the Lieutenant-Governor, Council, and Assembly, That an Act made and passed in the third year of His Majesty's Reign, intituled "An Act for raising a Revenue in this Province," be, and the same is hereby continued and declared to be in force until the first day of April, which will be in the year of our Lord one thousand eight hundred and twenty-four.

Act 3, Geo. 4.  
continued for one  
year.

**CAP.**

## CAP. II.

An Act to continue an Act, intituled "An Act for the better regulation of Licences to Taverns, Inns, and Houses for selling Strong Liquors by retail."

*Passed the 27th March, 1823.*

**BE** it enacted by the Lieutenant-Governor, Council, and Assembly, That an Act made and passed in the fifty-fourth year of the Reign of His late Majesty King George the Third, intituled "An Act for the better regulation of Licences to Taverns, Inns, and Houses for selling Strong Liquors by retail," be, and the same is hereby declared to be continued and in full force for four years, and from thence to the end of the then next Session of the General Assembly.

54 Geo 3, c. 6,  
continued for four  
years.

## CAP. III.

An Act to continue an Act, intituled "An Act more effectually to provide for the support of a Nightly Watch in the City of Saint John."

*Passed the 27th March, 1823.*

**BE** it enacted by the Lieutenant-Governor, Council, and Assembly, That an Act made and passed in the fifty-sixth year of the Reign of His late Majesty King George the Third, intituled "An Act more effectually to provide for the support of a Nightly Watch in the City of Saint John," be, and the same is hereby declared to be continued and in full force for five years, and thence to the end of the then next Session of the General Assembly.

56 Geo 3, c. 17,  
continued for five  
years.



## CAP. IV.

An ACT to continue an Act, intituled " An Act to empower and authorize the Justices of the County of Westmorland, at their General Sessions of the Peace, to regulate the Grazing and Depasturing of the several Marshes, Low Lands, or Meadows, within the said County."

*Passed the 27th March, 1823.*

**B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That an Act made and passed in the fifty-fourth year of the Reign of His late Majesty King George the Third, intituled " An Act to empower and authorize the Justices of the County of Westmorland, at their General Sessions of the Peace, to regulate the Grazing and Depasturing of the several Marshes, Low Lands, or Meadows, within the said County," be, and the same is hereby declared to be continued and in full force for two years, and from thence to the end of the then next Session of the General Assembly.

54 Geo. 3, c. 13,  
continued for two  
years.

## CAP. V.

An ACT to continue an Act, intituled " An Act to authorize the Justices of the Peace, in their General Sessions, to establish Ferries in their respective Counties."

*Passed the 27th March, 1823.*

**B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That an Act made and passed in the fifty-eighth year of the Reign of King George the Third, intituled " An Act to authorize the Justices of the Peace, in their General Sessions, to establish Ferries in their respective Counties," be, and the same is hereby continued and declared to be in full force for five years, and from thence to the end of the then next Session of the General Assembly.

58 Geo. 3, c. 4,  
continued for five  
years.

CAP.

## CAP. VI.

An ACT in addition to an Act, to regulate the exportation of Fish.  
*Passed the 27th March, 1823.*

Preamble.

**W**HEREAS the Laws now in force for regulating the exportation of Fish, have been found ineffectual for the purposes intended, and it is necessary to make further regulations in addition to the same---

Before clearance of any Pickled Fish for exportation, oath to be made by the Owner, Exporter, or Shipper, before the Naval Officer, that the Fish are inspected and put up agreeably to Law

*Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That before clearance shall be granted at any of the Naval Offices in this Province, of any Pickled Fish shipped for exportation, the following Oath shall be made by the Owner, Exporter, or Shipper of the said Fish, before the Naval Officer or his Deputy, at the Port where the said Fish may be shipped for exportation; which Naval Officer or his Deputy, is hereby authorized and required, to administer the same, namely,

I do swear, that all the Pickled Fish shipped by me on board the \_\_\_\_\_ whereof \_\_\_\_\_ is Master, are inspected, and in every respect put up agreeably to the Law of this Province, [or if shipped at the Port of Saint John, agreeably to the Law of the Corporation of the City of Saint John] to the best of my knowledge and belief.

## CAP. VII.

An ACT in addition to an Act, intituled "An Act for the regulation of Booms for securing Masts, Logs, and Lumber, in the County of Charlotte."  
*Passed the 27th March, 1823.*

Preamble.

**W**HEREAS in and by an Act made \_\_\_\_\_ and passed in the forty-fifth year of the \_\_\_\_\_ the

the Reign of His late Majesty King George the Third, intituled "An Act for the regulation of Booms for securing Masts, Logs, and Lumber, in the County of Charlotte," no provision is made empowering the Justices of the Peace for the said County of Charlotte, to levy penalties upon persons violating the regulations respecting Booms, which by the said Act they are authorized to make in their General Sessions---

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, That the* Justices of the Peace for the County of Charlotte, in their General Sessions, be, and they are hereby authorized to make such regulations as may be most expedient, to prevent any person or persons from taking or removing any Mast or Masts, Log or Logs, Stick or Sticks, of Square Timber and Lumber, from and out of any Boom that may be established for a place of general deposit, under and by virtue of the provisions of the herein before recited Act; and any person who shall remove or take any Mast or Masts, Log or Logs, Stick or Sticks, of Square Timber and Lumber, contrary to any of the regulations heretofore made, or which may be hereafter made, by the said Justices as aforesaid, shall forfeit and pay the sum of Five Pounds, with costs, for each and every offence; to be recovered upon conviction thereof, by the oath of one or more credible witness or witnesses, before any one of His Majesty's Justices of the Peace for the said County, to be levied by warrant of distress and sale of the offender's goods and chattels,

Justices of Charlotte County, in General Sessions, may make regulations for preventing the removal of Masts, Logs, or Timber, from Booms established as places of general deposit.

Persons removing Masts, Logs, or Timber, contrary to regulations, to forfeit £5,

to be recovered, with costs, before a Justice of the Peace,

and levied by distress.

ren-

For want of goods,  
offender to be im-  
prisoned.

rendering the overplus, if any, to such offender; and for want of sufficient goods and chattels, the said Justice is hereby required to commit such offender to the common Gaol of the said County, there to remain for a term not less than ten, and not exceeding twenty days.

Moiety of pen-  
alties recovered, to  
be paid to the  
Prosecutor,

II. *And be it further enacted*, That one moiety of all the penalties that may be recovered under and by virtue of any of the regulations already made, or which may be hereafter made by the said Justices, pursuant to the provisions of this Act, or of the Act to which this is an amendment, shall be paid to the person or persons who shall prosecute for the same, and the other moiety thereof to the Overseers of the Poor of the Town or Parish where such offence shall be committed, to be applied to the use of the Poor of such Town or Parish.

remainder to the  
Overseers of the  
Poor.

### CAP. VIII.

An ACT to repeal an Act, intituled "An Act to increase the Revenue of this Province, by imposing a duty on certain Merchandize."

*Passed the 27th March, 1823.*

Preamb'l.

**W**HEREAS it is deemed expedient that the "Act to increase the Revenue of this Province, by imposing a duty on certain Merchandize," should be repealed---

*Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly*, That an Act made and passed in the second year of His Majesty's Reign, intituled "An Act to increase the Revenue of this Province, by imposing a duty on certain Merchandize," be, and the same is hereby repealed.

2 Geo. 4, c. 23,  
repealed.

## CAP. IX.

An ACT for regulating the inspection of Fish, to be consumed within the Province.

Passed the 27th March, 1823.

**W**HEREAS it is expedient that Fish Preamble.  
for home consumption, shall be duly inspected, in order to protect the consumer from imposition---

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly,* That from and after the passing of this Act, all Pickled Herrings for home consumption, shall be packed in barrels of twenty-eight Gallons at least, which barrels shall be made of well seasoned timber, free from sap, and have three sufficient hoops on each bilge, and three on each end; the Fish shall be all of one kind, Quality of Fish.  
sweet, free from rust, and closely packed, and the barrels full of strong pickle; and that no Herrings commonly called Sprats or Fries, shall be deemed merchantable.

II. *And be it further enacted,* That it shall and may be lawful for the Justices of the Peace in each County; at their first General Sessions to be held after the passing of this Act, and at their first General Sessions in every year afterwards during the continuance of this Act, or the Mayor, Aldermen, and Commonalty of the City of Saint John, as soon as conveniently may be after the passing, and in every year afterwards during the continuance of this Act, and they are hereby respectively required to appoint fit persons to be Inspectors of Fish for home consumption in each County, Town, or Place, where such may be necessary; which per-

Pickled Herrings to be packed in barrels of 28 gallons, of well seasoned Timber, & full hooped.

Justices in their first General Sessions, after the passing of this Act, and at their first General Sessions afterwards, annually to appoint Inspectors of Fish.

Inspectors to give bonds.

In case of death or removal of Inspectors, others to be appointed, as provided by 26 Geo. 3, c. 28.

Fees to Inspectors.

Inspector neglecting duly to examine Fish.

or marking empty barrels,

persons shall give bonds in the sum of twenty-five pounds, with two sufficient sureties, and shall be sworn to the diligent and faithful discharge of their trust, and shall continue in such office until other proper persons are appointed in their stead. And in case of death, or the removal of any such Inspector to any other place of residence during the period for which he shall have been so appointed, some other person shall be sworn and appointed in his stead, in like manner as is in such cases provided in and by the first Section of an Act made and passed in the twenty-sixth year of the Reign of His late Majesty King George the Third, intituled "An Act for the appointment of Town or Parish Officers in the several Counties of this Province." And every such Inspector so appointed and qualified, shall be allowed and entitled to receive one shilling and sixpence for each and every barrel of Fish so to be inspected and packed by him, under and by virtue of this Act.

III. *And be it further enacted,* That any Inspector of Fish for home consumption, who shall in any manner, wilfully or negligently, omit or neglect well and truly to examine all Fish for home consumption that shall come under his inspection, by taking the same out of the barrels in which they shall have been salted down, and repacking the same, so that the species and quality of all such Fish may be ascertained, or who shall put his mark upon any empty barrel in which Fish is intended to be salted down, or suffer it to be done, knowingly, by any other

other person, or lend his branding iron to any other person, for the purpose of marking Fish barrels; or any barrel in which any Fish shall be salted down, to pass the same as merchantable without having first duly examined the Fish in the same, and ascertained the quality hereof, or shall pass any Fish as merchantable contrary to the directions in this Act, or shall in any other manner wilfully or negligently omit or neglect any of the duties of such Inspector, every such Inspector so offending, shall for each and every such offence, (besides the forfeiture of his bond) forfeit and pay the sum of three pounds, upon due conviction thereof by the oath of one or more credible witness or witnesses, before any one of His Majesty's Justices of the Peace in the County where such offence shall be committed, to be levied by warrant of distress and sale of the offender's goods, rendering the overplus, if any, to such offender one half of which penalty shall, on conviction, be paid to the Informer, and the other half to the Overseers of the Poor of the Town or Parish where such offence shall be committed, to be applied to the use of the Poor.

IV. *And be it further enacted*, That if any person or persons other than a sworn Inspector, shall use any Inspector's brand in branding any barrels in which Fish is intended to be packed, such offender or offenders, shall forfeit and pay the sum of five shillings for each and every barrel they shall so brand; which forfeiture shall be recovered and applied in the manner

or lending his branding iron for the purpose of marking barrels,

or passing Fish as merchantable, contrary to the provisions of this Act, or in any other manner neglecting his duty, to forfeit £3, over and above his bond.

SECTION 10.

To be levied, on conviction, before a Justice, by distress and sale of his goods.

Penalty half to the Informer, remainder, to the use of the Poor.

Any person, other than a sworn Inspector, branding Fish barrels, to forfeit 5s. for each barrel.

prescribed in the preceding Section of this Act.

Persons offering for sale Pickled Fish, not duly inspected and marked, to forfeit the Fish.

V. *And be it further enacted*, That any person offering for sale any Pickled Fish not previously inspected in the manner herein before in that behalf directed, and marked by an Inspector of Fish, duly appointed and qualified, shall upon due conviction thereof, forfeit each and every barrel of Fish so offered for sale, and not inspected and marked as aforesaid; which forfeiture shall be recovered and applied as other forfeitures are in and by virtue of this Act.

Limitation.

VI. *And be it further enacted*, That this Act shall continue and be in force for three years, and from thence to the end of the next Session of the General Assembly.

### ACT X.

An ACT in further amendment of the Laws now in force for the support and relief of confined Debtors, and for the further relief of Debtors with respect to the imprisonment of their Persons.

*Passed the 27th March, 1823.*

Preamble.

**W**HEREAS in and by the second Section of an Act made and passed in the third year of His Majesty's Reign, intituled "An Act in amendment of the Laws now in force for the support and relief of confined Debtors, and for the further relief of Debtors with respect to the imprisonment of their persons": It is enacted, That the Justices of the Peace in the several Counties in this Province, or the major part of them, shall and may, and they are hereby authorized and required at the first General Sessions of the Peace to be holden in the respective Counties after the " pas-



“ passing of this Act, or at any Special Ses-  
 “ sions for that purpose to be convened and  
 “ holden, to designate Yards for the Gaols  
 “ in their respective Counties, and to con-  
 “ tract and agree with able and sufficient  
 “ Workmen, for enclosing such Yards with  
 “ proper, substantial, and secure walls or  
 “ fences, not less than ten feet high”: And  
 whereas it is deemed expedient to dispense  
 with the enclosing the Yards or limits so to  
 be designated and marked out, under and by  
 virtue of the provisions of the said in part  
 recited Act, with fences or walls.--

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That the Justices of the Peace in the several and respective Counties, be, and they are hereby authorized and empowered, at any General or Special Sessions to be holden in the respective Counties, to dispense with the enclosing of Yards or limits designated and marked out by them, under and by virtue of the provisions of the said herein before recited Act, with walls and fences, provided they think it expedient so to do.

Justices empow-  
 ered to dispense  
 with the enclosing  
 of Yards or limits  
 marked out by  
 virtue of 3 Geo.  
 4: c. 15.

II. *Be it further enacted by the Lieutenant-Governor, Council, and Assembly,* That the Justices of the Peace in the several and respective Counties in this Province, shall, and they are hereby authorized and empowered, at any General or Special Sessions to be holden in the respective Counties, to designate certain limits round the several and respective Gaols in this Province, without any reference to the Yards, which shall or may be enclosed with walls or fences.

Justices at any  
 General or Special  
 Sessions, may de-  
 signate limits  
 round the Gaols:  
 to extend not less  
 than 40, nor more  
 than 80 rods from  
 the Gaol.

*Pro-*

*Provided always*, that no limits so to be designated to any Gaol as aforesaid; shall extend less than the distance of forty rods; nor more than the distance of eighty rods; from any such Gaol.

III. *Be it further enacted*, That when any person is confined in any Gaol in this Province, for debt, either upon mesne process or execution, the Sheriff in whose custody such person may be, is hereby authorized and empowered to permit and suffer such person to go about and have his liberty within the limits of such Gaol so designated by the Justices of the said Counties, and not enclosed with walls or fences, in as ample and full a manner; as if the said limits were enclosed with a wall or fence, subject nevertheless, in all other respects; to the provisions and conditions of the said herein before recited Act, to which this is an amendment.

IV. *And be it further enacted*, That the third Section of the herein before recited Act, be, and the same is hereby repealed.

V. *And be it further enacted*, That whenever any person is confined in any Gaol in this Province, for debt, either upon mesne process or in execution, the Sheriff in whose custody such person may be, is hereby authorized and empowered to permit and suffer such person to go about and have his liberty within the limits of such Gaol so established or to be established by the said General or Special Sessions as aforesaid, upon bond being given to the Sheriff, by the name of his office, by such Debtor, with two sufficient Sureties; to the satisfaction of the Sheriff,

Sheriff may permit Prisoners to go about within the limits, as if enclosed with a fence —

Subject to the provisions of Geo. 4, c. 15.

3d Section of the recited Act, repealed.

Sheriff may permit Prisoners to go about within the limits, upon bond given to him by his name or office.

riff, in double the amount of the debt or debts for which such Debtor shall be in confinement, upon condition thereunder written, that such Debtor shall not go or be at large out of such limits, or escape at any time while he has the liberty of the same as aforesaid, any law, statute, or custom, to the contrary notwithstanding. And the Sheriff shall be entitled to demand and receive for making such bond, the sum of five shillings and no more; and such bond shall be in the following form, and no other, that is to say,

Know all men by these Presents, that Form of Bond.  
 We \_\_\_\_\_ are held and firmly bound to  
 Sheriff of the County [or City and  
 County] of \_\_\_\_\_ in the sum of  
 lawful money of New-Brunswick, to be paid  
 to the said Sheriff or to his certain Attorney,  
 Executors, Administrators, or Assigns; for  
 which payment well and truly to be made,  
 we bind ourselves and each of us by himself,  
 for and in the whole, our and each and every  
 of our Heirs, Executors, and Administrators,  
 firmly by these presents. Sealed with our  
 seals, and dated this \_\_\_\_\_ day of \_\_\_\_\_  
 in the \_\_\_\_\_ year of the Reign of our Sove-  
 reign Lord \_\_\_\_\_ of the United King-  
 dom of Great-Britain and Ireland, King,  
 Defender of the Faith, &c. and in the year  
 of our Lord one thousand eight hundred  
 and \_\_\_\_\_

Whereas the above named \_\_\_\_\_ Sheriff, as  
 aforesaid, hath given permission to the above  
 bounden \_\_\_\_\_ a Debtor confined in the Gaol  
 of the County [or City and County] above  
 mentioned, to go about and have his liberty  
 within \_\_\_\_\_

within the Yard or limits of such Gaol: Now the condition of this obligation is such, that if the said                      shall not go or be at large out of the said limits of such Gaol, or escape at any time while he has the liberty of the same as aforesaid, then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed, and delivered, in presence of

Sheriff, upon reasonable cause, may revoke permission, and renew it if he thinks fit.

*Provided always,* that such Sheriff shall and may at any time, upon reasonable cause, revoke and annul such permission to any confined Debtor to have the liberty of such limits as aforesaid, and again to renew the same if he shall see fit.

limitation.

VI. *And be it further enacted,* That this Act shall continue and be in force for four years, and thence to the end of the then next Session of the General Assembly.

### CAP. XI.

An ACT for erecting a part of the Parish of Saint Stephen and the Country adjacent, in the County of Charlotte, into a separate and distinct Town or Parish.

*Passed the 27th March, 1823.*

Preamble.

**W**HEREAS great inconvenience to many of the inhabitants of the Parish of Saint Stephen, in the County of Charlotte, is found to exist, in consequence of the extended bounds and increased population of the said Parish---

Boundaries described of a tract of country erected into a separate Parish—to be called Saint James.

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly,* That all that part of the Parish of Saint Stephen, and tract of country in the County of Charlotte, comprised within the bounds hereafter described,

to

to wit---commencing at a certain point or angle upon the northwestern side line of St. David's Parish, where a prolongation of the northern side line of lot number sixteen, in the second or northern division of the regrant to Peter M'Diarmid and others, would intersect the said line of said Parish---Thence following the north and westerly bounds of said Parish, to the northeastern corner of the same---Thence northerly by a prolongation of the eastern side line of said Parish, to the County line---Thence westerly upon the said County line, to the river St. Croix---Thence following down the course of said river, to where a prolongation of the northwestern line of the grant to Donald Grant and others, would intersect---Thence northeasterly upon said line, to said grant to Donald Grant and others---Thence upon the line of said grant and a continuation of the line and course of the third division of the regrant to Peter M'Diarmid and others, to the eastern bounds of said division---Thence northerly upon the line of Gore lot, number one hundred and eighteen, until it intersects the street dividing the southern and northern division of said grant---Thence westerly upon the said street, to the third street in the second or northern division---Thence northerly along said street, until intersected by a prolongation of the northern line of lot number sixteen in said division---Thence easterly by a prolongation of the same line, to the Parish of Saint David, or first mentioned bounds---be, and the same is hereby erected into a separate and distinct Town

or Parish, known and distinguished by the name of the Town or Parish of Saint James.

Justices empow-  
ered to appoint  
Officers for the  
said Parish.

II. *Be it further enacted*, That the Justices of the Peace for the said County, shall and may have power to appoint annually, from time to time, Officers for the said Town or Parish of Saint James, in the same manner as for other Towns or Parishes within the said County, and also that the said Justices may at a Special Sessions for that purpose to be holden, have power and authority to appoint such Officers for the present year, which Officers shall be sworn to the faithful discharge of their duties respectively, and be liable to the like penalty for not accepting of their respective offices or neglecting or refusing to perform the duties of their several offices, as any other Town or Parish Officers within the said County.

Recovery saved  
of assessments  
heretofore made

III. *Be it further enacted*, That this Act shall in no way prevent or interfere with the recovery of any Parish or County assessment which may have heretofore been made by the General Sessions of the Peace for the said County.

## CAP. XII.

An ACT to amend an Act, intituled "An Act to provide for, and  
" maintain an armed Cutter, for the protection of the Revenue  
" of the Province."

*Passed the 27th March, 1823.*

Preamble.

**W**HEREAS it is expedient, that the duty of one per cent. payable into the Treasury, on all merchandise imported from the United States, should be paid in addition to all other duties raised under and by  
virtue

virtue of any Act or Acts of the General Assembly of this Province, or of any Act or Acts of the Imperial Parliament---

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That in addition to the duties payable on the importation of any and every article of merchandise, under and by virtue of any Act or Acts of the General Assembly of this Province, or of any Act or Acts of the Imperial Parliament, the duty of one per cent. imposed on all articles imported into this Province, from the United States, under and by virtue of an Act made and passed in the third year of His Majesty's Reign, intituled "An Act to provide for, and maintain an armed Cutter, for the protection of the Revenue of the Province," shall be demanded, and paid over and above all duties payable under and by virtue of any of the Acts aforesaid, without any deduction or allowance, on account of such other duties.

The duty of one per cent. imposed on all articles imported from the United States, by 3 Geo. 4. c. 32, to be paid over and above all other duties.

II. *And be it further enacted,* That this Act shall continue and remain in force during the continuance of the Act to which this is an amendment.

Limitation.

### CAP. XIII.

An ACT to repeal an Act, intituled "An Act for granting bounties on Grain raised in this Province."

*Passed the 27th March, 1823.*

**W**HEREAS it is expedient, that an Act, intituled "An Act for granting bounties on Grain raised in this Province," should be repealed---

Preamble.

*Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That an Act

60 Geo. 3, c. 12,  
repealed.

made and passed in the sixtieth year of the Reign of His late Majesty King George the Third, intituled "An Act for granting bounties on Grain raised in this Province," be, and the same is hereby repealed :

Saving bounties  
for Grain raised  
during the last  
season.

*Saving nevertheless,* to such persons as shall be entitled to receive the same, all bounties to which they may be entitled for Grain raised during the last season.

#### CAP. XIV.

An ACT in amendment of an Act, for relief against absconding Debtors.

*Passed the 27th March, 1823.*

Preamble.

**W**HEREAS in and by the eighth Section of an Act passed in the twenty-sixth year of the Reign of His late Majesty King George the Third, intituled "An Act for relief against absconding Debtors," it is, amongst other provisions, enacted, as follows, viz. "That then and in either such case, it shall and may be lawful for the Judge or Judges, who issued the warrant of attachment, or the Judges of the same Court for the time being, or any one of them, and either of them, is hereby fully authorized and empowered to nominate and appoint three or more fit persons to be Trustees for all the Creditors of such absconding or concealed person or persons, which Trustees shall take an oath or affirmation, (in cases when by law an affirmation is allowed) well and truly to execute the trust by that appointment reposed in them, according to the best of their skill and understanding, which oath or affirmation, the Judge or Judges appointing  
" the



“ the said Trustees, is, and are hereby required to administer” : And whereas it has sometimes happened, that Trustees appointed by a Judge of the Supreme Court, to manage and settle the estate of an absconding Debtor, have been prevented from taking the oath or affirmation required by the said Act, well and truly to execute the trust reposed in them, in consequence of their remote residence from any Judge of the said Supreme Court, whereby great delay and inconvenience have arisen in the settlement of such estate : For remedy whereof,

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That on the appointment of any Trustee or Trustees, by a Judge or Judges of the said Supreme Court, under and by virtue of the provisions of the herein before recited Act, in any of the Counties in this Province, where no Judge of the said Supreme Court shall reside, it shall and may be lawful for any Judge or Judges of the Inferior Court of Common Pleas for such County, and he is, and they are hereby required to administer the oath or affirmation, to any Trustees so appointed by a Judge or Judges of the said Supreme Court, in manner and form as is directed in and by the said in part recited Act.

Trustees appointed by Judges of the Supreme Court, may be sworn before Judges of the Inferior Courts of Common Pleas, in Counties where no Judge of the Supreme Court resides.

### CAP. XV.

An ACT to continue an Act, intituled “ An Act for granting further aid in support of the Grammar School in the Town of Saint Andrews.”

*Passed the 27th March, 1823.*

**B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That an Act made

60 Gen. 3, c. 2,  
continued for 3  
years.

made and passed in the sixtieth year of the  
Reign of His late Majesty King George the  
Third, intituled " An Act for granting fur-  
" ther aid in support of the Grammar School  
" in the Town of Saint Andrews," be, and  
the same is hereby declared to be continued  
and in full force for three years, and thence  
to the end of the next Session of the General  
Assembly.

### CAP. XVI.

An ACT further to continue and alter an Act for the preservation  
of Oysters in the Counties of Westmorland and Northumberland.

*Passed the 27th March, 1823.*

I. **B**E it enacted by the Lieutenant-Governor,  
Council, and Assembly, That an Act  
made and passed in the fifty-eighth year of  
the Reign of His late Majesty King George  
the Third, intituled " An Act for the pre-  
" servation of Oysters in the Counties of  
" Westmorland and Northumberland," be,  
and the same is hereby further continued,  
(excepting wherein the same is hereby alter-  
ed) for four years, and thence to the end of  
the next Session of the General Assembly.

58 Gen. 3, c. 7,  
continued, except  
as altered.

II. *And be it further enacted,* That no  
Oysters shall, during the continuance of this  
Act, be taken in that part of the Harbour  
of Shediac, which is comprised between that  
part of the southerly boundary of the County  
of Northumberland, which lies between the  
mouth of Shediac River and the north end  
of Shediac Island, thence by a southerly line  
to Indian Island, so called, and thence in a  
straight line from Indian Island, to the Store  
of Benjamin Wilson, Esquire, on the main  
land, excepting in the winter season through  
the

No Oysters to be  
taken within the  
part of Shediac  
Harbour, herein  
described, except  
through the ice in  
the winter, under  
penalty of £5.

the ice: That if any person or persons shall take or fish for any Oysters in any part of the Harbour of Shediac above described, at any other time than in the winter season through the ice, every person so offending, shall for each and every offence, forfeit and pay the sum of five pounds; to be recovered with costs, before any one of His Majesty's Justices of the Peace in the County where such offence shall be committed, upon conviction on the oath of one or more credible witness or witnesses, to be levied by warrant of distress and sale of the offender's good and chattels; and in case no sufficient goods and chattels can be found whereon to levy such distress, every offender shall, by such Justice, be committed to the common Gaol in such County, there to remain without bail or mainprize, for a term not exceeding twenty days, nor less than ten days; one moiety of which penalty shall be to the use of the person who shall sue and prosecute for the same, the other moiety thereof to be paid to the Overseers of the Poor of the Parish where such offence shall be committed, for the use of the Poor of such Parish.

Penalty to be recovered with costs, before a Justice of the Peace.

To be levied by distress.

For want of goods offender to be imprisoned, not more than twenty, nor less than ten days.

Penalty half to the Informer, half to the use of the Poor.

### CAP. XVII.

AN ACT to provide for the surrender of the Principal in discharge of Bail in actions pending in the Supreme Court of Judicature of this Province.

*Passed the 27th March, 1823.*

**W**HEREAS the surrender of the Principal in discharge of Bail, in actions pending in the Supreme Court of Judicature in this Province, is attended with great inconvenience and expence---

Preamble.

I. Be

Defendants in actions in the Supreme Court, when at large, in Counties where no Judge of the Supreme Court resides, may be surrendered before a Commissioner for taking Bail, who is empowered to make out the surrender and committitur, and take the affidavit.

On certificate of the Sheriff, exoneretur to be entered.

When Defendant is in custody, in a County where no Judge of the Supreme Court resides, a Commissioner for such County may upon application to the Sheriff, make out surrender and committitur as a Judge may do when Defendant is brought up by Hab. Corp.

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That the Defendant in all actions in the Supreme Court, when at large, may in the several Counties where no Judge of the said Supreme Court resides, surrender himself, or herself, or be surrendered by his or her Bail, before any Commissioner for taking Bail in the said Court, and the said Commissioners in the said Court, are hereby authorized to make out the surrender and committitur, and to take the affidavit of the service of notice thereof on the Plaintiff's Attorney, in manner and form as the Judges of the said Court may; or used to do; and upon the delivery of such Defendant, by such Commissioner, to the Sheriff of such County, he or she shall be charged in Law with the custody of the said Defendant, and give his certificate thereof, and upon producing the said certificate and affidavit to the proper officer, an exoneretur shall be by him entered on the Bail-piece.

II. *And be it further enacted,* That when the Defendant is already in custody of any Sheriff in some County where no Judge of the said Supreme Court resides, at the suit of another Plaintiff, in a different action or otherwise, it shall and may be lawful for any of the said Commissioners for such County, upon application of such Defendant's Bail, to surrender him or her, or upon the application of such Defendant, by his or her Attorney, to surrender himself or herself, and upon the certificate of such Sheriff, that such Defendant is actually in his custody in an

an action, or for a certain cause to be set forth in the said certificate, to take and make out the surrender and committur of the said Defendant, in the same manner as the Judges of the said Court may do when such Defendant is brought up before them by an Habeas Corpus, and upon the delivery of such committur to the said Sheriff, he shall be charged in Law with the custody of the said Defendant in such action, and give his certificate thereof, and the Justices of the said Court may, upon the reading of such Sheriff's certificate and the requisite affidavit of notice of such render and commitment on the Plaintiff's Attorney, unless cause be shewn during the Term succeeding such render and notice, to the contrary, in their discretion, order an exoneretur to be duly entered on the Bail-piece.

Justices of the Court may, upon Sheriff's certificate and affidavit of notice, order exoneretur unless cause shewn.

III. *And be it further enacted*, That this Act shall continue and be in force for the term of five years, and thence to the end of the then next Session of the General Assembly.

Limitation.

### CAP. XVIII.

An ACT in addition to an Act made and passed in the twenty-sixth year of the Reign of His late Majesty King George the Third, intituled "An Act for enabling the Justices of the Supreme Court to try all Causes at Nisi Prius, and authorizing Attornies of the Supreme Court, to practice in the Inferior Courts of Common Pleas in this Province."

*Passed the 27th March, 1823.*

**W**HEREAS in and by an Act made and passed in the twenty-sixth year of the Reign of His late Majesty King George the Third, intituled "An Act for enabling the Justices of the Supreme Court

Preamble.

“ to try all Causes at Nisi Prius, and authorizing Attornies of the Supreme Court to practice in the Inferior Courts of Common Pleas in this Province,” it is enacted, “ That all and every of the Attornies of the Supreme Court, may commence, prosecute, or defend, any action or suit for his or their Clients, in any Inferior Court of Common Pleas in this Province”---

*Be it enacted by the Lieutenant-Governor, Council, and Assembly;* That from and after the passing of this Act, it shall not be lawful for any person not being an Attorney of the Supreme Court, to commence, prosecute, or defend, any action or suit for any person as his Client, in any Inferior Court of Common Pleas in this Province; any law, usage, or custom, to the contrary notwithstanding.

Persons not being Attornies of the Supreme Court, not to prosecute or defend suits in any Inferior Court of Common Pleas.

### CAP. XIX.

An ACT to amend an Act, intituled “ An Act subjecting real estates in the Province of New-Brunswick, to the payment of Debts, and directing the Sheriff in his proceedings thereon.”

*Passed the 27th March, 1823.*

Preamble.

**W**HEREAS in and by the third Section of an Act made and passed in the twenty-sixth year of the Reign of His late Majesty King George the Third, intituled “ An Act subjecting real estates in the Province of New-Brunswick, to the payment of Debts, and directing the Sheriff in his proceedings thereon”: it is provided, “ That before any sale shall be made by any Sheriff or other Officer, of houses, lands, real estates, or hereditaments, of any person or persons, he shall first advertise the time and place of such intended sale,

“ at

“ at least six months before he shall make  
 “ the same, in the City, Town, or Parish,  
 “ where the premises are, or shall be, in  
 “ three or more of the most public places  
 “ in the County wherein such estate doth  
 “ lay”: And whereas it is expedient that the  
 notification of such intended sale, be more  
 widely and extensively circulated---

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That from and after the passing of this Act, such Sheriff or other Officers, before making sale of the houses, lands, real estates, or hereditaments, of any person or persons whatsoever; shall, in addition to the advertisement prescribed by the said Act, cause the time and place of such intended sale, to be advertised, at least six months, in one of the public newspapers, if any such there be in the County in which such estate doth lay; and the Sheriff of any County in which no public paper is printed, shall cause the same to be advertised for the space aforesaid, in the Royal Gazette of this Province.

Before sale of any real estate, Sheriff, in addition to the notice required by the Act 26 Geo 3, c. 12, shall advertise the time and place of sale in a Newspaper, if any such in the County.

If no Newspaper is printed in the County, notice to be given in the Royal Gazette.

II. *And be it further enacted;* That one of the places in which such advertisement is required to be made by the third Section of the said herein before recited Act, shall be the Court House of the County in which the premises so to be advertised shall be situated, and that such sale shall be made at the said Court House, or such other public place in the said County, as the Sheriff shall in his discretion think fit.

The County Court House to be one of the places at which the sale to be advertised.

Sale to be made at the Court House or such other public place as Sheriff shall think fit.

III. *Provided always and be it further enacted,* That nothing herein contained shall

Not to affect the sale of any real estate advertised before the passing of this Act.

affect the sale of any houses, lands, real estates, or hereditaments, which may have been advertised for sale before the passing of this Act, but that such sale shall take place as if this Act had not been made.

### CAP. XX.

An ACT to amend an Act, intituled "An Act for the better extinguishing Fires which may happen in the Towns of Fredericton and Saint Andrews."

*Passed the 27th March, 1823.*

Preamble.

**W**HEREAS by an Act made and passed in the second year of the Reign of His present Majesty, intituled "An Act for the better extinguishing Fires which may happen in the Towns of Fredericton and Saint Andrews": it is enacted, "That the fines and penalties to be recovered under and by virtue of the said recited Act, shall be paid into the hands of the Overseers of the Poor, towards the support thereof: And whereas it is deemed expedient that such fines and penalties be paid into the hands of the Firewards of the said Towns respectively, or to their Treasurer for the time being, to be by them applied towards defraying the necessary expences of keeping the Engines of the said Towns respectively, in a proper state of equipment, and any other necessary expences attending keeping the Fire Companies of the said Towns respectively, in a proper state of organization---

So much of recited Act as directs fines and penalties to be paid to the Overseers of the Poor, repealed.

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, That so much of the said recited Act as directs the fines and penalties to be recovered under the*  
said



said recited Act, to be paid into the hands of the Overseers of the Poor, towards the support thereof, be, and the same is hereby repealed.

II. *And be it further enacted,* That the said fines and penalties so to be recovered under and by virtue of the said recited Act, shall, when so recovered, be paid into the hands of the Firewards of the said Towns of Fredericton and Saint Andrews respectively, or to their Treasurers respectively for the time being, to be applied by them towards defraying the necessary expences attending the keeping the engines of the said Towns respectively, in a proper state of repair and equipment, and any other necessary expences attending the keeping the Fire Companies of the said Towns respectively, in a proper state of organization.

Fines to be paid to the Firewards, to be applied towards keeping the engines in good order.

III. *And be it further enacted,* That the said recited Act, (except wherein the same is hereby repealed, altered, or amended) be, and continue in full force, and that this Act do continue in force during the continuance of the said recited Act.

Former Act continued, except as hereby altered.

## CAP. XXI.

An ACT for the regulation of Booms for securing Masts, Logs, and Lumber, in certain parts of the County of Northumberland.

*Passed the 27th March, 1823.*

**W**HEREAS it has been found necessary to erect Booms on several of the branches of the River Miramichi, for the purpose of securing such Timber as may be hauled out and thrown into the same in a general

Preamble.

general deposit, until it can be conveniently rafted by the respective owners to the different places of destination: And whereas it is necessary that proper regulations should be established to insure the safe delivery of the same to the owners---

Justices in General Sessions, to make rules and regulations respecting Booms on the river Miramichi,

& appoint Boom Masters, and fix their fees.

Persons violating regulations to forfeit £5.

To be recovered before a Justice of the Peace, and levied by distress and sale of goods.

For want of goods offender to be imprisoned.

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That it shall and may be lawful for the Justices of the Peace for the County of Northumberland, in their General Sessions, to make and establish such rules and regulations as to them may appear necessary, respecting such Booms as have been erected, or may hereafter be erected on any branches of the River Miramichi, and to appoint Boom Masters from time to time, and to fix their fees for attending such Booms and superintending the safe delivery of the Lumber passing through the same.

II. *And be it further enacted,* That any person or persons who may violate any of the rules so to be made as aforesaid, shall forfeit and pay the sum of Five Pounds, with costs, for each and every offence; to be recovered upon conviction thereof, by the oath of one or more credible witness or witnesses, before any one of His Majesty's Justices of the Peace for the County of Northumberland, to be levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus (if any) to such offender; and for want of sufficient goods and chattels whereon to levy, the said Justice is hereby required to commit such offender to the common Gaol of the said County, there to remain for

for a term not less than ten, and not exceeding twenty days.

III. *And be it further enacted,* That one moiety of all the penalties that may be recovered under and by virtue of any regulation which may be made by the said Justices pursuant to the provisions of this Act, shall be paid to the person or persons who shall prosecute for the same, and the other moiety thereof to the Overseers of the Poor of the Town or Parish where such offence shall be committed, to be applied to the use of the Poor of such Town or Parish.

Penalties to be paid half to the Prosecutor and half to the use of the Poor.

IV. *And be it further enacted,* That it shall not be lawful for the said Justices to grant permission for the erecting any Boom or Booms that may operate to the injury of any trade or business carried on on any of the said branches.

No permission to be granted for erecting Booms to the injury of any trade.

V. *And be it further enacted,* That this Act shall continue and be in force five years, and thence to the end of the then next Session of the General Assembly.

Limitation.

## CAP. XXII.

An ACT to encourage the Commerce of this Province, by granting bounties on the exportation of certain articles.

*Passed the 27th March, 1823.*

**W**HEREAS it is deemed expedient to encourage the Trade of this Province, by granting bounties upon the exportation of certain imported articles, not the produce of British North America---

Preamble.

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That from and after the passing of this Act, all and every person or persons, being British Subjects.

jects.

British Subjects being residents in the Province, exporting enumerated articles not being the produce or manufacture of British North America, entitled to Bounties.

jects, and resident in this Province, who shall export from any Port in this Province, any Wheat Flour, Rice, Shingles, Red and White Oak Staves or Heading, or Pitch Pine Lumber, not being the growth, produce, or manufacture of any part of British North America, shall be entitled to receive the following bounties thereon, viz :---For every barrel of Wheat Flour, the sum of Four Shillings and Eightpence; for every hundred pounds of Rice, net weight, the sum of Two Shillings and Threepence; for every thousand of Cypress Shingles, the sum of Twelve Shillings and Sixpence; for every thousand Red Oak Staves, the sum of Twenty Shillings; for every thousand White Oak Staves or Heading, the sum of Twelve Shillings and Sixpence; and for every thousand feet of Pitch Pine Lumber, the sum of Twenty Shillings. *Provided always*, that the same be exported within six months from the time of the importation thereof.

Provided articles are exported within six months.

Bounties to be paid by the Treasurer out of duties imposed on the same articles when such duties are received.

Oath to be made by owner or importer.

II. *And be it further enacted*, That the bounties herein before allowed, shall be paid by the Treasurer or one of his Deputies, to the owner or exporter thereof, out of the monies arising from the duties imposed on the importation of the same articles so exported, when the same duties shall be received, and not before. *Provided always*, that previous to any part of such bounties being paid, the owner or importer of such articles, shall at the time of exporting the same, make and subscribe the following oath, before the Treasurer or one of his Deputies, to wit :

I do

I do swear, that the by me  
 now shipped on board the whereof  
 is Master, was lawfully imported into  
 this Province, in the whereof  
 was Master, from and that the duties  
 thereon have been paid, or secured to be  
 paid at this Office, and that the same, or any  
 part thereof, is not the growth, produce, or  
 manufacture, of this Province, or of any part  
 of British North America, and is not intended  
 to be relanded in any part of this Province,  
 to the best of my knowledge and belief. So  
 help me God.

*And provided also,* That the Master of the  
 ship or vessel in which the same articles are  
 to be exported, shall make and subscribe the  
 following oath, to be endorsed on the last  
 mentioned affidavit, before the Treasurer or  
 one of his Deputies, to wit :

Master of the ves-  
 sel in which arti-  
 cles are exported,  
 to make oath.

I do swear, that the articles shipped by  
 as mentioned in the affidavit upon  
 the other side hereof, are now actually on  
 board the whereof I am Master, bound  
 for and that the same, or any part  
 thereof, are not again to be relanded in any  
 part of this Province, to the best of my  
 knowledge and belief. So help me God.

*And provided also,* That it shall be incum-  
 bent on the owner or exporter of such arti-  
 cles, to produce to the Treasurer or to the  
 Deputy to whom the duties on the importa-  
 tion of such articles shall have been paid, or  
 secured, a certificate under the hand and seal  
 of the Collector, or principal Officer of the  
 Customs, at the port or place to which the  
 same shall be exported.

Certificate to be  
 produced under  
 the hand and seal  
 of the principal  
 Officer of the  
 Customs at the  
 place to which arti-  
 cles are export-  
 ed.

*And*

Oath to be made by owner or exporter, that the articles have been landed.

*And provided also,* That it shall be further incumbent upon the owner or exporter (upon producing such certificate and requiring the bounties as aforesaid), to make and subscribe the following oath, before the Treasurer or one of his Deputies, to wit :

I do swear, that the articles by me exported on board the \_\_\_\_\_ whereof \_\_\_\_\_ was Master, a certificate of the landing of which is now by me exhibited, have been really and *bona fide* landed at \_\_\_\_\_ to the best of my knowledge and belief. So help me God.

Articles fraudulently relanded, to be forfeited.

III. *And be it further enacted,* That if any of the before specified articles shall be fraudulently relanded in any part of this Province, after shipment for exportation as aforesaid, the same shall be forfeited, proceeded against, and applied, in the manner directed by the Revenue Laws in force, in respect to articles by those Laws declared to be forfeited.

Upon discovery within one year that articles have been fraudulently relanded,

IV. *And be it further enacted,* That if it shall be discovered at any time before, or within one year after the bounties shall be so received, upon the exportation of any of the articles as aforesaid, that any of those articles have been fraudulently relanded in any part of this Province, the owner or exporters of such articles, shall forfeit and pay the sum of One Hundred Pounds for each offence, to be recovered by information to be made and filed by His Majesty's Attorney General, in manner as may be directed by the Revenue Laws then in force for the recovery of penalties inflicted by those Laws, and

owner or exporter to forfeit £100.

and applied, after deducting the costs and charges, one half to the Informer, and the other half to be paid into the hands of the Treasurer of the Province, for the use thereof.

V. *And be it further enacted*, That this Act shall continue and be in force for the term of two years, and thence until the end of the then next Session of the General Assembly. Limitation.

## CAP. XXIII.

An ACT in further amendment of the Laws for regulating the Fisheries in the County of Northumberland.

*Passed the 27th March, 1823.*

**W**HEREAS the provisions and penalties in an Act made and passed in the thirty-ninth year of the Reign of His late Majesty King George the Third, intituled "An Act for regulating the Fisheries in the County of Northumberland," have been found ineffectual--- Preamble.

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly*, That the second Section of the said Act, be, and the same is hereby repealed. and } of 39 Geo  
3, c. 5, repealed.

II. *And be it further enacted*, That if any person or persons from and after the passing of this Act, shall erect or set up any Hedge, Wear, Fish Garth, or other incumbrance, or place any Seine or Seines, Net or Nets, in the River or Bay of Miramichi, or its branches, except as is provided for in the said Act, and also in the Act made and passed in the fifty-sixth year of the Reign of His late Majesty King George the Third, intituled "An Act in amendment of an Act intituled An Act for regulating the Fisheries in the County of Northumberland," such Persons erecting  
Weirs or other  
incumbrances, or  
setting Nets in the  
Miramichi River,  
except as directed  
by 39 Geo. 3, c.  
5, and 56 Geo 3,  
c. 3, to forfeit  
£10.

Penalties how recovered.

person or persons so offending, shall forfeit and pay for each and every offence, the sum of Ten Pounds, upon conviction thereof upon the oath of one or more credible witness or witnesses, before any two of His Majesty's Justices of the Peace for the said County, and levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus, if any, after deducting the costs and charges, to such offender; and for want of sufficient goods and chattels whereon to levy the said fine, such offender or offenders shall be imprisoned, without bail or mainprize, for a term not less than ten days, and not exceeding twenty days; one half of which penalties shall, on conviction, be paid to the informer, and the other half to the Overseers of the Poor of the Town or Parish where such offence shall be committed, to be applied to the use of the Poor of such Town or Parish.

Recited Act continued in force.

III. *And be it further enacted*, That the said herein before recited Acts, excepting wherein the same are hereby altered and amended, together with this Act, shall continue and be in force five years, and thence to the end of the next Session of the General Assembly.

### CAP. XXIV.

An ACT to alter the Act for the establishment of Grammar Schools in several Counties of this Province.

*Passed the 27th March, 1823.*

Preamble

**W**HEREAS it is required by the eighth Section of an Act intituled "An Act to establish Grammar Schools in several Counties of this Province," that One Hundred Pounds shall be raised or subscribed



bed by the Inhabitants of the several and respective Counties of King's, Queen's, Westmorland, Sunbury, and Northumberland, before any sum can be obtained from the Province Treasury for the support of the said Schools in said Counties respectively: And whereas it has been found that the said requisition tends more to defeat the object of the Legislature than to encourage the establishment of Schools, as was intended: And whereas it is found necessary to increase the annual grant for the encouragement of the same---

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That the seventh and eighth Sections of the said herein before recited Act, be, and the same are hereby repealed.

7th and 8th §§ of  
56th Geo. 3, c.  
21st, repealed.

II. *And be it further enacted,* That the sum of One Hundred and Seventy-five Pounds annually, be included in the estimate of the ordinary expences of the Province, for each of the following Counties, that is to say, of King's, Queen's, Westmorland, Sunbury, and Northumberland, which said sum of One Hundred and Seventy-five Pounds, shall be granted annually for the payment of the Masters thereof respectively, the same to be drawn on the certificate of such Trustees and Directors, in favour of the person or persons entitled thereto.

£175 annually  
granted for  
King's,  
Queen's,  
Westmorland,  
Sunbury, and  
Northumberland,

to be drawn on  
certificate of the  
Trustees.

III. *And be it further enacted,* That as soon as the said Trustees and Directors, in any of the said last mentioned Counties, shall certify to His Excellency the Lieutenant-Governor or Commander in Chief for the time

Upon certificate  
of Trustees, that  
the County has  
provided a Build-  
ing for a School,

and a Master capable to manage the School.

One half the sum to be drawn, and so from time to time in half yearly payments.

Monies not drawn from the Treasury to be repaid.

time being, that such County hath provided a Building suitable for a Grammar School, and that they the said Trustees and Directors, have provided a Master capable to manage the said School, that then it shall be lawful for the Lieutenant-Governor or Commander in Chief, to draw by warrant, by and with the advice and consent of His Majesty's Council, on the Treasury of the Province, for one half of the said sum of One Hundred and Seventy-five Pounds, in favor of the Master or Teacher of the said School, and so from time to time upon like certificates, in half yearly payments for the use of such Schools. *Provided always*, that all sums of money which shall be borne upon the estimate as aforesaid, from year to year for the use of such Schools, and which shall not be drawn from the Treasury of this Province, pursuant to this Act, shall revert to the Provincial Fund, to be appropriated by the Legislature.

## CAP. XXV.

An ACT for the encouragement of Parish Schools in this Province.

*Passed the 27th March. 1823.*

Preamble.

**W**HEREAS the education of Youth is of the utmost importance, and public attention to that object, in affording them easy means of acquiring useful knowledge, has been found to be attended with the most beneficial effects in Society---

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly,* That the Justices of the General Sessions of the Peace for the several and respective Counties in this Province,

Justices in the several Counties, empowered to appoint three Trustees for

vince,

vince, shall and may at the time of making the annual appointment of Town or Parish Officers, have power and authority to nominate and appoint three fit persons to be Trustees of and for Schools in the several Towns and Parishes within their respective Counties, who shall be sworn to the faithful discharge of their duty, and be in every respect subject to the same rules and regulations, penalties and forfeitures, as any other Town or Parish Officers are subject to by virtue of an Act made and passed in the twenty-sixth year of the Reign of His late Majesty King George the Third, intituled "An Act for the appointment of Town or Parish Officers in the several Counties of this Province," and of another Act made and passed in the third year of His present Majesty's Reign, intituled "An Act in addition to an Act intituled An Act for the appointment of Town or Parish Officers in the several Counties of this Province."

Schools in the respective Parishes.

Trustees to be sworn, and subject to the same regulations, penalties, and forfeitures, as other Parish officers are by 26th Geo. 3; and by the Act in addition thereto, passed 3 Geo. 4

II. *And be it further enacted*, That it shall and may be lawful for the said Trustees to agree from time to time with proper persons being duly licenced, as by His Majesty's Royal Instructions is directed, to keep such School or Schools in their respective Towns or Parishes, and to fix the salary to be allowed to each and every such School-Master, to be paid out of the money to be subscribed as hereinafter mentioned, and out of the money which may be received from the Treasury of the Province, under the provisions of this Act; and the said Trustees are hereby respectively required to use their best endeavours

Trustees to agree with persons duly licenced as Teachers,

and fix their salaries,

to visit and inspect the Schools.

vors to cause the Youth of their respective Towns or Parishes, regularly to attend said Schools, and to visit and inspect the same twice in each and every year during the continuance of this Act, and to inquire into the discipline and regulations thereof, and of the proficiency of the Scholars.

Justices in Sessions to certify once a year to the Lieut. Governor, the number of School-Houses, with the names of the Masters, and the money subscribed.

£20 per annum allowed for the support of each School, to be paid from the Treasury to the Trustees, by the Governor's warrant.

III. *And be it further enacted,* That the Justices of the General Sessions of the Peace of the several and respective Counties in this Province, shall, and they are hereby required once in each and every year, to certify in writing to His Excellency the Lieutenant-Governor or Commander in Chief for the time being, the number of School-Houses built or provided for the exclusive use and purpose of Schools in the several Parishes in their respective Counties, the names of the Masters employed to teach in the same, and the sum of money subscribed by the Inhabitants for the support of each School, upon which certificate there shall be allowed for the further support of such Schools, a sum of money at and after the rate of Twenty Pounds per annum, for each and every School mentioned in the same certificate, the same to be drawn from the Treasury of the Province, by warrant from His Excellency the Lieutenant-Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Council, in favour of the Trustees of Schools of the several Parishes in the respective Counties in this Province, and by the said Trustees to be applied in support of the Schools so mentioned as aforesaid in the said certificate, according to the

the true intent and meaning of this Act.

*Provided nevertheless,* that no one School in any Town or Parish, shall receive in any one year, a larger sum than Twenty Pounds out of the Treasury of the Province. *And provided also,* that no School shall be entitled to the said allowance of Twenty Pounds, unless the Inhabitants of the Town or Parish in which such School shall be established, shall have raised, subscribed, and paid the sum of Twenty Pounds in further support thereof.

*And provided also,* that no larger sum than One Hundred Pounds shall be paid out of the Treasury of this Province, to the Schools in any one Town or Parish, in any one year.

IV. *And be it further enacted,* That the certificate mentioned in the next preceding Section, shall be in the form following, to wit :

At a Court of General Sessions of the Peace, held at the Court-House in  
in and for the County of \_\_\_\_\_ on the  
\_\_\_\_\_ day of \_\_\_\_\_ one thousand  
eight hundred and \_\_\_\_\_

Present,

} Esquires, Justices.

The Court of General Sessions of the Peace, in and for the County of \_\_\_\_\_ do hereby certify to His Excellency the Lieutenant-Governor or the Commander in Chief for the time being, that in the Parish of \_\_\_\_\_ in the said County of \_\_\_\_\_ the following Schools have been established, viz.---

In

No School to receive more than £20 in any one year.

No School to be entitled to the money from the Treasury, unless the Inhabitants shall have subscribed and paid the sum of £20

No more than £100 to be paid from the Treasury to any one Parish, in any one year.

Form of Certificate.

In District number one, a School-House has been built, or provided (as the case may be), for the exclusive use and purpose of a School; that a competent Person, duly licensed, (as by His Majesty's Royal Instructions is directed) has been employed as a Teacher in the same, from the            day of            to the            day of            then next following, and that the sum of            Pounds, has been subscribed and paid by the Inhabitants of the said District, agreeably to the provisions of the Act of Assembly, for the encouragement of Parish Schools in this Province, for the support of the said School during the said period.

In District number two, [here insert the same particulars that are required for number one, and so on for all the other Districts in the same Parish.]

The Court of General Sessions, therefore, humbly pray, that your Excellency will be pleased to direct, that a warrant issue for the sum of            in favour of the Trustees of Schools for the Parish of            [and so on for the Trustees of the several Parishes included in the certificate] agreeably to the provisions of the said Act.

A. B. Clerk.

Trustees may retain 20s. for each School, to be expended for stationary books, &c. to be distributed as rewards.

V. *And be it further enacted*, That the Trustees in the several Towns or Parishes, shall, if they think fit, retain out of the money so to be raised in their respective Towns or Parishes as aforesaid, and to be drawn from the Treasury of the Province as aforesaid, a sum not exceeding Twenty Shillings for each and every School in their several Towns

Towns or Parishes, to be by them laid out and expended in purchasing stationary, books, or other suitable rewards, to be by them distributed to those of the Scholars who shall excel in each of these several branches of Orthography, Reading, Writing, and Arithmetic, at the examination of such Schools. *Provided nevertheless*, that no reward shall be distributed to any Scholar who cannot repeat by heart, the Lord's Prayer, the Creed, and the Ten Commandments.

No reward to be given to a Scholar who cannot repeat the Lord's Prayer, Creed, and Commandments.

VI. *And be it further enacted*, That the said Trustees so as aforesaid to be appointed in the several Towns or Parishes, shall annually account to, and with the Court of General Sessions of the Peace in each County respectively, for all monies by them received, disbursed, and distributed, to and for the use of their respective Schools, and shall be subject to such rules and orders as the said Court shall from time to time make, touching the Funds of the said several Schools, or the application thereof.

Trustees to account annually to the Sessions.

VII. *And be it further enacted*, That this Act shall be and remain in force for four years, and from thence to the end of the then next Session of the General Assembly.

Limitation.

### CAP. XXVI.

An ACT to alter and amend an Act intituled "An Act to provide for the support of a Light-House to be built on Partridge Island."

*Passed the 27th March, 1823.*

**W**HEREAS it is expedient that the duties payable upon the arrival of Vessels in the Port of Saint John, under and by virtue of an Act made and passed in the

Preamble.

twenty-eighth year of the Reign of His late Majesty King George the Third, intituled "An Act to provide for the support of a Light-House to be built upon Partridge Island," should be equalized upon all Vessels, whether belonging to the Port of Saint John, or any other place, British or Foreign :

1st and 3rd §§ of  
28 Geo. 3, c. 4,  
repealed.

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That the first and third Sections of the said recited Act, be, and the same are hereby repealed.

II. *And be it further enacted,* That from and after the passing of this Act, there be, and is hereby granted to His Majesty, His Heirs, and Successors, for the support of the Light-House on Partridge Island, a duty of Threepence upon every ton each Vessel belonging to the Port of Saint John, of the burthen of fifteen tons and upwards (other than Coasters and Fishing Vessels) shall measure, agreeably to her Register, that may arrive in the said Port, and also upon all other Vessels which may so arrive, whether British or Foreign, the like duty of Threepence per ton, agreeably to the measurement aforesaid ; and upon all Vessels deemed Coasters, in lieu of said tonnage duty, a duty at the rate of Ten Shillings per annum and no more, which duties shall be paid at the time of the arrival of such Vessels in the said Port, to the Treasurer of the Province or his Deputy, who are hereby authorized and required to demand and receive the same ; and upon the refusal of payment, to be proved upon oath before any one of His Majesty's Justices of the Peace in the City and County of Saint John,

3d per ton duty  
upon all vessels  
belonging to St.  
John, except  
Coasters.

3d per ton upon  
all other vessels.

Coasters to pay  
10s. per annum.

Duties to be paid,  
upon arrival of  
the vessel, to the  
Treasurer.

Upon refusal of  
payment, to be  
levied by distress  
and sale of boats,  
tackie, &c. by  
warrant of a Jus-  
tice.



John, to be levied by warrant of distress and sale of the guns, boats, tackle, apparel, and furniture, of such Vessels, under the hand and seal of such Justice, directed to any Sheriff, Constable, or Marshal of the said City, rendering the overplus, if any, after deducting the costs of such distress and sale, to the Master or Person having the command of such Vessel.

III. *And be it further enacted*, That the said recited Act, to which this Act is an amendment, (except so much of the same as is hereby repealed) be, and the same is declared to remain in full force.

Recited act to remain in force.

### CAP. XXVII.

An ACT to explain and amend the Laws now in force for the organization and regulation of the Militia of this Province.

*Passed the 27th March, 1823.*

**W**HEREAS doubts have been entertained whether in the recovering of fines imposed by the eighth Section of an Act made and passed in the forty-ninth year of the Reign of His late Majesty King George the Third, intituled "An Act for the organization and regulation of the Militia of this Province," it is not required of the Captain or Commanding Officer of a Company, to summon the delinquent to appear before him, to shew cause, if any there be, why the said fine should not be imposed, before issuing the order mentioned in the second Section of an Act made and passed in the third year of His Majesty's Reign, intituled "An Act to alter and amend an Act, for the organization and regulation of the Militia of this Province": And whereas

much

Preamble.

much inconvenience has been felt in consequence of the doubts so entertained---

No order to be issued for levying a fine, unless delinquent shall have been first summoned to shew cause.

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That no order shall be issued by any Commanding Officer of a Company, against the goods and chattels of any delinquent, or against his body, for the purpose of levying any fine imposed by the said eighth Section of the first herein before recited Act, unless such delinquent shall have been first summoned by such Commanding Officer of a Company, to be and appear before him to shew cause, if any such delinquent has, why the said fine should not be imposed.

Form of summons.

II. *And be it further enacted,* That all summonses to be issued by any Commanding Officer of a Company, under and by virtue of the provisions of this Act, shall be made returnable in six days at least, to be directed to the Constable, or Constables, of the City, Town, or Parish, where such delinquent shall reside, which Constables are hereby authorized and required to serve the same, taking the same fees as in other similar cases, and shall be in the form following :

To the Constables of  
and each and every of them.

You are hereby required to summon A. B.  
that he be and appear before me on the  
day of at

between the hours of and  
of the same day, to shew cause, if any he  
has, why a fine should not be imposed upon  
him, under and by virtue of the Militia Law,  
for [here state the delinquency, either for  
his

his neglecting to appear at a Company or Battalion muster, or for absenting himself from such Company or Battalion muster after having appeared at the same, without the leave of his Commanding Officer, as the case may be.]

Given under my hand, this                      day of  
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III. *And be it further enacted*, That it shall be the duty of the Serjeant-Majors, appointed, or to be appointed, to the several Battalions, to attend their respective Battalions when the same or any part thereof shall be ordered out under the provisions of the herein before recited Acts, and at such and all other times, to do, and perform, and attend to such duty as appertains to the office of Serjeant-Major, as they may be ordered from time to time by the respective Commanding Officers of such Battalions; and such Serjeant-Majors shall be allowed each, annually, as a full compensation for all the services he may be ordered to perform, the sum of Seven Pounds Ten Shillings. *Provided always*, that such Serjeant-Major, before he shall be entitled to receive the said sum of Seven Pounds Ten Shillings, shall obtain a certificate from the Commanding Officer of his Battalion, that he has well and faithfully performed the duty of Serjeant-Major, and to the entire satisfaction of such Commanding Officer. *And provided also*, that no one Serjeant-Major shall receive more than the said sum of Seven Pounds Ten Shillings, in any one year.

Serjeant-Majors to attend the Battalions and Detachments, when called out.

Allowed £7: 10 per annum,

upon certificate of the Commanding Officer.

No one Serjeant-Major to receive more than £7: 10 in one year.

## CAP. XXVIII.

An ACT for altering the Terms of holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas, in the County of Westmorland.

*Passed the 27th March, 1823.*

Preamble.

**W**HEREAS the Terms for holding the Courts of General Sessions of the Peace and Inferior Court of Common Pleas, in the County of Westmorland, have been found inconvenient: For remedy whereof,

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly,* That the said Courts shall be hereafter holden on the third Tuesday in November, instead of the second Tuesday in December, in each and every year.

Terms to be on  
3rd Tuesday in  
November.

No Process to  
abate or business  
be discontinued.

II. *And be it further enacted,* That no Process shall abate, or other business of what nature or kind soever, be discontinued, by reason of the alteration of said Term, but shall and may be proceeded upon, heard and determined, at the time herein appointed, in the same manner as they might have been proceeded upon had no alteration been made.

## CAP. XXIX.

An ACT further to increase the Revenue of the Province, by imposing a duty upon all Rum and other Spirituous Liquors that shall be distilled within the same.

*Passed the 27th March, 1823.*

I. **B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That from and after the passing of this Act, there be, and is hereby granted to the King's Most Excellent Majesty, His Heirs and Successors, for the use of the Province, and for the support of the Government thereof, the rate or duty of Sixpence for every Gallon of Rum and other dis-

6d per gallon duty upon Spirituous Liquors distilled in the Province.

distilled Spirituous Liquors made in this Province, to be paid by the Manufacturers of the same.

II. *And be it further enacted,* That the Owner or Owners of any Distillery or Distilleries in this Province, or in case such Distillery or Distilleries shall be carried on by any Agent or Agents, Servant or Servants, then such Agent or Agents, Servant or Servants, having the care or management of the same, shall respectively, on the first Monday in each and every month, from and after the publication of this Act, give and render, on oath, to the Treasurer of the Province, or his Deputy for the place or district where such Rum or other distilled Spirituous Liquors shall be made, a just and true account of the quantity of Rum or other distilled Spirituous Liquors that hath been manufactured or distilled in his, her, or their Distillery or Distilleries, and shall make and subscribe, before the said Treasurer or his Deputy, the following oath :

Owner of any Distillery or his Agent, to report, on oath, on the first Monday in every Month, to the Treasurer, the quantity distilled.

I do solemnly swear, that the account which I have now rendered and subscribed, of the Rum and other distilled Spirituous Liquors which have been manufactured or distilled at my, or the Distillery of (as the case may be) is a true and just account of all the Rum and other distilled Spirituous Liquors that have been manufactured or distilled at the said Distillery since the day of \_\_\_\_\_ up to the day of the date hereof. And I do further swear, that no Rum or other distilled Spirituous Liquors have been removed or taken away from \_\_\_\_\_

Form of oath.

from the said Distillery, to my knowledge or belief, without a permit to remove or take away the same first being had and obtained from the Treasurer or his Deputy (as the case may be). So help me God.

Duties to be paid or secured, as directed by 2nd § of Revenue Act.

III. *And be it further enacted*, That immediately upon the making the said oath as aforesaid, by the Owner or Owners, Agent or Agents, Servant or Servants, as aforesaid, the duties by this Act imposed shall be paid or secured to be paid in like manner as is directed in and by the second Section of an Act intituled "An Act for raising a Revenue in this Province," and under and subject to the like pains, penalties, and forfeitures, as is prescribed in and by the third Section of the said last mentioned Act.

In case of refusal or neglect to account, Rum, &c. distilled, to be forfeited.

IV. *And be it further enacted*, That in case of the neglect or refusal of any Owner or Owners of any Distillery or Distilleries, or the neglect or refusal of his, her, or their Agent or Agents, Servant or Servants, (where such Agent or Agents, Servant or Servants, have the care or management of the same), to render, on oath, a just and true account of all Rum & other distilled Spirituous Liquors that have been manufactured at such Distillery, agreeably to the provisions of the second Section of this Act, that then and in such case, all the Rum and other distilled Spirituous Liquors so manufactured, and the account of which has not been rendered as aforesaid, shall be forfeited, and shall be proceeded against in like manner as is provided in and by the Act for raising a Revenue in this Province, in cases where dutiable goods have

have been clandestinely brought or imported into this Province, before entry and report made thereon.

V. *And be it further enacted*, That no Rum or other distilled Spirituous Liquors, shall be removed or carried away from any Distillery or Distilleries in this Province, without a permit for that purpose first being had and obtained from the Treasurer of the Province, or one of his Deputies, which permit shall be in the following form---viz,

No Rum, &c. distilled, to be removed from Distillery, without a Permit.

Permit A. B. to remove or carry away from the Distillery of \_\_\_\_\_ situate and being in the [Parish or City of] \_\_\_\_\_ Gallons of \_\_\_\_\_

Form of Permit.

Given under my hand at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_

VI. *And be it further enacted*, That in case any Rum or other distilled Spirituous Liquors made in this Province, shall be found in possession of any person or persons, and which shall have been removed or carried away from any Distillery or Distilleries in this Province, without a permit for that purpose being first had and obtained, agreeably to the provisions of this Act, the person or persons in whose possession the said Rum or other distilled Spirituous Liquors shall be so found, shall forfeit and pay the sum of Twenty-five Pounds, to be recovered by information to be made and filed by His Majesty's Attorney General in the Supreme Court of Judicature in this Province, upon the filing whereof, the first process shall be a Capias, to be directed to the Sheriff or Coroner of the place where the offender may be

Rum, &c found in possession of any person and having been removed without a Permit, such person to forfeit £25--

To be recovered by information filed by the Attorney General in the Supreme Court.

First Process to be by Capias-- under which

offender may be held to bail.

The Rum to be forfeited.

Limitation:

be found, by virtue of which process, the said offender shall be held to bail for his appearance at the return of the process, to answer the matters charged in such information, and the said Rum or other distilled Spirituous Liquors, shall be forfeited and proceeded against in like manner as is directed in and by the said third Section of the said herein before recited Act for raising a Revenue in this Province.

VII. *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 eight hundred and twenty-four, and no longer.

### CAP. XXX.

An ACT to provide for calling in the Arms issued to the Militia of this Province.

*Passed the 27th March, 1823.*

Preamble.

**W**HEREAS it is deemed expedient to make some provision for the more effectually enforcing the return of such Arms and Accoutrements as have been, or may hereafter be, issued from His Majesty's stores for the use of the Militia in this Province, when and so often as the same may be called in---

Upon order of the Commander in Chief, notified by Captains of the Militia, for the calling in of Arms issued from His Majesty's Stores,

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly*, That when any order shall be hereafter given, by or under the direction of the Commander in Chief of this Province, for the time being, for the calling in the Arms and Accoutrements, or any of them, which have been or may hereafter be issued from His Majesty's stores, for the use of the Militia, in any part of



of this Province, and public notice thereof given by the Captains of the Companies of the respective Battalions to which such order may extend, it shall be the duty of every person or persons having in their possession such Arms and Accoutrements, forthwith to return all such Arms and Accoutrements, complete, to the Quarter-Masters of their respective Battalions in the district where they may reside, who shall give to such person or persons a receipt for the same; and if any person or persons having in their possession such Arms or Accoutrements as aforesaid, shall refuse or neglect to return the same complete, to the Quarter-Master of the Battalion in the district where such person or persons may reside, within ten days after such public notice as aforesaid, of calling in the same shall have been given, such person or persons so offending, and also every person or persons persuading, exciting, or endeavouring in any way wilfully to induce any other person so to offend, shall for each and every such offence, forfeit and pay the sum of Five Pounds, to be recovered upon conviction before any one Justice of the Peace, upon the oath of one or more credible witness or witnesses, and levied by warrant of distress and sale of the offender's goods, rendering the overplus, if any, after deducting the costs and charges of such conviction, distress, and sale, to the offender, which penalty shall be paid to the Quarter-Master of the Battalion in the district where such person or persons may reside, to be by him accounted for to the Commanding Officer of such

persons having such Arms in possession, shall deliver them to the Quarter-Master of the Battalion, who shall give a receipt.

Offenders against the provisions of this Act, and persons inducing others to offend, to forfeit £5.

To be recovered before a Justice, and levied by distress and sale of goods.

Penalty to be paid to the Quarter-Master for the use of the Battalion.

For want of goods, offender to be imprisoned.

No conviction to be unless at the instance of the Quarter-Master or Commanding Officer of Battalion to which the Arms belong.

Limitation.

such Battalion, and applied to the contingent expenses of such Battalion; and for want of effects whereupon to levy the said fine of Five Pounds, such offender shall be imprisoned not exceeding twenty days nor less than ten days. *Provided always*, that no such conviction shall take place for any such offence, except at the instance and prosecution of the Quarter-Master or Commanding Officer of the Battalion to which such Arms or Accoutrements shall belong.

II. *And be it further enacted*, That this Act shall continue and be in force for three years, and thence to the end of the then next Session of the General Assembly.

### CAP. XXXI.

An ACT to appropriate a part of the Public Revenue, to provide for the ordinary services of the Province.

*Passed the 27th March, 1823.*

*BE it enacted by the Lieutenant-Governor, Council, and Assembly*, That there be allowed out of the Treasury of the Province, for the services herein after named, the following sums, to wit,

To His Excellency the Lieutenant-Governor, for the encouragement of Schools; the sum of three thousand pounds, agreeably to a Law of this Province.

To His Excellency the Lieutenant-Governor, a sum not exceeding three thousand pounds, to be paid for the encouragement of the Cod Fisheries of this Province, for the year one thousand eight hundred and twenty-three, agreeably to Law.

To His Excellency the Lieutenant-Governor, a sum not exceeding three thousand pounds,

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pounds, to be paid for the encouragement of raising Bread-Corn on new Lands, agreeably to a Law of this Province.

To His Excellency the Lieutenant-Governor, a sum not exceeding thirteen hundred pounds, for defraying the expences of the Speaker and Members of the House of Assembly, for attendance during the present Session, and for travelling charges, agreeably to an Act of the Legislature.

Speaker & Members.

To His Excellency the Lieutenant-Governor, a sum not exceeding two thousand two hundred and fifty pounds, out of the first money received into the Treasury, to be applied to the payment of the principal and interest of the Loan due from the Province, agreeably to an Act of the Legislature for that express purpose.

For payment of principal and interest of the loan due from the Province.

To the President and Directors of the St. Andrews Grammar School, the sum of two hundred pounds, for the year one thousand eight hundred and twenty-three, towards the support of a Master, and to defray the contingent expences of the said School, agreeably to the two Acts of the General Assembly.

Saint Andrews Grammar School.

To the President and Directors of the St. John Grammar School, the sum of two hundred and fifty pounds, for the year one thousand eight hundred and twenty-three, agreeably to two Acts of the General Assembly.

St. John Grammar School.

To the Governor and Trustees of the College of New-Brunswick, the sum of two hundred and fifty pounds, for the year one thousand eight hundred and twenty-three, agreeably to the two Acts of the General Assembly.

College of New-Brunswick.

To

Grammar School  
Northumberland.

To His Excellency the Lieutenant-Governor, the sum of one hundred and seventy-five pounds, for the support of the Master of the Grammar School in the County of Northumberland, agreeably to the two Acts of the General Assembly.

Grammar School  
Westmorland.

To His Excellency the Lieutenant-Governor, the sum of one hundred and seventy-five pounds, for the support of the Master of the Grammar School in the County of Westmorland, agreeably to the two Acts of the General Assembly.

Chaplains.

To the Chaplain of the Council in General Assembly, the sum of twenty-five pounds.

To the Chaplain of the House of Assembly, the sum of twenty-five pounds.

Clerks.

To the Clerk of the Council in General Assembly, the sum of fifty pounds, and twenty shillings per diem during the present Session.

To the Clerk of the House of Assembly, the sum of fifty pounds, and twenty shillings per diem during the present Session.

Clerk-Assistant.

To the Clerk-Assistant of the House of Assembly, the sum of twenty shillings per diem during the present Session.

Sergeant at Arms.

To the Sergeant at Arms attending the Council in General Assembly, the sum of twenty shillings per diem during the present Session.

To the Sergeant at Arms attending the House of Assembly, the sum of twenty shillings per diem during the present Session.

Doorkeepers and  
Messengers.

To the Doorkeepers and Messengers attending the Council and Assembly, the sum  
of

of ten shillings per diem during the present Session.

To the Tide-Surveyor of the City of St. John, the sum of one hundred pounds, for his services and expences from the first of March, one thousand eight hundred and twenty-two, to the first of March, one thousand eight hundred and twenty-three.

Tide-Surveyor,  
St. John.

To Thomas Bonner, Esquire, such sum as will procure a Bill of Exchange on England, for one hundred pounds Sterling, for his services as Agent for the Province, for the year one thousand eight hundred and twenty-two.

Thomas Bonner,  
Esquire.

To His Excellency the Lieutenant-Governor or Commander in Chief, for defraying the contingent expences of the Province, a sum not exceeding two hundred and fifty pounds, for the year one thousand eight hundred and twenty-three.

Provincial Con-  
tingencies.

To the Clerk of the Council, the sum of twenty-five pounds, for defraying the expence of an Assistant, during the present Session.

Clerk of the  
Council for As-  
sistant.

To the Adjutants of the Militia of the different Counties in this Province, a sum not exceeding two hundred and twenty-five pounds, for the year one thousand eight hundred and twenty-three.

Adjutants of the  
Militia.

To John Robinson, Esquire, Treasurer of the Province, for his services from the first day of March, one thousand eight hundred and twenty-two, to the first day of March, one thousand eight hundred and twenty-three, the sum of six hundred pounds.

Treasurer.

To

Treasurer for stationary, &c.

To the Treasurer of the Province, to defray the expences incurred by him for stationary, blanks, and advertising, the sum of twenty-three pounds nineteen shillings and five-pence.

Alex. Miller.

To His Excellency the Lieutenant-Governor, for the purpose of enabling the Treasurer to pay Alexander Miller, a Tide-Waiter in the City of Saint John, for his services from the twenty-eighth day of March, one thousand eight hundred and twenty-two, to the twenty-eighth day of March, one thousand eight hundred and twenty-three, the sum of ninety-one pounds five shillings.

Nathl Atcheson, Esq.

To Nathaniel Atcheson, Esquire, for services rendered the Province, from February, one thousand eight hundred and twenty-two, to February one thousand eight hundred and twenty-three. such sum as will procure a Bill of Exchange on England, for one hundred pounds Sterling, to be remitted by the Committee of Correspondence.

Saml. Buchanan.

To Samuel Buchanan, the sum of twenty pounds, for airing and taking care of the Province Hall, for the year one thousand eight hundred and twenty-two.

Keeper of the Light-House on Partridge Island.

To the Keeper of the Light-House on Partridge Island, the sum of one hundred and fifty pounds, for his services for the year one thousand eight hundred and twenty-three.

Light-House on Brier Island.

To His Excellency the Lieutenant-Governor, the sum of one hundred pounds, to be applied towards the support of the Light-House on Brier Island, in the Province of Nova-Scotia, for the year one thousand eight hundred and twenty-three.

To

To the Clerk of the House of Assembly, for defraying the contingent expences of the present Session, the sum of two hundred and fifty-eight pounds five shillings and ninepence. Contingencies of the Session.

II. *And be it further enacted,* That all the beforementioned sums shall be paid by the Treasurer of the Province; by warrant of His Excellency the Lieutenant-Governor or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, out of the monies now in the Treasury, or as payments may be made at the same. To be paid by warrant.

## CAP. XXXII.

An ACT to appropriate a part of the Public Revenue, for the services therein mentioned.

*Passed the 27th March, 1823.*

I. **B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That there be allowed and paid out of the Treasury of this Province, the following sums, to wit;

To John Chaloner, for gauging and weighing in the year one thousand eight hundred and twenty-two, the sum of ninety-nine pounds three shillings. John Chaloner, for gauging and weighing.

To the Commissioners to be appointed by His Excellency the Lieutenant-Governor or Commander in Chief for the time being, towards defraying the expences of a Courier for the year one thousand eight hundred and twenty-three, between Fredericton and Newcastle, in the County of Northumberland, a sum not exceeding one hundred and twenty-five pounds. Courier from Fredericton to Newcastle.

Nipisigwit Col-  
lier.

To the Commissioners to be appointed by His Excellency the Lieutenant-Governor, the sum of sixty pounds, to defray the expence of a Courier between New-Castle and Nipisigwit, in the Bay of Chaleur, for the year one thousand eight hundred and twenty three.

Attorney-Gen.

To His Majesty's Attorney-General, the sum of one hundred pounds, for past services.

Solicitor-Gen.

To His Majesty's Solicitor-General, for past services, the sum of fifty pounds.

John Head.

To John Head, Inoculating Surgeon for the Vaccine Institution, the sum of twenty-five pounds, for the services performed in the year one thousand eight hundred and twenty-two.

Digby Packet.

To three such Commissioners as His Excellency the Lieutenant-Governor may appoint, the sum of one hundred and fifty pounds, for the support of a Packet to ply between Digby and Saint John, for one year, to commence the fifth day of April next, provided no Packet is established at the exclusive expence of the General Post-Office, for that purpose.

Expenses incur-  
red in sending  
Troops to Mira-  
michi.

To His Excellency the Lieutenant-Governor, the sum of sixty-four pounds one shilling and eight-pence, to defray the expences incurred in sending a detachment of His Majesty's troops to Miramichi, to aid the Civil Power.

Extra Tidewait-  
ers.

To His Excellency the Lieutenant-Governor, the sum of seventy-nine pounds five shillings, to defray the expences of several persons appointed by His Excellency to as-

sist



ist in, collecting the duties lately given to the Province, by an Act of the Imperial Parliament.

To His Excellency the Lieutenant-Governor, the sum of three hundred and seventy pounds five shillings and three-pence, to defray expences incurred in making a survey for opening a Canal between the Bay of Fundy and the Gulf of Saint Lawrence. Canal.

To His Excellency the Lieutenant-Governor, the sum of fifty pounds, for services performed by Richard Price, Esquire, in discharge of his public duty: And the further sum of one hundred and thirty-four pounds eight shillings, for services performed by twenty-one Constables of the Parish of Ludlow: And three pounds fifteen shillings to the Crier attending an extra Court held in Northumberland, for the trial of persons charged with having been guilty of riots in that County. Richard Price, Esquire. Constables. Crier.

To His Excellency the Lieutenant-Governor or Commander in Chief, the sum of one hundred and fifty pounds, as a remuneration to the Staff Officer who inspected the Militia of the Province, and superintended the details of the same, for the year one thousand eight hundred and twenty-two. Staff Officer for Inspecting the Militia, for 1822.

To His Excellency the Lieutenant-Governor or Commander in Chief, the sum of one hundred and fifty pounds, as a provision for a Staff Officer to inspect the Militia of the Province, and superintend the details of the same, for the year one thousand eight hundred and twenty-three. Inspecting Field Officer of Militia.

To

Adjutant General  
of the Militia.

To the Adjutant-General of the Militia Forces, the sum of fifty pounds, for the duties of his office, for the year one thousand eight hundred and twenty-three.

Serjeant-Majors

To His Excellency the Lieutenant-Governor or Commander in Chief, a sum not exceeding one hundred and twenty pounds, to pay the Serjeant-Majors of Militia of this Province, for the time being, who are actually employed: *Provided* that each Serjeant-Major who shall appear by a certificate from his Commanding Officer, to have faithfully performed his duty, shall receive seven pounds ten shillings, and no more, in each year.

Anthony Lock-  
wood, Surveyor-  
General, for of-  
fice rent

To the Honorable Anthony Lockwood; Surveyor-General of the Province, the sum of twenty-five pounds, to defray the rent of an office, for the year one thousand eight hundred and twenty-two.

Edward H. Cut-  
ler.

To Edward H. Cutler, the sum of seventeen pounds sixteen shillings and eight-pence, being the difference between the long and short duty on nineteen puncheons of rum imported by him at Miramichi; in one thousand eight hundred and twenty.

Edward Foster.

To Edward Foster, the sum of one hundred and thirty-seven pounds ten shillings, being the duty on twenty-five puncheons of rum imported into this Province, in one thousand eight hundred and twenty-one; and exported to the United States.

A. Thompson.

To Alexander Thompson, the sum of forty-four pounds fifteen shillings and ten-pence, for drawbacks on nine puncheons rum exported by him to the United States, in one thousand eight hundred and twenty.

To

To Cadwallader Curry, the sum of fifty-nine pounds two shillings, being the amount of non-resident duty on sundry cargoes exported by him to the United States, in one thousand eight hundred and nineteen. Cad. Curry.

To Peter V. Flaglor, the sum of twenty-five pounds, to enable him to continue his establishment on the Miramichi Portage, for the accommodation of Travellers. P. V. Flaglor.

To the Governor and Trustees of the Madras School in New-Brunswick, the sum of five hundred pounds, towards the support of that Institution throughout the Province. Madras School.

To the Mayor, Aldermen, and Commonalty, of the City of Saint John, for the purpose of assisting in securing the Bar at the mouth of the Harbour, the sum of two hundred and fifty pounds, to be paid whenever His Excellency the Lieutenant-Governor or Commander in Chief, shall be furnished with satisfactory certificates that a like sum of two hundred and fifty pounds has been raised and paid, or secured to be paid, and to be used and applied towards securing the said Bar. Mayor, &c. Saint John.

To Rachel Martin, a licenced Instructor, the sum of thirty pounds, for teaching a School in the Parishes of Norton and Hampton, in Kings County, in the year one thousand eight hundred and twenty, and one thousand eight hundred and twenty-one. Rachel Martin.

To Matthew Brannen, the sum of one hundred and fifty pounds, as a remuneration to him for extra services performed as Clerk in the Secretary's office. M. Brannen

To Zebedee Linikin, the sum of one hundred and fifty pounds, to reimburse him for the Z. Linikin.

the expences incurred in defending a suit brought against him by William Vance, for his conduct as a Captain of Militia, for enforcing the Militia Law against the said William Vance, for delinquency.

M. Vernon.

To Moses Vernon, the sum of one hundred and fifty-eight pounds fourteen shillings, for a balance due to him as late Supervisor of the road from Saint John to Saint Andrews.

R. Lawrence.

To Richard Lawrence, the sum of forty-seven pounds, for repairing and cleaning two hundred and thirty-five stand of Arms for the use of the Saint John County Militia, in the year one thousand eight hundred and twelve.

J. Patterson.

To John Patterson, the sum of one hundred and thirty-four pounds fifteen shillings, being drawbacks on rum; wine, and sugar, exported to the United States, in one thousand eight hundred and twenty-one, according to his Petition: it having been satisfactorily proved that these articles were actually exported and landed in the United States; and that such sum be endorsed or received as payment of his bond in the hands of the Attorney General for collection.

C. Stewart.

To Charles Stewart, at the Great Falls, the sum of twenty pounds, for aid afforded to distressed Emigrants, on their way to and from Canada.

Eliza Tilton.

To Elizabeth Tilton, the sum of twenty pounds, to relieve her from her distressed situation, having been reduced to extreme want in consequence of the death of her husband, who was killed while apprehending Deserters from His Majesty's Service.

To

To James Ewing, the sum of seven pounds Jan. Ewing.  
eighteen shillings and six-pence, for draw-  
back of three-pence per gallon on six hun-  
dred and thirty four gallons of rum exported  
to the United States, in one thousand eight  
hundred and nineteen.

To Benjamin Wilson, late Supervisor of Ben. Wilson.  
the Eastern District, the sum of two hundred  
and eighty-six pounds nine shillings, to re-  
munerate him for money expended on the  
great roads of communication.

To Thomas Donahoe, the sum of twenty- T. Donahoe.  
five pounds, to aid him in the support of an  
establishment for the accommodation of Tra-  
vellers on the road leading from St. John to  
St. Andrews.

To the Widow of the late George Wet- Mrs. Wetmore.  
more, Esquire, the late Clerk of this House,  
the sum of two hundred pounds.

To the Overseers of the Poor of the Pa- Overseers of Poor,  
St. Andrews.  
rish of Saint Andrews, the sum of sixty-six  
pounds eight shillings and eleven-pence, be-  
ing for money advanced by them for the sup-  
port of transient Poor and indigent Emi-  
grants in that Parish, in one thousand eight  
hundred and twenty-two.

To the Overseers of the Poor of the Pa- Do. Pennfield.  
rish of Pennfield, the sum of six pounds two  
shillings, being for money advanced by them  
for the support of transient Poor and indi-  
gent Emigrants in that Parish.

To the Overseers of the Poor for the Pa- Do. St. John.  
rish of Saint John, the sum of four hundred  
and one pound six shillings and four-pence,  
to reimburse them for expences actually in-  
curred in support of transient Poor and in-  
digent Emigrants in that Parish. To

Do. Portland.

To the Overseers of the Poor for the Parish of Portland, the sum of one hundred and ninety-one pounds four shillings and six-pence, for expences actually incurred in supporting transient Poor, Black Refugees, and distressed Emigrants, in that Parish.

Do. Fredericton.

To the Overseers of the Poor of the Parish of Fredericton, the sum of three hundred and forty-one pounds fourteen shillings and eleven-pence, being for expences actually incurred by them in support of transient Poor, distressed Emigrants, Soldiers and Sailors, for the year one thousand eight hundred and twenty-two.

A. Thompson, a  
Tide-Surveyor at  
West Isles.

To His Excellency the Lieutenant-Governor or Commander in Chief, the sum of one hundred pounds, for the purpose of enabling the Treasurer to pay Alexander Thompson, a Tide-Surveyor at West-Isles, for his services as such from the eighteenth May last, to this period.

Peter Smith, a  
Tide-Surveyor at  
St. Andrews.

To His Excellency the Lieutenant-Governor or Commander in Chief, the sum of seventy-five pounds, for the purpose of enabling the Treasurer to pay Peter Smith, a Tide-Surveyor at St. Andrews, for his services as such from the eighteenth day of May one thousand eight hundred and twenty-two, to the eighteenth day of May one thousand eight hundred and twenty-three.

Sheriff of Sun-  
bury.

To the Sheriff of the County of Sunbury, for returning William Wilmot, Esquire, a Member from that County, to serve in General Assembly, the sum of twenty pounds.

Ferriages of Cou-  
tiers

To His Excellency the Lieutenant-Governor or Commander in Chief for the time being,

being, a sum not exceeding thirty-five pounds, to defray the expences of ferriages of Couriers from Fredericton to Halifax and Saint John, in the year one thousand eight hundred and twenty-two; and to make up the deficiencies of the grants for the preceding years.

To the Sheriff of the County of Westmoreland, for returning Malcolm Wilmot, Esquire, a Member for that County, to serve in General Assembly, the sum of twenty pounds.

Sheriff of Westmoreland.

To the Commissioners of the Revenue Cutter, the sum of nine hundred and twenty-nine pounds twelve shillings and nine-pence, for balance due to them up to the thirty-first day of December last, as by their report and account.

Revenue Cutter

To His Excellency the Lieutenant-Governor or Commander in Chief for the time being, the sum of one hundred pounds in addition to the sum of one hundred pounds granted at the last Session of the General Assembly, towards defraying the expence of revising and printing the Laws of this Province, to the present Session inclusive.

Revising and printing the Province Laws.

To His Excellency the Lieutenant-Governor or Commander in Chief for the time being, the sum of five hundred pounds, to be applied to the reparation of such bridges and parts of the great roads of communication throughout the Province, as may require the same during the present year.

Great Roads, &c.

To Joseph Haynes, the sum of thirteen pounds twelve shillings, to remunerate him for drilling the York and Charlotte County

Jos. Haynes.

embodied Militia, in the years one thousand eight hundred and twelve and one thousand eight hundred and thirteen.

Overseers of the  
Poor of Saint Ste-  
phens.

To the Overseers of the Poor of the Parish of St. Stephens, the sum of fifty pounds, to reimburse them in part for expences incurred for support of transient Poor in that Parish, for the year one thousand eight hundred and twenty-two.

Geo. Morehouse.

To George Morehouse, Deputy-Surveyor, the sum of ten pounds, for surveying the road from the River Saint John to the Dumfries Lake Settlement, and for inspecting the road from the said Lake to the Magundy Ridge Settlement.

Province Hall.

To the Commissioners appointed to make the addition to the Province Hall, a sum not exceeding three hundred pounds, to enable them to finish the same.

Dan. Morehouse.

To Daniel Morehouse, late Supervisor for the great road of communication from Fredericton to Canada line, the sum of one pound five shillings and ten-pence, a balance due him.

Hon. E. Jarvis.

To the Honorable Edward Jarvis, late Clerk of the House of Assembly, the sum of sixty pounds, to remunerate him for his services for filing and arranging the papers of the House, agreeably to a resolve of the House the last Session.

Do.

To the Honorable Edward Jarvis, the sum of twenty-seven pounds five shillings and two-pence, for expences incurred by him in arranging the papers of the House, and a charge for stationary, agreeably to a resolve of the House in the Session of one thou:



thousand eight hundred and twenty-one, and another in the Session of one thousand eight hundred and twenty-two.

G. K. Lugin, for  
Printing.

To Geo. K. Lugin, the sum of fifty-two pounds, being a balance due him for printing the Acts of the Legislature, the Journals of the Assembly, and Treasurer's accounts : And a further sum of thirty-one pounds seven shillings and six-pence, for printing various Acts of the General Assembly, Proclamations, and Militia General Orders.

Ditto, for daily  
Journals.

To Geo. K. Lugin, the sum of eighty pounds, for printing the daily Journals of the Assembly.

Printing Laws.

To His Excellency the Lieutenant-Governor or Commander in Chief for the time being, the sum of fifty pounds, towards defraying the expence of printing the Laws of the present Session : And a further sum not exceeding one hundred pounds, towards defraying the expence of printing the Journals of the present Session.

Printing Journals.

II. *And be it further enacted,* That all the beforementioned sums of money shall be paid by the Treasurer, by warrant of His Excellency the Lieutenant-Governor or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, out of the monies now in the Treasury, or as payments may be made at the same.

To be paid by  
warrant.