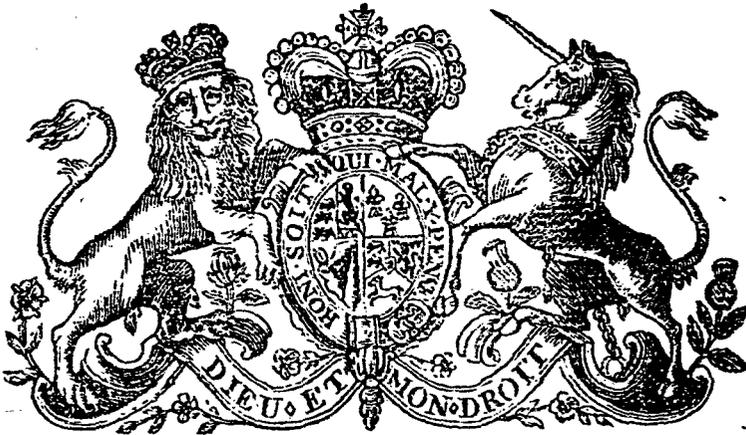


Geo. Westmore Clerk & Queen's Co.

A C T S
OF THE
GENERAL ASSEMBLY

OF
HIS MAJESTY'S PROVINCE
OF
NEW-BRUNSWICK,

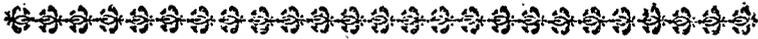
PASSED IN THE YEAR 1799.



St. JOHN:
Printed by JOHN RYAN, No. 58, Prince William-Street,
PRINTER to the KING'S MOST EXCELLENT MAJESTY.

1799.

Rec. Aug. 14, 1906.

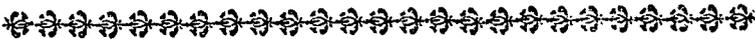


ANNO REGNI
GEORGI III. *REGIS*

Magnæ Britanniaë, Franciæ and Hiberniæ,
TRICESIMO NONO.

ACTS passed by the GENERAL ASSEMBLY of the Province of NEW-BRUNSWICK begun and holden at FREDERICTON on the TWELFTH day of FEBRUARY, ANNO Domini 1793, in the THIRTY-THIRD Year of the reign of our Sovereign Lord GEORGE the THIRD by the Grace of GOD, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c.

And from thence continued by several prorogations, to TUESDAY the FIFTEENTH Day of JANUARY, 1799; being the Fourth Session of the Third GENERAL ASSEMBLY convened in the said Province.



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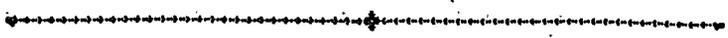


L A W S

OF THE

PROVINCE OF NEW-BRUNSWICK.

[Passed the 4th day of February, 1799.]



C A P. I.

An ACT for raising a Revenue in this Province:

I. *Be it enacted by the Lieutenant Governor, Council and Assembly,*

THAT from and after the passing of this act, there be and hereby is granted to His MAJESTY, his Heirs and Successors for the use of this Province, and for the support of the Government thereof, the several rates and duties on the articles herein after mentioned, which shall or may be brought or imported into any port or place within this Province, (except the product or manufacture of Great-Britain or Ireland, directly imported from thence) to be paid by the importers thereof, that is to say; for every gallon of Rum, *three pence*, for every gallon of Brandy, Geneva, and all other distilled spirituous Liquors, *eight pence*, for every gallon of Wine, *nine pence*, for every gallon of Molasses, *one penny*, for every gross hundred weight of brown Sugar, *two shillings*, on the amount of the original invoice; allowing *twenty-five per cent* for tare and wastage; for every pound of Bohea Tea, *one penny*, for every pound of Hyson, Souchong and all other Teas, *two pence*, for every pound of Leaf Tobacco, *two pence*, and for every pound of other Tobacco excepting such as is the manufacture of Great-Britain directly imported from thence, *six pence*.

Duties per gallon
 on Rum 3d. on
 Brandy, Geneva,
 and other distilled
 spirituous Liquors,
 8d. on Wine 9d.
 Molasses 1d. brown
 Sugar 2s. per Cwt.
 Bohea Tea 1d. per
 lb. other Teas 2d.
 Leaf Tobacco 2d.
 other Tobacco 6d.

II. *And be it further enacted,* That the rates, duties, and imports to be raised and paid by virtue of this act, shall be paid at the time of the importation of such articles into the city and county of Saint John, unto the Treasurer of the Province or his Deputy, to be appointed in the manner herein after mentioned, and at every other port or place to his Deputy or Deputies in such county respectively where the same shall be imported,

Duties to be paid
 at the time of im-
 portation,

unless they amount to 10*l.* or upwards; then bonds payable in three months, if to 50*l.* in 6 months.

ported, unless such duties on any one cargo shall amount to upwards of ten pounds; in which case the Treasurer or his Deputy upon such owner or importer giving bond with good and sufficient security in double the amount of the duties payable upon the articles specified in the report, estimating each hoghead of Sugar at fifteen hundred weight, may take the same payable in three months, and if the said duties shall amount to fifty pounds and upwards, bonds may be so taken payable in six months.

Masters, Owners, &c. to report to the Treasurer in twenty-four hours,

III. *And be it further enacted,* That every master, owner and consignee of any ship, vessel, or coasting craft, coming into any port or harbour of this Province, shall within twenty four hours after his arrival, and before breaking bulk, make report in writing by them subscribed and upon oath to the said Treasurer or his Deputy, of all the packages or articles on board such ship or vessel, whether dutiable or not, describing the same; and shall also make oath that there has not to their knowledge or belief, been landed or permitted to be landed or taken from on board such ship, vessel, or coasting craft, any such articles within this Province or any of the coasts thereof since his sailing from the port or place where such articles were laden on board for exportation; and in case of refusal or neglect by any such master, every such ship, vessel, or coasting craft shall be, and hereby is declared to be forfeited; and if any dutiable goods shall be landed in any part of this Province before entry and report made as aforesaid, or, not being duly entered as aforesaid, shall be found on board any ship or vessel after such entry made, or if any such articles shall have been landed from any ship, vessel, or coasting craft after report made as aforesaid, other than were specified in such report or manifest, or for which a permit shall not have been obtained agreeable to the provisions of this act, such ship, vessel, or coasting craft, together with the dutiable articles so landed or found on board contrary to the true intent and meaning of this act, shall be and the same are hereby declared to be forfeited, and shall and may be seized by such

and make oath that nothing has been landed

on pain of forfeiture of vessel; all goods landed before report, or found on board not reported —to be forfeited, together with the vessel.

To be prosecuted in the Supreme Court, half to the seizing officer, residue to the Province

Treasurer or his Deputy, and information made and proceedings to condemnation had in the Supreme Court; and all forfeitures incurred by virtue of this act, after deducting the costs and charges of prosecution, together with all reasonable charges that may have occurred, shall be paid as follows, that is to say, one half part to the officer seizing and prosecuting the same to condemnation, and the residue into the hands of the Treasurer of the Province for the use thereof: And it shall and may be lawful to or for the said Treasurer and his Deputies or either of them authorized by Writ of Assistance under the seal of His MAJESTY'S Supreme Court, issued with the allowance of Fiat of one of the Judges on affidavit duly made, to take the High Sheriff in person or his Deputy, and in the day time to enter and

Treasurer to have writ of assistance from the Supreme Court allowed by a Judge on affidavit, &c.

and go into any house, store, ware-house or out-house, and in case of resistance to break open doors, and open and examine casks, chests, or other packages; there to seize and from thence to bring any kind of goods or merchandize whatsoever so landed as aforesaid contrary to the provisions and the true intent and meaning of this act, and for which any duties are payable and ought to have been paid or secured by this present act.

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

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

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

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

VIII. *And be it further enacted,* That it shall and may be lawful for the Treasurer of the Province, in case of sickness or necessary absence from the City and County of Saint John, to appoint a fit person to act as his Deputy in the same City and County, for whose acts the said Treasurer shall be responsible; which Deputy shall have the same power and authority

Treasurer to put the bonds for the duties in suit, if not paid in time.

Within one month or be answerable.

Treasurer to appoint Deputies to be approved of by the Governor—to give bond &c. and receive 10 pr. cents for their trouble.

Money to be disposed of by act of Assembly.

Treasurer in case of sickness or absence, to appoint a Deputy at Saint John; who is not to be allowed 10 pr cents

to act in every respect as any Deputy of the Treasurer in any other County of this Province can or may have by virtue of this Act: PROVIDED ALWAYS, that such Deputy shall not be entitled to the allowance of ten per cent. hereby given to the other Deputies, any thing herein contained to the contrary notwithstanding:

Treasurer to give permits to the tide surveyor to be appointed by the Governor.

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

Who is to detain vessel and goods not entered agreeably to law, and report to the Treasurer, who is to prosecute.

Officer so detaining to have one-fourth of the seizure.

Duties to be secured before bulk broken

X. *And be it further enacted,* That every master, owner or consignee of every ship, vessel or coasting craft coming into any port or harbour in this Province, shall, before bulk be broken, pay or give security as aforesaid for the payment of the duties, imposed by this act, upon all and every of the dutiable articles on board such ship, vessel or coasting craft.

Unless reported for exportation at the time of entry.

PROVIDED ALWAYS, That if any part of the Rum, Brandy, Geneva, Wine or Molasses, imported as aforesaid, shall at the time of entry thereof as aforesaid at the Treasurer's office, be reported for exportation in the same vessel or coasting craft, the duties shall not be required to be paid or secured to be paid for such Rum, Brandy, Geneva, Wine or Molasses so reported.

XI. *And be it further enacted,* That if it shall, at any time, be found that any Rum, Brandy, Geneva, Wine or Molasses, fo reported for exportation, has been landed contrary to the provisions of this act, every ship, vessel or coasting craft, in which the same was imported, shall be forfeited; and shall and may be seized and prosecuted to condemnation in the manner herein before mentioned.

If articles reported for exportation shall be clandestinely landed, vessel to be forfeited.

XII. *And be it further enacted,* That from and after the passing of this act, there shall be allowed on the following articles which shall have been imported into this Province, on the same being exported out of the said Province—(provided three hundred gallons or more are exported in one vessel at one time) the following drawbacks, to wit: on Rum *two pence* per gallon, on Brandy and Geneva *six pence* per gallon, and on Wine *six pence* per gallon, of the duties paid or secured to be paid on the several articles.

Drawback upon exportation of Rum, ed. per gallon, of Brandy, Geneva & Wine, 6d. per gallon—if the quantity amounts to 300 gallons.

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

To be paid upon oath made by the exporter within six months after exportation.

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

Form of Oath.

And, for the better preventing frauds herein, bonds shall be given with sufficient securities in double the value of such articles, so to be exported, that the same or any part thereof shall not be re-landed in this Province, nor in any port or place in the United States of America to the eastward of Machias Harbour.

Bond to be given that articles exported shall not be re-landed.

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

If fraudulently re-landed, to be forfeited.

B

If discovered with-
in a year after draw-
back received, to
have been illegally
landed—the owner
liable to prosecuti-
on and to be fined
1801.

XV. *And be it further enacted*, That if it shall be discovered, at any time within *one year* after the drawback shall be received upon the exportation of any Rum, Brandy, Geneva or Wine as aforesaid, that any of those articles has been landed contrary to the condition of the bond given for the exportation thereof as aforesaid, the owner of such Rum, Brandy, Geneva or Wine, shall and may be prosecuted therefor by His MAJESTY'S Attorney General by Bill, Plaint or Information in the Supreme Court; and upon due conviction thereof shall forfeit and pay for each offence the sum of *one hundred pounds*.

Quantities of Rum
&c. imported, to be
gauged by Gunter's
Callipers, by sworn
Gaugers.

XVI. *And be it further enacted*, That the quantities of Rum, Brandy, Geneva, Wine and Molasses, so imported shall, be ascertained by the instrument commonly called Gunter's Callipers, and by no other instrument whatever, and shall be so gauged by a Sworn Gauger or Gaugers legally appointed, or to be appointed, for that purpose, in the City of Saint John, by the Lieutenant Governor or Commander in Chief of this Province, for the time being, and by the Justices at their Sessions in the several and respective counties.—PROVIDED that no Gauger shall Gauge any dutiable article his own property or consigned to him within this Province.

No Gauger to gauge
his own, or proper-
ty consigned to him

Falsc oath under
this act to be per-
jury.

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

No penalty to be
incurred by persons
not knowing the
act to be in force.

XVIII. PROVIDED ALWAYS, *and be it further enacted*, That nothing in this act shall extend to authorise any penalty or conviction of forfeiture on any master, owner or consignee of any such ship, vessel or coasting craft, where it shall appear that such master, owner or consignee is not wilfully guilty of any breach of this act by not knowing the same to be in force; but that every such master, owner or consignee, shall be exempt from such penalty or forfeiture upon payment of the duties imposed by this act or securing the payment of the same, any thing in this act to the contrary notwithstanding.

Act to continue to
1st April, 1801.

XIX. *And be it further enacted*, That this act shall continue and be in force until the *first* day of April; which will be in the year of our Lord *one thousand eight hundred and one*, and no longer; except for the recovery of any penalties inflicted in and by the fifteenth Section of this act.

C A P. II.

An ACT to provide for payment of fundry Debts of the Province, for the Year one thousand seven hundred and ninety-five. Passed the 4th February, 1799.

I. **B**E it enacted, *by the Lieutenant Governor, Council and Assembly*, That for the purpose of defraying the Debts of this Province for the year one thousand seven hundred and ninety-five, there be paid out of the monies now remaining in the Treasury; the following sums, to wit:—To the Heirs or Executors of the late Treasurer of the Province, for his services for one year, ending the first day of March, one thousand seven hundred and ninety-five, the sum of *one hundred and thirty-five pounds*: To the Tide Surveyor in the City of Saint John, for his services to the first day of March, one thousand seven hundred and ninety-five, the sum of *forty pounds*: To His Excellency the LIEUTENANT GOVERNOR, for the payment of the Adjutants of the several Regiments of Militia, for the year one thousand seven hundred and ninety-five, a sum not exceeding *one hundred and sixty pounds*: To His Excellency the LIEUTENANT GOVERNOR, for defraying an expence incurred by the Mayor, Aldermen and Commonalty of the City of Saint John, in maintaining and securing divers Prisoners apprehended in the United States, and conveyed to the Gaol of Saint John, charged with having committed Piracy, the sum of *twelve pounds six shillings and seven pence*: To John Holland, Esq. late Sheriff of the City and County of Saint John, for his extra-trouble in keeping the Prisoners committed to the Gaol of Saint John, from the other parts of the Province, the sum of *twenty pounds*: To His Excellency the LIEUTENANT GOVERNOR, for defraying expences of the Province, a sum not exceeding *one hundred pounds*.

Monies to be paid out of the Treasury.

To the Heirs of Executors of the late Treasurer, for his services.

Tide Surveyor in the City of Saint John, for his services.

To the several Adjutants of the Militia.

Expence incurred by the Corporation of Saint John, in maintaining divers Prisoners.

To the late Sheriff of Saint John, for his extra-trouble in keeping Prisoners from other parts of the Province.

To the Lieutenant Governor, for defraying expences of the Province.

II. *And be it further enacted*, That all the aforesaid several sums of money shall be paid by the Treasurer, by Warrant issued by the LIEUTENANT GOVERNOR, or Commander in Chief of this Province, for the time being, by and with the advice and consent of His MAJESTY'S Council, and the receipts of the several persons intitled to the said sums, indorsed on the said Warrants, shall be to the Treasurer good vouchers and discharges for so much as shall thereby be acknowledged to be received.

To be paid by Warrant of the Lieutenant Governor with advice and consent of His MAJESTY'S Council.

C A P. III.

An ACT for defraying the Ordinary Services of the Year one thousand seven hundred and ninety-five. Passed the 4th February, 1799.

I. **B**E it enacted, *by the Lieutenant Governor, Council and Assembly*, That for the purpose of defraying the Debts of this Province for the year one thousand seven hundred and ninety-five, there be paid out of the monies now remaining in the Treasury, the following sums, to wit:—To the Speaker of the late House of Assembly, for his services during that Session, and for his travelling charges, the sum of *fifty pounds*: To the other Members of the late House of Assembly, for defraying their expences of attendance during that Session, and travelling charges, reckoning twenty miles to each day's travel, to be certified by the Speaker, the sum of *seven shillings and six pence* per diem: To the Heirs or Representatives of the late Chaplain of the House of Assembly, the sum of *ten shillings* per diem, during that Session: To the Clerk of the Council in General Assembly, for Stationary and other expences of that Session, the sum of *twenty five pounds*: To the Clerk of the Assembly, for his services during that Session, the sum of *ten shillings* per diem, and for other services, the sum of *forty pounds*: To the Serjeant at Arms, attending the Council in General Assembly, the sum of *ten shillings* per diem, during that Session: To the Serjeant at Arms, attending the Assembly, the sum of *ten shillings* per diem, during that Session: To the Door-keeper of the Council in General Assembly, the sum of *five shillings* per diem, during that Session: To the Door-keeper of the Assembly, the sum of *five shillings* per diem, during that Session: To the Messenger, the sum of *three shillings* per diem, during that Session: To the Clerk of the Assembly, for House Rent for the accommodation of the General Assembly and Courts of Justice for one year, ending the first day of February, one thousand seven hundred and ninety-six, the sum of *forty pounds*: To the Clerk of the Assembly, for Fuel, Stationary and other expences of that Session, the sum of *twenty pounds five shillings and seven pence*.

Monies to be paid out of the Treasury.

To the Speaker for his services.

To the other Members, at the rate of 7s. 6d. per diem, to be certified by the Speaker.

To the Heirs of the late Chaplain.

To the Clerk of the Council, for Stationary and other expences.

Clerk of the Assembly for his services.

Serjeant at Arms attending the Council.

Serjeant at Arms attending the Assembly.

Door-keeper of the Council.

Door-keeper of the Assembly.

Messenger.

House Rent.

Clerk of the Assembly for Fuel, Stationary, and other expences.

II. *And be it further enacted*, That all the aforefaid several sums of Money, shall be paid by the Treasurer by Warrant, issued by the **LIEUTENANT GOVERNOR**, or Commander in Chief of this Province, for the time being, by and with the advice and consent of His **MAJESTY'S** Council, and the receipts of the several persons intitled to the said sums, indorsed on the said Warrants, shall be to the Treasurer good vouchers, and discharges for so much as shall thereby be acknowledged to be received.

To be paid by Warrants of the Lieutenant Governor with advice and consent of His **MAJESTY'S** Council.

C A P. IV.

An ACT to provide for payment of the Services therein mentioned. Passed the 8th February, 1799.

I. **B**E it enacted, *by the Lieutenant Governor, Council and Assembly,* That for the purpose of defraying the Debts of this Province, for the year one thousand seven hundred and ninety-five, there be paid out of the monies now remaining in the Treasury, the following sums, to wit:—To William Pagan, Esq. for Books imported by order of the House of Assembly, for the use of the Legislature, the sum of *twenty four pounds three shillings and four pence*: To Thomas Wetmore, Esq. for services performed by him in preparing sundry Bills and other assistances of Clerk-ship rendered the House of Assembly, the sum of *ten pounds*.

Monies to be paid out of the Treasury.
For Books imported by order of the House of Assembly.
For assistance of Clerk-ship by Thomas Wetmore Esq.

II. *And be it further enacted,* That the aforefaid sums of moneys, shall be paid by the Treasurer by Warrant, issued by the LIEUTENANT GOVERNOR or Commander in Chief of this Province, for the time being, by and with the advice and consent of His MAJESTY'S Council, and the receipts of the several persons intituled to the said sums, indorsed on the said Warrants, shall be to the Treasurer good vouchers and discharges for so much as shall thereby be acknowledged to be received.

To be paid by Warrant of the Lieutenant Governor, with advice and consent of His MAJESTY'S Council.

C A P. V.

An ACT for regulating the Fisheries in the County of Northumberland. Passed the 8th February, 1799.

WHEREAS the Laws now in force for regulating the Fisheries in the County of Northumberland have been found inadequate to the purposes intended; for remedy whereof,

Preamble;

I. BE it enacted, *by the Lieutenant Governor, Council and Assembly,* That so much of an Act made and passed in the thirty-third year of His MAJESTY'S Reign, intituled "an Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province," as relates to the County of Northumberland, be, and the same is hereby repealed; and that from and after the passing of this act, the Fisheries in the said County

Repeal of the Provincial Law for regulating Fisheries, so far as relates to the County of Northumberland.

Directions for the future regulation of the Fisheries in the said County, limiting the distances to which Nets may be extended into the Bay and River Miramichi, in the several and respective Districts,

of Northumberland, shall be regulated in the manner herein after mentioned, that is to say, in the Bay and River Miramichi and its Branches: No Net whatever to be set off any part of Fox Island, Waltham, alias Portage Island, or any other Island, Middle Ground or Shoal in the said Bay, River and Branches, excepting as is herein after permitted. No Net to be set from Point Esquimaux to the western extremity of Huckleberry Island, to extend into the Bay more than one hundred fathoms from low water, and no Net to be set in the said space, but by the Acadian or other Inhabitants of Lower Bay du vin; from thence to the Lot formerly owned by Thomas Ian, now owned by Duncan Robertson; no Net to be set along the South shore, in the said space, to extend into the Bay more than two hundred fathoms from three feet water at low water; a base line to run from the said Lot to the Barn now owned by James Horton, Esq. in Bay du vin; no Net to extend into the Bay more than two hundred fathoms from the said line; from the said Barn to the Eastern line of the Lot lately owned by John Mark Crank Desjardins; no Net to extend into the Bay more than two hundred fathoms; from thence to Point Aux Bar; no Net to extend into the Bay more than two hundred fathoms, from Point Aux Bar to the Lot owned by Alexander Wilson; no Net to extend into the Bay more than three hundred fathoms from low water; a base line to run from the said Alexander Wilson's Lot to Point Cheval; no Net to extend into the Bay more than three hundred fathoms from the said line; from Point Cheval to the upper extremity of the Sand-beach in Napan Bay; no Net to extend into the Bay more than two hundred and fifty fathoms from low water; no Net to be set off either side of Bay du vin Island, to extend into the Bay more than sixty eight fathoms from low water; a base line to run from the upper extremity of the said Sand-beach in Napan Bay to a Point commonly called Green Point, on the West side of a small Creek at the end of George Murdoch's Marsh; no Net to extend into the Bay more than two hundred fathoms from the said line, and no Net set from the said line to be nearer than one hundred fathoms to the said Green Point; from the said Green Point to within forty rods of the Fish-hed, formerly occupied by James Anderson; no Net to be set to extend into the Bay more than one hundred and fifty fathoms from low water; from thence to the lower extremity of East Point; no Net to be set to extend into the River more than eighty fathoms from low water; no Net to be set off East Point to extend into the River more than fifty fathoms from low water; no Net to be set off Sheldrake Island to extend into the River or Bay more than sixty fathoms from low water; no Net to be set off Hay Island opposite Neguac to extend into the Bay more than twenty fathoms from low water; from thence to Lot No. 81, owned by James Fraser, Esq. inclusive; no Net to extend into the Bay more than three hundred

dred fathoms from low water, and no Net to be set in the said space to be more than two hundred fathoms in length; from thence to Lot No. 76, owned by James Thom, inclusive; no Net to extend into the Bay more than two hundred and eight fathoms from low water; a base line to run from low water on Lot No. 76, to the first Point above the House owned by John English, opposite to the lower end of Sheldrake Island; no Net to extend into the Bay more than two hundred and fifty fathoms from the said line; from thence to the lower line of Lot No. 71; no Net to extend into the Bay more than two hundred fathoms from low water; no Net to be set in front of Lot No. 71, to extend into the River more than seventy fathoms from low water; a base line to commence at the upper line of Lot No. 71, or Moody's Point, at low water mark, and end at low water mark on Lot No. 69, from thence to continue to low water mark on Lot No. 66; no Net to extend into the River more than sixty-five fathoms from the said line; no Net to be set in front of the Lots, No. 65 and 66, to extend into the River more than sixty-five fathoms from low water; no Net to be set in front of the Lots, No. 64 and 63, to extend into the River more than seventy fathoms from low water; no Net to be set in front of Lot No. 62, to extend into the River more than sixty-five fathoms from low water; no Net to be set in front of Lot No. 61, to extend into the River more than forty-five fathoms from low water, from Lot No. 61 to Lot No. 57, inclusive; no Net to extend into the River more than sixty-five fathoms from low water; no Net to be set in front of the Lots, No. 56, No. 55, and No. 54, to be longer than sixty-five fathoms, beyond forty fathoms from low water; no Net to be set in front of the Lots, No. 53, No. 52, and No. 51, to be longer than sixty-five fathoms, beyond fifty fathoms from low water; no Net to be set in front of Lot No. 50, to extend into the River more than sixty-five fathoms from low water; from thence to Lot No. 39, inclusive; no Net to be set to extend into the River more than thirty-seven fathoms from low water; no Net to be set in front of Lot No. 38, to extend into the River more than fifty fathoms from low water; no Nets to be set in front of Lots, No. 37, No. 36, No. 35, and No. 34, to extend into the River more than sixty-eight fathoms from low water; from thence to Delesdernier's Saw-Mill Cove, inclusive; no Net to extend into the River more than seventy fathoms from low water; from thence to Lot No. 14, inclusive; no Net to extend into the River more than fifty fathoms from low water; from thence to Lot No. 5, inclusive; no Net to extend into the River more than forty-two fathoms from low water; from thence to Lot No. 1, inclusive; no Net to extend into the River more than fifty-five fathoms from low water; from thence along the North shore to the Cove below James Oxford's House on the North West Branch; no Net to extend more than thirty fathoms from low water;
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from thence to the Saw-Mill Cove, inclusive; no Net to be set to extend into the River more than forty fathoms from low water, excepting in front of the Lots now occupied by James Oxford, Duncan Mac Intyre and George Hubbard, where the Nets shall not extend into the River more than twenty fathoms, from one foot water, at low water; from the said Saw-Mill Cove, to the Cove below Barr's Point; no Net to extend into the River more than eighty fathoms from low water; from thence to the upper Bass Fishery; no Net to extend into the River more than forty fathoms from low water; from thence to Barnett's Point; no Net to extend into the River more than sixty fathoms from low water, excepting in front of the Lots occupied by George Urquhart and Thomas Wright, where no Net shall extend into the River more than eighty fathoms from low water; from thence to the Lot claimed by John Stewart, on the North side, opposite to the Lot occupied by him on the South side; no Net to extend into the River more than forty fathoms from low water; no Net to be set in front of the Lot owned and occupied by John Stewart on the South side, nor along the South or Western shore, downwards to Beauhebert's Point, inclusive, to extend into the River more than forty fathoms from low water; a base line to run from East Point to West Point; no Net to extend into the River more than fifty fathoms from the said line; from low water mark at West Point; a base line to run to low water mark at the lower Point of Lot No. 9; no Net to extend into the River more than sixty-five fathoms from the said line; from the said Point of Lot No. 9 to Terril's Point; no Net to extend into the River more than sixty-five fathoms from low water, excepting in front of Lots No. 18 and No. 19, where the Nets are to extend sixty-five fathoms beyond twenty fathoms at low water; no Net to be set off Terril's Point to extend into the River more than forty fathoms from low water; a base line to run from Terril's Point to the lower end of Middle Island; no Net to be set to extend into the River more than forty-eight fathoms from the said line; no Net to be set from Middle Island towards the North shore to extend into the River more than fifty fathoms from low water; no Net whatever to be set from Middle Island towards the South shore; no Net to be set from the South shore opposite to the upper end of Middle Island, to Alexander Gunn's lower Lot, inclusive, to extend into the River more than fifty-two fathoms from low water, excepting in front of the Lots No. 28 and No. 29, which shall not exceed sixty fathoms from low water, and in front of Lot No. 32 no Net to extend into the River more than thirty-eight fathoms from low water; no Net to be set in front of Lot No. 33 to extend into the River more than fifty-five fathoms from low water; no Net to be set in front of the Lots No. 50, No. 51, No. 52, No. 53 and No. 54, inclusive, to extend into the River more than sixty fathoms from low water; from thence to Lot No. 58, inclusive; no Net to extend

extend into the River more than sixty fathoms from low water; no Net to be set in front of the Lots No. 59, No. 60, and No. 61, to extend into the River more than fifty fathoms from low water; from thence to the Lot No. 41, in the grant to the late William Davidson, Esq.; no Net to extend into the River more than forty fathoms from low water; no Net to be set in front of the Lot lately occupied by Joel Spencer Turner, to extend into the River more than seventy fathoms from low water; no Net to be set from Beauhebert's Island, to extend into the River more than thirty fathoms from low water; ~~no Net whatever to be set in the Tickle between Beauhebert's Island and Beauhebert's Point, and no Net whatever to be set in front of the Burying Ground on Beauhebert's Point; no Net to be set from either side of the South West Branch from Beauhebert's Point on the Western shore, and Joel Spencer Turner's Lot on the Eastern shore to the Elm Tree, inclusive, to extend into the River more than forty fathoms from low water; no Net to be set between the extremity of Barnaby's Island and the Lot owned by William Gillice on the North shore, to extend into the River more than thirty fathoms from low water; from the Elm Tree to the Nashwaack Portage; no Net to be set from either side to extend more than one third part across the said Branch—PROVIDED ALWAYS, and it is hereby declared that no Net to be set in either of the Branches by virtue of this Act, shall extend more than one third part across such Branch, any thing herein before contained to the contrary notwithstanding, and that no Net shall at any time be set or remain in the water, or any Seine be drawn, or any Salmon speared in any part of the Bay and River Miramichi and its Branches between Sun-set on Saturday night and Sun-rise on Monday morning; and that this clause shall extend to the Cross-Net claimed by the Heirs of the late William Davidson, Esq. at the Elm Tree in the South West Branch of Miramichi River aforesaid; no Nets whatever to be set inside of any base lines allowed in the Bay, River and Branches, excepting in front of the Lot owned by Robert England in Nafflau Bay, where the Net may extend into the Bay in front of the said Lot two hundred fathoms from low water, and in front of the Lot owned by Richard Home in the said Nafflau Bay, where the Net may extend two hundred fathoms from low water—Provided no part of the said quantity of Net is set out side of the said line; no Net to be set off vacant Lands in the Bay, River or Branches below the upper settlement on the South West Branch, to extend from either shore more than five fathoms from low water, until the said Lands are allotted by Government or occupied by Permanent Settlers.~~

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No Net to be any where set in the said Bay or River, or either of its Branches, nor any Seine drawn nor Salmon speared between Sun-set on Saturday and Sun-rise on Monday.

No Net to be set off from vacant Lands, from either shore, more than five fathoms from low water until such Lands are allotted or duly occupied.

II. *And be it further enacted,* That if any person or persons, from and after the passing of this Act, shall presume to erect or set up any Hedge, Wear, Fish-garth, or other incumbrance, Offenders against these Regulations to forfeit and pay ten pounds, upon

conviction before any two Justices of the Peace for the said County— and twenty pounds for a second offence to be recovered with costs by action of debt, bill, plaint or information in any Court of Record, And fifty pounds for a third and every subsequent offence, to be recovered in like manner with costs, &c. Penalties to be paid one half to the informer and the other half to the Overseers of the Poor of the Parish.

or place any Seine or Seines, Net or Nets, in the Bay or River Miramichi, or its Branches, except as is herein before provided for, such person or persons so offending, shall forfeit and pay the sum of *ten pounds*, upon due conviction thereof by the oath of one or more credible witness or witnesses, before any two 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 *twenty pounds* for the second offence, to be recovered with costs, by action of Debt, Bill, Plaint, or Information in any Court of Record in this Province, and *fifty pounds* for the third and every subsequent offence, to be recovered with costs in the manner last mentioned: 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.

Justices of the said County in their general Sessions, to appoint Overseers of the Fisheries for each Parish or District, who are to be sworn—and have power to remove any Net, Wear, &c. set contrary to the Provisions of this Act.

III. *And be it further enacted*, That the Justices of the Peace in the said County of Northumberland in their General Sessions, may, and are hereby required to appoint one or more fit person or persons to be Overseers of the Fisheries for each Town, Parish or District, who shall be sworn to the faithful discharge of their duty; and shall have power to remove any Net, Hedge, Wear, Fish-garth, Seine, or other Incumbrance that shall be found in any River, Cove or Creek, contrary to the provisions of this Act.

Any such Net, Wear, or other incumbrance, to be seized by the Overseers, and if not claimed in ten days, to be forfeited and sold to satisfy the penalties hereby inflicted. The overplus, if any, to be paid to the Overseers of the Poor.

IV. *And be it further enacted*, That if any Net, Hedge, Wear, Fish-garth, or other Incumbrance, or any Drift-Net shall be found in any River, Cove, or Creek, contrary to the provisions of this Act, it shall and may be lawful for such Overseers of the Fisheries, and they and each of them are hereby required respectively forthwith to seize the same, and if no Owner shall appear to claim the same within ten days, such Net, Seine, or Fish-garth shall, together with the Fish, if any found therein, be forfeited and sold by the said Overseers to satisfy the respective penalties in this Act mentioned and inflicted, and the overplus, if any, shall be paid to the Overseers of the Poor for the use of the Poor of the Town or Parish where such offence shall be committed.

Overseers to have one shilling from the proprietors of each set of Nets in their respective districts, as a compensation for their trouble.

V. *And be it further enacted*, That the said Overseers of the Fisheries shall be intitled to demand and receive *one shilling* and no more for each set of Nets to be set in the District to which they shall be respectively appointed from the proprietors of such Nets as a compensation for their trouble.

VI. *And be it further enacted*, That if any such Overseer of the Fisheries shall at any time wilfully and knowingly delay, neglect,

neglect, or refuse to perform the duty in and by this Act enjoined, such offender shall forfeit and pay for every offence, the sum of *five pounds*, to be sued for, recovered and applied in the same manner as the penalty of ten pounds herein before mentioned, can or may be sued for, recovered or applied.

Overseers willfully neglecting or refusing to perform their duty, to pay five pounds for every offence.

In case of the neglect of Overseers, the Sheriff, his Deputy, or any Constable, on application of any person, to take up and remove any such Incumbrance, and any Net so taken, if not claimed within ten days, shall be the one moiety thereof the property of the complainant, and the other moiety the property of the Sheriff, his Deputy, or the Constable who shall take up the same.

VII. *And be it further enacted*, That if any Overseer shall so neglect to perform the duty in and by this Act enjoined, it shall and may be lawful for any person or persons to apply to the Sheriff, his Deputy, or any Constable, who are hereby authorised and required to take up and remove any such Incumbrance forthwith; and if no person or persons appear to claim the same within ten days, the said Net or Nets so taken up and removed as aforesaid, shall be considered the one moiety as the property of the person or persons so complaining, and the other moiety as the property of the Sheriff, his Deputy, or any Constable who may take up and remove the same.

VIII. *And be it further enacted*, That no Salmon shall be taken or killed in any manner whatever, in the River Miramichi, or in the River Restigouche, or in any of the Branches of the said Rivers, from the thirtieth day of August, to the first day of April in every year, nor shall any person purchase any Fish so killed or taken under the penalty of *five shillings* for each Fish so killed, taken or purchased, to be recovered before any of His MAJESTY'S Justices of the Peace, for the County of Northumberland, for the uses aforesaid.

No Salmon to be taken or killed in any manner whatever, from 30th August to 1st of April; in every year, not any such Fish be purchased, under penalty of five shillings for every Fish so killed, taken or purchased.

IX. *And be it further enacted*, That the Justices of the Peace in the said County of Northumberland, in their General Sessions, shall and may make such Rules and Regulations for the Fisheries in all other Rivers, Coves and Creeks within the said County, not herein and hereby regulated, as they shall think fit—PROVIDED the same Regulations, so to be made, be not contrary to, nor inconsistent with the provisions herein before contained; and the Overseers of the Fisheries, to be appointed in pursuance of this Act, are hereby required to see that such Rules and Regulations so to be made are observed and enforced in the same manner as any of the Rules and Regulations in this Act are required to be observed and enforced under such penalties, not exceeding *ten pounds*, as they the said Justices in their discretion shall think fit.

Justices of the Peace of the said County, in their general Sessions, to make rules and regulations for the Fisheries in all other places of the said County, but not to be contrary to the provisions herein ordained.

X. *And be it further enacted*, That this Act shall continue and be in force SEVEN Years, and no longer.

Continuance limited to seven years.

C A P. VI.

An ACT in amendment of an Act made and passed in the thirty-first Year of His MAJESTY'S Reign, intituled "An Act for the support and relief of "confined Debtors." Passed the 8th February, 1799.

Preamble.

WHEREAS by an Act made and passed in the thirty-first Year of His MAJESTY'S Reign, and revived and continued in the thirty-sixth Year of His MAJESTY'S Reign, intituled "An Act for the support and relief of confined Debtors;" the provisions in the said Act are restricted to such Debtors only, who are confined for debts not exceeding *one hundred pounds*. And Whereas the same provision ought to be extended to Debtors confined for larger sums.

I. BE it therefore enacted, *by the Lieutenant Governor, Council and Assembly*, That from and after the passing of this Act, the same provisions be, and are hereby extended to all and every Debtor or Debtors who are or may be confined for any sums, not exceeding *two hundred pounds*, under the same rules, regulations, and restrictions as in and by the said in part recited Act are provided.

The provisions of the Act "for the support and relief of confined Debtors," extended to Debtors, confined for sums not exceeding 200l.

II. *And be it further enacted*, That the said Act, except wherein the same is hereby enlarged and altered be, and the same is hereby declared to be in full force during the continuance of the same Act.

The said Act continued, except wherein it is hereby altered and enlarged.

C A P. VII.

An ACT to authorise the Justices of the Sessions in several Counties of this Province, to make Regulations for the Weighing of Hay, within such Counties where it may be found necessary to erect Machines for that purpose. Passed the 8th February, 1799.

I. **B**E it enacted, *by the Lieutenant Governor, Council and Assembly*, That from and after the passing of this Act, the Justices of the General Sessions of the Peace for the several Counties in this Province, except the County of Saint John, be, and hereby are authorized and empowered, if they think

Justices of the Peace in general Session, in the several Counties, ex-

think fit, to erect, or give permission for erecting Machines for the Weighing of Hay in such Town or Parish as they from time to time shall judge necessary, and to make and ordain such rules and regulations; and establish such rates and allowances to the owners and proprietors of the said Hay Machines in their respective Counties as they may judge necessary for the better government and management of the same; and that the said Justices shall and may affix such penalties not exceeding *ten pounds*, as they may think necessary for the carrying into execution such rules and regulations, and for the establishing such rates and allowances so by them to be made and established; such penalties to be recovered on the oath of one or more credible witness or witnesses, before any two of His MAJESTY'S Justices of the Peace, for the County where the penalty shall be incurred, and to be levied by Warrant of distress and sale of the Offender's goods, one half to the Informer, and the other half to the use of the Poor of the Town or Parish where the offence shall be committed.

cepting St. John, may authorize the erection of Machines for weighing Hay, And ordain regulations and establish rates, And affix penalties not exceeding ten pounds. Penalties to be recovered before any two Justices of the Peace of the County where the same shall be incurred, and levied by distress, one half to the Informer, and the other to the use of the Poor of the Parish.

C A P. VIII.

An ACT to prevent the Importation or Spreading of Infectious Distempers within this Province. Passed the 8th February, 1799.

WHEREAS Infectious Distempers have lately prevailed in different parts of the United States of America—Preamble: And Whereas it is necessary to prevent, if possible, the importation of such desolating Disorders into this Province.

I. BE it enacted by the Lieutenant Governor, Council and Assembly, That no Master, Mariner or Passenger, whatsoever, belonging to or coming in any British Vessel, or in any Vessel owned in the United States of America, from any port or place where the Yellow Fever, Putrid Bilious Fever, or other Pestilential or Contagious Distemper does prevail, shall land within the limits of any County in this Province, without permission first had and obtained in writing under the hand and seal of one of His MAJESTY'S Justices of the Peace for such County, under the penalty of *ten pounds*, for each and every person so landing without a written permission as aforesaid.

No person whatever belonging to or coming in any Vessel, British or American, from any place where any Contagious Distemper prevails, shall land within the limits of any County in this Province, without permission in writing under the hand and seal of one of His Majesty's Justices of the Peace of such County, under penalty of ten pounds for every person so landing.

II. And be it further enacted, That if any Master, Owner, or other person whatever, having charge of any Vessel or Coasting Craft, or of any Boat, Skiff, or other Craft, do land any person whatever, within the limits of the County of Charlotte,

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person within the lotte, taken from on board any Vessel or Craft whatever, of the County of Charlotte from on board from any of the shores of the United States of America, or of any Vessel or from Moose Island, Dudley Island, or Frederick Island, without from any of the a written permission first had and obtained as aforesaid, such shores of the United Offender shall on conviction that such person so unlawfully States, without landed has been, within thirty days of such landing, at any such written per- Port or Place in the United States, infected as aforesaid, forfeit mission, upon con- and pay for every person so landed, the sum of *ten pounds*, and, viction, that such on failure of such payment, shall suffer not exceeding three person unlawfully months imprisonment.

III. *And be it further enacted*, That all Tavern Keepers and other House Keepers whatever, within the County of Charlotte, shall make immediate report to the nearest Justice of the Peace of all and every person whatsoever, coming by what route soever, from any Port or Place, infected as aforesaid, into any or either of their families, under the penalty of *ten pounds*, for each and every person so omitted to be reported as aforesaid.

IV. *And be it further enacted*, That it shall and may be lawful for any of His MAJESTY'S Justices of the Peace within the said County of Charlotte to remove forthwith, or direct to be removed without the limits of this Province, any person or persons, not being His MAJESTY'S Subjects, who may have come into the said County, from any Port or Place, infected as aforesaid—Provided such person shall not have resided thirty days within the said County; in case he suspects danger of infection from such person continuing to reside within the said County.

V. *And be it further enacted*, That it shall and may be lawful for the Justices of the Peace in the respective Counties at their General Sessions, or at any Special Session to be called for the purpose, to make such further Rules and Regulations in aid of the present act, for the better preventing the importation or spreading of such infectious Distempers, with such Pains and Penalties not exceeding *ten pounds*, for each and every offence against such Rules and Regulations as to them may seem meet.

VI. *And be it further enacted*, That the Fines and Penalties in this Act mentioned, shall and may be recovered before any two of His MAJESTY'S Justices of the Peace, for the County where such offence shall be committed, on the oath of one or more credible witness or witnesses, and applied to the benefit of such County.

VII. *And be it further enacted*, That this Act shall not extend or be construed to extend to the City of Saint John.

C A P. IX.

An ACT to repeal an Act made and passed in the Thirty-sixth year of His MAJESTY'S Reign, intituled "an Act to prevent bringing Infectious Distempers into the City of Saint John," and to make more effectual provision for preventing the importation and spreading of such contagious Distempers. Passed the 8th of February, 1799.

WHEREAS an Act made and passed in the Thirty-sixth ^{Preamble,} year of his present MAJESTY'S Reign, intituled "an Act to prevent bringing Infectious Distempers into the City of Saint John," has been found ineffectual.

I. BE it enacted, *by the Lieutenant Governor, Council and Assembly,* That the aforesaid Act be, and the same is hereby re- ^{Former Act repeal-}pealed. ^{ed.}

II. *And be it further enacted,* That no Vessel having on board the Yellow Fever, Putrid Bilious Fever, or other pestilential or contagious Distemper, or coming from any place infected with any of the before-mentioned distempers, shall come or proceed, or be navigated or conducted further from the sea, towards or higher into the harbor of Saint John, than the Point commonly called Pagan's Point, or a line running due West therefrom, until such Vessel shall after her arrival have anchored at some place between the Point and line aforesaid and Partridge Island, and there have been and remained at anchor for the space of three days, nor until such Vessel shall have been duly inspected and examined, and shall have obtained a licence for that purpose from the Mayor, Recorder, and Aldermen of the said City of Saint John, or any two of them; which licence shall in no case be granted in less than three days after anchoring as aforesaid: And in case such licence shall be denied, and it shall be judged expedient by the said Mayor, Recorder and Aldermen, or any two of them, that the said Vessel, with the Cargo and Goods, and all persons on board should ride or perform Quarantine—then the master or commander, or other person having charge of the said Vessel for the time being, shall cause the said Vessel, with all the persons and Goods and Cargo on board, to anchor in such place and for such length of time not exceeding Forty Days, as the said Mayor, Recorder and Aldermen, or the major part of them shall direct and appoint; and all and every master and masters, and commander and commanders of Vessels, and every other person, who shall disobey or contravene any such direction or appointment,

No Vessel having on board the Yellow Fever, or other contagious Distemper, or coming from infected places to enter the Harbour of St. John beyond Pagan's Point, until three days after her arrival and being anchored between that Point and Partridge Island—nor until such Vessel shall have been duly examined and obtained a Licence from the Mayor, Recorder, and Aldermen of the City of Saint John, or any two of them, not be granted in less than three days.

In case it be thought expedient by the said Mayor, &c. that such Vessel should ride Quarantine—the said Vessel with all the persons and goods on board to be anchored for such time, not exceeding forty days, and in such place

as the Mayor, &c. may direct. Masters and other persons who shall disobey such directions or neglect to execute the same, shall pay for each offence, the sum of 200l.

ment, or neglect to execute and perform the same, or shall without a license for that purpose first had and obtained from the said Mayor, Recorder; and Aldermen, or any two of them, go on shore, or put on shore, or unlade, or assist in putting on shore, or unlading any person or Goods from any such Vessel as aforesaid, before the said Quarantine, or time of anchoring, so limited, directed and appointed, shall be fully completed and expired, shall for each and every offence severally forfeit and pay the sum of *two hundred pounds.*

The Master or Commander of every such Vessel, shall on arriving at the mouth of the Harbour of Saint John, hoist an Ensign with the Union down, or such other signal as may be on board, and continue such signal until Licence be had to remove it.

Not to be granted in less than three days, under penalty of twenty pounds.

III. *And be it further enacted,* That the Master or Commander of every Vessel, having on board the Yellow Fever, Putrid Bilious Fever, or any other Pestilential or Contagious Distemper, or coming from any place infected with any of the aforementioned Distempers, shall immediately after her arrival at or within Partridge Island, at the mouth of the Harbour of Saint John, hoist such Vessels Ensign with the Union down, or if there be no Ensign on board, then he shall hoist such other Colours as shall be on board half mast, and continue the said Signal so hoisted, until a Licence be had to remove the same; from the said Mayor, Recorder and Aldermen, or any two of them, which Licence shall in no case be granted in less than three days after first anchoring as aforesaid, under the penalty of *twenty pounds,* for each and every offence.

Mayor, Aldermen, and Commonalty of Saint John, to appoint one or more Physicians, to visit and inspect all such Vessels,

IV. *And be it further enacted,* That the Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council be, and they are hereby authorised and required to nominate and appoint one or more Physician or Physicians, who shall have power and authority to go on board, visit and inspect all Vessels arriving as aforesaid, which may be suspected of having on board the said Yellow Fever, Putrid Bilious Fever, or other Pestilential or Contagious Distemper, and who are required at the request of the Mayor, Recorder or Aldermen, or any two of them, to go on board such suspected Vessel or Vessels, and make full enquiry and examination into the state of the Health of all persons on board, or who have been on board, during any part of the voyage, and whether the said Vessel or Vessels came from, or touched at any place infected with any of the Distempers aforesaid, and into, and concerning all circumstances and matters in any wise touching or concerning the prevalence of any of the said Distempers at any place where the said Vessel or Vessels may have touched, or from which the said Vessel or Vessels may have sailed; and the said Physician and Physicians shall make report from time to time in writing to the Mayor, Recorder and Aldermen, or any two of them, so requesting him or them to go on board and make examination as aforesaid, of the result of such examination and enquiry, with his or their opinion and advice thereon; and such Physician or Physicians, shall have and receive from the Chamberlain of the City, such

And to make report in writing to the Mayor, Recorder and Aldermen, or any two of them.

such Fees, recompence and reward for the services to be performed from time to time as aforesaid, as the Common Council shall order and appoint. Fees for such services to be ascertained by the Common Council.

V. *And be it further enacted,* That the Master or Commander of every Vessel arriving and coming from any such infected place as aforesaid, or having on board any person or persons infected, or who during the voyage shall have been infected with any of the Fevers or Distempers aforesaid, or on board of which Vessel any person shall have died of any such Fever or Distemper, or being infected therewith, shall have landed or quitted the Vessel during the said voyage, shall permit such Physician and Physicians at all reasonable times, to come on board and make the enquiry and examination aforesaid, and make and give to him a true and full discovery and relation of all the matters, things and circumstances aforesaid; and if any such Master or Commander shall refuse or neglect to make such full and true discovery and relation as aforesaid, or shall suppress, conceal or deny the truth in any particular, relating thereunto, he shall forfeit and pay for each and every offence, the sum of *two hundred pounds*. Masters or Commanders to give the Physician true and full discovery and relation of all circumstances respecting the sickness or death of persons on board at the time; or during the voyage, under penalty of 200l.

VI. *And be it further enacted,* That no person or persons whosoever, other than a Physician appointed as aforesaid, shall go on board any Vessel so arriving and coming from any place so infected as aforesaid, or which shall have on board any person or persons infected as aforesaid, with any of the Fevers or Distempers aforesaid, after her having therein hoisted such Signal as aforesaid, before the granting of such Licence as aforesaid, for the Vessel to proceed into the inner Harbour; nor before the expiration of Three Days from and after the time of her first coming to anchor as aforesaid, between Pagan's Point and Partridge Island, under the penalty and forfeiture of *twenty pounds*, for each and every offence. No person, except the Physician, to go on board such Vessel before Licence be granted, nor till three days after the arrival of such Vessel, under penalty of 20l.

VII. *And be it further enacted,* That if any person or persons other than a Physician appointed as aforesaid, shall go on board any such Vessel so coming from any infected place as aforesaid, or having any person on board so infected as aforesaid, after such Signal therein hoisted, as aforesaid, and before the granting of such Licence for the Vessel to proceed as aforesaid, and the expiration of the said three days anchoring as aforesaid, contrary to the true intent and meaning of the next preceding Section, that then and in such case, the Master or Commander of such Vessel for the time being, be authorized and required to keep and detain such person or persons aforesaid on board the said Vessel, until such Licence as aforesaid for the Vessel to proceed, be duly granted, and until the expiration of such time as shall be directed and appointed, by the said Mayor, Recorder and Aldermen, or the Major part of them, for the said Vessel Persons going on board of such Vessel, before such Licence granted, to be detained on board.

Master or Commander permitting any such person to come on board to forfeit 20*l*.

Any person who in such case shall unlawfully return on shore, and every Master permitting such return, and every person aiding therein, to forfeit each the sum of 50*l*.

to ride Quarantine, or to anchor, in case such Licence shall be denied; and if any Master or Commander of such Vessel shall permit any person or persons, other than the Physician aforesaid, so to come on board as aforesaid, contrary to the prohibitions and provisions aforesaid, and the true intent and meaning of this Act, he shall forfeit and pay the sum of *twenty pounds*, for each and every offence. And if any such person or persons so having unlawfully gone on board any such Vessel as aforesaid, contrary to the prohibitions and provisions aforesaid, and the true intent and meaning of this Act, shall go on shore or depart from the said Vessel, before such Licence as aforesaid, shall be granted, or if a Licence shall be denied before the expiration of the time appointed as aforesaid, for the said Vessels anchoring and Quarantine aforesaid, then and in such case, every person and persons so offending as aforesaid, and going on shore or departing from the said Vessel, as aforesaid, and the Master or Commander of any such Vessel so permitting the same person or persons to go on shore or to depart from the said Vessel, and every other person or persons aiding or assisting therein, shall for each and every offence severally, forfeit and pay the sum of *fifty pounds*.

Forfeitures and penalties to be recovered in the Supreme Court, and equally divided between the Prosecutor and the Corporation of the City of Saint John.

VIII. *And be it further enacted*, That all the penalties and forfeitures aforesaid, in this Act mentioned, may be prosecuted, sued for, and recovered by action of debt, bill, plaint, or information, in the Supreme Court, by any person who shall prosecute and sue for the same, and shall be divided, one moiety to the person so suing and prosecuting, and the other moiety, to the use of the Mayor, Aldermen and Commonalty of the City of Saint John.

C A P. X.

An ACT for defraying the Ordinary Services of the Province, for the Years, one thousand seven hundred and ninety-six, one thousand seven hundred and ninety-seven, one thousand seven hundred and ninety-eight, and one thousand seven hundred and ninety-nine. Passed the 8th February, 1799.

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, from the monies arising, or to arise from the several rates and duties imposed by an Act, made and passed

Monies to be paid out of the Treasury.

sed

fed during the present Session of the General Assembly, intituled, "An Act for raising a Revenue in this Province," towards defraying the expences of the Public Services of this Province, for the Years, one thousand seven and ninety-six, one thousand seven hundred and ninety-seven, one thousand seven hundred and ninety-eight, and one thousand seven hundred and ninety-nine, as herein after mentioned, allowing a priority of payment agreeable to the date of the claim; that is to say, for defraying the expences of the Public Services of this Province, for the year one thousand seven hundred and ninety-six, unto the several persons hereinafter mentioned, the following sums, to wit: To the Speaker of the House of Assembly, for his services during that Session, and for his travelling charges, the sum of *fifty pounds*: To the Clerk of the Assembly, for his services during that Session, the sum of *ten shillings* per diem, and for other services, the sum of *fifty pounds*: To the Serjeant at Arms, attending the Council in General Assembly, the sum of *ten shillings* per diem, during that Session: To the Serjeant at Arms, attending the Assembly, the sum of *ten shillings* per diem, during that Session: To the Door-keeper of the Council in General Assembly, the sum of *five shillings* per diem, during that Session: To the Door-keeper of the Assembly, the sum of *five shillings* per diem, during that Session: To the Messenger, the sum of *five shillings* per diem, during that Session: To the Clerk of the Assembly, for Fuel, Stationary and other expences of that Session; the sum of *sixteen pounds* and *twelve shillings*: To the Administrators of the late Treasurer of the Province, for his services, for one year, ending the first day of March, one thousand seven hundred and ninety-six, the sum of *one hundred* and *twenty five pounds*: To the Tide Surveyor in the City of Saint John, for his services, to the first day of March, one thousand seven hundred and ninety-six, the sum of *forty pounds*: To the Clerk of the Council in General Assembly, for Stationary and other expences relating to that Session, the sum of *twenty-five pounds* on account: To the Sheriffs of the several Counties for returning the Members to serve in General Assembly, the following sums, to wit: To John Holland, Esq. late Sheriff of the City and County of Saint John, the sum of *fourteen pounds*, *one shilling* and *eight pence*: To the Sheriff of the County of Westmorland, the sum of *eleven pounds*, *ten shillings* and *four pence*: To the Sheriff of the County of Charlotte, the sum of *fifteen pounds*, *ten shillings* and *four pence*: To the Sheriff of the County of Northumberland, the sum of *seven pounds*, *eighteen shillings* and *four pence*: To the Sheriff of King's County, the sum of *thirteen pounds*, *ten shillings* and *four pence*: To the Sheriff of Queen's County, the sum of *eight pounds*, *two shillings* and *four pence*: To the Sheriff of the County of York, the sum of *sixteen pounds*, *fifteen shillings* and *four pence*: To the Sheriff of the County of Sunbury, the sum of *four pounds*, *seventeen shillings* and *four pence*: To the Treasurer of the County

towards defraying the expences of the Public Services for the years 1796, 1797, 1798 and 1799.
 For the year 1796.
 To the Speaker for his services.
 To the Clerk of the Assembly, for his services.
 Serjeant at Arms attending the Council.
 Serjeant at Arms attending the Assembly.
 Door-keeper of the Council.
 Door-keeper of the Assembly.
 Messenger.
 Clerk of the Assembly, for Fuel, Stationary, and other expences of the Session.
 Administrators of the late Treasurer, for his services.
 Tide Surveyor in the City of Saint John.
 Clerk of the Council for Stationary and expences.
 To the Sheriffs of the several Counties, for returning the Members to serve in General Assembly.

To the Treasurer of the County of Charlotte for defraying expences incurred there. Drums purchased for Queen's County Militia. A Drum purchased for a company of the York County Militia. Expence of a detachment of the Militia of Charlotte County, employed on service. Expence of apprehending and maintaining sundry French prisoners. Printing the Journal of the Assembly. Printing the Acts of Assembly. To the Lieutenant Governor, for defraying expences of the Province. Public services for the year 1797. To the Speaker for his services. Clerk of the Assembly for his services. Serjeant at Arms attending the Council. Serjeant at Arms attending the Assembly. Door-keeper of the Council. Door-keeper of the Assembly. Messenger. Clerk of the Assembly for Fuel, Stationary, &c. Administrators of the late Treasurer, for his services. Tide Surveyor in the City of Saint John.

ty of Charlotte, for defraying the expences incurred by the said County in securing and maintaining divers Prisoners who had mutined on board of the Ship Roman Emperor, the sum of *seven pounds, sixteen shillings and three pence*: To the Colonel of the Queen's County Militia, for defraying the expence of purchasing Drums, the sum of *nine pounds, five shillings and one penny*: To Captain Stephen Jarvis of the York County Militia, for defraying the expence of a Drum, the sum of *two pounds, eighteen shillings and nine pence*: To the Members for the County of Charlotte, for defraying the expence of two hundred and fifty-four days service of Privates, nineteen days service of Serjeants, and four days service of Drummers, of the Militia of that County, or such part of the same as they may apply for and receive, to be accounted for at the next Session of the General Assembly, the sum of *fourteen pounds, seven shillings and six pence*: To Captain Nathan Frink, for expences incurred by him in apprehending, maintaining and transporting French Prisoners of War, the sum of *ten pounds*: To Christopher Sower, for Printing the Journal of the Votes and Proceedings of the House of Assembly, the sum of *thirty nine pounds, eighteen shillings and eight pence*; and for Printing the Acts passed in the Session of the General Assembly, held in one thousand seven hundred and ninety-five, and the Act for regulating Elections, the sum of *thirty pounds, thirteen shillings and eight pence*: To His Excellency the LIEUTENANT GOVERNOR, for defraying the expences of the Province, a sum not exceeding *one hundred pounds*. And for defraying the expences of the Public services of this Province, for the year one thousand seven hundred and ninety-seven, unto the several persons hereafter mentioned, the following sums, to wit: To the Speaker of the House of Assembly, for his services during that Session and for his travelling charges, the sum of *fifty pounds*: To the Clerk of the Assembly, for his services during that Session, the sum of *ten shillings per diem*, and for other services, the sum of *fifty pounds*: To the Serjeant at Arms, attending the Council in General Assembly, the sum of *ten shillings per diem*, during that Session: To the Serjeant at Arms, attending the Assembly, the sum of *ten shillings per diem*, during that Session: To the Door-keeper of the Council in General Assembly, the sum of *five shillings per diem*, during that Session: To the Door-keeper of the Assembly, the sum of *five shillings per diem*, during that Session: To the Messenger, the sum of *five shillings per diem*, during that Session: To the Clerk of the Assembly, for Fuel, Stationary, and other expences of that Session, the sum of *twenty pounds*: To the Administrators of the late Treasurer of the Province, for his services to the first day of March, one thousand seven hundred and ninety-seven, the sum of *seventy-five pounds*: To the Tide Surveyor in the City of Saint John, for his services to the first day of March, one thousand seven hundred and ninety-

ninety-seven, the sum of *twenty pounds*: To the Clerk of the Council in General Assembly, for Stationary and other expences relating to that Session, the sum of *twenty-five pounds* on account: To His Excellency the Lieutenant Governor, for defraying expences of the Province, a sum not exceeding *one hundred pounds*: To the Clerk of the Assembly, for House-rent for the accommodation of the General Assembly and Courts of Justice, for one year ending the first day of February, one thousand seven hundred and ninety-seven, the sum of *forty pounds*: To Christopher Sower for Printing the Acts passed in the Session of the General Assembly held in one thousand seven hundred and ninety-six, the sum of *nineteen pounds and seventeen shillings*: To John Ryan for Printing, the sum of *nine pounds and twelve shillings*: To His Excellency the Lieutenant Governor, for the payment of the Adjutants of the several Regiments of Militia for the year one thousand seven hundred and ninety-six, a sum not exceeding *one hundred and sixty pounds*: To the Members for Queen's County to reimburse monies expended in opening the Road from Kennebeckacis to Jimseg, the sum of *fifteen pounds*: To Christopher Sower for Printing the Journal of the House of Assembly in the Session held in one thousand seven hundred and ninety-six, the sum of *thirty pounds* on account:—And for defraying the expences of the Public Services of this Province, for the year one thousand seven hundred and ninety-eight, unto the several persons hereinafter mentioned, the following sums, to wit—To the Speaker of the House of Assembly, for his services during that Session and for his travelling charges, the sum of *fifty pounds*: To the Clerk of the Assembly, for his services during that Session, the sum of *ten shillings* per diem, and for other services, the sum of *fifty pounds*: To the Serjeant at Arms attending the Council in General Assembly, the sum of *ten shillings* per diem, during that Session: To the Serjeant at Arms attending the Assembly, the sum of *ten shillings* per diem, during that Session: To the Door-keeper of the Council in General Assembly, the sum of *five shillings* per diem, during that Session: To the Door-keeper of the Assembly, the sum of *five shillings* per diem, during that Session: To the Messenger, the sum of *five shillings* per diem, during that Session: To the Clerk of the Assembly for Fuel, Stationary, and other expences of that Session, the sum of *fifteen pounds, ten shillings and eleven pence*: To the Administrators of the late Treasurer of the Province, for his services to the first day of March, one thousand seven hundred and ninety-eight, the sum of *sixty two pounds and ten shillings*: To the Clerk of the Council in General Assembly, for Stationary and other expences relating to that Session, the sum of *twenty five pounds* on account: To His Excellency the Lieutenant Governor, for defraying expences of the Province, a sum not exceeding *one hundred pounds*: To His Excellency the Lieutenant Governor, for the payment of the Adjutants of the several Regiments

Clerk of the Council for Stationary and other expences.

To the Lieutenant Governor, for defraying expences of the Province.

House-rent.

Printing the Acts of Assembly.

Pay of the several Adjutants of Militia.

Expence of opening a road in Queen's County.

Printing the Journal of the Assembly.

Public services for the year 1798.

To the Speaker for his services.

Clerk of the Assembly for his services.

Serjeant at Arms attending the Council.

Serjeant at Arms attending the Assembly.

Door-keeper of the Council.

Door-keeper of the Assembly.

Messenger.

Clerk of the Assembly for Fuel, Stationary, &c.

Administrators of the late Treasurer, for his services.

Clerk of the Council for Stationary and other expences.

To the Lieutenant Governor, for defraying expences of the Province.

Pay of the several Adjutants of Militia.

giments of Militia, for the year one thousand seven hundred and ninety-seven, a sum not exceeding *one hundred and sixty pounds*: To the Clerk of the Assembly for House-rent for the accommodation of the General Assembly and Courts of Justice for one year ending the first day of February, one thousand seven hundred and ninety-eight, the sum of *forty pounds*: To Christopher Sower, for Printing three hundred copies of the Acts passed in the Session of the General Assembly held in one thousand seven hundred and ninety-seven, the sum of *fifteen pounds and nine shillings*, and for the balance due him for Printing the Journal of the House of Assembly in the Session of one thousand seven hundred and ninety-six, the sum of *seventeen pounds, nineteen shillings and eight-pence*; also, for Printing the Journal of the House of Assembly in the Session of one thousand seven hundred and ninety-seven, the sum of *thirty three pounds and eight pence*: To John Ryan for Printing, the sum of *nine pounds*:—And for defraying the expences of the Public Services of this Province, for the year one thousand seven hundred and ninety-nine, unto the several persons herein aftermentioned, the following sums, to wit—To the Speaker of the House of Assembly, for his services during the present Session and for his travelling charges, the sum of *fifty pounds*: To the Clerk of the Assembly, for his services during the present Session, the sum of *ten shillings per diem*, and for other services, the sum of *fifty pounds*: To the Serjeant at Arms attending the Council in General Assembly, the sum of *ten shillings per diem*, during the present Session: To the Serjeant at Arms attending the Assembly, the sum of *ten shillings per diem*, during the present Session: To the Door-keeper of the Council in General Assembly, the sum of *five shillings per diem*, during the present Session: To the Door-keeper of the Assembly, the sum of *five shillings per diem*, during the present Session: To the Messenger, the sum of *five shillings per diem*, during the present Session: To the Clerk of the Assembly, for Fuel, Stationary and other expences of the present Session, the sum of *eighteen pounds and ten pence*: To the Treasurer of the Province, for his services to the first day of March, one thousand seven hundred and ninety-nine, the sum of *sixty two pounds and ten shillings*: To the Clerk of the Council in General Assembly, for Stationary and other expences relating to the present Session, the sum of *twenty five pounds on account*: To His Excellency the Lieutenant Governor, for defraying contingent expences of the Province, a sum not exceeding *one hundred pounds*: To His Excellency the Lieutenant Governor, for the payment of the several Adjutants of the Militia, for the year one thousand seven hundred and ninety-eight, a sum not exceeding *one hundred and sixty pounds*: To the Clerk of the Assembly, for House-rent for the accommodation of the General Assembly and Courts of Justice for one year ending the first day of February, one thousand seven hundred and ninety-nine, the sum of

House-rent.

Printing Acts of Assembly.

Printing Journal of the Assembly.

Public services for the year 1799.

To the Speaker for his services.

Clerk of the Assembly, for his services.

Serjeant at Arms attending the Council.

Serjeant at Arms attending the Assembly.

Door-keeper of the Council.

Door-keeper of the Assembly.

Messenger.

Clerk of the Assembly, for Fuel, Stationary, &c.

To the Treasurer, for his services.

Clerk of the Council for Stationary and other expences.

To the Lieutenant Governor, for defraying contingent expences of the Province.

Pay of the several Adjutants of Militia.

House-rent.

of thirty pounds: To Christopher Sower, for Printing the Acts passed in the last Session of the General Assembly, the sum of nine pounds: To the Secretary of the Province, to reimburse monies paid to sundry Expresses in the Public Service, the sum of twelve pounds and ten shillings, and to the General Post-Office for postage of letters with Writs of Election to several of the Sheriffs, the sum of three pounds, five shillings and nine pence.

Printing Acts of Assembly.

Sundry Expresses with Writs of Election sent to several of the Sheriffs.

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

To be paid by Warrant of the Lieutenant Governor, with advice and consent of His MAJESTY'S Council.

C A P. XI.

An ACT for raising a Revenue and for appropriating the same towards re-imburfing the Members attending in General Assembly. Passed the 8th February, 1799.

WHEREAS it is expedient that the Members attending in General Assembly should be re-imburfed the expences incurred by them in consequence of such attendance.

I. BE it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, there be and hereby is granted to His MAJESTY, his Heirs and Successors, for the purpose of re-imburfing the Members attending in General Assembly, a duty of three pence per gallon on every gallon of Rum which shall or may be brought or imported into any port or place within this Province.

Grant of a duty of three pence per gallon on Rum imported into this Province, for the purpose of re-imburfing Members of Assembly.

II. *And be it further enacted*, That the said duty of three pence per gallon on every gallon of Rum shall be collected in the same manner, under the same Regulations and Restrictions, subject to the same pains, penalties and forfeitures, and liable to the same drawback as the duty on Rum is directed to be collected in and by an Act made and passed in this present Session of the General Assembly, intituled "an Act for raising a Revenue in this Province.

Duty to be collected in the same manner as the duty on Rum to be collected by the Act of this Session, intituled an Act for raising a Revenue in this Province.

III. *And be it further enacted,* That there shall be allowed and paid to the Members attending in General Assembly, out of the monies arising by virtue of this Act, a re-imburement at the rate of *seven shillings and six pence* per diem, towards defraying their expences of travelling and actual attendance in General Assembly, allowing twenty miles travel for one day, the days of such travel and attendance to be certified by the Speaker.

IV. *And be it further enacted,* That the said re-imburement shall be paid as the monies arising by virtue of this Act come into the Treasury, allowing a priority of payment agreeable to the date of the expenditure—And in case the monies arising by virtue of this Act do not amount to the sum necessary to compleat the said re-imburement, the same shall be compleated out of such monies as may remain in the Treasury after the payments are completed which are ordered and directed to be made by virtue of an Act made and passed during the present Session of the General Assembly, intituled “an Act for defraying the ordinary services of the Province, for the years one thousand seven hundred and ninety-six, one thousand seven hundred and ninety-seven, one thousand seven hundred and ninety-eight, and one thousand seven hundred and ninety-nine.”

V. *And be it further enacted,* That the aforesaid re-imburement shall be paid by the Treasurer, by Warrant issued by the Lieutenant Governor, or Commander in Chief for the time being, by and with the advice and consent of His MAJESTY'S Council of this Province, and the receipts of the several persons intituled thereto, indorsed on the said Warrants, shall be to the Treasurer good vouchers and discharges for so much as shall thereby be acknowledged to be received.

VI. *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 one, and no longer, except for the recovery of any penalties inflicted in and by the fifteenth Section of the before recited Act made and passed during the present Session, intituled “an Act for raising a Revenue in this Province.”

E. A. G.
8/7/06.