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1948

*B. C. Hutchford*

1834.

Anno Quarto Gvilielmi IV,

C. I.

1

At the **GENERAL ASSEMBLY** of the Province of Nova-  
Scotia, begun and holden at Halifax, on Wednesday, the  
Twenty-second day of January, 1834, in the Fourth Year  
of the Reign of our Sovereign Lord **WILLIAM** the Fourth,  
by the Grace of God, of the United Kingdom of Great-Bri-  
tain and Ireland, **KING**, Defender of the Faith, &c. &c.  
&c. being the Fourth Session of the Fifteenth General As-  
sembly convened in the said Province.\*

\*In the time of Thomas N. Jeffery, President ; Breaston Halliburton, Chief-Justice, and President of the Council ; Samuel George William Archibald, Speaker of the Assembly ; Sir Rupert D. George, Bart. Secretary of the Council ; and John Whidden, Clerk of Assembly.

**CAP. I.**

**An Act for granting Colonial Duties of Impost, for the support  
of His Majesty's Government within this Province, and  
for promoting the Agriculture, Commerce and Fisheries,  
thereof.**

(PASSED THE 31st DAY OF MARCH, 1834.)

**W**HEREAS, Divers Acts of the General Assembly of this Province, have been  
passed for granting Colonial Duties of Impost and Excise for the support of  
His Majesty's Government within this Province, and for promoting the Agriculture,  
Commerce and Fisheries thereof ; and it will be of advantage to the Trade and Com-  
merce of this Province, that the said Acts, and the system of Duties heretofore in force  
within the same, should be revised and consolidated into one Act, in order that the va-  
rious articles subject to Duties or exempt therefrom, and the amount of such Duties res-  
pectively, may appear in a plain and distinct manner.

Preamble

And whereas, under an Act of the Imperial Parliament of the United Kingdom of  
Great-Britain and Ireland, passed in the Third and Fourth Years of the Reign of His  
late Majesty King William the Fourth, and entitled, " An Act to regulate the Trade  
of the British Possessions Abroad," certain Imperial Duties are imposed and made  
payable upon Goods, Wares and Merchandize, not being of the growth, production or  
manufacture, of the said United Kingdom, or of any of the British Possessions in Ame-  
rica, imported or brought into this Province, by Sea or by Inland Carriage or Naviga-  
tion ; which said Imperial Duties, together with certain exemptions from Duty, and  
Prohibitions against importing certain Articles, are respectively set forth and specified  
opposite to and against the several Articles to which such Duties, Exemptions and  
Prohibitions, have reference, and in the first column of the Table of Duties hereinafter  
contained, denominated Table of Colonial Impost Duties, and exemptions from Duty,  
and it is expedient to declare how far the Goods, Wares and Merchandize, in the se-  
cond Column of the said Table enumerated, are subject to, and chargeable with, the  
said Imperial Duties of Customs and Colonial Impost Duties.

1. *Be it therefore enacted by the President, Council and Assembly,* That upon, from  
and after, the first day of April, in the year of our Lord One Thousand Eight Hundred  
and Thirty-four, this Act shall come into and be in operation, for granting Colonial  
Duties

Act in opera-  
tion

Duties of Impost, and shall remain and continue in operation until the Thirty-first day of March, which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty-five.

Duties estab-  
lished

II. *And be it further enacted*, That upon, from and after, the day appointed for this Act to come into and be in operation, and during the continuance thereof, and instead and in lieu of all other Colonial Duties whatsoever and however denominated, there shall be raised, levied, collected and paid, unto His Majesty, His Heirs and Successors, for the use of this Province, and the support of the Government thereof, and other Public Purposes within the same, for and upon Goods, Wares and Merchandize, imported or brought into this Province by Sea or Inland Carriage or Navigation, on or after the said first day of April, One Thousand Eight Hundred and Thirty-four, and during the continuance of this Act,

The several and respective Impost Duties, Rates and Impositions inserted, described, and set forth in Figures in the said Table of Duties opposite to, and against, the respective Articles in the second Column thereof described and enumerated, and according to the value, number or quantity, of such articles therein specified, that is to say :

On Goods,  
Wares & Mer-  
chandize of  
British Pro-  
duction

For and upon Goods, Wares and Merchandize, of the Growth, Production or Manufacture, of the United Kingdom, or of any of the British Possessions in America, imported or brought as aforesaid, the several Colonial Impost Duties respectively set forth in Figures in the third Column of the said Table of Duties, and opposite to and against the respective Articles in the second Column thereof enumerated.

Foreign Goods

And for and upon Goods, Wares and Merchandize, not being of the Growth, Production or Manufacture, of the United Kingdom, or any of the British Possessions in America, Imported or brought as aforesaid, the several Colonial Duties respectively set forth in Figures in the fourth Column of the said Table of Duties, and opposite to and against the respective Articles in the second Column thereof enumerated, and which said Duties, in the said fourth Column contained, shall comprehend and include, and shall be deemed and taken to comprehend and include, the several Imperial Duties of Customs in the first Column inserted, and wherewith the said Articles in the Table of Duties enumerated, when not being of the Growth, Production or Manufacture, of the United Kingdom, or of any of the British Possessions in America, are respectively charged under the said Act of the Imperial Parliament.

On Liquors dis-  
tilled in Pro-  
vince

III. *And be it further enacted*, That there shall be raised, levied, collected, and paid unto His Majesty, His Heirs and Successors, for the purposes aforesaid, for and upon all Brandy, Gin, Rum, or other Spirituous Liquors, which shall be by any way or method whatsoever manufactured, compounded, extracted, distilled or made, in this Province, and which in the said Table are specially enumerated and described, the several Impost Duties opposite to or against the same respectively in the third Column of the said Table inserted and contained.

Goods free of  
Duty

IV. *And be it further enacted*, That the several and respective Goods, Wares and Merchandize, mentioned in the said Table, and against or opposite to which in the third Column of Duties, the words "Duty Free" are inserted, shall respectively be held free of any Duties by this Act imposed, on Goods of British Growth, Production or Manufacture, as aforesaid : and the several and respective Goods, Wares and Merchandize, mentioned in the said Table, and against or opposite to which, in the fourth Column of Duties, the words "Duty Free" are inserted, shall respectively be held free of any Duties by this Act imposed, on Goods not being of British Growth, Production, or Manufacture, as aforesaid.

Goods Ware-  
housed in  
United King-  
dom imported  
into this Pro-  
vince

V. *And be it further enacted*, That Goods imported into this Province, direct from the Warehouse in the United Kingdom, not being of British Growth, Production or Manufacture, as aforesaid, and against or opposite to which, in the fifth Column of the said Table, the word "Free" is inserted, and also all Goods imported from the United Kingdom, after having there paid the Duties of Consumption, and being exported from thence without Drawback ; and further any sort of Craft, Food and Victuals, except Spirits, and any sort of Clothing and Implements, and Materials fit and necessary for the British Fisheries in America, imported into the Place at or from whence such Fishery is carried on, and which, by the said Act of Parliament, are declared to be

Duty,

Duty Free, shall severally and respectively be Free, and exempt from so much of the Colonial Duties in the fourth Column of the said Table contained, as the Imperial Duties, if any there be, in the first Column thereof, would amount to on such Goods, Wares and Merchandize, if the same were not Imported direct from the Warehouse in the United Kingdom, or had not there paid the Duties of Consumption, or had been thence Exported with Drawbacks.

VI. *And be it further enacted*, That if any of the Goods in the said Table mentioned, shall be imported through the United Kingdom (having been Warehoused therein, and Exported from the Warehouse, or the Duties thereon if there paid having been drawn back) then the said Goods shall be free and exempt from so much of the Colonial Duties in the fourth Column of the said Table contained, as will be equal to one tenth part of the Imperial Duties, to which the said Goods would otherwise be subject.

Goods partially  
exempted from  
Duty

VII. *And be it further enacted*, That all Goods, derelict, flotsam, jetsam and wreck, brought or coming into this Province, shall at all times be subject to the same Duty as Goods of the like kind, imported into this Province, are respectively subject unto.

Wrecked  
Goods

*Provided always* That if, for ascertaining the proper amount of Duty so payable, any question shall arise as to the origin of any such Goods, the same shall be deemed to be of the Growth, Produce or Manufacture, of such Country or Place, as the Board of Revenue shall, upon investigation by them, determine; *and provided also*, that if any such Goods be of such sorts as are entitled to allowance for damage, such allowance shall be made under such regulations and conditions as the Board of Revenue shall from time to time direct; *and provided further*, that all such Goods as cannot be sold for the amount of Duty due thereon, shall be delivered over to the person entitled to receive the same, and shall be deemed to be unenumerated Goods, and shall be liable to, and shall be charged with, Duty accordingly.

Proviso

VIII. *And be it further enacted*, That all Wheat, Flour, Salted Beef and Salted Pork, being of Foreign Production, imported or brought by Land or Inland Navigation, into the Province of Upper or Lower Canada, and thence Imported into this Province direct, shall be deemed to be of the Production of a British Possession, and be charged with Colonial Duty accordingly, unless exempt from such Duty.

Wheat Flour,  
&c. imported  
from Canada

IX. *And be it further enacted*, That all Sums of Money granted or imposed as Colonial Duties, or by any other Act of the present or any future Session of the General Assembly, as Penalties or Forfeitures, shall be deemed, and are hereby declared to be, British Sterling and shall be recovered, collected and paid, to the amount of the value which such nominal sums bear in Monies of the United Kingdom, and that all the said Colonial Duties shall be paid and received according to the British Weights and Measures now in use in this Province; and that in all cases where the said Colonial Impost Duties are in the said Table of Duties imposed, according to any specific quantity, or any specific value or number, the same shall be deemed to apply in the same proportion to any greater or less quantity, value or number.

Duties payable  
in British Ster-  
ling

X. *And be it further enacted*, That the said Colonial Duties by this Act imposed, shall be ascertained, secured, paid, levied, collected, recovered and applied, under and according to the Directions, Provisions, Regulations and Penalties, and by the ways and means respectively prescribed and contained in the several Acts of the General Assembly, passed or to be passed, and from time to time in force, concerning the securing, paying, levying, collecting, recovering and applying, the said Duties.

Duties secur-  
ed

XI. *And be it further enacted*, That wherever Payment shall be made or Security be given of or for any Colonial Duties, in the fourth column of the said Table specified, and hereby imposed on any Goods subject to the said Imperial Duties of Customs, then, and in every such case, the Officers charged with the Collection or Management respectively of the Colonial Duties on such Goods, shall, and they are hereby required to, deduct from the Colonial Duties chargeable or payable thereon under this Act, or to give credit for, or indorse on the Security given therefor, and unto the Party charged with, or who hath secured such Duties, the whole amount of such Imperial Duties, which such Party, by Proof to the satisfaction of such Officers, or as directed by the Board of Revenue, shall shew to have been paid to the Principal Officers of His Majesty's Customs, pursuant to the said Act of Parliament.

Credit for Im-  
perial Duties

Goods may be  
Warehoused

**XII.** *And be it further enacted,* That it shall be lawful for the Importer of any Goods, subject to the Duties hereby imposed, to Warehouse such Goods upon the first entry thereof, under and according to the Rules, Regulations and Conditions, from time to time in force, or to be enacted, concerning the Warehousing of Goods, and without payment of Duty upon such first entry thereof.

Goods now in  
Warehouse

**XIII.** *And be it further enacted,* That all Goods which shall have been Warehoused in this Province, before this Act goes into operation, and which shall remain so Warehoused after the operation thereof commences, and on which the Colonial Duties, heretofore imposed, have not been paid or secured by a subsisting and continuing security, shall, in lieu of all former Duties, become liable to, and be charged with, the Colonial Duties hereby imposed on the like Goods and Merchandize.

Drawback  
allowed

**XIV.** *And be it further enacted,* That upon the Exportation from this Province of any Goods, by this Act charged with Colonial Duty, there shall be allowed and granted a drawback of the whole amount of the Imperial Duty actually paid, and of the Colonial Duty paid or secured thereon; *Provided,* such Exportation shall be made in all respects conformably to the Rules and Regulations from time to time in force, or to be enacted, touching the allowance of Drawbacks on Exportation; *And provided also,* that all the requisites for obtaining such Drawbacks be observed, in respect of the Goods Exported.

Drawback  
allowed

**XV.** *And be it further enacted,* That the amount of all Drawbacks granted, allowed, or made payable, under or by virtue of any Act of the General Assembly, in force, on, or immediately before, the day when this Act is limited to take effect, for and upon any Goods charged with Duty under any prior Act or Act, shall remain and continue payable, and be allowed, with respect to such Goods, in the same manner as if the Act or Acts, whereby such Drawbacks were allowed, had continued in force after the commencement hereof.

Drawbacks  
placed under  
management of  
Board of Revenue

**XVI.** *And be it further enacted,* That all Duties imposed by this Act, and all Drawbacks allowed by this, or any former Act or Acts, shall be under the management of the Board of Revenue, who shall, in respect of such Duties and Drawbacks, manage and allow the same as hath been, is or shall be, by Law prescribed.

Payment of  
Duties into  
Treasury

**XVII.** *And be it further enacted,* That all the Monies arising from the Duties by this Act imposed, after deduction made of the legal allowances in respect of the collection thereof, shall be remitted and paid into the Public Treasury of the Province in Halifax, by quarterly payments, on or as near as may be practicable to the first day of every quarter, and shall be carried to the Account of the Provincial Revenue, and be, and be deemed, part of the Public Funds of this Province, and shall be paid, applied and appropriated to such purposes, and no others, as are or may be expressed or contained in the several Acts of the General Assembly of this Province from time to time in force.

Payments from  
Treasury

**XVIII.** *And be it further enacted,* That all Monies arising from the said Colonial Duties, and paid into the Treasury, shall from time to time be drawn for by the Governor, Lieutenant-Governor, or Commander in Chief of this Province for the time being, by Warrant under his Hand and Seal, pursuant to the Instructions and Directions of His Majesty, and in payment and discharge of any Monies appropriated, or to be appropriated, by any Act or Acts of the General Assembly.

Goods import-  
ed prior to this  
Act going into  
operation

**XIX.** *And be it further enacted,* That all Duties on Goods imported, or to be imported before the coming of this Act into operation, and imposed by any Act or Acts of the General Assembly of this Province, passed for raising a Revenue, and which have expired, or shall expire, at or after the coming of this Act into operation, and all Penalties and Forfeitures inflicted or incurred under the provisions of such former Act or Acts, shall be collected, raised, paid, levied, recovered and enforced, according to the several and respective provisions of such former Act or Acts, whereby such Duties, Penalties and Forfeitures, were imposed, the expiration or repeal of such former Act or Acts, or any thing therein contained, to the contrary notwithstanding.

Act may be al-  
tered or amend-  
ed

**XX.** *And be it further enacted,* That this present Act shall and may be altered or amended by any Act or Acts of the present Session of the General Assembly.

**XXI.** *And be it further enacted,* That in payment of all the said Colonial Impost Duties

ties the British Sovereign shall be received at Twenty Shillings sterling, and the British Silver Shilling shall be received and taken as and for One Shilling sterling, instead of at the rate of One Shilling and Three-pence as hitherto computed in the existing Currency of this Province, and other British Gold and Silver Coins in the same relative proportion to the British Sovereign and Shilling; and also, that the Provincial Treasury Note of Twenty Shillings shall be received and taken at the rate of Sixteen Shillings sterling, and the Republican Doubloon at Sixty-four Shillings sterling, and its parts in the like proportion, in payment of the said Duties.

Rates at which the British Sovereign and Shilling, &c. shall be received in payment of Duties

Table of Colonial Impost Duties and Exemptions from Duty.

Imperial Duties on Foreign Produce, &c.	Articles subject to Duties in Nova Scotia.	Colonial Impost Duties. On British produce.	On foreign produce including Imperial duty.	Table of Colonial Impost Duties, &c.
First Column. £ s. d.	Second Column.	3d Column. £ s. d.	4th Column. £ s. d.	5th Column.
7 10 0	Alabaster,			
15 0 0	Ale in Bottles	for every £100 of the value	5 0 0	17 10 0
15 0 0	in Barrels or Casks	for every 100l. of the value	7 10 0	22 10 0
7 10 0	Almonds	for every 100l. of the value	5 0 0	20 0 0
7 10 0	Amber	for every 100l. of the value	5 0 0	17 10 0
Prohibited	Arms	for every 100l. of the value	5 0 0	17 10 0
Prohibited	Amunition or utensils of War	for every 100l. of the value	5 0 0	5 0 0
15 0 0	Anchors and Grapnels	for every 100l. of the value	2 10 0	17 10 0
7 10 0	Anchovies	for every 100l. of the value	5 0 0	17 10 0
7 10 0	Aniseed	for every 100l. of the value	5 0 0	12 10 0
7 10 0	Argol	for every 100l. of the value	5 0 0	12 10 0
Duty free	Apples fresh or dried	the Barrel	0 4 0	0 4 0 free
Duty free	Ashes, to-wit, Pot or Pearl Ashes,	for every £100 of the val,	5 0 0	5 0 0
0 12 0	Bacon	the Cwt.	0 6 0	0 12 0
Duty free	Baggage and apparel accompanied by the owner, worn and in use, and not made up or brought as Merchandize or for Sale do. not accompanied by the Proprietor, but proved to be as aforesaid		duty free	duty free
Duty free	Barley unground		duty free	duty free
15 0 0	Hulled or Pearl Barley		duty free	duty free
Duty free	Beans, Kidney or French		7 10 0	22 10 0
0 12 0	Beef salted of all sorts,	the cwt.	duty free	duty free
Duty free	fresh brought by Land or Inland navigation	the cwt.	0 0 9	0 12 0
Duty free	fresh, otherwise brought	the cwt.	duty free	0 9 0
Duty free	Biscuit or Bread	the cwt.	duty free	0 9 0
Duty free	Fine, called crackers or cakes	the cwt.	0 0 9	0 1 8
	Bonets, see Hats		0 0 9	0 3 4
Prohibited	Books, prohibited to be imported into the United Kingdom		duty free	duty free
30 0 0	not so prohibited	for every £100 value	duty free	30 0 0
10 0 0	Boots, Shoes, and Galoshes not of Leather or Gum			
15 0 0	Elastic or Indian Rubber	for every £100 value	5 0 0	15 0 0
7 10 0	Bottles empty, of Earth or Stone	for every 100l. value	5 0 0	20 0 0
7 10 0	Bctargo	for every 100l. of the value	5 0 0	12 10 0
	Box-wood	for every 100l. of the value	5 0 0	12 10 0 free
15 0 0	Brandy, see Spirits			
7 10 0	Bristles	for every 100l. of the value	5 0 0	20 0 0
15 0 0	Brimstone	for every 100l. of the value	5 0 0	12 10 0 free
Duty free	Bricks, Clinkers or Tiles	for every 100l. of the value	5 0 0	20 0 0
15 0 0	Bullion, Gold or Silver		duty free	duty free
15 0 0	Butter	for every 100l. of the value	5 0 0	20 0 0
15 0 0	Burr Stones,	for every 100l. of the value	duty free	15 0 0 free.
15 0 0	Cables, of Hemp or other vegetable substances			
	Of Iron	do	2 10 0	17 10 0
15 0 0	Candles of Spermaceti or Wax, for every 100l. of the value		2 10 0	17 10 0
	of Tallow	for every 100l. of the value	7 10 0	22 10 0
7 10 0	Canvas (see Sail Cloth)		5 0 0	20 0 0
7 10 0	Capers	for every 100l. of the value	10 0 0	17 10 0 free.
30 0 0	Cascasoo,	for every 100l. of the value	5 0 0	12 10 0
30 0 0	Cards for playing	for every 100l. of the value	50 0 0	65 0 0
	of Wire, for carding	for every 100l. of the value	5 0 0	35 0 0
Duty free.	Carriages of Travellers not for Merchandize or intended to be sold,		duty free	duty free.

Duty free	Cattle, viz: Asses and Mules	duty free	duty free
Duty free	Horse, Mare or Gelding, each	duty free	3 4 0
Duty free	Neat Cattle, viz: Ox or other Neat Cattle, three years old or upwards, each	duty free	2 0 0
Duty free	Cow and Cattle under three years old, each	duty free	1 0 0
Duty free	Sheep each	duty free	0 3 0
Duty free	Hog each	duty free	1 12 0
7 10 0	Cheese, viz: Parmesan, for every £100 of the value	5 0 0	12 10 0 free
15 0 0	of other kinds	5 0 0	20 0 0
15 0 0	Cider for every £100 of the value	5 0 0	20 0 0 free
7 10 0	Cinnabar for every £100 of the value	5 0 0	12 10 0
15 0 0	Chocolate or Cocoa Paste for every £100 of the value	5 0 0	25 0 0
0 5 0	Cocoa, used in the manufacture of Chocolate, the Cwt.	duty free	0 5 0
0 5 0	Coffee the Cwt.	0 9 4	0 14 4
30 0 0	Clocks of all kinds, for every £100 of the value	5 0 0	50 0 0
15 0 0	All Wheels, Machinery and materials for manufacturing Clocks	5 0 0	35 0 0
15 0 0	Coal for every £100 of the value	duty free	15 0 0
7 10 0	Coral for every £100 of the value	7 10 0	15 0 0
7 10 0	Cork-wood for every £100 of the value	duty free	7 10 0 free
7 10 0	Manufactured	5 0 0	12 10 0 free
Prohibited	Coin, viz: Base or Counterfeit	Prohibited	Prohibited
Duty free	Gold and Silver Coins and British Copper Coin	duty free	duty free
15 0 0	Copper of all kinds not coined or Current in England, (Medals excepted,) for every £100 of the value	5 0 0	20 0 0
Duty free	Copper, viz: copper ore or in Pigs or Bricks	duty free	duty free
15 0 0	In plates, sheets, bars or bolts for Ship Building, for every £100 of the value	2 10 0	17 10 0
15 0 0	Wrought or cast for Machinery, pure or with other metal	2 10 0	17 10 0
15 0 0	Wrought or cast not for Machinery	5 0 0	20 0 0
15 0 0	Old or worn, or fit only to be re-manufactured	duty free	15 0 0
Duty free	Cordial Waters—see Spirits		
Duty free	Corn, viz: Wheat, Rye, Indian Corn and Buck Wheat, unground	duty free	duty free
Duty free	Wheat Flour imported from the Canadas	duty free	duty free
0 5 0	Otherwise imported, the Barrel	duty free	0 5 0 free
Duty free	Barley, Meal and Rye Meal	duty free	duty free
Duty free	Oatmeal	duty free	duty free
Duty free	Indian Meal and Buck Wheat Meal	duty free	duty free
Duty free	Peas, Beans and Calavances,	duty free	duty free
Duty free	Cotton, viz: Cotton Wool for every £100 of the value	5 0 0	5 0 0
20 0 0	Manufactures of Cotton	5 0 0	25 0 0
15 0 0	Cordage, tarred and untarred, for every £100 of the value	2 10 0	17 10 0
7 10 0	Cumming Seed, for every £100 of the value	5 0 0	12 10 0
7 10 0	Currants for every £100 of the value	5 0 0	12 10 0 free
7 10 0	Dates for every £100 of the value	7 10 0	15 0 0 free
Duty free	Diamonds	duty free	duty free
15 0 0	Dogstones for every £100 of the value	duty free	15 0 0 free
Duty free	Drugs	10 0 0	10 0 0
Duty free	Dye Wood and Hard Wood	duty free	duty free free
Duty free	East India Goods, viz: Goods the produce of places within the limits of the East India Company's Charter, as established by Act of Parliament, imported from these places or from the United Kingdom, or from some place in the British Dominion, (the same being not herein particularly charged with Duty) for every 100l. of the value	10 0 0	10 0 0
7 10 0	Essences, viz: Bergamot, Lemon, Roses, Citron,		
15 0 0	Oranges, Lavender or Rosemary for every 100l. value	10 0 0	17 0 0
7 10 0	of all other kinds do	5 0 0	20 0 0
7 10 0	Emery Stone for every 100l. of the value	5 0 0	12 10 0
Duty free	Figs for every 100l. of the value	5 0 0	12 10 0 free
Prohibited	Fish, viz. Fresh,	duty free	duty free
Duty free	Salted, dried, or in pickle, for every 100l. of the value	duty free	5 0 0
Duty free	Herrings taken by the Inhabitants of the Isle of Man and imported from thence	duty free	duty free
Duty free	Fish Hooks	duty free	duty free
Duty free	Fish Oils, viz: Train Oil, Spermacetti Oil, Head matter, Blubber, Fins and Skins, the produce of Fish or Creatures living in the Sea, taken or caught by the crews of British Ships	duty free	duty free
Prohibited	Not taken or caught by British Subjects or the Crews of British Ships, or imported otherwise than from the United Kingdom or a British Possession, for every 100l. of the value	duty free	5 0 0
Duty free	Flour, (see Corn)		
Duty free	Flax	duty free	duty free



15 0 0	Flowers, Artificial, of all kinds	for every 100l. of the value	10 0 0	25 0 0	free
Duty free	Fruit, fresh (not otherwise charged with Duty)		duty free	duty free	free
7 10 0		preserved in Sugar or Brandy for every 100l. of the value	10 0 0	17 10 0	free
	Furs (see Skins)				
	Geneva or Gin (see Spirits)				
20 0 0	Glass manufactures	for every 100l. of the value	5 0 0	25 0 0	
20 0 0	Crown or Window Glass	do	5 0 0	25 0 0	
	Grain unground (see Corn)				
Duty free	Grapes	for every 100l. of the value	5 0 0	5 0 0	free
Duty free	Gums or Resins	for every 100l. of the value	10 0 0	10 0 0	
Prohibited	Gunpowder	for every 100l. of the value	5 0 0	5 0 0	
15 0 0	Hair of Horses or Cattle	for every 100l. of the value	5 0 0	20 0 0	
0 12 0	Hains	the cwt.	0 6 0	0 12 0	
15 0 0	Hats or Bonnets, viz: of Leghorn Platt or make				
	(so called)	for every 100l. of the value	10 0 0	25 0 0	
15 0 0	of all other kinds	do	5 0 0	20 0 0	
Duty free	Hay and Straw	for every 100l. of the value	5 0 0	20 0 0	
Duty free	Hemp		duty free	duty free	
Duty free	Hides or pieces of Hide, raw, not tanned, curried				
	or dressed	for every 100l. of the value	2 10 0	2 10 0	
	Horses, Hogs (see cattle)				
15 0 0	Horns	for every 100l. of the value	2 10 0	17 10 0	
	Hoops and Heading (see wood)				
15 0 0	Hops	for every 100l. of the value	5 0 0	20 0 0	free
7 10 0	Incense of Frankincense	for every 100l. of the value	5 0 0	12 10 0	
7 10 0	Iron, viz. in Bars or Boits unwrought, and Pig Iron,		0	0	
		for every 100l. of the value	duty free	7 10 0	
Duty free	Ores of Iron of all kinds		duty free	duty free	
15 0 0	In Plates or Sheets hammered or rolled, for every 100l. of the	value	2 10 0	17 10 0	
15 0 0	Chains or Cables or parts thereof		2 10 0	17 10 0	
	Castings for Machinery for Mills, for Steam Engines, and for				
15 0 0	other purposes, and cast or wrought Pipes or Tubes		duty free	15 0 0	
15 0 0	Cast Iron Pots, Kettles, Stoves or Grates		5 0 0	20 0 0	
15 0 0	Nails, Spikes, Tacks, Brads, or Sprigs, Cast, Cut, or wrought		5 0 0	20 0 0	
15 0 0	All other Manufactured Iron Wares		5 0 0	20 0 0	
	Indian Rubber or Gum Elastic, (see Gums)				
15 0 0	Indigo,	for every 100l. of the value	5 0 0	20 0 0	
7 10 0	Juniper Berries	for every 100l. of the value	5 0 0	12 10 0	
15 0 0	Lace, viz. Thread Lace of Silk, Cotton, or Linen				
		for every 100l. of the value	10 0 0	25 0 0	
15 0 0	Lard,	for every 100l. of the value	5 0 0	20 0 0	
7 10 0	Lava and Malta Stone for Building	for every 100l. of the value	duty free	7 10 0	
30 0 0	Leather, viz. Manufactures of,	for every 100l. of the value	5 0 0	35 0 0	
30 0 0	Boots, Shoes and Galoshes (Leather or partly of Leather				
		for every 100l. of the value	5 0 0	35 0 0	
	Not Manufactured				
15 0 0	Lentils	for every 100l. of the value	duty free	7 10 0	
7 10 0	Lemons and Limes,	for every 100l. of the value	5 0 0	5 0 0	free
Duty free	Lime Juice	for every 100l. of the value	5 0 0	20 0 0	
15 0 0	Linen	for every 100l. of the value	5 0 0	35 0 0	
	Live Stock, (see Cattle)				
Duty free	Lines for the Fisheries		duty free	duty free	
	Lignum Vitæ (see Dye Wood)				
	Lumber (see Wood)				
30 0 0	Maps and Charts	for every 100l. of the value	duty free	30 0 0	
7 10 0	Macaroni	for every 100l. of the value	5 0 0	12 10 0	
15 0 0	Machinery or parts of Machinery for Steam Engines, Carding				
	Machines or Agricultural purposes	for every 100l. of the value	2 10 0	17 10 0	
7 10 0	Marble, rough and worked	for every 100l. of the value	5 0 0	12 10 0	
Duty free	Meat, Fresh	for every 100l. of the value	duty free	10 0 0	
15 0 0	Medicines	for every 100l. of the value	10 0 0	25 0 0	
7 10 0	Medals	for every 100l. of the value	5 0 0	12 10 0	
20 0 0	Mirrors or Looking Glasses	for every 100l. of the value	5 0 0	25 0 0	
7 10 0	Mosaic Work	for every 100l. of the value	5 0 0	12 10 0	
0 3 0	Molasses, (old Crown Duty under 6 Geo. 3, Chap. 62, 1d per Gallon				
		the Cwt.	duty free	0 3 0	
30 0 0	Musical Instruments	for every 100l. of the value	5 0 0	35 0 0	
7 10 0	Musk	for every 100l. of the value	5 0 0	12 10 0	
Duty free	Nets, viz. Fishing Nets and Seines of all kinds		duty free	duty free	
7 10 0	Nuts of all kinds, not otherwise charged with duty				
		for every 100l. of the value	5 0 0	12 10 0	
Duty free	Oats unground	for every 100l. of the value	duty free	10 0 0	
15 0 0	Oakum	for every 100l. of the value	2 10 0	17 10 0	free
7 10 0	Ochres	for every 100l. of the value	5 0 0	12 10 0	free
	Oil, viz. Train Oil, (see Fish Oil)				
7 10 0	Of Almonds	for every 100l. of the value	5 0 0	12 10 0	
7 10 0	Of Olives	for every 100l. of the value	5 0 0	12 10 0	
15 0 0	Of Turpentine, called Spirit of Turpentine		5 0 0	20 0 0	
5 0 0	Of Flax, Rape or other Vegetable Substances		5 0 0	20 0 0	free
7 10 0	Olives	for every 100l. of the value	5 0 0	17 10 0	free
15 0 0	Onions	the Cwt.	0 2 6	0 2 6	
For every 100l					& 15l for every
of the value					100l of the val.

Duty free	Oranges	for every 100l of the value	5 0 0	5 0 0	free
7 10 0	Orange Buds and Peels	for every 100l of the value	5 0 0	12 10 0	free
Duty free	Ores of all kinds				
7 10 0	Orris Root	for every 100l of the value	5 0 0	12 10 0	free
7 10 0	Ostrich Feathers	for every 100l of the value	10 0 0	17 10 0	free
7 10 0	Paintings	for every 100l of the value	5 0 0	7 10 0	free
30 0 0	Papers	for every 100l of the value	5 0 0	35 0 0	free
Duty free	Pears, fresh or dried	the Barrel	0 4 0	0 4 0	free
7 10 0	Pears	for every 100l of the value	10 0 0	17 10 0	free
7 10 0	Precious Stones, (except Diamonds)	for every 100l of the value	10 0 0	17 10 0	free
7 10 0	Pickles in Jars or Bottles	for every 100l of the value	10 0 0	17 10 0	free
15 0 0	Not in Jars or Bottles				
7 10 0	Pimento or Jamaica Pepper	Old Crown Duty under 6, Geo. 3, Cap. 52, one half-penny the lb. for every 100l of the value	5 0 0	20 0 0	free
15 0 0	Pitch	for every 100l of the value	10 0 0	25 0 0	free
Duty free	Plate of Gold or Silver	for every 100l of the value	10 0 0	25 0 0	free
15 0 0	Old and fit only to be re-manufactured				
0 12 0	Plants, Shrubs and Trees	for every 100l of the value	0 1 3	0 12 0	free
Duty free	Perk, salted of all sorts	the Cwt.	0 1 3	0 9 0	free
Duty free	Fresh, brought by Land or Inland Navigation	the Cwt.	0 1 3	0 9 0	free
7 10 0	Fresh, otherwise brought or imported	the Cwt.	0 1 3	0 9 0	free
15 0 0	Pozzalana	for every 100l of the value	7 10 0	22 10 0	free
15 0 0	Porter in Bottles	for every 100l of the value	5 0 0	20 0 0	free
Duty free	in Barrels or Casks				
7 10 0	Poultry of all sorts, dead	for every 100l of the value	5 0 0	12 10 0	free
7 10 0	Prints	for every 100l of the value	5 0 0	12 10 0	free
7 10 0	Punice Stone	for every 100l of the value	5 0 0	12 10 0	free
7 10 0	Punk	for every 100l of the value	5 0 0	12 10 0	free
7 10 0	Quicksilver	for every 100l of the value	5 0 0	12 10 0	free
15 0 0	Raisins	for every 100l of the value	5 0 0	12 10 0	free
Duty free	Rags, viz: old Rags, old Rope, or Junk and old Fishing Nets,	for every 100l of the value	5 0 0	12 10 0	free
Duty free	Rice unground				
Duty free	Mixed or ground Rice	for every 100l of the value.	5 0 0	5 0 0	free
15 0 0	Rasins or Gums (see Gums)				
15 0 0	Rosin, so called	for every 100l of the value	2 10 0	17 10 0	free
30 0 0	Rum see Spirits				
15 0 0	Sago	for every 100l of the value	2 10 0	17 10 0	free
15 0 0	Sails, of Linen	for every 100l of the value	5 0 0	35 0 0	free
30 0 0	And Rigging saved from Vessels wrecked on the Coasts of the Province				
Duty free	Sail Cloth of all kinds (Canvas included)	for every 100l of the value	2 10 0	32 10 0	free
7 10 0	Salt				
15 0 0	Sausages	for every 100l of the value	5 0 0	12 10 0	free
15 0 0	Seeds, viz: Flax Seed, Hemp Seed, and Grass Seed, for Agricultural purposes, and all Garden Seeds,	for every 100l of the value	5 0 0	12 10 0	free
15 0 0	Other Seeds not otherwise charged with duty				
30 0 0	Sheep, (see Cattle)				
15 0 0	Shoes, Boots and Gaiters, not of Leather or Gum Elastic (see Foots)				
15 0 0	Silk Manufactures	for every 100l of the value	5 0 0	55 0 0	free
20 0 0	Skins, Furs, Pelt or Tails undressed	for every 100l of the value	5 0 0	20 0 0	free
15 0 0	dressed or manufactured				
15 0 0	Soap	for every 100l of the value	5 0 0	25 0 0	free
15 0 0	Spices of all kinds	for every 100l of the value	5 0 0	20 0 0	free
0 1 0	Spirits, viz: Brandy, Gin or other Spirituous Liquors, (save and except Rum or Spirits distilled from Molasses, Grain or Fruit) which shall be by any way or method whatsoever, manufactured, compounded or extracted, distilled or made, in this Province,	the Gallon	0 1 1	0 0 0	free
0 0 6	Rum or Spirits, distilled in this Province, from Molasses, Grain or Fruit	the Gallon	0 0 6	0 0 0	free
0 1 0	Spirits and Whiskey, the Manufacture of the United Kingdom	the Gallon	0 1 1	0 0 0	free
0 0 6	Brandy, Geneva, Whiskey, Cordials and other Spirits, except Rum	the Gallon	0 1 1	0 2 1	free
0 0 6	Rum	the Gallon	0 1 0	0 1 6	free
7 10 0	N. B. Rum, although British, if imported into any of the British Possessions in America, into which such Rum, being of Foreign production cannot be legally imported, or into the United Kingdom from any British Possession in which foreign Rum is not prohibited, is treated as foreign, unless it had been Warehoused and exported from the Warehouse.				
15 0 0	Shrub or Sautco	the Gallon	0 0 10	0 1 4	free
15 0 0	Sponge	for every 100l of the value	5 0 0	12 10 0	free
15 0 0	Stone unmanufactured not otherwise charged with Duty	for every 100l of the value	5 0 0	15 0 0	free
20 0 0	Sugar, viz: Sugar of the Maple				
20 0 0	Candy	for every 100l. of the value	5 0 0	25 0 0	free
For every 100l of the value	Refined	the cwt.	0 8 0	0 8 0	free
	Brown or Muscavado or clayed				

o 5 o	Sugar not refined	the cwt.	o 2 o o 7 o
15 o o	Slates, viz: roofing and other Slates	for every 100% of the value	5 o o 20 o o
7 10 o	Sulphur	for every 100% of the value	5 o o 12 10 o free
Duty free	Fallow	for every 100% of the value	2 10 o 2 10 o free
15 o o	Tapioca	for every 100% of the value	2 10 o 17 10 o free
7 10 o	Tar	for every 100% of the value	duty free 7 10 o free
Duty free	Tea of all kinds	for every 100% of the value	10 o o 10 o o
Duty free	Twines and Lines used in the Fisheries		duty free duty free
15 o o	Tin, manufactures of	for every 100% of the value	5 o o 20 o o
15 o o	Plate	do	5 o o 20 o o
20 o o	Tobacco manufactured (except Snuff and Segars)	for every 100% of the value	15 o o 35 o o
20 o o	Segars and Snuff	do	15 o o 50 o o
15 o o	Unmanufactured	do	2 10 o 15 o o
o 12 o	Tongues of Cattie dried or pickled	the cwt.	o o 9 o 12 o
Duty free	Tow		duty free duty free
15 o o	Toys of all kinds	for every 100% of the value	10 o o 25 o o
7 10 o	Turpentine	for every 100% of the value	duty free 7 10 o free
15 o o	Oil or Spirits of	do	5 o o 20 o o
Duty free	Tortoise Shell	for every 100% of the value	5 o o 5 o o
15 o o	Manufactures of	do	5 o o 25 o o
Duty free	Vegetables, fresh	for every 100% of the value	duty free 15 o o
7 10 o	Vegetable Oils, [see Oils]		
7 10 o	Vermillion	for every 100% of the value	5 o o 12 10 o
15 o o	Vermicilia	for every 100% of the value	5 o o 12 10 o
30 o o	Vinegar	for every 100% of the value	5 o o 20 o o
Duty free	Watches	for every 100% of the value	10 o o 40 o o
7 10 o	Whale Fin or Bone taken or caught by Crews of British Ships		duty free duty free
7 7 o	Wheat and Wheaten Flour, see Corn		
7 10 o	Wheatstones	for every 100% of the value	5 o o 12 10 o
o 1 o	Wines in Bottles the Tun		
7 10 o	and for every 100% of the value		
7 10 o	the Bottles the dozen		
Duty free	Bottled in the United Kingdom and thence imported for every 100% of the value		
7 10 o	The Bottles		
	Not in Bottles	for every 100% of the value	
	Wines, viz. Hock, Constantia, Malmsly or Tokay, the Gallon		o 2 s o 2 s
	Champagne, Burgundy, Hermitage,		o 2 o o 2 o
	Claret called Lafite, Latour, Margaux or Hautbrion, the Gallon		o 1 10 o 1 10
	Madeira and Port, the Gallon		o 1 8 o 1 s
	Sherry Wine of which the first cost per Pipe is 20l. Sterling or above, the Gal.		o 1 5 o 1 5
	Wines; other Claret Wines, Baran, Sauterne, Vin de Grave, Meselle, and other		
	French Wines, and Lisbon Wines, and German Wines		
	the Gallon		o 1 s o 1 s
	All other Sherry Wines, Teneriff, Marsala, Sicilian, Malaga, Fay-		
	al and all other Wines		o 1 o o 1 o
	All Wines, the produce of the Cape of Good Hepe, (except Con-		
	stantia)		o 0 9 o 0 9
	the Gallon		
	Imported into the British Possessions in North America, from Gibraltar or		
	Malta, subject to no higher duty than if imported from the United		
	Kingdom, viz: one tenth of the Imperial Duty remitted		
	The old Crown Duty, under Statute 4, Geo. 3, Cap. 15, on Wine of the		
	growth of the Madeiras, or of any other Island or place, whence		
	such Wine may be lawfully imported, and which shall be so import-		
	ed from such Island or place, is the Tun, £7; and on Portugal,		
	Spanish, or any other Wine, (except French Wine,) imported from		
	Great-Britain, the Tun, Ten Shillings		
30 o o	Wires of all sorts,	for every 100% of the value	5 o o 35 o o
Duty free	Wood, viz: Masts, Spars, Beards, Plank, Deals, Staves, Headings, Shin-		
	gles, Clapboards, Timber, Lathes, Hoops, and wood of all		
	sorts, Lumber, the produce of, and imported from any British		
	Possessions, the west Coast of Africa, Wood and Lumber o-		
	therwise imported; Cabinet-Makers Wood; Hard Wood		duty free duty free
	Wood, manufactures of, viz: Chairs, Tables, and other Household furniture		
	and utensils, Carriages of all sorts, Carts, Waggon, Cabinet-Makers		
	work, Carpenters work, and Wheelwrights work, of all kinds, not		
	being for agricultural purposes	for every 100% of the value	5 o o 30 o o
15 o o	Agricultural Implements and Machinery		2 10 o 17 10 o
15 o o	Wool, viz. Cotton Wool	for every 100% of the value	5 o o 5 o o
Duty free	Sheeps Wool		5 o o 20 o o
15 o o	Wax	for every 100% of the value	5 o o 20 o o
15 o o	Whiskey see Spirits		
15 o o	Yarn, viz. Cotton Yarn	for every 100% of the value	5 o o 20 o o
30 o o	Worsted Yarn		5 o o 30 o o
15 o o	Raw Linen Yarn		5 o o 35 o o
Duty free	Goods, Wares and Merchandize not otherwise charged with duty, and not		
	herein declared to be free of duty, for every 100% of the value		5 o o 20 o o
Duty Free	Any sort of Craft, Food and Victuals, except Spirits, and any sort of Cloth-		
	ing and Implements and materials fit and necessary for the British		
	Fisheries in America, imported into the place at or from whence		
	such Fishery is carried on		
	All Goods imported from the United Kingdom after having therepaid the		
	duties of consumption, and being imported from thence without		
	Drawback		

## CAP. II.

## An Act concerning Duties on Liquors Distilled within this Province.

(PASSED THE 31st DAY OF MARCH, 1834.)

**Preamble**  
**W**HEREAS, all Brandy, Gin, Rum, or other Spirituous Liquors, which shall be, by any way or method whatsoever, Manufactured, Compounded, Extracted, Distilled or made in this Province, are made subject to, and charged with, certain Colonial Impost Duties, and it is expedient to provide for the Collection of such Duties.

**Act in operation**  
 I. *Be it therefore enacted, by the President, Council and Assembly,* That upon, from and after, the first day of April in this Year of Our Lord One Thousand Eight Hundred and Thirty-four, this Act shall come into and be in operation.

**Weekly Return to be made on oath of Liquors distilled**  
 II. *And be it further enacted,* That the owner or owners, of any Distillery or Distilleries, Manufactory or Manufactories, or other person or persons, who shall, by any way or method whatsoever, manufacture, compound, extract, distil, or make in this Province, any Brandy, Gin, Rum, or other Spirituous Liquors in this Province, and in case such Distillery or Distilleries, Manufactory or Manufactories, shall be carried on by any servant or servants, having the care or management of the same, then such Owner, Master, or servant or servants respectively, shall, on the Saturday of every Week, after the coming of this Act into operation, render a true and faithful account to the Collector of Impost, nearest to the place where such Manufacture is carried on, or Distillery situate, of the quantity of Brandy, Gin, Rum, or other Spirituous Liquors, that have been manufactured or distilled in his, her or their Distillery or Distilleries, Manufactory or Manufactories, and shall make and subscribe before the said Collector the Oath following : I

**Form of Oath**  
 do solemnly swear, that the Account which I have now rendered and subscribed of the Brandy, Gin, Rum, and other Spirituous Liquors, manufactured or distilled at the Distillery or Manufactory of \_\_\_\_\_ is a true and faithful Account of all the Brandy, Gin, Rum, and other Spirituous Liquors, manufactured, compounded, extracted, distilled, or made by any way or method whatsoever, at the said Distillery or Manufactory, since the \_\_\_\_\_ day of \_\_\_\_\_ last, and that no Brandy, Gin, Rum, and other Spirituous Liquors, have been so manufactured, compounded, extracted, made or distilled, at the said Distillery or Manufactory, since the \_\_\_\_\_ day of \_\_\_\_\_ last, except what the said Account contains, and I further swear, that no Brandy, Gin, Rum, or other Spirituous Liquors, to my knowledge or belief, have been removed from the said Distillery or Manufactory, without being duly gauged by the Guager for the District of \_\_\_\_\_ or without a Permit to remove the same from the Collector of Impost and Excise for the said District. So help me God.

**Entry to be made and duties secured**  
 III. *And be it further enacted,* That, upon such Account and Report being rendered and verified as aforesaid, due Entry shall be made of the full quantity of Brandy, Gin, Rum and other Spirituous Liquors in the said Account stated, and of the amount of the Colonial Duties due thereon, and if such Duties do not exceed the sum of Two Pounds, then the same shall be paid down by the Owner thereof, and if the Duties exceed the sum of Two Pounds, then Security shall be given for the payment of such Duties by Bond to be made and executed with such Sureties, and in the like manner as is by Law prescribed with respect to Duties charged on Goods imported into this Province, and thereupon, the Collector of Impost shall grant to the said Distiller or Manufacturer a Removal Permit therefor, which shall be in the words following:

**Removal of Liquors**  
 Permit A. B. to receive from the Stock of C. D. the following Liquors, distilled, made or compounded, by him, that is to say :— \_\_\_\_\_ and to carry the same from the Distillery or Manufactory of the said \_\_\_\_\_ said C. D. to \_\_\_\_\_ the Duties thereon having been paid or secured in the Impost Office, Given under my Hand at this \_\_\_\_\_ day \_\_\_\_\_ A.D. 183 \_\_\_\_\_

**Form of Removal Permit**  
 IV. *And be it further enacted,* That for investigating into the exactness of every such \_\_\_\_\_

such Account or Report so to be rendered, and for ascertaining the true quantity of Liquors so from time to time manufactured, compounded, extracted, distilled or made, in any such Distillery or Manufactory by any person whomsoever, it shall and may be lawful for the Collector of Impost, and any Officer of the Colonial Revenue, to have and exercise all such and the like powers and authorities, ways and means, as by Law may be provided with respect to Goods subject to Duties imported into this Province, and the same powers, authorities, ways and means, are hereby expressly made applicable to the Distiller or Manufacturer, the Distillery or Manufactory, and Liquors there made or manufactured, severally and respectively as the case may require.

Investigation  
of Returns

V. *And be it further enacted*, That if any such Brandy, Gin, Rum, or other Spirituous Liquors, as in this Act are mentioned, shall be found in any Distillery, Manufactory or Place, after the day on which the same ought to have been reported, without having been duly entered and reported as aforesaid, then such unreported dutiable articles shall be forfeited, and may be seized accordingly, and if, after any such Account rendered, and Entry made of any such Brandy, Gin, Rum or other Spirituous Liquors, the Duties payable on the quantity thereof, in such Entry mentioned, shall not be paid or secured as aforesaid, within twenty-four hours after such Report and Entry made, then it shall be lawful for the Collector of Impost, or other Officer of the Colonial Revenue, to take the said Dutiable Articles into his custody, and to store the same, and he shall, within five days after receiving the same into his possession, give notice for the space of ten days of the sale thereof, and, at the day and place fixed, shall proceed to sell at Public Auction, so much of the said Dutiable Articles as shall be necessary to pay the Duties thereon, with the reasonable costs and charges attending the storing and selling such Articles, and shall pay any surplus money arising from such sale, or the residue remaining of such Articles, after the payment of the Duties, Costs and Charges aforesaid, unto any person lawfully authorised to receive the same.

Evasions of the  
Law

VI. *And be it further enacted*, That no Brandy, Gin, Rum or other Spirituous Liquors as aforesaid, of the value of Five Pounds or above, shall be transferred by, or removed from the Store or Stock of, any Distiller, Manufacturer or Owner of the same, to any other person or persons whatsoever, without such Removal Permit as aforesaid, from the Collector of the District wherein such Distillery or Manufactory shall be.

Removal of  
Liquors with-  
out Permit

VII. *And be it further enacted*, That in case any of the above enumerated Dutiable Articles shall be found in the Possession of any person or persons whomsoever, or shall be found for the purpose of being carried or removed, laden on any Cart, Truck, Waggon, Sled, Horse or Horses, or on board any Boat or Vessel, the Colonial Impost Duties to which the said articles may be subject not being paid or secured, or without the respective Permits, by this Act required, the person or persons in whose possession they shall be so found shall forfeit Fifty Pounds, and all and every such Dutiable Article, Cart, Truck, Waggon, Sled, Horse, Boat and Vessel, used in removing the same articles, shall be forfeit, and if any question shall arise whether the aforesaid Duties have been paid or secured, the proof of the payment or securing of the same shall lie on the possessor or claimer of such articles.

Penalties for  
violation of  
this Act.

VIII. *And be it further enacted*, That it shall be lawful for the Board of Revenue to make such regulations as to them shall seem expedient for the more effectually securing and collecting the Duties from time to time payable on Brandy, Gin, Rum, or other Spirituous Liquors as aforesaid, and for preventing Frauds, with respect to the paying, securing or enforcing, the collection of the said Duties.

Board of Re-  
venue authoris-  
ed to make reg-  
ulations

IX. *And be it further enacted*, That this present Act may be altered or amended by any Act or Acts of the present Session of the General Assembly.

Act may be  
altered or  
amended

## CAP. III.

## An Act for granting Duties on Licenses for the sale of Spirituous Liquors in Taverns, Public Houses or Shops, and for other purposes.

(PASSED THE 31st DAY OF MARCH, 1834.)

**BE** it enacted by the President, Council and Assembly, That, from and after the passing of this Act, and in every year during the continuance thereof, there shall be raised, levied and collected from, and paid by, every person now Licensed, or hereafter to be Licensed, by any Tavern License or Shop License granted, or to be granted, for the sale of Rum, or other strong or Distilled Spirituous Liquors, and Wine, Ale, Beer, Cider or Perry, at any Town or place within this Province, (save and except only the Town and Peninsula of Halifax,) pursuant to the rules, regulations and provisions of the Act, passed in the second Year of His present Majesty's Reign, entitled, An Act concerning Persons Licensed to keep Public Houses and Shops, and the Duties thereon, the several and respective License Duties and Taxes following, that is to say:—

For and upon every Tavern License, the sum of Seven Pounds and Ten Shillings Halifax Currency.

For and upon every Shop Licence, the sum of Five Pounds—which said several License Duties or Taxes shall be paid and payable at such times, and in such proportions, and under and subject to such reductions for any time less than One Year, and shall be raised, levied, collected and secured, in and by such Bonds or Obligations, ways and means, and under such penalties and forfeitures, and shall be applied and disposed of in such manner, and to such persons, and for such purposes, as in and by the said Act of the second Year of His present Majesty's Reign, or any other Act in addition, alteration or amendment thereof, to be passed, are or shall be provided, declared, directed or enacted, of and concerning the said License Duties, or Licenses aforesaid, or any of them respectively.

II. *And be it further enacted,* That no General License whatever shall be granted, made or issued, to any person or persons whomsoever, residing in any part of this Province, save and except only to persons residing in the Town or Peninsula of Halifax.

III. *And be it further enacted,* That no person holding a Shop License (save and except in the Town or Peninsula of Halifax,) shall sell any Rum or other Strong or Distilled Spirituous Liquors in any quantity less than one Gallon, to be delivered at one and the same time, and not to be drunk in the House or Shop of the party holding such Shop License, and any person or persons holding such Shop License, (save and except in the Town and Peninsula of Halifax,) who shall sell or cause to be sold any quantity of Rum or other strong or Distilled Spirituous Liquors, less than one Gallon, contrary to the provisions herein before contained, being thereof convicted, shall be subject and liable to the same pains, penalties and forfeitures, as persons convicted of selling Spirituous Liquors without License, and the same shall and may be prosecuted for, paid, levied and disposed of, in like manner as is directed and prescribed by Law, with respect to penalties, pains and forfeitures, in cases of persons selling Liquor without License.

IV. *And be it further enacted,* That there shall be hereafter granted, (save and except in the Town and Peninsula of Halifax,) a Tavern License or Shop License, for the Sale of Wine, Beer, Cider, Ale, Perry or other Liquors, not being Rum or other strong or distilled Spirituous Liquors, to be called a Wine and Beer License, to be in force for one year, or such shorter time, not less than six calendar months, as may be therein mentioned and specified, and to be granted in like manner, and under the same regulations, as other Licenses are directed to be granted, either by this Act or the said Act of the second year of His present Majesty's Reign, and any person or persons holding such Wine and Beer License, who shall sell, or cause or procure to be sold, any Rum, or other strong or distilled Spirituous Liquors, mixed or unmixed, by whatever name or names the same may be called, shall, being thereof convicted, be subject and liable to the same pains, penalties and forfeitures, as persons convicted of selling Liquors without License, to be prosecuted for, paid, levied and disposed of, in like manner as is directed

with

Tavern License £7 10

Shop Licence £5

General Licenses confined to Halifax

Limitation of License to sell Wine, Beer, Cider, &c.

License to sell Wine, Beer, Cider, &c.

Wine and Beer Tavern License £2 10

with respect to pains, penalties and forfeitures, in cases of Selling Liquors without License.

V. And be it further enacted, That for every such Wine and Beer Tavern License, there shall be paid by the person or persons obtaining the same, at the time the said License shall be granted and taken out, a Duty or Tax of Two Pounds and Ten Shillings for one year, or any less sum in proportion to any shorter time for which such License shall be granted, and for every such Shop, Wine and Beer License, a Duty or Tax of Two Pounds for one year, or any less sum in proportion to any shorter time, for which such Shop, Wine and Beer License shall be granted.

Wine and Beer Tavern License £2 10

Shop, Wine, and Beer License £2

VI. And be it further enacted, That hereafter no Tavern or Shop License, of any description, shall be granted to any person in this Province, (except in the Town and Peninsula of Halifax,) unless the person to whom such Tavern or Shop License shall or may be granted shall be first recommended to the Justices in Session, by the Grand Jury of the County or District wherein such License is to be taken out and granted, as a fit and proper person to have and receive such License.

Recommendation required of persons applying for Licenses

VII. And be it further enacted, That every person to whom any such Tavern, Wine and Beer License shall or may be granted, shall hang out and have publicly exhibited a Sign or Inscription, with the name of such person, and the words "Wine and Beer License" thereon, in legible characters, and any person holding such Wine and Beer License, and not hanging out or exhibiting publicly such Sign or Inscription, shall be subject and liable to the like penalty as is imposed on persons holding Licenses, and not hanging out any Signs, by the sixteenth Clause or Section of the said Act hereinbefore referred to, passed in the second year of His present Majesty's Reign, to be prosecuted for, recovered, paid and applied, in like manner, as is directed with respect to the said penalty in the said sixteenth Clause of the said Act mentioned.

Wine and Beer License Signs to be hung out

VIII. And be it further enacted, That it shall be in the power of the said Justices, in any their General Sessions of the Peace, from time to time, at the discretion of the said Justices, to grant a License or Licenses gratis, or upon payment of such less Duty as may seem to them proper, to any person or persons living on roads which are little frequented, for the encouragement of such persons keeping Houses of Entertainment on such public roads for the accommodation of Travellers.

License may be granted gratis

IX. And be it further enacted, That this Act shall continue and be in force until the thirty-first day of March, which will be in the year of our Lord One Thousand Eight Hundred and Thirty-five, and no longer.

Continuation of Act

CAP. IV.

An Act respecting the Trial of Issues in the Supreme Court, and for regulating the Times of Holding the Circuits of the said Court in the several Counties and Districts of this Province.

(PASSED THE 31st DAY OF MARCH, 1834.)

WHEREAS, by the Laws now in force, it is made necessary that all Causes shall be tried before two or more Judges of the Supreme Court, which has been found difficult and inconvenient in practice, for remedy thereof:

Preamble

I. Be it enacted, by the President, Council and Assembly, That, from and after the passing of this Act, it shall and may be lawful for any one Judge of the Supreme Court to preside at the Trial of and to try all Issues, as well in Criminal as in Civil Causes, in the said Court, any law, usage or custom, to the contrary thereof, notwithstanding.

Circuit Courts may be held by one Judge of Supreme Court

And whereas, When Issues are tried before one Judge, it will not be necessary for two Judges to travel the same Circuit.

II. Be it enacted, That the Supreme Court shall hereafter be held in the several Counties and Districts of this Province before one Judge of the said Court, in the same manner as the same has been heretofore held before two Judges of the said Court.

Court to be held by one Judge

III. *And be it further enacted*, That the Supreme Court shall hereafter be held by one Judge as aforesaid, in the several Counties and Districts in this Province, at the several times and places hereinafter named, that is to say:

IN THE SPRING.

Times of sitting of Supreme Court

At Windsor, in the County of Hants, at Pictou, in the District of Pictou, and at Dorchester, in the County of Sydney, on the last Tuesday of May.—At Horton, in King's County, at Amherst, in the County of Cumberland, and at Guysborough, in the County of Sydney, on the first Tuesday of June.—At Annapolis, in the County of Annapolis, at Truro, in the District of Colchester, and at Arichat, in the County of Cape-Breton, on the second Tuesday of June.—At Yarmouth, in the County of Shelburne, and at Sydney, in the County of Cape-Breton, on the third Tuesday of June.—At Lunenburg, in the County of Lunenburg, at Liverpool, in Queen's County, and at Shelburne, in the County of Shelburne, on the days and at the times prescribed by the Laws now in force.

IN THE AUTUMN.

At Annapolis, in the County of Annapolis, at Pictou, in the District of Pictou, and at Guysborough, in the County of Sydney, on the second Tuesday of September.—At Horton, in King's County, at Amherst, in the County of Cumberland, and at Port Hood, in the County of Cape-Breton, on the third Tuesday of September.—At Windsor, in the County of Hants, at Truro, in the District of Colchester, and at Dorchester in the County of Sydney, on the fourth Tuesday of September.

Returns of Writs, Process, &c.

IV. *And be it further enacted*, That all Writs, Process, Recognizances and Complaints, which are or shall be made returnable to the Supreme Court at its next sittings in the Counties or Districts wherein the sittings of the said Court are hereby altered, shall be returned on the days herein appointed for such respective sittings of the said Court, and all parties and persons who are bound or summoned, or who ought to appear at the said Courts, or any of them, at the next sittings thereof, in any of the said Counties or Districts, shall be held and obliged to appear at such Court, at the days and times on which such sittings respectively are hereby directed to be held.

Juries drawn in Port Hood, Guysborough and Yarmouth

V. *And be it further enacted*, That the Grand and Petit Juries, drawn in and for the next Inferior Courts of Common Pleas and General Sessions of the Peace at Port Hood, in the County of Cape-Breton, at Guysborough in the County of Sydney, and at Yarmouth, in the County of Shelburne, shall and are hereby declared to be the Grand and Petit Juries for, and be bound to attend, being duly summoned, at the first sittings of the Supreme Court, to be held under and by virtue of this Act, at the said places respectively.

Continuation of Act

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 then next Session of the General Assembly.

CAP. V.

An Act respecting Actions for the Escape of Prisoners in certain Cases.

(PASSED THE 31st DAY OF MARCH, 1834.)

Preamble

**W**HEREAS it sometimes happens, that Defendants, confined under Execution, escape through the insufficiency of the Jail, and from other causes, without any default or negligence on the part of the Sheriff, Gaoler or other Officer, in whose Custody they may be; and it is just and expedient that, in such cases, the Sheriff, Gaoler or other Officer, shall be liable in an action for such damages only as the Creditor or Plaintiff, at whose suit such Defendant may be confined, hath actually sustained, in consequence of such Escape.

Discretionary Power vested in Jury

I. *Be it therefore enacted, by the President, Council and Assembly*, That hereafter, in any Cause or Action brought or commenced against any Sheriff, Gaoler or other Officer, for the Escape of any Prisoner confined or imprisoned under Execution in any Civil Case



Case, it shall not be imperative on the Jury, impannelled to try the cause, to find a verdict for the whole amount of the Debt and Costs for which such escaped Prisoner shall have been taken in Execution, but they shall find a verdict for the Plaintiff, for such sum only as they shall deem right and proper, under all the circumstances of the case; *Provided*, the same shall not exceed the amount of the Debt, or Damages and Costs, in the original Cause or Action in which such Execution issued, any law, usage or custom, to the contrary notwithstanding.

Proviso

II. *Provided always, and be it further enacted*, That where it shall appear, on the Trial of any such Cause or Action, that the Sheriff, Gaoler or other Officer, hath been or was guilty of gross negligence, whereby such Escape was effected or connived at, or been party to such Escape, then, and in either of such cases, the liability of the said Sheriff, Gaoler or other Officer, shall be the same as heretofore.

Liability of Sheriff, Gaoler, &amp;c.

## CAP. VI.

## An Act to increase the number of Fire-men in the Town of Halifax.

(PASSED THE 31st DAY OF MARCH, 1834.)

**W**HEREAS, the number of Fire-men which the Justices of the Peace in the Town of Halifax are authorized to appoint under the second clause of the Act, passed in the fifty-second year of the Reign of His late Majesty King George the Third, entitled, An Act in addition to an Act, made in the second year of His present Majesty's Reign, entitled, An Act for appointing Firewards, ascertaining their duty, and for punishing thefts and disorders at the time of Fire, has been, from the increase of the said Town, found to be too small, and it is expedient to make an addition to the number of such Fire-men.

Preamble

I. *Be it therefore enacted, by the President, Council and Assembly*, That, it shall and may be lawful for the Justices of the Peace in their General Sessions of the Peace in the Town of Halifax, from time to time, to nominate and choose, in addition to the number which by the said recited Act the said Justices are now authorised to appoint, such number of discreet and prudent men, not exceeding Ten, as may be necessary to be Fire-men in and for the said Town of Halifax, which additional Fire-men, when so appointed, shall be subject and liable to the same Rules, Regulations, Duties, Penalties and Forfeitures, and entitled to the same privileges and exemptions, to which other Fire-men in and for the said Town are by Law now subject, liable and entitled.

Additional number of Fire-men allowed

## CAP. VII.

## An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof, and additional thereto.

(PASSED THE 31st DAY OF MARCH, 1834.)

**B**E it enacted by the President, Council and Assembly, That an Act, made and passed in the Eleventh year of His late Majesty's Reign, entitled, An Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts, passed in the first and second years of His present Majesty's reign, in amendment of, and additional to, the said Act, shall be continued, and the said Acts, and every matter, clause and thing, therein contained, are hereby severally and respectively continued, for one year, and from thence to the end of the then next Session of the General Assembly.

Acts continued

## CAP. VIII.

**An Act to continue the Acts now in force relating to Trespasses.**

(PASSED THE 31st DAY OF MARCH, 1834.)

Acts continued

**B**E it enacted, by the President, Council and Assembly, That an Act, made and passed in the Third year of His late Majesty's Reign, entitled, An Act for consolidating and reducing into one Act all the Acts heretofore made relating to Trespasses, except so far as the same is or may be altered or amended by the several Acts hereinafter mentioned; and also, the Act, made and passed in the Fourth and Fifth Years of His said late Majesty's Reign, to alter, amend and continue, the said Act; also, the Act, made and passed in the Ninth year of His said late Majesty's Reign, to alter and continue the said Acts; also, the Act, passed in the Second year of His present Majesty's Reign, to amend and continue the said Acts; and also, the Act, made and passed in the last Session of the General Assembly, entitled, An Act in further amendment of the Acts relating to Trespasses, and every matter, clause and thing, in the said several Acts contained, except as aforesaid, shall be continued, and the same are hereby severally continued for one year, and from thence to the end of the then next Session of the General Assembly.

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 CAP. IX.

**An Act to continue the Act to provide for the Accommodation and Billeting of His Majesty's Troops or of the Militia, when on their March from one part of the Province to another, and also the Acts in amendment thereof.**

(PASSED THE 31st DAY OF MARCH, 1834.)

Acts continued

**B**E it enacted, by the President, Council and Assembly, That an Act, made and passed in the forty-eighth year of the reign of His late Majesty King George the Third, entitled, An Act to provide for the Accommodation and Billeting of His Majesty's Troops or of the Militia, when on their march from one part of the Province to another; and also, the Acts, passed in the fifty-first and fifty-third years of His said late Majesty's reign, in amendment thereof, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

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 CAP. X.

**An Act to continue the Acts for granting a Drawback of the Duties on Brown or Raw Sugar, used in the manufacture of Refined Sugars within the Province, and for regulating the mode of obtaining the same.**

(PASSED THE 31st DAY OF MARCH, 1834.)

Acts continued

**B**E it enacted by the President, Council and Assembly, That an Act, made and passed in the Fifty-seventh year of the Reign of His late Majesty King George the Third, entitled, An Act for granting a Drawback of the Duties on Brown or Raw Sugar, used in the manufacture of Refined Sugars within the Province, and for regulating the mode of obtaining the same; and also, the Act, passed in the seventh year of the Reign of His late Majesty King George the Fourth, to revive, amend and continue, the said Act, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby severally continued, until the Thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-five, and no longer.

CAP.

## CAP XI.

(PASSED THE 16th DAY OF APRIL, 1834.)

**An ACT for applying certain Monies, therein mentioned, for the service of the Year of Our Lord One Thousand Eight Hundred and Thirty-four; and for appropriating such part of the Supplies, granted in this Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province.**

MAY IT PLEASE YOUR HONOR,

**WE**, His Majesty's dutiful and loyal Subjects, the House of Assembly of His Majesty's Province of Nova-Scotia, towards appropriating the Supplies granted to His Majesty, in this Session of the General Assembly, and for supplying the exigencies of His Majesty's Government, do humbly beseech that it may be enacted, and

*I. Be it enacted, by the President, Council and Assembly,* That, by or out of such Monies as now are, or from time to time shall be or remain, in the Public Treasury of this Province, there shall be paid the sum of 358l. to the Speaker of the House of Assembly, in full for his salary as Speaker during the present year.

358l. Speaker  
of Assembly

And a further sum of 225l. to the Attorney-General, for his services for the present year.

225l. Attorney  
General

And a further sum of 100l. to the Solicitor-General, for his services for the present year.

100l. Solicitor  
General

And a further sum of 600l. to the Treasurer of the Province, for his salary, and as Comptroller and Auditor of Public Accounts, and in lieu of office rent, clerks, and all other contingent expences, for the same year.

600l. Treasur-  
er of Province

And a further sum of 100l. to the Clerk of the Council in General Assembly, and as Clerk of His Majesty's Council, for his services in the same year.

100l. Clerk of  
Council

And a further sum of 200l. to the Clerk of the House of Assembly, for his services for the same year.

200l. Clerk of  
Assembly

And a further sum of 30l. for defraying the Expences of Council in General Assembly for the same year, to be paid on the Certificate of the President of the Council, and not otherwise.

30l. Expences  
of Council

And a further sum of 25l. to the Venerable Archdeacon Willis, D. D. for his services as Chaplain to His Majesty's Council during the present Session.

25l. Archdea-  
con Willis

And a further sum of 25l. to the Reverend Fitzgerald Uniacke, for his services as Chaplain to the House of Assembly, during the present Session.

25l. Fitzgerald  
Uniacke

And a further sum of 100l. to the Deputy-Clerk of the Council, for his services for the present Session.

100l. Deputy  
Clerk of Coun-  
cil

And a further sum of 100l. to the Assistant-Clerk of the House of Assembly, for his services for the present Session.

100l. Assistant  
Clerk of As-  
sembly

E

And

- 40l. Messenger of Governor And a further sum of 40l. to the Messenger of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and His Majesty's Council, as well in their Legislative capacity as otherwise, for the present year.
- 50l. Matthew Forrester And a further sum of 50l. to Matthew Forrester, for his services as Sergeant at Arms to the House of Assembly during the present Session.
- 30l. A Boyle And a further sum of 30l. to Alexander Boyle, for his services as Assistant-Sergeant at Arms to the House of Assembly, during the present Session.
- 30l. J Gibbs And a further sum of 30l. to John Gibbs, for his services as Messenger to the House of Assembly, during the present Session.
- 235l. Guuger and Weigher And a further sum of 235l. to the Guuger and Weigher, for the Collector of Impost for the District of Halifax, for his services for the present year.
- Allowance to Waiters And a further sum to be paid on the certificate of the Commissioners of the Revenue, at the rate of Seven Shillings and Six-pence per day, to such person or persons as shall be employed during the year aforesaid, by the Collector of Impost for the District of Halifax, as extra Waiter or Waiters for the Port of Halifax, and Five Shillings per day to such extra Waiter or Waiters when unemployed; and at the rate of Five Shillings per day to temporary Waiters.
- 45l. Revenue Clerk And a further sum of 45l. to the Clerk of the Commissioners of the Revenue, for his services for the present year.
- 20l. Secretary of Province And a further sum of 20l. to the Secretary of the Province, for Stationary, on account of Warrants to be drawn on the Treasury, for the present year.
- 250l. Contingent Expences And a further sum of 250l. to defray such contingent expences as may arise during the present year, to be drawn by Warrant from the Governor, Lieutenant-Governor, or Commander in Chief for the time being.
- 600l. Transient Poor And a further sum of 600l. for the support of the Transient Poor for the present year; to be paid to the Commissioners of the Poor at Halifax.
- 20l. Keeper of Gunpowder And a further sum of 20l. to the person who has the care of the Gunpowder at Halifax, for his services for the present year.
- 150l. Adjutant General of Militia And a further sum of 150l. to the Adjutant-General of Militia, in full for his services, and the payment of his Clerk, Stationary and Postage, for the present year.
- 436l. 14s. 3d. roads in Districts of Halifax and Colchester And a further sum of 436l. 14s. 3d. (including 142l. 14s. 3d. being the change of appropriation from Cumberland hereinafter mentioned) for the several roads in the Districts of Halifax and Colchester, to be applied and expended agreeably to a Resolution of the House of Assembly, passed on the twelfth day of April, in the Year of Our Lord One Thousand Eight Hundred and Thirty-four, and agreed to by His Majesty's Council.
- 420l. roads in District of Pictou And a further sum of 420l. for the several roads in the District of Pictou, to be applied and expended as aforesaid.

And a further sum of 487l. for the several roads in the County of Cumberland, to be applied and expended as aforesaid. 487l. County of Cumberland

And a further sum of 558l. for the several roads in the County of King's County, to be applied and expended as aforesaid. 558l. County of King's County

And a further sum of 558l. for the several roads in the County of Hants, to be applied and expended as aforesaid. 558l. County of Hants,

And a further sum of 534l. for the several roads in the County of Lunenburg, to be applied and expended as aforesaid. 534l. County of Lunenburg

And a further sum of 582l. for the several roads in the County of Annapolis, to be applied and expended as aforesaid. 582l. County of Annapolis

And a further sum of 487l. for the several roads in the County of Queen's County, to be applied and expended as aforesaid. 487l. County of Queen's County

And a further sum of 580l. for the several roads in the County of Shelburne, to be applied and expended as aforesaid. 580l. County of Shelburne

And a further sum of 500l. for the several roads in the County of Sydney, to be applied and expended as aforesaid. 500l. County of Sydney

And further sum of 50l. to the Owners of the Packet running between Windsor and Patridge Island ; to encourage the running of the said Packet between the said places, under such regulations as may be made and ordered by the Justices in their Sessions for the County of Hants, for the present year. 50l. Owners of Parreboro' Packet

And a further sum of 50l. at the disposal of His Honor the President, or the Commander in Chief for the time being, to be applied in the support and encouragement of a Packet to be employed and run by W. F. Desbarres and others, between Guysborough and Arichat, touching occasionally at Fox Island and Canso, such Packet to be under such Regulations as have been made or may be agreed upon by the General Sessions of the Peace for the Lower District of the County of Sydney. 50l. Guysboro' Packet

And a further sum of 20l. to assist the Ferry across the mouth of the Shubenacadie River : Ten Pounds to be paid to each of the Ferrymen in Hants and Colchester, to aid them in keeping up proper Boats for the said Ferry, to be paid on the Certificate of the Sessions that such Boats are provided. 20l. Ferry at Shubenacadie

And a further sum of 20l. to aid the Inhabitants of Douglas, at the Mouth of the Shubenacadie, in supporting a suitable Boat to run between Londonderry and that place : the said Boat to be under the regulation of the General Sessions for the County of Hants; and the said sum to be paid by Warrant from His Honor the President or the Commander in Chief for the time being, upon the certificate of the said Sessions that such Boat has been actually running at least four Months to the satisfaction of the said Sessions, under their regulations. 20l. Boat at Shubenacadie

And a further sum of 20l. to aid the Inhabitants of Cape-Breton in supporting a suitable Boat or Scow, to run between Ship Harbour in Cape-Breton, and Cape-Porcupine, in the County of Sydney, the said Boat or Scow to be placed under the regulation of the General Sessions for the North-Western District of the County of Cape-Breton. 20l. Ferry at Canso

And

20l. Ferry at  
Gut of Canso

And a further sum of 20l. at the disposal of His Honor the President, or the Commander in Chief for the time being, to be by him paid and applied as follows : to Donald McMillan 10l. on his proving to the satisfaction of His Honor, that he has provided a good and sufficient Horse Boat to be for the sole use of the Ferry across the Gut of Canso, from McMillan's Cove to Auld's Cove ; and to William Auld the remaining 10l. when he shall prove, in manner aforesaid, that he has also provided a good and sufficient Horse-boat for the like purpose.

15l. Keeper of  
La Have Ferry

And a further sum of 15l. to John Pernette, Esquire, Keeper of the LaHave Ferry, for his services in bringing the Postman or Courier twice a week across the said River, and to enable him to keep up said Ferry, said sum to be drawn from the Treasury when it shall be certified by the Court of Sessions that said Ferry has been regularly kept.

263l. 6d. Ex-  
pences of Ship-  
wrecked Emi-  
grants

And a further sum of 263l. and 6d. to defray the expences of the support and conveyance of Shipwrecked Emigrants, at and from Cape-Breton, agreeably to the report of the Committee, to be applied as follows :—

To William Pearson, 200l.  
To Thomas Bowen and Company, 27l. 10s.  
To William Fitzpatrick, 19l. 7s. 6d.  
To Messrs. Clarke and Archibald, 11l. 2s.  
To John McGowan, 2l. 13s. 3d.  
To George Pitts, 4s. 6d.  
To C. E. Leonard, Junior, 13s. 3d.  
To Samuel Brookman, 1l. 10s.

10l. 15s. 7d.  
Mary Coup

And a further sum of 10l. 15s. 7d. to Mary Coup, for necessaries furnished by her to Shipwrecked Mariners, agreeably to the report of the Committee on her Petition.

10l. Overseers  
of Poor in  
Cornwallis

And a further sum of 10l. to the Overseers of the Poor for the Township of Cornwallis, for remunerating them for expenses incurred in the relief of Shipwrecked Mariners.

4l. 6d. Olivia  
Newcomb

And a further sum of 4l. and 6d. to Olivia Newcomb, for relief furnished by her to Shipwrecked Mariners, agreeably to the report of the Committee on her Petition.

3l. 16s. Bridget  
Drea

And a further sum of 3l. 16s. 5d. to Bridget Drea, for expences incurred in the support of Shipwrecked Mariners.

7l. 10s. Dr. T.  
E. Jeans

And a further sum of 7l. 10s. to Dr. Thomas E. Jeans, in full for his services and expences, in regard to William Peterson, a Shipwrecked and frost-bitten Mariner, in Cape Breton.

10l. 8s. 4d.  
John Nesbitt

And a further sum of 10l. 8s. 4d. to John Nesbitt of the North-West Arm, at North Sydney, for Boarding, Necessaries and Funeral expences of William Peterson, who died after the amputation of both his Legs from severe frost.

17l. 16s. Cle-  
ment Hubert

And a further sum of 17l. 16s. to Clement Hubert, for Quarantine expences, in One Thousand Eight Hundred and Thirty-two, agreeably to the report of the Committee.

152l. 18s. G.  
Innes

And a further sum of 152l. 18s. to George Innes, for Drawbacks on articles exported by him, agreeably to the prayer of his Petition, and the report of the Committee thereon.

And

And a further sum of 14*l.* 16*s.* to Justus Wetmore, in full of his claims for Drawback agreeably to the report of the Committee appointed to consider his Petition.

14*l.* 16*s.* J. Wetmore

And a further sum of 12*l.* 10*s.* to Messrs. Temple & Lewis Piers and Company, for Drawback on Sugar, in accordance with the report from the Committee.

12*l.* 10*s.* T. & L. Piers

And a further sum of 54*l.* 17*s.* 6*d.* to the Proprietors of the Eastern Stage Coach Company, to compensate them for work performed in repairing the Road from Halifax to Pictou, during last Summer, and for a Drawback of the Duties paid on a Coach, imported by them from the United States.

54*l.* 7*s.* 6*d.* Eastern Stage

And further, the following sums, as the charges incurred on the prosecution of Joseph Haycock, before the Court of Special Commission of the Admiralty, that is to say:

Expences of J. Haycock's Trial

To Edward H. Cutler, the Sheriff of the County of Annapolis, 24*l.* 15*s.*

To John James Sawyer, Sheriff of the County of Halifax, 7*l.* 3*s.* 4*d.*

For the expences of Witnesses, 17*l.* 10*s.*

To the Attorney-General, 11*l.* 13*s.* 4*d.*

To the Solicitor-General, 5*l.* 16*s.* 8*d.*

To the Estate of John Fielding, deceased, for the Fees of Crier, 11*l.* 3*s.* 4*d.*

To Scott Tremain, the Registrar, 10*l.*

And a further sum of 30*l.* to Thomas C. Haliburton, Esquire, first Justice of the Middle District, as a full compensation for services and expences performed and incurred by him, in executing Special Commissions of Oyer and Terminer, addressed to him by the Executive.

30*l.* T. C. Haliburton, Esq.

And a further sum of 40*l.* to John James Sawyer, Administrator of the Estate of the late Judge Chipman, for the benefit of his Widow, the same being for extra services and expences, performed and incurred by him, in travel and attendance upon the execution of Divers Special Commissions of Oyer and Terminer, directed to him by the Executive.

40*l.* J. J. Sawyer

And a further sum of 140*l.* 11*s.* 10*d.* to His Honor the President, to enable him to discharge the following expences attending the execution of a Special Commission in the County of Sydney.

140*l.* 11*s.* 10*d.* expences of Special Commission in County of Sydney

To Mr. Justice Sawers for his services, 35*l.*

To the prosecuting Officer, 25*l.*

And for the expences incurred by them, on their journey to and at Guysborough and back, 70*l.* 11*s.* 10*d.*

This sum to the Deputy Sheriff, who brought the Prisoners to Halifax, 10*l.*

Being sums recommended by the Committee thereon.

And a further sum of 20*l.* to the Sheriff of the County of Sydney, for his services in, and extra expences occasioned by the orders of His Honor the President or Commander in Chief for the time being relative to, the prosecution for the Riots in that County, as recommended in the report of the Committee.

20*l.* Sheriff of County of Sydney

And a further sum of 2*l.* to Henry Greenwood, in lieu of two One Pound Provincial Treasury Notes destroyed by fire in July, One Thousand Eight Hundred and Thirty-Three.

2*l.* Henry Greenwood

And a further sum of 50*l.* to Joseph Gerham, a citizen of the United States of America, who saved from a Wreck, and brought into the port of Halifax, in the Month of May, of the last year, Nineteen British Subjects, as some compensation therefor, and for the consequences of an accident, which he met with whilst in Halifax, in bursting a Blood Vessel, which, in its result, deprived him of his health, and has since rendered him incapable of exercising his profession as a Master Mariner.

50*l.* J. Gerham

26l. 14s. 10d.  
J. Homer, Esq

And a further sum of 36l. 14s. 10d. to John Homer, Esquire, balance due him, for the erection of a Beacon and Humane House on the Isle of Hope, as appears by the report of the Committee.

25l. J. Corbitt

And a further sum of 25l. to Ichabod Corbitt for his services, as English Teacher in the Annapolis Academy, being his Salary for One Thousand Eight Hundred and Thirty, which remains unpaid, agreeably to the report of the Committee on his Petition.

20l. R. Preston

And a further sum of 20l. to the Reverend Richard Preston and others, to aid them in the establishment and support of the School attached to the African Baptist Chapel.

273l. 14s. 11d  
G Wightman

And a further sum of 273l. 14s. 11d. to George Wightman, due him for expences of Surveys of Roads, pursuant to the report on his Petition.

50l. Infant  
School

And a further sum of 50l. to the Ladies Managers of the Infant School at Halifax, in aid of that Establishment, to be paid when it shall appear the said School has been in operation one year from the present time.

20l. Oat Mills

And a further sum of 20l. each for the erecting of the several Oat Mills mentioned in the Report of the Committee on Agriculture, to be paid under the same rules and regulations, and subject to the same conditions and restrictions, as bounties on Oat Mills have heretofore been granted and paid.

20l. G. Burgess

And a further sum of 20l. to George Burgess, as a bounty for the erection of an Oat Mill in Stewiacke, upon and subject to the like terms, conditions and restrictions.

50l. Dispensary

And a further sum of 50l. in aid of the support of the Halifax Dispensary for the present year.

25l. 19s. 9d.  
Firewards of  
Halifax

And a further sum of 25l. 19s. 9d. to the Firewards of the Town of Halifax, as Drawback of Duties on a quantity of Hose imported from the United States.

22l. 18s.  
Health Wardens of Lunenburg

And a further sum of 22l. 18s. to the Health-wardens of Lunenburg, in order to defray certain costs by them incurred, in the execution of their Office, for prosecuting certain Offenders, under the Acts for preventing the introduction and spreading of Contagious Diseases.

500l. roads in  
Cape-Breton

And a further sum of 500l. at the disposal of His Honor the President, for the relief of distressed Settlers in the Island of Cape-Breton, to be deducted from the Money appropriated for Roads in the Island of Cape Breton.

11l. Hector  
McKenzie

And a further sum of 11l. to Hector McKenzie, Superintendant of Saint Paul's Island, for articles of Clothing taken from the Port House erected there by Sir Peregrine Maitland.

198l. 17s. 4d.  
Light Houses

And a further sum of 198l. 17s. 4d. to the Commissioners of Light-Houses, to enable them to discharge the balance due for the erection of Pictou Light-House.

500l. Light  
Houses

And a further sum not exceeding 500l. to the Commissioners of Light-Houses, to be expended by them upon the Liverpool Light-House and Keeper's House, agreeably to the Report of such Commissioners to His Honor the President, and transmitted to the House of Assembly.

250l. Light  
Houses

And a further sum not exceeding 250l. to the Commissioners of Light-Houses, to enable them to build a House for the Keeper of Shelburne Light-House, and to make such repairs to the said Light-House as may be necessary. And



And a further sum of 500l. to His Honor the President, being the amount advanced by him during the last Summer for the relief of distressed Settlers in Cape-Breton, as appears by His Message to the House of Assembly and the Report of the Committee thereon.

500l. Distressed Settlers in Cape Breton

And a further sum of 45l. in aid of the Halifax Mechanics' Institute, 10l. thereof to be applied in payment to Mr. Titus Smith, to assist in his collection of Natural History.

45l. Mechanics' Institute

And a further sum of 50l. to the Right Reverend Bishop Fraser, to enable him to compensate the Clergyman in charge of the Indians of Cape Breton, for his religious instructions bestowed upon them.

50l. Bishop Fraser

An a further sum of 5l. to James B. Uniacke, Esquire, to defray the expense of printing certain Returns relating to Lands in Cape Breton, by order of this House, in the Session of 1832.

5l. JB Uniacke

And a further sum of 15l. to Samuel Sheldon Poole, for former services as Chairman of Committees of the whole House in several Sessions.

15l. SS Poole

And a further sum of 25l. to the Commissioner of the Poor in Halifax, to defray the expense of continuing the School in the Poor House for the present year, for the benefit of Orphans and Poor Children in that Establishment.

25l. Poor House School

And a further sum of 700l. in aid of the following Main Roads, that is to say: 350l. to complete the alteration of the New Road near Mount Uniacke on the Windsor Road, and the sum of 350l. to aid in making the first section of the Main Halifax Road, from Truro to Brookfield.

700l. Windsor &amp; Truro Roads

And a further sum of 1000l. for the improvement of the Roads in the County of Cape-Breton, including 500l. which His Honor has already been requested to advance and expend for the relief of distressed Settlers in said County, at the disposal of His Honor the President or Commander in Chief for the the time being, that sum to be expended in conformity with the said Resolution, and the residue to be applied and paid as heretofore.

1000l. Roads in Cape Breton, &amp;c

And a further sum of 200l. to the Treasurer, and the sum of 300l. to the Commissioners for signing Treasury Notes, in full for their services up to the present year.

500l. Treasury Note Com'rs

And a further sum of 1000l. at the disposal of His Honor the President or the Commander in Chief for the time being, towards repairing, re-furnishing, and fitting up the public Rooms of Government House in a proper and suitable manner, agreeably to the Report of the Committee of the House of Assembly on the subject.

1000l. Govern- ment House

And a further sum of 2,122l. 11s. 6d. to the Commissioners of Light-Houses, to discharge the balance due them, as reported by the Committee of Public Accounts,

2122l. 11s. 6d. Light Houses

And a further sum of 548l. 10s. 3d. to the Commissioner of Public Buildings, to pay the balance due to sundry persons on account of Public Buildings, as reported by the Committee of Public Accounts.

548l. 10s. 3d. Public Buildings

And a further sum of 1420l. for defraying the expenses for Post Communication, for the year 1834, agreeably to the report of the Committee, and for the purposes therein stated.

1420l. Post communication

And a further sum of 700l. at the disposal of His Honor the President, or Commander in Chief for the time being, to enable him to provide for the Inspecting Field-Officers of Militia, for one year, from the thirty-first day of December next, as heretofore.

700l. Inspect- ing Field Officers

And

- 200l. Bridewell And a further sum of 200l. to the Commissioners of the Bridewell, in the Town of Halifax, for the support of that Establishment for the present year.
- 40l. Lawrence Kavanagh And a further sum of 40l. to Lawrence Kavanagh, Esquire, to be drawn by him from the Treasury when it shall be certified by a Judge of the Supreme Court that he has conveyed the Judge or Judges to the several Circuit Courts in Cape-Breton, during the present year.
- 100l. Secretary of Province And a further sum of 100l. to the Secretary of the Province, for extra services in preparing Road Warrants and Commissions, School Acts, &c. for the year 1833.
- 100l. Indians And a further sum of 100l. at the disposal of His Honor the President, or Commander in Chief for the time being, to be applied in such way as he may deem most proper for the relief of the Indians of this Province.
- 250l. J Bainbridge. And a further sum of 250l. to John Bainbridge, Esquire, the Agent of the Province, in London, for his services during the present year.
- 60l. 14s. 2d. J Bainbridge And a further sum of Money, sufficient to pay John Bainbridge, Esquire, in London, the sum of 60l. 14s. 2d. Sterling, expended by him, in the purchase of Statutes at Large, Journals of Commons, and other Books and Papers, at the request of the House of Assembly, to be drawn from the Treasury by the Clerk of the House of Assembly, and remitted to the said John Bainbridge.
- 350l. Howe & Son And a further sum of 350l. to Messrs. John Howe & Son, Printers, for Printing for Government and the General Assembly for the the present year.
- 127l. 13s. 6d. Howe & Son And a further sum of 127l. 13s. 6d. to Messrs. John Howe & Son, for extra Printing for the year 1833, per Account rendered by them.
- 60l. Keeper of Assembly And a further sum of 60l. to the Keeper of the Assembly House, and Council Chamber, and Law Library, for the present year.
- 165l. Expenses of Council and House of Assembly And a further sum of 165l. to defray the expense of extra Messengers to the Council and House of Assembly, and for Fuel and sundry other articles and services for the Council and House, according to estimate, the said sum to be drawn and applied by the Clerk of the House of Assembly, under the sanction of the President of the Council, and Speaker of the House of Assembly.
- 75l. Clerk of Assembly And a further sum not exceeding 75l. to the Clerk of the House of Assembly, to defray the expense of Stationary and binding of Journals and Laws for the Council and House of Assembly, during the present Session.
- 10l. J J Sawyer And a further sum of 10l. to John James Sawyer, Esquire, High Sheriff of the County of Halifax, for his expenses as such Sheriff at the opening and closing of the present Session of the General Assembly.
- 20l. Chairmen of Assembly And a further sum of 20l. to the Chairmen of the House of Assembly, for their services as such Chairmen, to be added to their usual pay Tickets.
- 100l. Clerks of Assembly And a further sum of 100l. each to the Clerk and Assistant-Clerk of the House of Assembly, for their extra services during the present Session.
- 50l. Road in Truro, &c II. *And be it further enacted*, That the sum of 50l. granted in the last Session of the General Assembly, and appropriated to aid in building a Bridge over the River near J. D. Christie's in the Township of Truro, be expended and applied for the purpose of making a new Road from John D. Christie's to Robert Moore's on the south side of the Salmon River, in the said Township; and also, to pay to William Wall 3l. 13s.

13s. amount over-expended by him as Commissioner in building a Bridge in the District of Colchester in the last year.

III. *And be it further enacted,* That the Appropriation of the sum of 500l. granted in the Year One Thousand Eight Hundred and Thirty-one, to commence the first Section of the proposed alterations of the main road from Londonderry to New-Brunswick, over the Cobequid Mountains, agreeably to Munro's Survey, to be expended under the superintendance of such Persons as His Honor the President, or Commander in Chief for the time being, should appoint for that purpose, being 142l. 14s. 3d. be changed, and that the same be granted and applied to aid in completing the new road from the end of Wightman's road to Key's Mill, on the great Eastern road from Halifax to Truro.

500l. Road from Halifax to Truro.

IV. *And be it further enacted,* That the sum of 45l. granted last year to aid in building a Bridge over the Tatamagouche River near Cunie's, and not expended, be appropriated to the repairs of the Bridge near Campbell's, and on the Road on either side thereof.

45l. Bridge in Tatamagouche

V. *And be it further enacted,* That the annual sum of 250l. heretofore paid to the Eastern Stage Coach Company, be continued for two years from the expiration of the present Grant, upon the same terms and conditions, and subject to the same regulations and provisions, as at present, which will continue the Grant until the thirty-first day of December, in the Year One Thousand Eight Hundred and Thirty-six; and also, that the present Annual Grant to the Western Stage Coach Company be continued and paid to them up to the same date.

Grants to Eastern & Western Stages

VI. *And be it further enacted,* That such a sum be granted and paid to the Secretary of the Province as will enable him to pay 5l. each to the several Clerks of the Peace to whom His Honor the President directed Road Commissions, with the Bonds to be executed, during the past year.

Allowance to Clerks of Peace

VII. *And be it further enacted,* That if any accident shall happen to any of the Bridges on the Main Roads in this Province, or any unforeseen obstructions to travelling shall arise from the fall of Trees or otherwise, it shall and may be lawful for His Honor the President, or Commander in Chief for the time being, to order a Commissioner or Commissioners to repair or rebuild such Bridges, or to remove such obstructions, and it shall and may be further lawful for the President, or Commander in Chief for the time being, to draw Warrants on account and in favor of such Commissioner or Commissioners; *Provided,* the same shall not exceed the sum of Five Hundred Pounds.

500l. Road Emergencies.

VIII. *And be it further enacted,* That the Commissioners of the Revenue for the time being, be, and they are hereby, authorised and empowered to allow a Drawback upon all Wines imported for, or consumed by, the Commissioned Officers of His Majesty's Army, composing the several Regimental Messes of the Garrison at Halifax, or to relinquish the Duties upon all such Wines, upon proof being made to the satisfaction of the said Commissioners, that the Wines whereon a Drawback or relinquishment of Duties is claimed, were actually imported for, or consumed by, such Officers of the Army; *Provided* that the whole amount do not exceed the sum of Three Hundred Pounds in any one year.

Drawback on Wines consumed by Military

IX. *And be it further enacted,* That the sum of 1l. per day be paid to each and every of the Members of the House of Assembly for the present Session, to be paid on the Certificate of the Speaker, also the Travelling Charges as heretofore; *Provided,* that no Member shall receive pay for more than Forty-two Days attendance.

Pay of Members of Assembly

X. *And be it further enacted,* That the Collector of Impost at the Port of Halifax shall, and he is hereby required and directed to, keep a distinct Account of all Duties, collected by him upon the importation from the United States of America, of Live Stock Apples, Onions, Fruit, Biscuit and Bread, under the Act of the General Assembly, passed in this present Session, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce and Fisheries thereof; and that the said Duties upon the above specified articles during the present year shall be paid quarterly to the Commissioners of the Poor for the use of the Poor of the Town of Halifax; *Provided* such payment do not exceed the sum of One Thousand Pounds during the present year.

Appropriation of Duties on certain Articles imported from U. States

Appointment  
of Commission-  
ers of Revenue,  
&c

**XI. And be it further enacted,** That, to facilitate the collection of the Revenue, and the arrangement and liquidation of the Public Accounts, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to nominate and appoint fit and proper persons, not exceeding five in number, to act as Commissioners of the Revenue, to serve without fee or reward, and who shall be sworn to the faithful and punctual discharge of their Office before they enter upon the execution thereof, which Commissioners, or any three of them, shall constitute the Board of Revenue, and shall have power and authority to do and transact all such matters and things as by any Act or Acts of this Province, shall or may appertain to, or be directed to be done by, the said Board of Revenue; and shall and they are hereby empowered to examine, and, on just cause shewn, to approve of the claim or claims of all persons demanding Drawback of Duties upon such dutiable articles as may have been imported, and the duties thereon paid or secured, and afterwards exported out of this Province, under and in conformity to the provisions of any Act or Acts passed in the present Session of the General Assembly, and to grant Debentures, Certificate or Certificates, to such Claimants, as by any such Act or Acts is directed; and it shall not be lawful for any Collector of Impost to grant any Drawback of the Duties on Goods exported, until the same shall have been allowed and passed by the said Board of Revenue; *Provided always,* that the Commissioners of the Revenue now appointed and in Office shall, until a new appointment be made, constitute, and be deemed to be, the said Board of Revenue, and shall have and exercise all the same powers, privileges and authorities, as if such Commissioners had been commissioned and appointed under this Act.

Duty imposed  
upon Public  
Accountants

**XII. And be it further enacted,** That the Treasurer shall, and he is hereby empowered to, direct and order all Public Accountants within the Province, quarterly, to make up regular and correct Returns of their Receipts, Payments and other Official Proceedings, agreeably to such forms as shall be prescribed to them, and which Returns the said Public Accountants are hereby directed to transmit to the Treasurer's Office at Halifax, by the earliest conveyance after the end of each and every quarter as aforesaid, and the said Treasurer shall examine, correct and credit all such Accounts so sent to his Office as aforesaid, and from time to time report thereon to the said Board of Revenue, and shall also prepare and deliver into the Committee of Public Accounts of the General Assembly, at the next Session, a Report and General Statement of the Revenue and Accounts of the Province.

Prosecution by  
Comrs. of Re-  
venue

**XIII. And be it further enacted,** That it shall and may be lawful for the said Board of Revenue to direct and carry on prosecutions against all delinquent Officers and Provincial Debtors, and also prosecutions for seizures, forfeitures, and other breaches of the Revenue Laws.

Sections of  
Act 41 Geo. III  
continued

**XIV. And be it further enacted,** That the ninth, twelfth, sixteenth, and eighteenth Sections or Clauses of the Act, made and passed in the Forty-first Year of the Reign of His late Majesty King George the Third, entitled, An Act for applying certain Monies therein mentioned for the service of the Year of Our Lord One Thousand Eight Hundred and One, and for Appropriating such part of the Supplies granted in this Session of the General Assembly as are not already appropriated by the Laws or Acts of the Province, shall be revived, and be and continue in full force and virtue, until the Thirty-first day of March, which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty-five, in as full and ample a manner as the same Clauses would be were they again repeated word for word.

## CAP. XII.

## An Act for appointing Supervisors to take charge of Public Grounds, and for other purposes.

(PASSED THE 31st DAY OF MARCH, 1834)

**B**E it enacted, by the President, Council and Assembly, That it shall and may be lawful for the Justices of the Peace for any County or District in this Province, at their General Sessions of the Peace, to nominate and appoint three fit and proper persons to be Supervisors within each Township, in such County or District, for the purposes of this Act, and on the death, removal from Office, resignation or continued absence of any such Supervisor, the said Justices in their General Sessions shall, and they are hereby empowered and required to fill up any vacancy or vacancies so occasioned.

Appointment of Supervisors

**II.** And be it further enacted, That the said Supervisors shall have power and authority to take charge of, and preserve, every Public Parade Ground and Public Landing, and all other Public Grounds, within the Township, which shall or may be granted or reserved for the use of the Public, and for the regulation whereof provision has not already been made by some Act of this Province, and to remove, and to cause to be removed, all Buildings, Directions, Obstructions or Incumbrances, which shall or may be put upon any such Public Parade Ground, and to prosecute any person or persons who shall obstruct, encumber, or otherwise injure the same, as, and for a public nuisance. *Provided always,* That nothing herein contained shall extend to any place of Public Worship which may have been erected upon any Public Ground within this Province.

Powers vested in Supervisors

*And whereas,* in cases of encroachment on roads, it frequently happens that disputes arise as to the person who is or may be guilty of any such encroachment, in consequence of the Lands on each side of the road being owned by different proprietors, and from difficulty existing in ascertaining the true line of such road, which often occasions litigation and expense.

Proviso

**III.** Be it therefore further enacted, That hereafter, in any case where there shall be an encroachment on any road within a Township where such Supervisors shall or may be appointed, and it shall so happen that the Lands on the opposite sides of such Road are owned by different proprietors, and any doubt or dispute shall exist or arise, as to the true line of the road upon which such encroachment shall appear to have been made or as to which of the two sides of the said road is or may be encroached upon, it shall and may be lawful for the said Supervisors or the major part of them, after due notice given to all parties interested in the said dispute, of the time and place of holding such investigation and enquiry, to repair to the place where such encroachment may be alleged to exist, and there to enquire into the facts relating to such encroachment, and, by survey or otherwise, upon evidence of witnesses, to be sworn and examined by such Supervisors, or the major part of them, who are hereby authorised to administer oath to the said Witnesses, to ascertain and settle the true and correct line of the road in question, and to decide and determine upon which side thereof the said encroachment may have been made, and to order, direct, and cause the fences, walls and enclosures, or other encroachments, of any person or persons, who may have encroached upon such road, to be moved or altered accordingly.

Encroachments on Roads—how determined

**IV.** And be it further enacted, That if any person or persons shall neglect or refuse to remove or alter his, her or their, fence or enclosure, or other encroachment, within the time he, she or they, may be required so to do by the order and direction of the said Supervisors, or the major part of them, such person or persons shall forfeit and pay a fine or penalty of Twenty Shillings, to be sued for and recovered by the said Supervisors, or by any person who will sue for the same, in the same manner as debts of the like amount are by law recoverable, and to be paid and applied, one half to the person who shall sue for the same, and the other half to the Surveyors or Commissioners of Highways in and for such Township, to be applied for the improvement of the roads therein; and if such encroachment shall be suffered to remain and continue for the

Resisting the orders of the Supervisors

: space

space of twenty days, after such fine or penalty imposed and sued for, such continuance shall be deemed and taken to be a new offence, and shall subject the party or parties, continuing the said encroachment, or suffering the same to continue, to the like fine or penalty as aforesaid, and so in like manner shall every further continuance of such encroachment, for the further space of twenty days, be deemed and taken to be a new encroachment.

Costs, charges  
and expences

V. *And be it further enacted*, That the said Supervisors, or the major part of them, shall have power and authority to apportion, and order the payment of all costs, charges and expences, attending and incident upon the said proceedings, upon such persons and in such manner and proportions, as to the said Supervisors, or the major part of them, shall appear expedient and advisable, and the same shall be recoverable, and recovered, by Suit or Action, as for debts of the like amount, as such Costs, or the respective apportionments thereof, may be.

Evidence in  
Actions or Suits

VI. *And be it further enacted*, That in any Action or Suit, either for the penalty or costs aforesaid, the production of a Copy of any such Order made in writing, under the hands of the said Supervisors, or the major part of them, and due proof made of their hand-writing, shall be good and sufficient evidence of such order, and shall be sufficient to establish the claim of any person or persons to the amount of costs awarded to him or them.

Appeal allowed  
from order  
of Supervisors

VII. *And be it further enacted*; That if any person or persons shall be dissatisfied with the order of the said Supervisors, it shall and may be lawful for such person or persons to appeal from such order to the next Session of the Supreme Court or General Sessions of the Peace, at the option of the party so appealing, where the matters in dispute shall be tried and determined by the verdict of a Jury; *Provided always*, that pending any such appeal, the Fence or other Encroachment, shall not, until the determination of such appeal, be removed or altered as ordered by the said Supervisors.

Record of proceeding  
to be kept by Supervisors

VIII. *And be it further enacted*, That the said Supervisors shall make a record of every enquiry and investigation of and into any such encroachment, to be made as aforesaid, and of the order thereupon made by them, setting out therein the line or lines of road established by them the said Supervisors, which Record and Order shall be signed by such Supervisors, or the major part of them, and shall be returned to the Clerk of the Peace for the County or District wherein such road shall be situate, to be carefully kept and filed by such Clerk, among the Papers and Records in his Office.

Continuation  
of Act

IX. *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 then next Session of the General Assembly.

### CAP. XIII.

## An Act in addition to, and in amendment of, the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates.

(PASSED THE 31st DAY OF MARCH, 1834.)

Preamble

**W**HEREAS doubts are entertained under the Provisions of an Act, made and passed in the thirty-second year of the reign of His Majesty George the Second, relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates, whether Probate of any last Will and Testament or Letters of Administration, may or can be made or granted by any Judges of Probate, other than of the County or District in which the deceased Testator or Intestate dwelt—for remedy whereof,

Probate of  
Wills where  
granted

I. *Be it enacted and declared, by the President, Council and Assembly*, That the power of granting Probate of Wills and Letters of Administration of the Goods of Persons dying Intestate, is, and shall be in all cases, in the Judge of Probates for the Coun-

ty or District, or in such other Person to whom the ordinary power of Probate of Wills, or granting Letters of Administration, does belong, where such deceased Person last dwelt, and in none other; and that no debts due and owing such deceased Person in any other County or District of this Province shall be taken to be *Bona Notabilia*, nor shall, or be construed to, have any other power or effect whereon to found or establish any right or jurisdiction in any other Person or Judge or Surrogate within the same, or in any way whatever to withdraw the right to grant Probates or Administration in such case as aforesaid from the Judge of Probates of such County, where the Testator or Intestate last dwelt.

II. *And be it further enacted and declared*, That all and every such Probate and Administration, which are and is or shall be granted by such Judge of Probate for any County as aforesaid, may and shall be used, pleaded and exhibited, and given in evidence, in any Court in this Province, in as full, ample, and effective a manner, to all intents and purposes, as any Probate or Administration in England can or may be used, pleaded, exhibited, or given in evidence in any Court in England; and that no other Probate or Administration hereafter granted by any Judge of Probate, other than the Judge of Probate for such County, can, may, or shall be used, pleaded, or given in evidence, in any Action, in any Court in and throughout the Province.

Probate may be pleaded

*And whereas*, Probate of Wills and Letters of Administration of the Goods of Persons dying Intestate, have in some cases been made and granted out of those Counties or Districts in which the Testator or Intestate last dwelt, upon the supposition, that a Prerogative Jurisdiction, or other Jurisdiction than that of the Judge of the County where the Testator or Intestate last dwelt, did exist and prevail in the said Province.

*And whereas*, Settlements and Distributions of Estates have been made under Probate and Letters of Administration so granted under such supposed Jurisdiction as aforesaid, and much mischief and inconvenience would arise to Heirs and others interested therein were the same rendered void and of none effect—for remedy whereof,

III. *Be it enacted*, That all Probate of Wills, and Letters of Administration, together with all Settlement and Distribution of Estates heretofore made under and by virtue of such supposed Jurisdiction as aforesaid, (the same being in all other respects legal) are hereby declared to be good and valid, notwithstanding such want of Jurisdiction aforesaid.

Probate of Wills heretofore granted made valid

IV. *And be it further enacted*, That no Executor or Executors of the Will of any Person deceased, who may have heretofore obtained such Probate from any other than the Judge of Probate of the said County where the said Testator last dwelt, shall be in any respect liable to the penalty imposed on such Executor or Executors by the seventh Section of the aforesaid Act, passed in the thirty-second year of His late Majesty George the Second, for not having presented and proved such Will as aforesaid in the Register's Offices of the Probate Court for the County or District where such deceased Testator last dwelt.

Exemption from liability

*And whereas*, it often happens that Persons dying Intestate are seized and possessed of Real Estate, lying and being in several Counties and Districts of this Province; and it has been doubted whether the next of Kin and Heirs at Law ought not to apply to the Judges of Probate in their respective Counties and Districts where such Real Estate lies, for distribution and division of the same—for remedy whereof,

V. *Be it enacted*, That when it shall so happen that any Person shall die Intestate seized of Real Estate, lying in several Counties or Districts in this Province, the Judge of Probate for the County or District where the deceased last dwelt, shall have full power and authority to make a division and distribution of the whole of such Real Estate of such Intestate, in whatever County or District of the Province lying and being, in the same manner, and by the same rules, as are already by Law prescribed, and the like power and authority is hereby granted to the several Judges of Probate in this Province, with respect to any Estate not already settled.

Probate may be granted where Intestates last dwelt

VI. *And be it further enacted*, That the third Section of an Act, entitled, An Act in further addition to the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates, shall be and the same is hereby repealed.

Sec. 3 of Act relating to Wills, &c. repealed

Licenses  
granted con-  
ditionally for  
sale of Es-  
tates

VII. *And be it further enacted,* That it shall not be lawful to grant License to any Executor or Administrator for the sale of Real Estate, until such Executor or Administrator shall file in the Secretary's Office the certificate of the Judge of Probate for the County or District in which the deceased last dwelt, that full and ample security has been given to account for the proceeds of the sale of such Real Estate, according to Law.

Persons ap-  
pointed Exe-  
cutors refus-  
ing to act

VIII. *And be it further enacted,* That, where two or more Persons are named Executors in a Will, and any of them shall neglect or refuse to act as Executor, Probate shall be granted as heretofore to such as shall consent, and it shall not be necessary to name the person or persons so refusing, in any action or suit relating to the Estate of the Testator; but all proceedings relating to the Estate shall go on, and the Estate shall be settled, as if such person or persons so refusing or neglecting to act had not been named in such Will, any Law, usage or custom, to the contrary notwithstanding.

Continuation  
of Act

IX. *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 then next Session of the General Assembly.

### CAP. XIV.

## An Act in amendment of the several Acts relating to the Registry of Deeds, and the Conveyances of Real Estates.

(PASSED THE 31st DAY OF MARCH, 1834.)

Preamble

**W**HEREAS, it has been found expedient to make further provision for taking the acknowledgment or proof of Deeds and Conveyances of Land within this Province, in order to facilitate the Registering of the same:

Registry of  
Deeds or  
Conveyances  
may be made  
on acknow-  
ledgement of  
Bargainers or  
Grantors

I. *Be it therefore enacted, by the President, Council and Assembly,* That if the Grantor or Grantors, Bargainor or Bargainors, or any other party or parties making any Deed or Conveyance of Lands within this Province, shall personally appear before the Registrar of Deeds and Conveyances, or any one of his Deputies, or any one of His Majesty's Justices of the Supreme or Inferior Courts of Common Pleas, or Justices of the Peace within this Province, and acknowledge upon Oath his, her, or their signing, sealing and delivering, such Deed or Conveyance, it shall and may be lawful for such Registrar or his Deputy, or such Justice of the Supreme or Inferior Courts of Common Pleas, or Justice of the Peace, to take such acknowledgment, and administer such Oath, and the said Registrar or his Deputy, or such Justice, shall make and set down in writing, a Memorandum signed with their hands respectively upon the said Deed or Conveyance, with the day and year when the said acknowledgment and Oath were taken, and it shall and may be lawful for the said Registrar, or any one of his Deputies, for the County or place where such Deed or Conveyance is by Law required to be registered, thereupon to register any Deed or Conveyance so acknowledged and sworn to, together with the said Memorandum of such acknowledgment on Oath, in the same manner as Deeds and Conveyances are or may be now registered under and in pursuance of any former or other Act of this Province.

Registry may  
be made on  
Oath or Cer-  
tificates of  
Subscribing  
Witnesses

II. *And be it further enacted,* That it shall and may be lawful for the said Registrar of Deeds and Conveyances, or any one of his Deputies, for the County or place where such Deed or Conveyance is by Law required to be registered, to register the same as heretofore, on the Oath of one of the subscribing witnesses to such Deed or Conveyance, or upon a Certificate, on the said Deed or Conveyance written, signed by the said Registrar, or any one of his Deputies, or by any one of His Majesty's Justices of the Supreme or Inferior Courts of Common Pleas, or Justices of the Peace within this Province, that one of the subscribing witnesses to the said Deed or Conveyance had personally appeared before the said Registrar or Deputy Registrar, or the said Justice of the Supreme or Inferior Courts of Common Pleas, or Justices of the Peace, making such Certificate, and had made Oath that the said Deed or Conveyance had been duly executed by the party or parties by whom the same purported to be executed, in the presence of such subscribing witness, and such Certificate shall express therein the day and



and year when such subscribing witness appeared and made Oath to the Execution of such Deed or Conveyance, and shall also be registered together with such Deed or Conveyance in the County where the Lands lie.

III. *And be it further enacted*, That there shall be paid to the person taking the aforesaid acknowledgment, and making the said memorandum thereof, or granting the said Certificate, the fee of one Shilling and no more.

IV. *And be it further enacted*, That in case the subscribing witnesses to any Deed or Conveyance heretofore made of Land within this Province, shall be dead, or shall be absent from and out of this Province, before such Deed or Conveyance shall have been registered, that it shall and may be lawful for the said Registrar of Deeds and Conveyances, or any one of his Deputies for the County or place where such Deed or Conveyance is by Law required to be registered, upon due and legal proof made before them, upon the Oath of at least one credible witness, that all the subscribing witnesses to any such Deed or Conveyance are dead, or absent from and out of this Province, to register such Deed or Conveyance upon the further legal and sufficient proof made before them of the hand-writing of any one of such subscribing witnesses, together with proof of the hand-writing of the party or parties to such Deed or Conveyance.

V. *And be it further enacted*, That if the Grantor or Grantors, Bargainor or Bargainors, or other party or parties making or executing any Deeds or Conveyances of Lands lying within this Province, heretofore executed, or hereafter to be executed, shall reside or be in any Foreign State or Kingdom, the acknowledgment or proof of such Deeds or Conveyances having been executed by such Grantor or Grantors, Bargainor or Bargainors, or other party or parties, may be had and taken by and before any Public Minister, Ambassador, or Consul, from the Court of Great-Britain, resident in any such State or Kingdom, and certified on such Deeds or Conveyances, by and under the hand and seal of such Minister, Ambassador, or Consul, so taking the acknowledgment or proof thereof as aforesaid, or by and before any Judge of any Court of Record, in or near to the place where such Deed or Conveyance shall be executed and certified on such Deed or Conveyance, and under the hand of such Judge: such certificate being also authenticated by the certificate of some Notary Public residing there, that the Signature of such Judge is his actual and proper handwriting, and entitled to full faith and credit, and that all such acknowledgments and proofs which have been or shall be so taken as aforesaid, shall be registered with the respective Deeds and Conveyances, so acknowledged in the respective Offices of the Registrar of Deeds, established in this Province.

VI. *And be it further enacted*, That if any Feme Covert, who shall have any present or future Estate or Interest in her own right, or in right of dower, or in any right, way or manner whatsoever, in or to any Lands, Tenements, or Hereditaments, in this Province, shall reside or be in parts beyond the Seas, or out of the limits of this Province, the acknowledgment of all Deeds or Conveyances by such Feme Covert, as by Law required, shall be made as follows, that is to say, if such Feme Covert live within the Kingdom of Great-Britain or Ireland, or in any part of the British Dominions, the acknowledgment of such Deed or Conveyance may be had and taken by and before any Mayor, or Judge of any Court of Record in, or near to the place where such Feme Covert shall reside, and certified on the said Deed or Conveyance by and under the hand of such Mayor or Judge so taking the acknowledgment thereof as aforesaid, such certificate being also authenticated, if in the British Plantations, under the hand and seal of the Governor, Lieutenant-Governor or Commander in Chief of the Province where the same shall be made, or of a Notary Public there residing, and if in Great-Britain or Ireland, by affidavit in writing, made and certified under the seal of some Corporation there, or by the attestation and certificate of some Notary Public there residing, that the Signature of the person taking such acknowledgment is the actual and proper handwriting of such person so taking such acknowledgment, and is entitled to full faith and credit and if such Feme Covert live in any Foreign State or Kingdom, the acknowledgment of such Deed or Conveyance may be had and taken by and before any Mayor

Allowance  
for granting  
Certificates

Death or ab-  
sence from  
Province of  
Subscribing  
Witnesses

*See Act 4 Vic  
Cap. 23 - page 54  
and 32 Geo 2 Cap 4  
Vol. 1. page 58.*

Grantors or  
Bargainors  
residing in  
Foreign  
States or  
Kingdoms

Feme Co-  
verts residing  
without the  
limits of the  
Province, in-  
terested in  
Lands within  
it

Mayor or Judge of any Court of Record in such State or Kingdom, or by and before any Public Minister, Ambassador, or Consul, from the Court of Great-Britain, resident in any such State or Kingdom, and certified on such Deed or Conveyance by and under the hand and seal of such Minister, Ambassador, or Consul, so taking the acknowledgment thereof as aforesaid, or by and under the hand of such Mayor or Judge so taking the acknowledgment thereof as aforesaid, such certificate of such Mayor or Judge being also authenticated as aforesaid by the attestation and certificate of some Notary Public there residing; and all such acknowledgments of such Feme Coverts, which have been or shall be so taken as aforesaid, shall be registered with the respective Deeds and Conveyances so acknowledged, and shall be good and valid in Law, and effectual to all intents and purposes, for the granting, passing and conveying of all such Estate or interest which such Feme Covert may have in her own right, or in right of Dower, or otherwise, and for barring such right of Dower in and to the Premises mentioned in such Deed or Conveyance, any thing in any former Act to the contrary notwithstanding.

Validity of  
Deeds and  
Conveyances  
executed  
without the  
limits of the  
Province

VII. *And be it further enacted*, That all Deeds or Conveyances, so proved, acknowledged, certified and registered, as herein before directed, shall be subject to the same rules of construction, and shall have the same operation, force and effect, and the certificate of the Registry thereof shall be entitled to the same credit in every respect as any other Deed or Conveyance, acknowledged or proved and registered agreeably to the provisions of any other or former Act of this Province, now in force, respecting the Registry of Deeds or Conveyances.

Proof of Re-  
gistry

VIII. *And be it further enacted and declared*, That in all cases where the proof of any Deed or Conveyance shall be made on Oath before the Registrar or his Deputy, in the County where the Lands lie, for the purpose of Registering such Deed or Conveyance, the time of such proving shall be deemed and taken to be the date of Registry of such Deed or Conveyance, and shall be so certified, and in all cases where any Deed or Conveyance shall be lodged in the office of the Registrar or Deputy Registrar, for and entitled to Registry, having been properly authenticated under the provisions of this Act, then, and in such case, such time of so lodging such Deed or Conveyance shall be deemed and taken to be the date of such Registry, and shall be so certified, notwithstanding in either case the same may not be immediately written in the Books of Registry.

Records of  
Registry

IX. *And be it further enacted*, That when and so soon as any Deed or Conveyance shall be lodged in the Office of the Registrar or Deputy Registrar for Registry, the same shall be immediately entered by such Registrar or Deputy Registrar in a separate Book of Index to be kept for that purpose, and shall also in the usual manner be entered in the usual and common Indexes to the Books of Registry, when duly entered at length in such Books of Registry.

## CAP. XV.

### An Act to amend and continue the Act for the Inspection of Flour and Meal.

(PASSED THE 31st DAY OF MARCH, 1834.)

Act continu-  
ed

**B**E it enacted, by the President, Council and Assembly, That an Act, passed in the last Session of the General Assembly, entitled, An Act for the Inspection of Flour and Meal, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Contents of  
Barrel of  
Meal

II. *And be it further enacted*, That each and every Barrel of Corn Meal, not Kildried, shall contain not less than One Hundred and Sixty-eight Pounds net weight, and shall be so branded.

Flour or  
Meal for ex-  
portation

III. *And be it further enacted*, That, when any Flour or Meal, intended for exportation, shall be brought into this Province, the Owner or Importer thereof may immediately tranship and export the same out of this Province, without such Flour or Meal being

being liable to the operation or regulations of the said Act hereby continued, or if it shall be found necessary to store such Flour or Meal until an opportunity is found to re-ship the same, it shall and may be lawful for the Owner or Importer of said Meal to store the the same (without the same being liable to the operation of the said Act) for re-shipment. *Proceided always*, that notice be given to the Inspector of such re-shipment.

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**CAP. XVI.**

**An Act in addition to, and in amendment of, an Act, made and passed in the thirty-second year of the Reign of His late Majesty King George the Second, entitled, An Act for Limitation of Actions, and for avoiding Suits at Law.**

(PASSED THE 31st DAY OF MARCH, 1834.)

**W**HEREAS it is enacted, by the first and second Sections of the said Act, that all Actions or Suits, either in Law or Equity, at any time thereafter to be sued or brought, of or for any Lands, Tenements or Hereditaments, within this Province, whereunto any person or persons then had any title, or cause to have, or pursue any such Actions or Suits, should be sued and taken within twenty years next after the end of that Session of the General Assembly; and after the said twenty years expired, no person or persons, or any of their heirs, should have or maintain any such Action or Suit, of or for any of the said Lands, Tenements or Hereditaments, and that all Actions or Suits, either in Law or Equity, of or for any Lands, Tenements or other Hereditaments whatsoever, at any time thereafter to be sued or brought by occasion or means of any title or cause thereafter happening, should be sued and be taken within twenty years next after the title and cause of Action first descended or fallen, and at no time after the said twenty years, and that no person or persons that then had any right or title of entry into any Lands, Tenements or Hereditaments, then held from him or them, should thereunto enter, but within twenty years next after the end of that Session of the General Assembly, or within twenty years next after any other title of entry accrued; and that no person or persons should, at any time thereafter, make any entry into any Lands, Tenements or Hereditaments. but within twenty years next after his or their right or title, which should thereafter first descend or accrue to the same, and in default thereof, such person so not entering, and their heirs, should be utterly excluded and disabled from such entry after to be made: *And whereas*, it is provided by the third Section of the said Act, that if any person or persons who then was or were, or should be entitled to such Actions or Suits. or that had or should have such right or title of entry, should be at the time the said right or title first descended, accrued, come or fallen, within the age of twenty-one years, feme covert, non compos mentis, imprisoned, or beyond the seas, that then such Person or Persons, and his or their Heirs, should and might, notwithstanding the said twenty years be expired, bring his Action or Suit, or make his entry, as he might have done before the said Act; so as such person and persons, or his or their heirs, should, within ten years next after his and their full age, discoveriture, coming of sound mind, enlargement out of Prison, or coming into this Province, or death, take benefit of, and sue for the same, and at no time after the said ten years: *And whereas* it is expedient for the quieting of Titles, to limit some period beyond which the several Persons named in the said Proviso should be excluded from availing themselves of the same:

**I.** *BE it therefore enacted, by the President, Council and Assembly,* That no Entry, Action or Suit, for, or in respect of, any Lands, Tenements or Hereditaments, shall be made or brought, sued or prosecuted, in any Court of Law or Equity in this Province, by any person or persons who at the time at which his, her or their, right to make an entry or to bring an Action or Suit to recover shall have first descended, accrued or fallen, shall be under any of the disabilities hereinbefore mentioned, or by any person or persons

Presmb.

Limitations of  
Actions

persons claiming through him, her or them, but within forty years next after the time at which such right or title shall have first descended, accrued or fallen : although the person or persons under disability at such time may have remained under one or more of such disabilities during the whole of such forty years, or although the term of ten years from the time at which he, she or they, shall have ceased to be under any such disability, or have died, shall not have expired.

CAP. XVII.

**An Act to repeal certain Acts relating to the Meeting-House and Burying Place at Truro, and for substituting other Provisions in lieu thereof.**

(PASSED THE 31st DAY OF MARCH, 1834.)

Preamble

**W**HEREAS, the provisions of the Acts now in force, to enable the Proprietors to repair the Meeting House at Truro, and to enclose the Burying Place belonging to the same, and also to assess Money for defraying the expences thereof, have been found to be inconvenient, and in consequence of the death of many of the first Proprietors, and the change in Ownership of the rights in the said Meeting-House, it is impracticable to give the notices required by the said Act, and for these and other reasons it is expedient materially to alter the provisions of the said Acts.

Acts 54th and 55th Geo. III repealed

**I.** *Be it therefore enacted, by the President, Council and Assembly,* That the Act, passed in the fifty-fourth year of the Reign of His late Majesty King George the Third, entitled, An Act to enable the Proprietors to repair the Meeting-House at Truro, and to enclose the Burying Place belonging to the same, and also to assess monies for defraying the expences thereof, and also, the Act, passed in the fifty-fifth year of His said late Majesty's Reign, in amendment of the said first mentioned Act, shall be, and the said Acts, and every matter, clause and thing, therein contained, are hereby severally and respectively repealed, save and except as to any matter, act or thing, already done under and by virtue of the said Acts, or either of them.

Expense of repairs of Meeting House or Burying Place at Truro—how defrayed

**II.** *And be it further enacted,* That whensoever hereafter it shall or may be expedient or necessary to repair the said Meeting-House at Truro, or to make or repair any wall, fence or enclosure, around the Burying Place thereto appertaining, it shall and may be lawful for the Proprietors of the said Meeting-House to meet and consult about the making of such repairs or enclosure, and the votes or determination of the major part in number and interest of such proprietors at such meeting shall bind the whole, *Provided always,* that before any such Meeting of such Proprietors, for the purposes aforesaid, notice of such Meeting shall be given on the Sunday previous to the said intended Meeting, by putting up a written notice of the time and place of holding the same, on the door of the said Meeting-House, and also by giving the like notice to the Congregation in the said Meeting-House, during the time the said Congregation shall be therein assembled for Divine Worship.

Appointment of Trustees

**III.** *And be it further enacted,* That it shall and may be lawful for the said Proprietors, or the major part of them, to appoint three or more fit and proper persons to act as Trustees for directing and completing such repairs or enclosures as shall be determined and agreed on at any Meeting to be held as aforesaid.

Contracts may be entered into for repairs of Meeting-House—assessment of expence

**IV.** *And be it further enacted,* That such Trustees shall and may enter into any agreements or contracts for making such repairs or enclosures, and when and so soon as the expences of making any repairs of the said Meeting-House shall be ascertained, the said Trustees shall apportion the same by a just and equal Assessment on the several Pews of the said Meeting-House, according to the said relative size and value of the said Pews, and such Assessment shall be made in writing, and be submitted to the inspection of any of the Proprietors who may require to inspect and examine the same.

Assessment to be posted on door of Meeting House

**V.** *And be it further enacted,* That, after the said Assessment shall be made, due notice thereof shall be given, by putting up, and continuing, a true and correct copy of such

such Assessment on the door of the said Meeting-House, for three successive weeks after the same shall have been made as aforesaid.

VI. *And be it further enacted*, That if after such public notice so given and continued, of such Assessment as herein before mentioned, any proprietor or proprietors shall refuse or neglect for the space of twenty days to pay the sum rated and assessed upon the Pew or Pews, in or to which such proprietor or proprietors shall or may be interested or entitled, it shall and may be lawful for the said Trustees, by notice given, by putting up and continuing a written notice on the door of the said Meeting-House two weeks, to advertize the said Pew or Pews whereon such Assessment shall remain unpaid to be let, and to lease the same for such period of time as may be sufficient to raise the amount of the Assessment remaining unpaid; and if the said Trustees shall not be enabled to let the Pew or Pews, whereon such assessment may remain unpaid, within thirty days from the time the same shall be so advertised to be let as aforesaid, then it shall and may be lawful for the said Trustees to sell the said Pew or Pews absolutely to the highest and best bidder, due notice of such sale being given to the Congregation, when assembled in the said Meeting-House for Divine Worship, on the two Sundays immediately preceding the day of such Sale, and the said Trustees shall, and they are hereby empowered to, make a good and sufficient Deed of such Pew or Pews, and to deliver possession thereof to the purchaser or purchasers and if, after the payment of the sum or sums rated and assessed upon such pew or pews, there shall remain any surplus or residue of the purchase money, the same shall be paid over to the proprietor or proprietors thereof respectively.

Refusal or neglect to pay assessment

VII. *And be it further enacted*, That the expence which may be incurred by enclosing the Burying Place at Truro aforesaid, or keeping the enclosures thereof in repair, shall be assessed, collected and levied, in the same manner, and by the same rules, as Poor Rates are assessed, collected and levied, on all the Inhabitants of Truro, who claim privilege in the said Burying Ground.

Expense of enclosing Burying place—how defrayed

VIII. *And be it further enacted*, That if any Trustees or Purchasers, under this Act, or the Acts hereby repealed, or other person or persons, shall be sued or prosecuted for any thing done or to be done by them, or any of them, in pursuance of this Act or the said Acts hereby repealed, it shall be lawful for such Trustees or purchasers, or other person or persons, to plead the general issue, and to give this Act or the Acts hereby repealed, or either of the said Acts, as the case may require, and the special matter, in evidence.

Prosecutions

IX. *And be it further enacted*, That all purchasers and lessees, under the provisions of this Act, or the Acts hereby repealed, or either of them, shall be deemed and taken to be the proprietor or proprietors in the said Meeting-House. of and for the several Rights or Pews respectively sold or leased to such purchasers or lessees during such period of time as the said Rights or Pews may be or may have been severally sold or let, and such purchasers or lessees shall be, for such Rights or Pews respectively sold or leased to them, entitled to all the privileges of proprietors of such Meeting-House.

Proprietors of Meeting House

### CAP. XVIII.

**An Act to continue the Act in amendment of an Act, made and passed in the first and second years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton,**

(PASSED THE 31st DAY OF MARCH, 1834.)

**BE it enacted, by the President, Council and Assembly**, That an Act, made and passed in the first Year of His present Majesty's Reign, entitled, An Act in amendment

Act continued

amendment of an Act, made and passed in the first and second Years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for One Year, and from thence to the end of the then next Session of the General Assembly.

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**CAP. XIX.**

**An Act to continue and amend the Act to provide for the regulation and management of the Grammar School or Academy at Annapolis.**

(PASSED THE 31st DAY OF MARCH, 1834.)

**B**E it enacted, by the President, Council and Assembly, That an Act, made and passed in the ninth year of His late Majesty's Reign, entitled, An Act to provide for the regulation and management of the Grammar School or Academy at Annapolis, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence, to the end of the then next Session of the General Assembly,

**II.** And be it further enacted, That the Trustees of the said Academy, shall and they are hereby required to make up and return annually, at the end of each year, and as soon thereafter as may be, or to the Secretary of the Province, for the information of the Governor, Lieutenant-Governor or Commander in Chief, for the time being, and of the Legislature, a full and accurate account of all sums of money received by them, whether from Grants of the Legislature or otherwise howsoever, with a full and detailed account of the expenditure of the same.

**III.** And be it further enacted, That the said Trustees shall, and they are hereby required, twice in each year, on some day between the first and fifteenth days of June, and on some day between the first and fifteenth days of December, to hold public Examinations of the Pupils or Scholars in the said Academy, of which said Examinations public notice shall be given, so that the same may be attended by all persons desirous of being present thereat.

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**CAP. XX.**

**An Act to continue the Act more effectually to provide against the Introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and also the Act in alteration thereof.**

(PASSED THE 31st DAY OF MARCH, 1834.)

**B**E it enacted, by the President Council and Assembly, That the Act, made and passed in the second year of His present Majesty's reign, entitled, An Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and every matter, clause and thing, therein contained ; and also, the Act, passed in the last Session of the General Assembly, to alter and continue the said Act, and every matter, clause and thing, in the said last mentioned Act contained, shall be continued, and the said Acts are hereby severally continued for one year, and from thence to the end of the then next Session of the General Assembly.

**CAP. XXI.**

**An Act to continue the Act to prevent the Spreading of Contagious Diseases, and for the Performance of Quarantine, and the Act in amendment thereof.**

(PASSED THE 31st DAY OF MARCH, 1834.)

**B**E it enacted, by the President, Council and Assembly, That the Act, passed in the Second Year of His present Majesty's Reign, entitled, An Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine: and also, the Act passed in the last Session of the General Assmby, to continue and amend the said Act, and every matter, clause and thing, in the said Acts contained, shall be continued, and the said Acts are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act continued

**CAP. XXII:**

**An Act to continue the Act concerning the Inferior Courts of Common Pleas within this Province.**

(PASSED THE 31st DAY OF MARCH, 1834)

**B**E it enacted, by the President, Council and Assembly, That the Act, made and passed in the second year of His present Majesty's Reign, entitled, An Act concerning the Inferior Courts of Common Pleas within this Province, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act continued

**CAP. XXIII.**

**An Act to alter and continue the Act for affording relief to Co-partners in certain Cases.**

(PASSED THE 31st DAY OF MARCH, 1834.)

**B**E it enacted, by the President, Council and Assembly, That the Act, made and passed in the tenth year of His late Majesty's Reign, entitled, An Act for affording relief to Co-partners in certain cases, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for Five Years, and from thence to the end of the then next Session of the General Assembly.

Act 10th Geo. IV. continued

II. *And be it further enacted,* That the Act hereby continued, and the several provisions therein contained, shall extend to all cases wherein the whole amount of the Co-partnership Dealings shall not exceed the sum of Two Thousand Pounds, any thing in the said Act contained to the contrary notwithstanding.

Act limited to Co-partnership Dealings to a certain amount

**CAP. XXIV.**

**An Act concerning certain Notes purporting to be Bank Notes, for restraining the circulation thereof, and for other purposes.**

(PASSED THE 31st DAY OF MARCH, 1834.)

**W**HEREAS the Trade and Commerce of this Province have been injuriously affected, and the Paper Money or Currency thereof greatly depreciated, by the

Preamble

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issue

issue and putting in circulation by Divers Banking Companies, Partnerships and Individuals, of certain Undertakings in writing to a large amount, and purporting to be Bank Notes, but not expressed to be nor made payable absolutely to the Bearer thereof in Gold or Silver Money, and which said Undertakings have been extensively circulated under the authority of the Act hereinafter mentioned.

Act 3d. Wm.  
IV, repealed

II. *Be it therefore enacted, by the President, Council and Assembly,* That the Act, made and passed in the third year of His present Majesty's reign, entitled, An Act to restrain the issue of certain Promissory Notes, and for other purposes, and every matter, clause and thing, in the said Act contained, shall be, and the same are hereby, absolutely repealed.

Notes to be  
paid in Gold  
or Silver

III. *And be it further enacted,* That whensoever, on or after the first day of June next, it shall happen that any one or more of such Undertakings now issued, or hereafter to be issued, and whether made, designed, or purporting to be Promissory Notes or Bank Notes or Bills, or issued, or purporting to be issued, as and for and to serve the like purposes as Notes or Bills of Bankers, or of a Banking Company, or as and for Paper Money, or circulating Currency, and whether the same be payable to a real or fictitious Person or to the Bearer thereof, or be purport or be designed to be negotiable or transferable by indorsement or delivery, or whether the same be, or purport to be, payable absolutely in Gold or Silver, or either in Specie, Gold or Silver, or in Notes of the Provincial Treasury, or other Body Corporate or Politic, Company, Partnership, Person or Persons whomsoever, or in any other mode, and whatsoever be the sum for which such Writings respectively shall be made, shall be presented or tendered by the Holder or Bearer thereof to the Body Corporate or Politic, Company, Partnership, Person or Persons, by whom the same was, were, or may be originally made or issued, and payment thereof shall be demanded in Gold or Silver, then and in every such case, every such Undertaking in Writing shall, to the full sum of Money or amount therein respectively mentioned or set forth, be forthwith paid and satisfied in and with Gold and Silver Money, to the party being the Bearer or Holder of such Undertakings respectively, and demanding such payment, and in default thereof, then, for and upon, each and every such Undertaking in Writing so presented and tendered, the Body Politic or Corporate, Company, Partnership, Person or Persons, by whom the same was or shall be originally made or issued, shall be subject and liable to pay to the party demanding such payments interest on the sum demanded, after the rate of twelve per cent by the hundred by the year, from the day of such demand and refusal as aforesaid.

Holders of  
Notes empow-  
ered to sue for  
their amounts

IV. *And be it further enacted,* That henceforth every such Undertaking in Writing as in the second Section of this Act is described or referred to, shall be, and the same is hereby made and declared to be, negotiable and transferable by delivery only, and no Indorsement or Assignment in Writing shall be necessary to transfer the same, or to vest the Money therein mentioned in the Holder or Bearer thereof, and every such Holder or Bearer of any such Undertaking in Writing, shall and may sue for and recover the amount therein expressed, in like manner as if the same were a Promissory Note and made absolutely payable in Gold or Silver Money, any Law or usage to the contrary notwithstanding.

Notes made le-  
gal tenders

V. *And be it further enacted,* That, from and after the publication hereof, it shall and may be lawful to and for any person or persons whomsoever, indebted to any Body Corporate or Politic, Company, Partnership, Person or Persons, by whom any such Undertaking in Writing as in the second Section of this Act is mentioned or referred to, have been or shall be issued, to tender and offer in or towards payment of any such debt, any such Undertaking in Writing made, signed, issued or put in circulation by the same Body Corporate or Politic, Company, Partnership, Person or Persons respectively, to whom such debt is or may be payable as and for and to the full amount in Money in such Undertakings respectively expressed or mentioned and made payable thereby.

Prohibition of  
circulation of  
Notes under  
25

VI. *And be it further enacted,* That if any Body, Politic or Corporate, Company, Partnership, Person or Persons whomsoever, shall, from and after the first day of June next, make, sign, issue or re-issue, any Promissory Note, or Bank Note, or Bill, as and

for



for Paper Money or Circulating Currency, which shall, on the face thereof, purport and be expressed to be payable in any manner, at the option of the maker thereof, or which shall purport or be expressed to be payable otherwise than in Gold or Silver, or shall make, sign, issue or re-issue, any Promissory Note in writing, payable on demand or at sight, or at a future day, to any real or fictitious Person, or to the Holder or Bearer thereof, for any sum of money less than Five Pounds, or shall publish, utter or negotiate, any Bill of Exchange, Draft, Check or Undertaking in writing, for the payment of any sum less than Five Pounds, the same being negotiable or transferable, and not being a Treasury Note of this Province, nor such Promissory Note or Undertaking in writing as in this Section before described or mentioned, then, and in every such case, the Directors of such Body Corporate or Politic, or such Company, Partnership, Person or Persons so offending, shall be adjudged guilty of a misdemeanor, and for every such Undertaking in writing, so made, signed, issued or re-issued, as aforesaid, and for every such Bill of Exchange, Draft, Check, or Undertaking in writing, published, uttered or negotiated as last aforesaid, shall severally and respectively forfeit and pay a penalty of Ten Pounds.

VII. *Provided always, and be it further enacted,* That nothing herein before contained shall extend or be construed to extend to any Treasury Notes issued or to be issued under any Act of the General Assembly, or to any Bill of Exchange, Draft, Check or Order, not designed to be circulated as Paper Money or Currency, but *bona fide* drawn by any person or persons, or his or their Banker, or any other person or persons. *And provided also,* that nothing herein contained shall extend or be construed to extend, to prevent any person or persons actually indebted in any sum of Money less than Five Pounds, from making and signing to such Creditor a Promissory Note or Undertaking for the amount of such debt, but such Note or Undertaking in writing, while held by the Creditors to whom the same is made, or by any person to whom the same shall have been duly indorsed or transferred, shall be good and valid in Law.

Provincial  
Notes exempted

VIII. *And be it further enacted,* That the several penalties hereby imposed and made payable shall and may be sued for and recovered by any person who will prosecute therefor, and in the same manner as if the same were a debt due to himself, and shall be adjudged to him with costs of Suit, and one moiety of such penalties shall be to the use of the party prosecutor, and the other moiety to the use of His Majesty, His Heirs and Successors.

IX. *And be it further enacted,* That if any Person or Persons shall make, forge or counterfeit, or cause or procure to be made, forged or counterfeited, any such Undertaking as is mentioned in the second clause of this Act, or alter or cause or procure to be altered any such Undertaking, so that it shall appear to be of greater value than when originally issued, or shall knowingly offer or pass or give in payment any such Undertaking so forged, counterfeited or altered, every Person convicted of such offence shall be adjudged guilty of a misdemeanor, and shall be imprisoned for a term not exceeding Seven Years in the Bridewell, and there kept at hard labour, and shall pay all charges of prosecution.

Prosecution of  
Penalties

Counterfeiting  
Notes

X. *And be it further enacted,* That if any Person or Persons shall feloniously steal, take and carry away, or attempt or intend to steal, take and carry away, any such Undertaking mentioned in the said second clause of this Act, such Person or Persons shall be adjudged, deemed and taken to be, guilty of the same offence as if such Person or Persons had stolen, taken or carried away, or had attempted or intended to steal, take and carry away, so much money as the value, sum or amount, expressed on the face of such Undertaking shall or may be.

Stealing Notes

## CAP. XXV.

### An Act for the Support and Regulation of Light-Houses;

(PASSED THE 31st DAY OF MARCH, 1834.)

**B**E it enacted, by the President, Council and Assembly, That hereafter every ship or vessel, coming into any port or place in this Province, from any port or place out

Preamble  
of

of this Province (save and except such ship and vessel as may be hereinafter particularly exempted, or such ships and vessels as are hereinafter mentioned, and upon which other specific Duties are imposed,) shall pay a Duty of Four Pence per Ton for each and every Ton of the Registered Burthen of such ship or vessel.

Light Duty

II. *Provided always, and be it further enacted,* That no such ship or vessel shall be required or liable to pay such duty more than once, and but at one port or place in this Province in the course of one and the same voyage; but if such duty be demanded a second time in any other port or place, having been already paid, the Master or other person having charge of such the said ship or vessel, shall produce to the person demanding the same the Certificate from the Collector or other person entitled to receive the same, that such duty has already been paid at some port or place in this Province, during the same voyage in which the said ship or vessel may then be engaged.

Proviso

III. *And be it further enacted,* That all Coasting Vessels and Fishing Vessels shall pay annually as follows, that is to say—if not over Twenty Tons, registered burthen, Ten Shillings; if over Twenty Tons and not more than Fifty Tons, registered burthen, Twenty Shillings; and if over Fifty Tons and not above Seventy-five Tons, registered burthen, Thirty Shillings; and if over Seventy-five Tons, and not above one Hundred Tons registered burthen, Forty Shillings; and if over One Hundred Tons, and not more than One Hundred and Fifty Tons, registered burthen, Fifty Shillings; and if over One Hundred and Fifty Tons, registered burthen, Sixty Shillings, to be paid in each and every year as hereinafter directed.

Annual Light Duty payable by Coasting Vessels

IV. *And be it further enacted,* That no ship or vessel shall be deemed or taken to be a Coasting or Fishing vessel, unless such ship or vessel shall be actually and wholly engaged and employed in the Fisheries, or in the Coasting Trade of this Province, or partly in the Fisheries, and partly in the Coasting Trade, and not otherwise.

What Vessels are considered Coasting Vessels

V. *And be it further enacted,* That all vessels constantly engaged in the Trade from any port or place in the Bay of Funday, to any port or place in the said Bay, to the northward of Mount Desert, shall pay the same Duties as Coasting or Fishing Vessels, and no more.

Vessels trading in Bay of Funday

VI. *And be it further enacted,* That all ships or vessels owned by any person or persons, resident in the Island of Prince Edward, or in this Province, and engaged and employed as regular Trading or Coasting Vessels, between this Province and the said Island of Prince Edward, shall pay the like Duties as Coasting or Fishing Vessels, and no more.

Prince Edward Island Coasting Vessels

VII. *And be it further enacted,* That all ships or vessels, owned by any person or persons resident in the Province of New-Brunswick, or in this Province, and actually engaged as regular Trading or Coasting Vessels, between any port or ports in New Brunswick aforesaid, and any port or ports in this Province, in the Bay of Fundy or Basin of Mines, shall pay the like Duties as Coasting or Fishing Vessels, and no more.

New Brunswick Coasting Vessels

VIII. *And be it further enacted,* That the Duty of Four Pence per Ton hereby imposed, shall be paid by every ship or vessel liable to pay the same forthwith after the arrival of such ship or vessel into any port or place within this Province,

Payment of Light Duty

IX. *And be it further enacted,* That all Duties upon Coasting or Fishing Vessels, or such ships or vessels trading in the Bay of Funday, to any port or place in said Bay to the Northward of Mount Desert, or trading between the Island of Prince Edward and this Province, and between the Province of New-Brunswick and the ports of this Province, in the Bay of Funday, as are herein before mentioned and made liable to the like Duties as Coasting or Fishing Vessels, shall be annually paid on the first voyage of such Coasting or Fishing Vessels, or such other ships or vessels, in each and every year respectively; and if any such Duty be demanded from any such Coasting or Fishing Vessels, or any other of the ships or vessels herein before mentioned and made liable to the like Duties as Coasting or Fishing Vessels, by the Collector or other person entitled to demand and receive such Duty, it shall be incumbent upon the Master or other person having charge of any such vessel, either to pay such Duty forthwith, or to show, by the production of the Certificate of some Collector or person entitled to receive such Duty, that the same has been paid in some port or place within this Province, at some time within the then current year.

Payment of annual Light Duty by Coasting Vessels

**X.** *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief, for the time being, from time to time and so often as he shall think proper, to appoint fit and proper persons Collectors of the Duties by this Act imposed, in the several Ports, Harbours, Creeks and Rivers in this Province, and to describe the particular limits of each Collector's authority and jurisdiction, in the Commission or Commissions to be granted for that purpose.

Appointment  
of Collectors of  
Light Duty

*Provided always,* That it shall not be, or be deemed or adjudged to be, necessary to make any new appointment in or for any port, place or harbour, where there shall be at the time of the passing of this Act a Collector already appointed and in office under the Acts or any of the Acts hereby repealed, but every such Collector shall continue and remain in Office, and exercise the power, authority and duties, of Collector under this Act, and receive and collect the Duties hereby imposed, unless a new appointment shall be recommended to be made by the Commissioners of the Revenue.

Collectors at  
present in Of  
fice

**XI.** *And be it further enacted,* That the Duties by this Act imposed, shall be, and the same are hereby declared to be, payable, and shall be paid respectively, to the Collector of the Duty under this Act appointed, or now in Office as aforesaid, or in any port, place or district, where no such Collector is or may be appointed, then to the Collector of Impost and Excise for the said port, place or district, who is hereby authorized, empowered, and directed to demand and receive the same.

Light Duties  
may be paid to  
Collectors of  
Impost

**XII.** *And be it further enacted,* That if any Master or Commander, or other person having charge or command of any ship or vessel, coming or being in any port, harbour, or place in this Province, which shall be liable to pay any Duty or Duties under this Act, shall, upon the same being demanded, refuse to pay the said Duty or Duties or shall depart or attempt to depart from such port, harbour or place, in this Province, without first paying the said Duty or Duties, such Master, Commander, or other person having charge or command of any such ship or vessel, shall forfeit and pay, over and above the said Duty or Duties, the Penalty or sum of Five Pounds, to be recovered, together with the said Duty or Duties, by bill, plaint or information, at the Suit of the Collector of such Duties, or in case of there being no such Collector, at the Suit of the Collector of Impost and Excise, in any Court of Record in this Province, one half of such Penalty to be paid to the Collector who shall sue for the same, and the other half to be by him paid and applied in like manner as the Duties hereby imposed are directed to be paid and applied.

Refusal to pay  
Light Duties

**XIII.** *And be it further enacted,* That if any Master or Commander, or other person having charge or command of any ship or vessel, liable to pay any Duty or Duties under this Act, shall neglect or refuse to pay such Duty or Duties after the same shall have been duly demanded, it shall and may be lawful for the Collector of such Duties or if there be no such Collector, for the Collector of Impost and Excise to seize and take possession of and detain in his custody such ship or vessel, until the said Duty or Duties, together with the said Penalty of Five Pounds, shall be fully paid and discharged.

Vessels may  
seized on non-  
payment of  
Duties

**XIV.** *And be it further enacted,* That no ship or vessel shall be permitted or suffered to clear out at the Custom House, from any port, harbour, out-port or place in this Province, until the Master or Commander, or other person having charge or command of such ship or vessel, shall produce and exhibit to the Collector or other Officer of His Majesty's Customs, at the said port, harbour, out-port or place, a Certificate signed by the Collector authorized to collect the same, that the Duty or Duties hereby imposed on such ship or vessel have been fully paid and discharged.

Certificate of  
payment of  
Light Duties to  
be required by  
Collectors of  
Customs

**XV.** *And be it further enacted,* That it shall and may be lawful for any Collector under this Act appointed, or authorized to collect and receive the Duties hereby imposed, to call to his aid, in the execution of this Act, all Magistrates, Constables and Peace Officers, and all other His Majesty's Subjects, who are hereby required, when called upon, to afford such Collector every aid and assistance in their power, for the purpose of carrying into effect the several provisions of this Act.

Power vested  
in Collectors of  
Light Duties

**XVI.** *And be it further enacted,* That if any Collector or other person shall be sued or prosecuted for or by reason of any thing by such Collector or other person done or committed under and in pursuance of this Act, it shall and may be lawful for such Col-  
**L**lector

Prosecution of  
Collectors

lector or other person to plead the General Issue, and to give this Act and the special matter in evidence.

Ships of War  
Packets and  
Transports ex-  
empted from  
Duty

**XVII.** *Provided always, and be it further enacted,* That nothing in this Act shall extend or be construed to extend to any of His Majesty's Ships of War, or His Majesty's Packets, or to any ship or vessel actually engaged and employed as a Transport or Store Ship, for the transport or conveyance of His Majesty's Troops or Military Stores, or otherwise in the employment or service of His Majesty's Government.

Revenue re-  
ceived under  
this Act to be  
paid into Treas-  
ury  
Allowance to  
Collectors

**XVIII.** *And be it further enacted,* That all monies collected and received under and by virtue of this Act, shall be paid by the several Collectors collecting and receiving the same, after deducting thereout Seven Pounds and Ten Shillings per cent. on the amount received, to be retained by the said Collectors respectively, as and for their Commission for receiving the same into the Treasury of this Province, to be applied as hereinafter mentioned.

Appointment  
Commissioners  
of Light Houses  
—their powers  
and duties

**XIX.** *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, to appoint three Commissioners for superintending and taking charge of the several Light-Houses now erected, or which may be hereafter erected on the Coasts of this Province; which said Commissioners shall have power and authority to purchase Oil, Candles, Wick, Casks, and all other materials, things and utensils, which shall or may be necessary for the lighting of the said Light-Houses, in the most beneficial and useful manner, and to contract for the necessary repair of the said Light-Houses, and to keep the same, and the Lanterns and appurtenances thereof, at all times in good repair, order and condition, and properly and sufficiently supplied. *Provided always,* that the Commissioners of Light-Houses now appointed and in Office, shall remain and continue in Office, and execute the like powers, duties and authorities, hereby vested in or given to, or imposed upon, such Commissioners, in the same manner as if the said Commissioners now in Office had been and were appointed and commissioned under this Act.

Appointment of  
Keepers of  
Light Houses

**XX.** *And be it further enacted,* That the said Commissioners shall have power to appoint, and also at their pleasure to remove, the Keepers of the said several Light-Houses respectively, and also to make, ordain, establish and enforce, rules and regulations for the proper and orderly lighting and keeping such Light-Houses; *Provided always,* that the said Commissioners shall, as often as may be required by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, make up and return to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, a report in writing of the state and condition of the several Light-Houses under their charge, and of the Lanterns and Appurtenances thereof, which report shall also contain and set forth the names and ages of the Keepers of the said Light-Houses respectively, the amount of their several Salaries, and an accurate account of the Stores and Materials belonging to the said Light-Houses severally, which may then be on hand.

Expences of  
Light Houses  
now defrayed

**XXI.** *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to draw Warrants from time to time, as may be requisite and necessary, on the Treasury of this Province, in favour of said Commissioners, to defray the necessary expences of lighting, repairing, supporting and supplying, the said Light-Houses respectively, and for paying the Salaries of the several Keepers thereof, which Warrants shall be paid out of the Monies collected and paid in, under and by virtue of this Act, if such Monies shall be sufficient for that purpose, but if such Monies shall not be sufficient for the payment of such Warrants, then the same shall be paid out of any other Monies which, from time to time, shall, or may be in the Treasury, and if the Monies to be received under and by virtue of this Act shall, at any time, be more than sufficient to pay the necessary expences to be incurred by the said Commissioners for the purpose aforesaid, any surplus or residue of such Monies shall be applied and paid for such general purposes as other Monies paid into the Treasury are or shall be applicable.

Allowance to  
Commissioners

**XXII.** *And be it further enacted,* That the said Commissioners shall be entitled to receive a Commission of Five per Cent on all Monies by them expended under and by virtue of the provisions of this Act.

**XXIII.**

**XXIII.** *And be it further enacted,* That the said Commissioners shall annually render an accurate account of the receipt and expenditure of all Monies expended by them for the purposes of this Act, to the Auditor of Public Accounts, to be by him audited and laid before the Joint Committee of the Council and House of Assembly, appointed for the consideration of the Public Accounts.

Account to be rendered by Commissioners

**XXIV.** *And be it further enacted,* That an Act, passed in the Thirty-third Year of the Reign of His late Majesty King George the Second, entitled, An Act for regulating and maintaining a Light-House on Sambro Island; also, an Act, passed in the 28th Year of the Reign of His late Majesty King George the Third, entitled, An Act for regulating and maintaining a Light-House at the entrance of the Harbour of Shelburne; also, the Acts passed in the Thirty-third and Thirty-fourth Years of the Reign of His said late Majesty King George the Third, in amendment of, and in addition to, the said two several Acts; also, an Act, passed in the Forty-third Year of the Reign of His said late Majesty King George the Third, entitled, An Act to provide for the support of a Light-House at the entrance of Annapolis Bason, and for amending the Act, passed in the Twenty-eighth Year of His present Majesty's Reign, entitled, An Act for regulating and maintaining a Light-House at the entrance of the Harbour of Shelburne, and for making perpetual the several Laws herein mentioned; also, the Act, passed in the Fiftieth Year of the Reign of His said late Majesty King George the Third, entitled, An Act to provide for the support of a Light-House on Brier Island, at the entrance of the Bay of Funday; also, the Act, passed in the Fifty-second Year of the Reign of His late Majesty King George the Third, entitled, An Act to provide for the support of a Light-House on the South end of Coffin's Island, on the eastern side of the entrance of Liverpool Harbour; also, the Act, passed in the Fifty-sixth Year of the Reign of His said late Majesty King George the Third, entitled, An Act to authorize the appointing of Commissioners for Light-Houses; also, an Act, passed in the Fifty-ninth Year of the Reign of His said late Majesty King George the Third, entitled, An Act to revive, continue and amend, an Act to provide for the support of a Light-House at the South end of Coffin's Island, on the Eastern side of the entrance of Liverpool Harbour; also, an Act, passed in the Third Year of the Reign of His late Majesty King George the Fourth, entitled, An Act to provide for the support of a Light-House erected on Cranberry Island, near the entrance of the Gut of Canso; also, the Acts passed in the Fourth and Sixth Years of the Reign of His said late Majesty King George the Fourth, to continue, alter and amend, the said last mentioned Act; also, the Act, passed in the Seventh Year of the Reign of His said late Majesty King George the Fourth, entitled, An Act to provide for the erection and support of a Light-House on Mauer's Beach and to regulate the Light-Duties hereafter to be paid; and also, the several Acts now in force for continuing, altering or amending, the said several Acts hereinbefore mentioned, any or either of them, shall be repealed, and the said several Acts, and every matter, clause or thing, therein contained, are hereby respectively repealed, save and except as regards any act, matter, contract, agreement or thing, whatsoever, heretofore done, made or had, or now existing, under, and by virtue, or in pursuance of; the said Acts or any or either of them respectively.

Acts repealed

**XXV.** *And be it further enacted,* That this Act shall continue and be in force for One Year from the passing thereof, and from thence to the end of the then next Session of the General Assembly.

Continuation of Act

**XXVI.** *And be it further enacted,* That this Act may be altered or amended by any Act or Acts to be passed in this present Session of the General Assembly, any Law, usage or custom, to the contrary notwithstanding.

This Act may be altered &c

## CAP. XXVI.

**An Act in amendment of the Act for granting Patents for useful Inventions.**

(PASSED THE 31st DAY OF MARCH, 1834)

Preamble

**W**HEREAS, in many Inventions for which it may be desirable to obtain Patents under the said Act, passed in the last Session of the General Assembly, the Machinery being complicated, the cost of a Model thereof, to be lodged in the Office of the Secretary of the Province, according to the seventh clause of the said Act, may be so great as to prevent many ingenious but poor Persons from obtaining such Patents for their useful discoveries—for remedy thereof,

Governor may dispense with requisition respecting model

*Be it enacted, by the President, Council and Assembly,* That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, if he shall see fit and proper under all the circumstances so to do, to dispense with the necessity for delivering such Model into the Office of the Secretary of the Province, previous to the granting of any such Patent, and in such case the requisitions of said Act being in all other respects complied with, the Person or Persons applying for any Patent shall be entitled thereto, in the same manner as if such Model had been so lodged as aforesaid.

## CAP. XXVII.

**An Act to continue the Act concerning the Terms of the Supreme Court at Halifax.**

(PASSED THE 31st DAY OF MARCH, 1834.)

Act continued (with exceptions)

**B***E it enacted, by the President, Council and Assembly,* That an Act, made and passed in the Tenth Year of His late Majesty's Reign, entitled, An Act concerning the Terms of the Supreme Court at Halifax, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. XXVIII.

**An Act to repeal the last Clause or Section of the Act for the better Regulating the manner of holding the Inferior Court of Common Pleas and General Sessions of the Peace in the County of Annapolis.**

(PASSED THE 31st DAY OF MARCH, 1834.)

Preamble

**W**HEREAS, the Presentation of Money to be Assessed within the County of Annapolis, at the Supreme Court, has been found to be inconvenient, and it is expedient that such Presentation should be made in the ordinary manner, at the General Sessions of the Peace for the said County:

Last Clause of Act 40, Geo. III. repealed

*Be it therefore enacted, by the President, Council and Assembly,* That the last Clause or Section of the Act, passed in the Fortieth Year of the Reign of His late Majesty King George the Third, entitled, An Act for the better regulating the manner of holding the Inferior Court of Common Pleas and General Sessions of the Peace in the County of Annapolis, be, and the said Clause or Section of the said Act, and every matter and thing therein contained, are hereby repealed.

CAP.

## CAP. XXIX:

## An Act to continue the Act to provide against the occurrence of Diseases from the Bite of Animals;

(PASSED THE 31st DAY OF MARCH, 1834.)

**B**E it enacted, by the President, Council and Assembly, That the Act, passed in the last Session of the General Assembly, entitled, An Act to provide against the occurrence of Diseases from the Bite of Animals, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act continued

## CAP. XXX.

## An Act to amend the Act for extending several Acts relating to Firewards to the Town of Yarmouth.

(PASSED THE 31st DAY OF MARCH, 1834.)

**W**HEREAS the Acts relating to Firewards, extended to the Town of Yarmouth by the Act, passed in the third year of His late Majesty's reign, entitled, An Act to extend several Acts relating to Firewards to the Town of Yarmouth, do not contain certain Provisions, hereinafter enacted, which it is expedient should be extended to the said Town—

Preamble

I. *Be it therefore enacted, by the President, Council and Assembly,* That it shall and may be lawful, for any three of the Firewards, in and for the said Town of Yarmouth, on view of any Chimney, Stove Pipe or Smoke-Funnel, in the said Town, which they may deem to be imperfectly and insufficiently built or secured, to prevent the risk of fire, to order the same to be removed, altered, secured or repaired, as they may direct, within twenty-four hours, or such reasonable time, whether shorter or longer, as the said Firewards may think proper to allow, and if the Occupant or Occupants of the House or Building, wherein such Chimney, Stove Pipe or Smoke-Funnel, shall be placed, shall refuse or neglect to remove, repair, alter or secure the same as directed, it shall and may be lawful for such Firewards to apply to any one of His Majesty's Justices of the Peace within said Town, and three or more Freeholders there, to view and examine the same, and in case such Justice and any three of such Freeholders shall agree in opinion with the said Firewards, that such Chimney, Stove Pipe or Funnel, is likely to endanger the said Town, or any Building in it, and the Owner or Occupant of the House or Building where the same is or shall be placed shall not then give to such Firewards good and sufficient security to alter, repair, secure or remove, the said Chimney, Stove Pipe or Funnel, as they shall direct, it shall and may be lawful for such Justice to order the same to be immediately removed or prostrated as a Common Nuisance, and to issue a Warrant of Distress, to seize and sell at public auction so much of the Goods and Chattels of such Owner or Occupant as shall be sufficient to defray the expences of the removal or prostration of such Nuisance.

Additional powers vested in Firewards

II. *And be it further enacted,* That not more than twenty-five pounds of Gunpowder shall be kept at any one time in any one house, shop or building, in said Town of Yarmouth, which Gunpowder shall be kept in a Tin Cannister with a close cover; and it shall and may be lawful for any three Firewards for said Town to seize as forfeit, and to sell at public auction, any greater quantity of Gunpowder found by them or either of them in the said Town, contrary to this Act, and to apply the proceeds of such sale for the use and benefit of the Poor of the said Town.

Gunpowder—quantity allowed to be kept in Houses

III. *And be it further enacted,* That it shall and may be lawful for any three of the Firewards for the said Town of Yarmouth to order and direct any person or persons, Inhabitants of said Town, to remove from his, her or their house, shop or building, any hay, shavings, or other combustible materials whatsoever, which they the said Firewards shall

Combustible materials in Houses

shall find so kept, placed or stored, as in their opinion may occasion risk or danger of fire to any house, shop or building, in said Town; and if any owner or owners, occupant or occupants, of such house, shop or building, his, her or their agent or factor, shall refuse or neglect, for twenty-four hours after notice given, to remove such hay, shavings or combustible materials, the said Firewards are hereby empowered to seize and apply the same to the use of the Poor of the said Town, as in case of a seizure of Gunpowder.

Boundaries of  
Yarmouth as  
respects the  
operation of  
this Act

IV. *And be it further enacted*, That the Boundaries and Limits of the said Town of Yarmouth, for the purposes of this Act and the said Act hereinbefore mentioned and hereby amended, shall be as follows, that is to say—Beginning one quarter of a mile to the eastward of Cape Forchu River on the line upon the north side of land belonging to the Heirs of Joseph Walker, thence westwardly on that line to the River aforesaid, thence southwardly by the River to Samuel Rust's House, thence west, crossing the River, to the line between Lands of David Landers and Stayley Browns, thence southwardly by that line to the road leading to Jegoggin, thence westwardly by that road to John Killam's land, thence south-eastwardly by John Killam's land to the head of Cape Forchu Harbour, thence eastwardly across the head of the harbour to the point of Marsh in front of Miner Huntington's land, thence southwardly by the harbour to the line on the north side of Amason Durkee's Farm, thence eastwardly on that line one mile, and thence northwardly in a straight line to the place of beginning.

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### CAP. XXXI.

#### An Act to continue the several Acts concerning the Bridewell and Police in Halifax.

(PASSED THE 31st DAY OF MARCH, 1834.)

Acts continued

**BE** it enacted, by the President, Council and Assembly, That an Act, passed in the Fifty-fifth year of the Reign of His late Majesty King George the Third, entitled, An Act for Establishing a Bridewell or House of Correction for the County of Halifax, and for the better and more effectual administration of the Office of Justice of the Peace in the Township of Halifax, and for providing a Police Office in said Town, with proper Officers to attend the same, and every matter, clause and thing therein contained, (save and except the Tenth Section of the said Act,) and also an Act, passed in the Tenth year of the reign of His late Majesty King George the Fourth, entitled, An Act to amend and continue the Act concerning the Bridewell and Police in Halifax, and every matter, clause and thing, therein contained, (save and except the Fourth Section of the said Act); and also, an Act, passed in the Eleventh year of the reign of His late Majesty King George the Fourth, entitled, An Act to amend and continue the Act concerning the Bridewell and Police in Halifax, and every matter, clause and thing, therein contained; also, the Act, passed in the second year of His present Majesty's reign, to continue the said Acts, and to alter and amend the same, and every matter, clause and thing, therein contained, shall be continued, and the said Acts are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

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### CAP. XXXII.

#### An Act to continue the Act respecting Aliens coming into this Province, or residing therein.

(PASSED THE 31st DAY OF MARCH, 1834.)

Acts continued

**BE** it enacted, by the President, Council and Assembly, That an Act, passed in the Thirty-eighth Year of the Reign of His late Majesty King George the Third, entitled, An Act respecting Aliens coming into this Province, or residing therein, and every



every matter, clause and thing, in the said Act contained shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

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CAP. XXXIII.

**An Act to continue the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the Act in amendment thereof.**

(PASSED THE 31st DAY OF MARCH, 1834.)

**B**E it enacted, by the President, Council and Assembly, That an Act, passed in the Fourth and Fifth Years of His late Majesty's Reign, entitled, An Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges; and also, the Act, made and passed in the Ninth year of His said late Majesty's Reign, to continue, alter and amend, the said Act, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby severally continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts continued

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CAP. XXXIV.

**An Act to continue the Act in further addition to, and in amendment of, the Act for the choice of Town Officers, and regulating of Townships, and the Act to alter and amend the same.**

(PASSED THE 31st DAY OF MARCH, 1834.)

**B**E it enacted, by the President, Council and Assembly, That an Act, made and passed in the tenth year of His late Majesty's Reign, entitled, An Act in further addition to, and in amendment of, the Act for the choice of Town Officers, and regulating of Townships; and the Act, passed in the second year of His present Majesty's Reign, entitled, An Act to alter and amend the Act in further addition to, and in amendment of, the Act for the choice of Town Officers, and regulating of Townships, and every matter, clause and thing, in the said several Acts contained, shall be continued, and the same are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts continued

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CAP. XXXV.

**An Act to continue the Act, entitled, An Act in further addition to the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates.**

(PASSED THE 31st DAY OF MARCH, 1834.)

**B**E it enacted, by the President, Council and Assembly, That an Act, passed in the Fifty-second Year of the Reign of His late Majesty King George the Third, entitled, An Act in further addition to the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act continued

CAP. XXXVI.

An Act to prohibit the sale of Spirituous Liquors in Jails or Jail Yards and Prisons, or within the Limits thereof.

(PASSED THE 31st DAY OF MARCH, 1834.)

**B**E it enacted, by the President, Council and Assembly, That, if any Jailor or the Keeper of any Prison, or other person or persons within this Province, shall, after the passing of this Act, either by themselves or their Wives, or any of their Children, or their Servants, Substitutes or Agents, directly or indirectly, sell, barter, exchange or deliver, or willingly or knowingly suffer or permit, or cause to be sold, bartered, exchanged or delivered, to any Prisoner or Prisoners, or other person or persons whomsoever, any Rum, Brandy, Gin, or any other Distilled Spirituous Liquors, mixed or unmixed, by whatever name or names the same are or may be called, known or distinguished, in any Jail or Prison or Jail Yard, or within the limits of any Jail or Prison, or in any Room or Apartment, or other part of any House or Building, wherein any Jail or Prison is or may be kept or situate, or if any person or persons shall bring, convey or introduce, into any Jail or Prison, or Jail-Yard, or limits of any Jail or Prison, to be used, drunk, or consumed therein, by any Prisoner or Prisoners, person or persons, confined, imprisoned or detained, within such Jail or Prison, or Jail Yard, or the limits of of any such Jail or Prison, such Jailor or Keeper, or other person or persons so offending, in either of the said cases, being thereof convicted before any two of His Majesty's Justices of the Peace, for the County or District wherein such Jail or Prison may be situate, upon the Oath of any one or more credible witness or witnesses, shall forfeit and pay a fine or penalty of Three Pounds, to be levied by Warrant of Distress, under the hands and seals of the said two Justices, before whom such conviction shall be had, of and upon the Goods and Chattles of the offender or offenders so convicted, and shall be paid and applied, one half to the person who will give information for the same, and the other half to the Clerk of the Licenses for the County or District wherein such offence shall have been committed, to be by him applied in like manner as the funds receivable by him for Licensed Houses are directed to be applied;—and in case the said offender or offenders shall not have sufficient Goods and Chattles, whereon to levy the distress aforesaid, and to satisfy the said fine or penalty, then, and in such case, such offender or offenders shall be committed to Jail, to be there kept and detained in close confinement for Two months, or until such fine or penalty be paid.

Sale of Liquors in Jails &c. prohibited

Jailors violating Act

**II.** *And be it further enacted,* That any Jailor or Keeper of a Prison, who shall be convicted as aforesaid a second time, shall, upon such second conviction, in addition to paying the fine or penalty, or undergoing the confinement hereinbefore mentioned, be thereafter absolutely disqualified from holding such situation of Jailor or Keeper of a Prison as aforesaid, and shall be therefrom forthwith removed and dismissed.

Prosecutions

**III.** *And be it further enacted,* That all prosecutions under this Act shall be in the name of the Clerk of the Licenses for the County or District wherein the offence shall be committed, and it shall be imperative upon the said Clerk of the Licenses, upon information given to him of any offence against this Act, forthwith to sue and prosecute for the fine or penalty hereby imposed.

Exemption in favor of sick Prisoners

**IV.** *Provided always, and be it further enacted,* That nothing in this Act contained shall extend, or be construed to extend, to prevent the bringing, introducing and conveying, into any Jail or Prison, such limited and restricted quantity of Rum, Brandy, Gin or other distilled Spirituous Liquors, for any sick Prisoner or other sick Person, who may be confined or resident in such Jail or Prison as may be by the Physician or Medical Attendant of such sick Prisoner or other sick Person, be particularly mentioned, allowed and prescribed in writing, as necessary for the use of such sick Prisoner or other sick Person.

Act not to extend beyond Jail Yard.

**V.** *And provided also, And be it further enacted,* That in any case when the limits of any Jail or Prison shall extend beyond the Jail Yard, and include within the same any House or Building, other than the said Jail or Prison, nothing in this Act contain-

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ed shall extend, or be construed to extend, to such limits, unless so far as respects the selling or delivering, or bringing, introducing or conveying, of any Rum, Brandy, Gin or other distilled Spirituous Liquors, to any Prisoner or Prisoners confined within such Jail or Prison or the limits thereof.

## CAP. XXXVII.

**An Act to continue the Act to restrain the Issuing Writs of Attachment in certain Cases.**

(PASSED THE 31st DAY OF MARCH, 1834.)

**B**E it enacted, by the President, Council and Assembly, That the Act, made and passed in the Fourth and Fifth Years of His late Majesty's Reign, entitled, An Act to restrain the Issuing Writs of Attachment in certain Cases, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for three years, and from thence to the end of the then next Session of the General Assembly. Act continued

## CAP. XXXVIII.

**An Act to continue the Act, in further amendment of an Act to regulate the Jurisdiction of the Inferior Court of Common Pleas, within the County of Cape-Breton, and to fix and establish the times and places for holding of the said Inferior Court and General Sessions of the Peace, in and for the said County.**

(PASSED THE 31st DAY OF MARCH, 1834.)

**B**E it enacted by the President, Council and Assembly, That an Act, made and passed in the Eighth Year of His late Majesty's Reign, entitled, An Act in further amendment of an Act to regulate the Jurisdiction of the Inferior Court of Common Pleas within the County of Cape-Breton, and to fix and establish the times and places for holding of the said Inferior Court and General Sessions of the Peace in and for the said County, and every matter, clause and thing, therein contained, except so far as the same is or may be altered by the Act, passed in the Ninth Year of His said late Majesty's Reign, entitled, An Act in further amendment of an Act to regulate the times and places for holding the Inferior Court and General Sessions of the Peace in and for the County of Cape-Breton, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly. Act continued

## CAP. XXXIX.

**An Act to continue the Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night.**

(PASSED THE 31st DAY OF MARCH, 1834.)

**B**E it enacted, by the President, 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, entitled, An Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly. Act continued

of Halifax, by providing for a sufficient Watch at Night, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. XL.

### An Act to continue the Act to preserve the Harbour of Cape Forchu in Yarmouth.

(PASSED THE 31st DAY OF MARCH, 1834.)

Act continued

**B**E it enacted, by the President, Council and Assembly, That the Act, made and passed in the Second Year of His present Majesty's Reign, entitled, An Act to preserve the Harbour of Cape Forchu, in Yarmouth, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for two years, and from thence to the end of the then next Session of the General Assembly.

## CAP. XLI.

### An Act to continue the Act for the Summary Trial of Actions, and the Act in amendment thereof.

(PASSED THE 31st DAY OF MARCH, 1834.)

Acts continued

**B**E it enacted, by the President, Council and Assembly, That the Act, made and passed in the Third year of His late Majesty's reign, entitled, An Act for the Summary Trial of Actions; and also the Act in amendment thereof, passed in the Sixth year of His said late Majesty's reign, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby severally continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. XLII.

### An Act to continue an Act in amendment of certain Acts relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates.

(PASSED THE 31st DAY OF MARCH, 1834.)

Acts continued

**B**E it enacted, by the President, Council and Assembly, That an Act, passed in the Tenth Year of His late Majesty's Reign, entitled, An Act in amendment of an Act, made and passed in the Thirty-second year of the reign of His late Majesty King George the Second, entitled, An Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates; and the Act, passed in the Thirty-fourth year of His said late Majesty's Reign, in amendment of the said Act, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. XLIII:

## An Act to continue, alter and amend, the several Acts for the regulation of the Militia.

(PASSED THE 31st DAY OF MARCH, 1834.)

**B**E it enacted, by the President, Council and Assembly, That an Act, made and passed in the first year of the reign of His late Majesty King George the Fourth, entitled, An Act to provide for the greater Security of this Province by the better regulation of the Militia, and to repeal the Militia Laws now in force, and every matter, clause and thing, therein contained, except the Twenty-second, Twenty-seventh, Thirty-second, Forty-seventh, Eighty-third and Eighty-fourth Clauses or Sections of the said Act, which are hereby respectively repealed, and also save and except so far as the same is or may be hereinafter altered or amended; and also, the Act, passed in the Fourth year of His said late Majesty's reign, to alter and continue the said Act, and every matter, clause and thing, therein contained, except the Seventh Clause or Section of the said last mentioned Act, which is hereby also repealed; and also, the Act, passed in the Seventh year of His said late Majesty's reign, in alteration and continuation of the said Acts, and every matter, clause and thing, contained in the said last mentioned Act, except the second clause or section thereof, which is also hereby repealed; and also, the Act, passed in the Ninth year of His said late Majesty's reign, to alter, continue and amend, the said several Acts, and every matter, clause and thing, therein contained, save and except so far as the same is or may be hereinafter altered or amended; and also, the Acts passed in the Tenth year of His said late Majesty's reign, to continue and amend the said several Acts, and every matter, clause and thing, therein contained, shall be continued, and the said several Acts, except as herein before excepted, are hereby respectively continued for one year from the passing of this Act.

Acts 1st 4th  
7th 9th and  
10th Geo. IV.  
with excep-  
tions continued

**II.** *And be it further enacted,* That, instead of the sum of Fifteen Pounds allowed to the Adjutant of each Regiment or Battalion of Militia, under and by virtue of the Forty-second Clause or Section of the said Act, passed in the First year of His said late Majesty's reign, and hereby continued, every such Adjutant shall be allowed for each and every day on which he shall be engaged in performing the services required by the said Act, and the said several other Acts hereby continued, the sum of Fifteen Shillings — *Provided,* that no greater sum than Ten Pounds for any one Adjutant shall be drawn from the Treasury of the Province, in the manner, and upon the Certificate of the number of days on which the Adjutants were actually employed, and under the several regulations, and upon the terms mentioned, required and prescribed, in and by the said Forty-second Clause or Section of the said Act, passed in the said First Year of His said late Majesty's Reign, any thing in the said Clause or Section to the contrary notwithstanding.

Allowance to  
Adjutants

**III.** *And be it further enacted,* That instead of the sum of Twenty Pounds, mentioned and limited as the amount to be drawn from the Treasury, for or towards the cleaning and repairing of the Arms of each Battalion of Militia, under and by virtue of the Eleventh Clause or Section of the said Act, passed in the Ninth Year of His said late Majesty's Reign, and hereby also continued, there shall not be drawn from the Treasury, in any one Year, under the said Eleventh Clause or Section of the said last mentioned Act, and for the purposes therein mentioned, for any one Regiment or Battalion of Militia, a larger or greater sum than Seven Pounds and Ten Shillings, any thing in the said Eleventh Clause or Section of the said last mentioned Act to the contrary notwithstanding.

Expense of  
cleaning and  
repairing Arms  
—sam allowed

**IV.** *And be it further enacted,* That once in every Year, viz. on or before the last day of November, the Colonels or other Officers commanding Regiments or Battalions, shall make out and transmit to the Adjutant-General of the Militia, for the information of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, Returns of the strength of their Regiments, Battalions or Companies, and also Returns

Returns of Mi-  
litia

of

of Arms, and an Account of all fines collected or paid to them, and of the expenditure thereof, with certified copies of the vouchers for each expenditure; and all Captains or Officers Commanding Companies are hereby required to make out, and transmit to the Officer Commanding the Regiment or Battalion, to which such Companies belong, once in every Year, viz. on or before the Fifteenth day of November annually, and as often further as required by the Commanding Officer of the Regiment, Returns of the strength of their respective Companies, with fair Rolls thereof, and also Returns of Arms; all forms of Returns prescribed by the Adjutant-General to be uniformly adopted; and any Officer guilty of wilfully making any false Returns shall be cashiered by the sentence of a General Court Martial, to be appointed as is, in and by the said Acts hereby continued, directed, and shall moreover be liable to a fine not exceeding Twenty Pounds; and if any Colonel or other Officer commanding a Regiment or Battalion, shall neglect to make the Returns required of him as aforesaid, he shall for every such neglect forfeit and pay a fine of Twenty Pounds; and if any Captain or other Officer commanding a Company, shall neglect to make the Returns required of him as aforesaid he shall forfeit and pay a fine of Five Pounds for every such neglect.

V. *And be it further enacted*, That hereafter no Regiment, Battalion or Company, of Militia, shall be called out or required to assemble for the purpose of training or discipline more than once in each and every year, instead of twice as heretofore, any thing in any of the said Acts contained to the contrary notwithstanding.

Training

## CAP. XLIV.

## An Act to dissolve the Marriage of Anne Kidston with Richard Kidston.

(PASSED THE 31st DAY OF MARCH, 1834.)

Preamble

**W**HEREAS, in the Month of November, in the year of our Lord One Thousand Eight Hundred and Eleven, lawful Marriage was contracted and duly solemnized at Halifax, in this Province, according to the rites of the Established Church of England, between Richard Kidston and Anne Sawyer, and she thereby became, and was, and since then has been, known as Anne Kidston, the lawful wife of the said Richard Kidston;

*And whereas*, it appears that, after the said Marriage, the said Richard Kidston, unmindful of his conjugal vow, did, from time to time, and without any apparent provocation, cause, or fault, of or on the part of his said wife, frequently ill use and maltreat her with great severity, harshness and cruelty, using towards her at various times violent, threatening and abusive language, and inflicting blows and other personal violence upon her; and did continue such his evil conduct until and up to the Month of July, in the year of our Lord One Thousand Eight Hundred and Nineteen, at which time the said Richard Kidston did, in further violation of his conjugal vow, wilfully leave, desert, and abandon his said wife, and did also then and there quit and leave this Province, carrying with him certain sums of Money for his own use, and leaving his said wife without any maintenance, provision or support whatsoever, of, from, or by him, the said Richard Kidston, and altogether dependent upon her own exertions and the generosity of her friends for support and maintenance, and hath ever since then remained and continued so wilfully absent from and out of this Province, she, his said wife, having, during all that time, remained and continued in this Province, so in manner aforesaid deserted and abandoned by him the said Richard Kidston, without receiving any support or maintenance from him and entirely dependent as aforesaid; and the said Richard Kidston, so now being and remaining out of this Province, cannot be cited and compelled to answer in any Suit or Proceeding for Divorce on account of such cruelty as aforesaid; *and whereas* there hath not been any issue of said Marriage; *and whereas* the said Anne Kidston hath prayed that the said Marriage should be dissolved, and declared null and void; *and whereas*, by an Act, made and passed in the first year of the reign of His late Majesty

Majesty King George the Third, entitled, An Act for the amendment of an Act, entitled, An Act concerning Marriages and Divorce, and for punishing Incest and Adultery, and declaring Polygamy to be Felony, *It is enacted*, that Marriages shall be declared null and void for cruelty.

I. *Be it therefore enacted, by the President, Council and Assembly*, That the said Anne Kidston be, and hereby is, divorced from the said Richard Kidston, and that the Bonds of Matrimony between them, the said Richard Kidston and Anne Kidston, be, and hereby are declared to be, wholly dissolved, and that the said Marriage be null and void, to all intents and purposes whatsoever.

Declaration of Divorce between Richard Kidston and Anne Kidston

CAP. XLV.

An Act to Establish the Toll to be taken at the several Grist Mills in this Province.

(PASSED THE 31st DAY OF MARCH, 1834.)

BE it enacted, by the President, Council and Assembly, That the Tolls, hereafter to be taken and received by every Miller for the grinding of any Grain or Corn, hereinafter mentioned, shall be as follows, that is to say: for grinding Wheat, Rye, Barley, Buck Wheat or Indian Corn, one sixteenth part of the whole quantity brought to the Mill to be ground, and no more, to be ascertained by a sealed measure; and for grinding Oats, where the same shall not be kiln-dried, shelled and sifted, one sixteenth part of the whole quantity brought to the Mill to be ground, and no more, to be ascertained as aforesaid; and for kiln-drying, shelling, grinding and sifting of Oats, one eighth part of the whole quantity brought to the Mill to be ground, and no more, to be ascertained as aforesaid.

Toll for Grinding

1/16<sup>th</sup> part for Bolting by 5 Geo 4<sup>th</sup> - 1/16<sup>th</sup> part for Bolting

II. *And be it further enacted*, That every Miller, keeping in his Mill suitable Machinery for the hulling of Barley, shall receive and have, as and for the Toll for hulling the same, one sixth part of the whole quantity brought to the Mill to be hulled, and no more, to be ascertained as herein before mentioned.

Toll for Hulling

III. *And be it further enacted*, That every Miller, who shall have or keep in his Mill a good and sufficient Bolting Machine, shall be obliged, if required so to do, to bolt the Flour or Meal of all Wheat, Rye, Buck Wheat or Barley, or bolt or sift all Flour or Meal of Indian Corn ground at his Mill, and shall be allowed to receive and take at the rate of one quart out of each bushel of Grain or Corn brought to the Mill to be so ground and bolted or sifted, and no more, as and for the Toll for bolting or sifting the same, in addition to the Toll hereby allowed for grinding such Wheat, Rye, Buck Wheat, Barley or Indian Corn.

Toll for Bolting

1 quart - amount due per bag Act 5 Geo 4<sup>th</sup> now 1/16<sup>th</sup> part of every Bushel

IV. *And be it further enacted*, That if any Miller shall, in any case, demand and take any larger or greater Toll for grinding, hulling or bolting, any Grain, Corn, Meal or Flour, than is hereinbefore allowed and prescribed, such Miller, being thereof legally convicted before any two Justices of the Peace for the County or District wherein such offence shall be committed, on the oath of any one or more credible witness or witnesses, shall forfeit and pay a fine or penalty of Two Pounds, to be levied by Warrant of Distress, under the hands and seals of the said two Justices before whom such conviction shall be had,

Impositions of Millers

V. *And be it further enacted*, That if any Miller shall refuse to grind any Grain or Corn for which his Mill is prepared, the said Grain or Corn being clean, dry and in good order, or, if his Mill be provided with bolting machinery, shall refuse to bolt any Meal or Flour hereby required to be bolted, when he is requested so to do, or shall refuse to hull any Barley when required, the same being clean, dry and in good order, and his Mill having proper and suitable machinery for the hulling of Barley, then, and in either of such cases, any such Miller, so refusing and not having some good and sufficient excuse for such refusal, being thereof legally convicted, in manner as herein before mentioned, shall forfeit and pay a fine or penalty of Two Pounds, to be levied as aforesaid.

Refusal of Millers to grind

Beams & Scales  
to be provided  
by Millers

VI. *And be it further enacted*, That each and every Miller in this Province shall at all times keep and have in his Mill properly fitted and erected in a convenient place, a good and sufficient beam and scales, with proper and legal weights, for the use of persons requiring Grain or Corn to be ground at such Mill, and any Miller neglecting to keep and have in his Mill such beam and scales and weights so fitted and erected in manner aforesaid, being thereof legally convicted as hereinbefore mentioned, shall forfeit and pay a fine or penalty of Five Pounds, to be levied as aforesaid.

Application of  
Penalties

VII. *And be it further enacted*, That all penalties recovered and levied under this Act shall be paid and applied for the use of the poor of the town or place where the offence, for which any such penalty is imposed, shall be committed, and if no sufficient distress shall be found to satisfy any such penalty, then, and in such case, the Offender upon whom such Penalty shall or may be imposed, shall be committed to Jail, there to be confined for a space of time, not exceeding Thirty days, or until the said fine or penalty be paid.

Fines

VIII. *And be it further enacted*, That each and every Miller, who shall be convicted as hereinbefore mentioned, of demanding and taking any greater or larger Toll for the grinding, hulling or bolting of any Grain, Corn, Meal or Flour in any case, shall, in addition to the penalties hereby imposed for any such offence, forfeit the full value of the Grain, Corn Meal or Flour, which shall or may be demanded and taken by any such Miller as aforesaid, over and above the Toll herein before mentioned, allowed and prescribed, to be levied, together with the said penalty hereby imposed, and in the same manner, and to be paid to the Owner or Owners of the Grain, Corn Meal or Flour, whereon such excessive Toll shall or may be demanded and taken.

Acts repealed

IX. *And be it further enacted*, That the Act, passed in the Tenth year of the reign of His late Majesty King George the Third, entitled, An Act for establishing the Toll to be taken at the several Grist Mills in this Province, and the Acts passed in the Twenty-First and Twenty-Eighth years of His said late Majesty's Reign, in addition to, and in amendment of, the said Act first mentioned, shall be, and the said several Acts, and every matter clause and thing therein contained, are hereby respectively repealed.

Continuation of  
Act

X. *Provided always, and be it further enacted*, That this Act shall not extend, or be construed to extend, to any other Mills than such as are propelled or worked by wind or water.

## CAP. XLVI:

### An Act for the Warehousing of Goods.

(PASSED THE 16th DAY OF APRIL, 1834.)

Preamble

WHEREAS, under the Act of the Imperial Parliament of the United Kingdom of Great-Britain and Ireland, passed in the third and fourth year of the Reign of His Majesty King William the Fourth, and entitled "An Act to regulate the Trade of the British Possessions Abroad," certain Ports of this Province are appointed to be Free Warehousing Ports, or to be Warehousing Ports for all or any of the Goods which may be legally imported into the said Ports respectively; and authority is also given, to appoint other Ports to be in like manner warehousing Ports: and accordingly, at certain of the said Ports, Warehouses have been appointed for the free warehousing and securing of Goods therein, for the purposes of the said Act, which are denominated the King's Warehouses.

And whereas, it is expedient to extend the facilities afforded by the privilege of warehousing in the King's Warehouses under the said Act, without payment of Duty on the first Entry of Goods imported, to all Goods subject to Colonial Impost Duties; and to provide for the warehousing thereof in those Ports of this Province where King's Warehouses are not established, or other Warehouses are or may be required; and also, to assimilate the Regulations for warehousing Goods subject to Colonial Impost Duties, to the Regulations established under the said Act.

Act in operation

I. *Be it therefore enacted, by the President, Council and Assembly*, That this Act shall commence and come into operation on the first day of April, in this present year of Our Lord One Thousand Eight Hundred and Thirty-four.

Warehouses

II. *And be it further enacted*, That in every port and place in this Province, where a King's Warehouse is or shall be appointed, every such warehouse so established shall be and be deemed a Warehouse



house for the free warehousing and securing all Goods subject to Colonial Impost Duties ; and that at every such port or place where such King's Warehouse is appointed, and also at every port or place where there is no such Warehouse, it shall be lawful for the Board of Revenue, upon any application made to them for that purpose, by notice in writing under their hands, and under and subject to such Regulation as the said Board of Revenue may prescribe, to appoint from time to time such *Special Warehouse* as shall be approved of by such Board, for the free warehousing and securing of Goods therein, for the purposes of this Act ; and also, in such notice to declare what sort of Goods may be so warehoused in any such King's or *Special Warehouse* under this Act ; and also, by like notice, to revoke or alter any such appointment or declaration.

III. *And be it further enacted*, That it shall be lawful for the Importer of any Goods, subject to Colonial Impost Duties, into any port or place within this Province, and for the Distiller or Manufacturer of any Brandy, Gin, Rum, or other Spirituous Liquors, Manufactured, Compounded, Extracted, Distilled or made within this Province, at his option, either to pay or secure the Duties on the said Goods, or Spirituous Liquors, or to Warehouse the same in any *King's* or *Special Warehouse*, without payment of any Duty on the first Entry thereof, and before such Goods or Spirituous Liquors are delivered from such Warehouse, to pay the Duties thereon, from time to time, as the same may be sold or entered for home Consumption, or otherwise to export the same Goods or Spirituous Liquors, but subject nevertheless to the Rules, Regulations, Conditions and Restrictions, hereinafter contained.

IV. *And be it further enacted*, That all Goods so warehoused in any *Special Warehouse*, shall be stowed in such parts or divisions of the same, and in such manner as the Collector of Impost shall direct : and that every *Special Warehouse* shall be locked and secured in such manner, and shall be opened and visited only at such times, and in the presence of such Officers, and under such Rules and Regulations, as the Collector of Impost, under the authority of the Board of Revenue, shall direct ; and that all such Goods shall, after being landed upon importation, be carried direct to the Warehouse, or shall, after being taken out of the Warehouse for Exportation, be carried to be shipped under such Rules and Regulations, as, under the authority aforesaid, the Collector shall direct, or as by Law shall be established.

V. *And be it further enacted*, That all Goods warehoused in any *King's Warehouse*, shall be stowed and secured, and visited under, and shall in all respects be subject to, the like Rules and Regulations as Goods liable to Imperial Duties, and therein warehoused, are or may be under and subject unto.

VI. *And be it further enacted*, That upon the Entry of any Goods to be warehoused, the Importer of such Goods, instead of paying down or giving Security for the Colonial Impost Duties due thereon, shall give Bond in such form as the Board of Revenue shall prescribe, with two sufficient Sureties, to be approved of by the Collector of Impost, in treble the Duties payable on such Goods, with condition for the safe depositing of such Goods in the Warehouse mentioned in such Entry, and for the payment of all Colonial Impost Duties due upon such Goods, or for the Exportation thereof according to the first account taken of such Goods upon the landing of the same, and with further condition, that no part thereof shall be taken out of such Warehouse until cleared from thence upon due Entry and payment of Duty, or upon due Entry for Exportation ; and with further condition, that the whole of such Goods shall be so cleared from such Warehouse, and the Duties upon any deficiency of the quantity according to such first account shall be paid, within Two Years from the date of the first Entry thereof, and if, after such Bond shall have been given, the Goods or any part thereof shall be sold or disposed of, so that the original Bonder shall be no longer interested in or have any control over the same it shall be lawful for the Collector of Impost to admit fresh Security to be given by the Bond of the new Proprietor, or other person having control over such Goods, with his sufficient Sureties, and to cancel the Bond given by the original Bonder of such Goods, or to exonerate him to the extent of the fresh Security so given ; *Provided*, that such fresh Security shall not be given for a less sum than one fifth part of the Duties mentioned in the condition of the Bond.

VII. *And be it further enacted*, That if any Goods which have been entered to be warehoused, shall not be duly carried and deposited in the Warehouse, within the times or in the manner directed by the proper Officer, or shall afterwards be taken out of the Warehouse, without due Entry and clearance, or having been entered and cleared for Exportation from the Warehouse, shall not be duly carried and shipped, as by Law prescribed with respect to Goods Exported, or shall afterwards be re-landed, except with the permission of the Collector or other proper Officer, such Goods shall be forfeited.

VIII. *And be it further enacted*, That upon the Entry and Landing of any Goods to be warehoused, the proper Officer of the Colonial Revenue, charged with such Duty, shall take a particular account of such Goods, and shall mark the contents on each package, and shall enter the same in a Book to be kept for that purpose, and no Goods which have been so warehoused, shall be taken or delivered from the Warehouse, except upon due Entry, and under care of the proper Officers for *Exportation*, or and upon due Entry, and payment or Security of Duty, for *Home use* ; and whenever the whole of the Goods warehoused under any Entry shall be cleared from the Warehouse, or whenever further time shall be granted for any such Goods to remain warehoused, an account shall be made out of the quantity upon which the Duties have been paid, and of the quantity exported, and of the quantity (to be then ascertained) of the Goods still remaining in the Warehouse, as the case may be, deducting from the whole the quantity contained in any whole packages, (if any) which may have been abandoned for the Duties ; and if on such account there shall in either case appear to be any deficiency of the original

On Importation of Goods Duties to be paid on Goods Warehoused

Goods in warehouse

Goods warehoused subject to Regulations

Entry of Goods to be warehoused

Goods for warehouse not deposited therein

Account to be taken of Goods to be warehoused

nal quantity, the Duty, except as is hereinafter excepted, payable upon the amount of such deficiency, shall then be paid.

Proviso

IX. *Provided always, and be it further enacted,* That whenever the Goods so warehoused shall be subject to Imperial Duties, and be deposited in any *King's* Warehouse, then the taking by the proper Officer of the Customs, of the account in the next preceding Section mentioned, and the marking the contents on each Package, and the entering the same by him in his Book, and the taking and delivery of such Goods under care of the proper Officers of the Customs for Exportation, shall be equivalent to the like acts done, and be deemed and taken to be done, by the proper Officer of the Colonial Revenue.

Samples of Goods in warehouse

X. *And be it further enacted,* That it shall be lawful for the Collector of Impost at any Port, under such regulations as the Board of Revenue shall prescribe, or he shall see fit, to permit moderate samples to be taken of any Goods so warehoused, but without Entry; and without payment of Duty, except as the same shall eventually become payable, as on a deficiency of the original quantity.

Goods may be packed and re-packed in Warehouse

XI. *And be it further enacted,* That it shall be lawful for the Collector of Impost at any Port, under such regulations as the Board of Revenue or he shall see fit, to permit the proprietor or other person having control over any Goods so warehoused, at the expense of the proprietor of such Goods, to sort separate, and pack, and re-pack, any such Goods, and to make such lawful alterations therein, or arrangements and assortments thereof, as may be necessary for the preservation of such Goods, or in order to the sale, shipment, or legal disposal of the same; and also, in the Warehouse, to draw off any Wine, Spirits, or other Liquors into Bottles or Casks, and to mix Brandy with any Wine, and to fill up any Casks of Wine, Spirits, or other Liquors, from any other Casks of the same respectively secured in the same Warehouse, and to rack off any Wine from the lees or to mix any Wines, under such regulations as the Board of Revenue shall establish, and also to permit any parts of such Goods so separated to be destroyed, but without prejudice to the claim for Duty upon the whole original quantity of such Goods; *Provided always,* that it shall be lawful for any person to abandon any *whole* packages to the Collector of Impost for the Colonial Duties, without being liable to any Duty upon the same; and *provided also,* that no portion of any Goods be taken out of the Warehouse, at any one time, less than a whole package.

Removal of Goods from one Warehouse to another

XII. *And be it further enacted,* That, unless prohibited by the provisions of the Imperial Act, Goods warehoused at any port in this Province, being first duly entered, may be delivered under the authority of the Collector of Impost, without payment of Duty, except for any deficiency thereof, for the purpose of removal to another Warehouse in the same Port, or to a Warehouse in some other Port of this Province, under Bond to the satisfaction of such Collector, or other regulation as the Board of Revenue may make, for the due arrival and re-warehousing of such Goods in such other Warehouse, or at such other Port, or for the paying or securing the Duties on such Goods thereat.

Clearing of Goods from Warehouse

XIII. *And be it further enacted,* That all Goods which have been so warehoused, or re-warehoused in this Province, shall be duly cleared, either for Exportation or for Home Consumption, within two years from the day of the first Entry for the warehousing thereof; and if any such Goods be not so cleared, it shall be lawful for the Collector of Impost, unless otherwise directed by the Board of Revenue, to cause the same Goods to be sold, and the produce shall be applied, first to the payment of Duties, next of Warehouse Rent and other charges, and the surplus, if any, shall be paid to the Proprietor.

Entry outwards of Goods to be exported

XIV. *And be it further enacted,* That, upon the Entry outwards of any Goods, to be Exported from the Warehouse, the person entering the same shall give Security by Bond, in such form as shall be appointed, in treble the Colonial Duties of Impost on the quantity of such Goods, with two sufficient Sureties, to be approved of by the Collector of Impost, that the same shall be landed at the place for which they shall be entered outwards; or be otherwise accounted for, to the satisfaction of the Board of Revenue, or as shall be prescribed by the Act relating to Goods exported.

Sales and transfers of warehoused Goods

XV. *And be it further enacted,* That if any Goods lodged in any Warehouse, shall be bona fide sold, and upon such sale there shall have been a written agreement, signed by the parties, or a written Contract of sale made, and executed and delivered, by some person legally authorized for and on behalf of the parties respectively, and the amount of the price therein stipulated shall have been actually paid, or secured to be paid, by the purchaser, every such sale shall be valid, although such Goods shall remain in such Warehouse; provided that a transfer of such Goods, according to such sale, shall have been entered in a Book, to be kept for that purpose, by the Officer of the King's or Special Warehouse, who is hereby required to keep such Book, and to enter such transfers, with the dates thereof, upon the application of the Owners of the Goods, and to produce such Book upon demand made.

Stowage of Goods in Warehouse

XVI. *And be it further enacted,* That all goods warehoused, shall, by or at the charge of the Owner thereof, be stowed in such manner as that easy access may be had thereto, under the Penalty on such Owner of Five Pounds for every omission.

Frauds

XVII. *And be it further enacted,* That if any Goods warehoused shall, by or with the sanction or authority of the Proprietor thereof, be fraudulently concealed in, or removed from the Warehouse, the same shall be forfeited; and if any Proprietor or Importer of any Goods warehoused, or any person in his employ, shall, by or with the sanction, authority or knowledge, of such Proprietor or Importer, by any contrivance, fraudulently open the Warehouse, or gain access to any Goods Warehoused, except in the presence of the proper Officer acting in the execution of his Duty, or shall fraudulently adulterate any

any such Goods, or, by water or otherwise, reduce the strength, or increase the quantity, of any Spirits or other Liquors warehoused and subject to Colonial Impost Duties, such Importer or Proprietor shall forfeit for every such offence the sum of One Hundred Pounds.

XVIII. *And be it further enacted*, That if any Goods entered to be Warehoused, or entered to be delivered from the Warehouse, shall be lost or destroyed, by any unavoidable accident, either on Ship board, or in the landing or shipping of the same, or in the receiving into or delivering from the Warehouse, or if any such Goods shall be destroyed, or, being Liquids, shall leak or evaporate while deposited in any Warehouse, it shall be lawful for the Board of Revenue, on due proof thereof, to remit or return the Colonial Duties payable or paid on the quantity of such Goods so lost or destroyed; *Provided always*, that no abatement shall be made in respect of any deficiency in quantity of any Spirits or Liquors, occasioned either by leakage, accident or natural evaporation, in any Warehouse, or in respect of deficiency by wastage of any article whatsoever, unless the said Goods shall have been deposited in the Warehouse during six Calendar Months, nor shall such abatement be made in cases where suspicion shall arise that part of such Goods have been clandestinely conveyed away.

Dutiable Goods  
lost or destroyed

XIX. *And be it further enacted*, That if after any Goods shall have been duly entered and landed to be warehoused, and before the same shall have been actually deposited in the Warehouse, the Importer shall further enter the same or any part thereof for Home use, or for exportation, as from the Warehouse, the Goods so entered shall be considered as *virtually* and *constructively* warehoused, although not actually deposited in the Warehouse; and shall and may be taken and delivered for Home use or for Exportation as the case may be.

Goods for warehouse may without warehousing be entered for Home use or Exportation

XX. *And be it further enacted*, That all Goods, landed and warehoused under this Act, shall when so landed and warehoused, continue and be subject and liable to such and the like claim for freight, in favor of the Master or Owner of the respective Ships or Vessels, or of any other person or persons interested in the freight of the same, from and out of which such Goods shall be so landed, as such Goods respectively were subject and liable to whilst the same were on board such Ship or Vessel, and before the landing thereof.

Liability of Goods warehoused for Freight

XXI. *And be it further enacted*, That in every case where Goods, charged with Colonial Impost Duties, and also with Imperial Duties, shall be warehoused in a King's Warehouse, under or in pursuance of the regulations prescribed by the said Act of the Imperial Parliament, and the Owner or Importer of such Goods shall give to the Collector of Impost Security, in treble the amount of such Colonial Impost Duties, by a Bond with two sufficient Sureties by him to be approved, and of the like Tenor in other respects with the Bond entered into at the Custom-House on warehousing the same Goods, then, and in every such case, the warehousing of such Goods in the King's Warehouse shall be, to all intents and purposes, a warehousing of the same under this Act, and such and the like Entries, Certificates and Proceedings, shall, with respect to the Colonial Impost Duties, be admitted by the Collector of Impost for the cancelling the warehousing Bond by him taken, as under the said Imperial Act are required and prescribed, for the cancelling of the Bond for the due warehousing of the same Goods at the Custom-House.

Goods charged with Colonial Impost Duties warehoused in a King's warehouse

XXII. *And be it further enacted*, That, upon Entry made for Home use of any Goods warehoused in any King's or Special Warehouse in this Province, the same Goods shall be liable to and chargeable with, the Colonial Impost Duties in force and payable upon Goods of the like nature imported from abroad at the date of such Entry, and in the same manner as if such warehoused Goods had been then first imported into the Province, at the date of such Entry from the Warehouse for Home use.

Goods entered from warehouse liable to Duties then in force for Home use

XXIII. *And be it further enacted*, That this present Act shall and may be altered or amended by any other Act or Acts of the present Session of the General Assembly.

Act may be altered or amended

XXIV. *And be it further enacted*, That this Act shall continue and be in force until the Thirty-first day of March, which will be in the Year of Our Lord One Thousand Eight Hundred and thirty-five, and no longer.

Continuation

## CAP. XLVII.

### An Act for regulating the Importation of Goods.

(PASSED THE 16th DAY OF APRIL, 1834.)

**W**HEREAS, it is expedient to revise and amend the several Regulations relating to the Importation of Goods, and the collection of the Colonial Impost Duties, and to assimilate, as far as may be practicable, such Regulations with the proceedings established for the collection of Imperial Duties, under the Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the Third and Fourth Year of the Reign of His Majesty King William the Fourth, and entitled, An Act to regulate the Trade of the British Possessions Abroad.—*And whereas*, it is necessary that the Officers of the Colonial Revenue should not only have full cognizance of all Ships coming into any port of this Province, or approaching the coasts thereof, and of all Goods on board or which may have been on board such Ships, and of all Goods unladen from any Ship in any part of this Province; but

Preamble

also; that the regulations, respecting the Manifests, Reports, Entries, Permits and Securities, required with regard to such Ships or Goods, and the payment of duties, should be set forth in a plain and distinct manner.

Act in operati  
on

I. *Be it therefore enacted, by the President, Council and Assembly, That upon, from and after the first day of April, in this Year of Our Lord One Thousand Eight Hundred and Thirty-four, this Act shall come into and be in operation.*

Goods Importe  
d liable to  
Provisions  
hereof

II. *And be it further enacted, That all Goods subject to Colonial Impost Duties, and which have been, or shall be, imported or brought by Sea or Inland Navigation or Carriage into this Province, from any port or place abroad, beyond the Seas, or out of this Province, or which, being so subject to Colonial Impost Duties, shall be carried and transported, by Sea or by Land, from one port or place within this Province to any other port or place within this Province, shall be and the same are hereby made liable and subject to the several rules, restrictions, conditions, regulations, penalties and forfeitures, in this Act contained, in respect to such Importation, and the payment or security of the Duties thereon, or the Warehousing the same Goods.*

Entry of Goods

III. *And be it further enacted, That it shall be lawful for the Importer of any such Goods, subject to Colonial Duties, at his option, on the Importation and first entry thereof, either to enter the said Goods for Home use and then pay or secure the Duties thereon, or otherwise to warehouse such Goods without payment of any Duty on the first entry, and from the Warehouse to enter such Goods, or any part thereof, from time to time, for Home use or for Exportation, as to the Importer shall seem fit, but subject nevertheless to the several rules, regulations, restrictions and conditions, in those respects prescribed.*

Duties not ex-  
ceeding 10l.  
to be paid  
down

IV. *And be it further enacted, That, if on the first entry of any such Goods, or on the entry thereof from the Warehouse for Home use, the Colonial Impost Duties thereon, to be ascertained as hereinafter is provided, shall not exceed the sum of Ten Pounds, then the said Duties shall be paid down by the Importer or person making the entry thereof, before any permit shall be granted for the Goods contained in such entry, but if the amount of such Colonial Duties shall exceed the sum of Ten Pounds then the Importer shall give Bond, with two sufficient Sureties, to be approved of by the Collector of Impost, in treble the Duties payable on such Goods, with a condition for payment of the said Duties by instalments, and in manner following, that is to say:—One fourth part of said Duties in six months, another fourth part in nine months, and the remaining half part in twelve months, from the date of such Bond respectively, and such Bond shall be given in the manner and form prescribed therefor by the Board of Revenue, and a Warrant of Attorney shall also then and there be executed by the same parties, and in the form by the said Bond to be directed, for the confession of a Judgment for the amount of the said Bond, in case default should happen to be made in payment of any instalment thereof; *Provided always*, nevertheless, that if the said Goods mentioned in such entry shall be subject to and charged with any Imperial Duties, and it shall, by writing under the hand of the proper Officer of His Majesty's Customs, in any Port of this Province, be certified that the said Imperial Duties have been paid at the Custom-House in this Province, then the Collector of Impost shall retain such Certificate, and the amount so certified to be paid shall deduct from the sum of Colonial Impost Duties charged on the Goods in such entry contained, and require and take Bond with Sureties only for the residue of such Duties, unless such residue amount to Ten Pounds and no more, in which case the same is to be paid down as aforesaid; *Provided also*, that where Goods have been warehoused above one year, then the Colonial Duties, if exceeding Ten Pounds, shall be payable, one half in three months, and the other half in six months, from the date of the entry from Warehouse, and the Bond shall be made accordingly.*

Entry of Goods  
for Warehouse

V. *And be it further enacted, That if the Importer of any such Goods shall think proper to make entry thereof for Warehouse, then, and without deduction from the amount of the Colonial Duties on the Goods in such entry contained of any Imperial Duties to which the same may be subject, the Importer of such Goods, instead of paying down or securing the Colonial Duties, shall give Bond with two sufficient Sureties to be approved of by the Collector of Impost, in treble the Colonial Impost Duties payable on such Goods, with a condition for the safe depositing the said Goods in the Warehouse mentioned in the said entry, and with such further conditions and stipulations as in respect to such Bond is prescribed in the Act for Warehousing Goods, and such Bond shall otherwise be made and executed as by the Board of Revenue shall be ordained.*

Breaking bulk  
before Entry

VI. *And be it further enacted, That no Goods shall be unladen from any Ship, arriving from parts beyond the Seas in any port or place within this Province, or from any Ship having on board articles chargeable with Colonial Impost Duties and arriving in any port in this Province from any other port or place therein; nor shall bulk be broken, after the arrival of such Ship within three leagues of the coasts of this Province, before due report of such Ship and due entry of such Goods shall have been made and permit granted in manner hereinafter directed; and that no goods shall be so unladen, except at such times and places, and in such manner, and by such persons, and under the care of such Officers, as is and are hereinafter directed; and that all Goods not duly reported, or which shall be unladen contrary hereto, shall be forfeited: and if bulk be broken contrary hereto the Master of such Ship shall forfeit the sum of Fifty Pounds: and if, after the arrival of any such Ship within three leagues of the coast of this Province, any alteration be made in the stowage of the Cargo of such Ship so as to facilitate the unloading unlawfully of any part of such cargo, or if any part be fraudulently or unnecessarily*

unnecessarily staved, destroyed or thrown overboard, or any package be opened, such Ship shall be deemed to have broken bulk. *Provided always*, that fresh Fish, Coin and Bullion, may be landed without Report, Entry or Permit; and that Goods, imported in any Ship stranded or wrecked, and Goods in danger of being lost or spoiled, may be landed without Report, Entry or Permit, until such Goods are safely deposited on shore.

VII. *And be it further enacted*, That no Goods shall be imported, into any part of this Province from parts beyond the Seas, in any British Ship, unless the Master shall have on board a Manifest of such Goods, made out and dated and signed by him at the place or respective places where the same, or the different parts of the same, was or were taken on board; and every such Manifest shall set forth the name and tonnage of the Ship, the name of the Master, and of the place to which the Ship belongs, and of the place or places where the Goods were taken on board respectively, and of the place or places to which they are destined respectively; and shall contain a particular account and description of all the packages on board, with the marks and numbers thereon, and the sorts of Goods and different kinds of each sort contained therein, to the best of the Master's knowledge, and of the particulars of such Goods as are stowed loose, and the names of the respective Shippers and Consignees, as far as the same can be known to the Master, and to such particular account shall be subjoined a *general* account or recapitulation of the total number of the packages of each sort, describing the same by their usual names, or by such descriptions as the same can best be known by, and the different Goods, and also, the total quantities of the different Goods *stowed loose*. *Provided always*, that it shall be lawful for the Board of Revenue, or for any Collector of Impost under their directions, to excuse the production of such Manifest in particular cases; and until a sufficient time in the opinion of the said Board shall have elapsed, after the publication of this Act, for making generally known the necessity for producing such Manifest: And if any Goods shall be imported into this Province in any British Ship, with ut such Manifest, (except in cases within the foregoing proviso)—or if any Goods contained in such Manifest be *not* on board, the Master of such Ship shall forfeit the sum of Fifty Pounds; unless any deficiency in the Goods mentioned in such Manifest, or any omission to insert any Goods therein, be satisfactorily explained and accounted for by the said Master.

Manifest of  
Cargo required

VIII. *And be it further enacted*, That the Master of every Ship, required to have a Manifest on board, shall (except in cases within the foregoing proviso) produce such Manifest to any Officer of the Colonial Revenue, who shall come on board his Ship, after her arrival within three leagues of the Coasts of this Province, and who shall demand the same for his Inspection; and such Master shall also deliver, to any such Officer who shall be the *first* to demand it, a true copy of such Manifest signed by the Master; and thereupon, such Officer respectively shall notify, on such Manifest, and on such Copy, the date of the production of such Manifest, and of the receipt of such Copy, and shall transmit such Copy to the Collector of Impost of the Port to which such Vessel is *first* bound; and shall return such Manifest to the Master: And if such Master shall not in any case produce such Manifest, or deliver such Copy, he shall forfeit the sum of Fifty Pounds.

Manifest to be  
produced to  
Officers of Co-  
lonial Revenue

IX. *And be it further enacted*, That the Master of any Ship, arriving from parts beyond the Seas, in any part of this Province, whether laden or in ballast, and the Master of every Ship, having on board articles chargeable with Colonial Impost Duties, and arriving at any port of this Province from any other port within the same, shall come directly, and before bulk be broken, to the Office of the Collector of Impost for the port where he arrives, and there make a report in writing to the Collector of Impost or other proper Officer of the arrival and voyage of such Ship, stating her Name, Country and Tonnage, and if British, the port of Registry, the Name and Country of the Master, and the number of the crew, and whether she be laden or in ballast, and if laden, the marks, numbers and contents, of every package and parcel of Goods on board, and the particulars of such Goods as are stowed loose, and where the same were laden, and where, and to whom consigned, and where any, and what Goods, if any, had been unladen during the voyage, as far as any of such particulars can be known to him, and in such report it shall be further declared where, and in what cases, such Ship has broken bulk in the course of her voyage, and what part of her cargo, if any, is intended for importation at such port, and what is intended for importation at *another* port in this Province, and what part, if any, is intended for exportation in such Ship to parts beyond the Seas, and what surplus Stores or Stock remain on board such Ship. And the Master shall further answer all such questions, concerning the Ship and the Cargo, and the Crew and the Voyage, as shall be demanded of him by such Officer; and if any Goods be unladen from any Ship before such report be made, or if the Master fail to make such report, or make an untrue report, or do not truly answer the questions demanded of him, he shall forfeit the sum of Fifty Pounds, and if any Goods be *not* reported such Goods shall be forfeited.

Masters of  
Vessels to re-  
port their ar-  
rival

X. *And be it further enacted*, That if the contents of any Package, so intended as aforesaid for exportation in the same Ship to parts beyond the Seas, or to any other port in this Province, shall be reported by the Master as being *unknown* to him, it shall be lawful for the Officer of the Colonial Revenue to open and examine such package on board, or to bring the same on shore, or to the Warehouse for that purpose; and if there be found in such package any Goods prohibited to be imported under the Imperial Act, such Goods shall be forfeited; or if the Goods be such as may be entered for Home use the same shall be chargeable with the Colonial Impost Duties, unless in either case the Board of Revenue, in consideration of the sort or quality of the Goods, or the small rate of Duty payable thereon, shall see fit to order the same to be delivered for exportation.

Contents of  
Packages not  
known

Duties of Mas-  
ters of Vessels

XI. *And be it further enacted*, That the Master of every Ship, arriving from parts beyond the Seas, in any part of this Province, or arriving with Goods on board chargeable with Colonial Impost Duties at any Port of this Province from another port or place thereof, shall, at the time of making such report, deliver to the Collector of Impost the Manifest of the Cargo of such Ship, where a Manifest is required. And if required by such Collector, shall produce to him any Bill or Bills of Lading, or a true Copy thereof, for any and every part of the Cargo laden on board, and shall answer all such questions relating to the Ship, Cargo and Crew, and Voyage, as shall be put to him by such Collector. And in case of failure or refusal to produce such manifest or to answer such questions, or to answer them truly, or to produce such Bill of Lading or Copy, or if such Manifest or Bill of Lading or Copy be false, or if any Bill of Lading be uttered by any Master, and the Goods expressed therein shall not have been bona fide shipped on board such Ship, or if any Bill of Lading uttered or produced by any Master, shall not have been signed by him, or by his authority, or any such Copy shall not have been received or made by him, previously to his leaving the place where the Goods expressed in such Bill of Lading or Copy were shipped, then and in every such case such Master shall forfeit the sum of Fifty Pounds.

Portion of  
Cargo to be  
landed in other  
Ports of Pro-  
vince

XII. *And be it further enacted*, That if any part of the Cargo of any Ship, for which a Manifest is required, be reported for importation at some other port in this Province, the Collector of Impost, for the port at which some part of the Cargo has been delivered, shall notify such delivery on the Manifest, and return the same to the Master of such Ship.

Live Stock or  
perishable  
Articles

XIII. *And be it further enacted*, That in case any Ship shall arrive at any port of this Province, having Live Stock or other perishable articles on the deck of such vessel, after the hours of transacting business at the Office of Impost there are passed, it shall and may be lawful for the Collector of Impost, the Guager or either of the Tide-waiters, to permit and suffer the Master thereof to unlade the Live Stock and other perishable articles before rendering the account or report hereinbefore required to be made and rendered, and such report shall be made as soon as may be after the next opening of the Office, under the same penalty as if no report were made.

Powers of  
Officers of Co-  
lonial Revenue

XIV. *And be it further enacted*, That shall be lawful for the proper Officers of the Colonial Revenue to board any Ship arriving at any port or place in this Province, and freely to stay on board until all the Goods laden therein shall have been duly delivered from the same; and such Officers shall have free access to every part of the Ship, with power to fasten down Hatch-ways (the fore-castle excepted) and to mark any Goods before landing, and to lock up, seal, mark or otherwise to secure, any Goods on board such Ship, and if any place, or any Box or Chest be locked and the keys be withheld, such Officers, if they be of the degree of Collector of Impost, Guager or Weigher, may open any such place, Box or Chest, in the best manner in their power, and if such Officers be under that degree, they shall send for their Superior Officer who may open or cause to be opened any such place, box or chest, in the best manner in his power; and if any Goods be found concealed on board any such ship they shall be forfeited. And if the Officers shall place any lock, mark or seal upon any Goods on board, and such lock, mark or seal be wilfully opened, altered or broken, before due delivery of such Goods, or if any such Goods be secretly conveyed away, or if the Hatch-ways, after being fastened down by the Officer, be opened or broken by the Master, or by any person with his assent or by his authority, the said Master of such Ship shall forfeit Fifty Pounds.

Entry of Goods  
which are to  
be landed

XV. *And be it further enacted*, That whenever report shall be made in manner aforesaid, that part of the Goods reported are intended to be landed in the place where such report is made, and another part thereof to be carried in the same Ship to some other port or ports within this Province, or to be exported from the same into parts beyond the Seas, then entry inwards shall, at such first port of arrival, be made of those Goods only which are designed to be there landed; and such proceedings shall be had and taken with and in respect of the Goods so landed at such first port of arrival, as are hereinafter prescribed, for ascertaining and securing the Duties payable thereon, and for warehousing such Goods; and entry outwards coastwise shall also be made of such Goods as are intended to be carried in the same Vessel to some other port or ports in the Province: and, on arrival at such second or other ports, such and the like proceedings shall be adopted, with respect to the Goods there to be landed, and the Duties thereon as are herein before directed to be had in respect of the Goods landed at the first port and the Duties thereon. But if, at the first, second or other port of arrival, the residue of the Goods on board shall be designed to be shipped out of the Province to parts beyond the Seas, then Entry outwards for Exportation shall be made of such Goods;—and the Regulations with respect to the Exportation of Dutiable Articles shall respectively attach thereto.

No Goods be  
laded without  
permission

XVI. *And be it further enacted*, That no Goods shall be unladen, or water-borne to be unladen, from any Ship in any part of this Province, until due entry (except in the case of Goods charged with duty according to the weight, tale, guage or measure thereof,) shall have been made of such Goods, and Permit granted for the unloading of the same, and that no Goods shall be so unladen or water-borne to be unladen, except at some place at which an Officer of the Colonial Revenue is appointed to attend the unloading of Goods, or at some place for which a Permit shall be granted by the Collector of Impost for the unloading of such Goods, and that no Goods shall be so unladen, except in the presence or with the permission in writing, of the proper Officer; *Provided always*, that it shall be lawful for the Board of Revenue to make and appoint such other Regulations, for the carrying coastwise of any Goods, as to them shall appear expedient. And that all Goods unladen, or water-borne to be unladen, contrary

contrary to the Regulations of this Act, or contrary to any Regulations so made and appointed, shall be forfeited.

XVII. *And be it further enacted*, That in all cases where Impost Duties, imposed by any Act for granting Colonial Duties upon Goods brought into this Province, are charged according to the weight, tale, guage or measure, thereof, then immediately upon the Report of the Ship and Cargo being made as hereinbefore prescribed, the Collector of Impost for the Port, into which such Goods are imported shall grant to the Importer or Master a Permit to break bulk and to unlade the same Goods, or such part thereof as are designed to be unladen in such Port, and to land the same at such wharf or place as shall be most convenient to such Importer for the landing thereof, and, as soon as the said Goods have been landed, shall forthwith cause the same to be weighed, counted, guaged, or measured according as the Duties are charged thereon respectively, and shall also cause to be marked, on the heads of all Casks or Packages containing Spirituous Liquors, the name of the Country, Island or place, whence the same shall have been brought, together with the contents of such Casks, and the Guager's Sir-name, or such other names or marks, as the Board of Revenue shall direct, and shall cause a Return in writing, of the contents of each Cask or Package so weighed, counted, guaged or measured, with proper references to the number and marks thereof respectively, to be made out in duplicate to be signed by the Guager and Weigher of the Port or other person executing the duties of that Office, and filed in the Office of the said Collector, and thereupon, the Importer of the said Goods shall make entry thereof as in this Act is directed. And if any such Goods, so chargeable with Duty according to the weight, tale, guage or measure thereof, shall be removed or carried away from the place named in the landing Permit, without a removal Permit having been first granted for such removal or before such Goods shall have been duly guaged, weighed or counted, under the directions of the proper Officer of the Colonial Revenue, and due entry made thereof, and the Duties thereon paid or secured, or entry made for Warehousing the same as hereinafter mentioned, such Goods shall be forfeited and the Master of such Vessel shall forfeit and pay a penalty of Fifty Pounds.

Account to be taken of Goods landed

XVIII. *And be it further enacted*, That the person entering any Goods inwards (whether for payment or security of Duty—or to be warehoused upon the first perfect entry thereof, or for the payment of Duty upon the taking out of the Warehouse, or whether such Goods be free of Duty)—shall deliver to the Collector of Impost or other proper Officer a bill of the entry of such Goods, fairly written in words at length, containing the name of the Importer and of the Ship, and of the Master, and of the place from which the Goods were brought, and of the place within the Port where the Goods are to be unladen; and the description and situation of the Warehouse if the Goods are to be Warehoused;—and the name of the person in whose name the Goods are to be entered;—with the particulars of the quality and quantity of the Goods; and the Packages containing the same, and the marks and numbers on the Packages;—and setting forth whether such Goods be the produce of the British Possessions in America or not: and such person shall at the same time, at his option, either pay down all Duties due upon the said Goods if the same shall not exceed the sum of Ten Pounds, or give such security for the payment of the said Duties as is hereinbefore described, or shall enter such Goods to be warehoused according to the regulations from time to time in force for the Warehousing of Goods: and the Collector or other proper Officer shall thereupon grant his Permit for the unlading such Goods; unless the same, being Goods chargeable with Duties according to the weight, tale, guage or measure thereof, have been previously landed.

Bills of Entry to be furnished

XIX. *And be it further enacted*, That the person making such Entry shall also deliver, at the same time, two or more duplicates as the case may require of such entry, in which all sums and numbers may be expressed in figures; and the particulars to be contained in such Bill shall be written and arranged in such form and manner, and the number of such duplicates shall be such as the Collector of Impost shall require:—and such Bill of Entry, being duly signed by the Collector of Impost, and transmitted to the Landing Tide Waiter, shall be the Warrant to him for the landing or delivery of such Goods.

Duplicate Bill of Entry

XX. *And be it further enacted*, That every person, not being the Master of the importing Ship, who shall fraudulently make, or cause to be made, any such entry inwards of any Goods, not being duly authorised thereto by the Proprietor or Consignee of such Goods, shall for every such offence forfeit the sum of Fifty Pounds.

Fraud

XXI. *And be it further enacted*, That it shall be lawful for any person to abandon any whole package of Goods, charged with Colonial Duties, to the Collector of Impost for the Colonial Duties charged upon and payable in respect of such whole package, without being liable for any Duty upon the same, and every package so abandoned shall be described in a written notice to be given to the Collector of Impost of such abandonment;—and thereupon at such time and in such manner and under such regulations as the Board of Revenue shall prescribe, shall be sold by public auction;—and, after payment of the attendant charges, the Duties shall be paid out of the proceeds, and the residue be paid into the Treasury.

Goods may be abandoned

XXII. *And be it further enacted*, That no entry, nor any permit for the landing of any Goods, or for the taking of any Goods out of any Warehouse, shall be deemed valid, unless the particulars of the Goods and Packages in such entry shall correspond with the particulars of the Goods and packages, purporting to be the same in the Report of the Ship, and in the Manifest where a Manifest is required, and in the Certificate or other Document where any is required, by which the Importation or Entry

Entries to correspond with Manifest

try of such Goods is authorised ; nor unless the Goods shall have been properly described in such entry by the denominations, and with the characters and circumstances according to which such Goods are charged with Duty or may be imported ; and any Goods taken or delivered out of any Ship, or out of any Warehouse, by virtue of any Entry or Permit, not corresponding or agreeing in all such respects, or not properly describing the same, shall be deemed to be Goods landed or taken without due entry thereof and shall be forfeited.

Goods charged  
by measure or  
weight

XXIII. *And be it further enacted,* That if the Goods in such entry be charged to pay duty according to the number, measure or weight thereof, such number, measure or weight, shall be stated in the entry, and if the Goods in such entry be charged to pay duty according to the value thereof, such value shall be stated in the entry, and shall be affirmed by the declaration of the Importer or his known Agent, written upon the entry, and attested by his signature as hereinafter mentioned, and if any person make such declaration, not being the Importer or Proprietor of such Goods, nor his Agent duly authorised by him, nor the Master, such person shall forfeit the sum of Fifty Pounds.

Cases where  
perfect entry  
cannot be made

XXIV. *And be it further enacted,* That if the Importer of any Goods, or his Agent, after full conferences with him, shall make and subscribe a declaration before the Collector of Impost or other proper Officer, that he cannot, for want of full information, make perfect entry thereof, it shall be lawful for the Collector to receive an entry by Bill of Sight, for the packages or parcels of such Goods, by the best description which can be given, and to grant a permit thereupon, in order that the same may be landed and secured to the satisfaction of the Officer of the Colonial Revenue, and at the expense of the importer, and may be seen and examined by such Importer in the presence of the proper Officers. and within three days after the Goods shall have been so landed, the Importer shall make a perfect entry thereof, and pay down all Duties due thereon, or secure the same as before prescribed, or enter the same to be warehoused ; and in default of such entry, such Goods shall be taken to the King's or Special Warehouse, and if the Importer shall not, within one month after such landing, make perfect entry of such Goods, or give the Bond for warehousing the same, or pay or secure the Duties due thereon, together with charges of removal and Warehouse rent, such Goods shall be sold for the payment thereof ; and the overplus, if any shall be paid to the Proprietor of the Goods.

Declaration of  
Importer as to  
value of Goods  
imported.

XXV. *And be it further enacted,* That in all cases where Impost Duties, imposed by any Act for granting Colonial Duties upon the Importation of Goods into this Province, are charged, not according to the weight, tale, guage or measure, but according to the value thereof, such value shall be ascertained by the Declaration of the Importer of such Articles, or his known Agent, in manner and form following, that is to say :

" I A. B. do hereby declare, that the Articles mentioned in the entry and contained in the Packages, (here specifying the several Packages, and describing the several Marks and Numbers, as the case may be.) are of the value of \_\_\_\_\_ Witness my hand the \_\_\_\_\_ day of \_\_\_\_\_

A. B.

The above Declaration signed the \_\_\_\_\_ day of \_\_\_\_\_ in the presence of C. D. Collector, (or other principal Officer) which Declaration shall be written on the Bill of Entry of such Articles, and shall be subscribed with the hand of the Importer thereof, or his known Agent, in the presence of the Collector, or other principal Officer of the Colonial Revenue, at the port of Importation : *Provided,* that if, upon view and examination of such Articles by the proper Officer of the Colonial Revenue, it shall appear to him that the said Articles are *not* valued according to the true price or value thereof, and according to the true intent and meaning of this Act, then, and in such case, the Importer or his known Agent shall be required to declare on Oath, before the Collector of Impost, what is the Invoice price of such Articles, and that he verily believes such Invoice price is the current value of the Articles at the place from whence the said Articles were imported, and such Invoice price shall be deemed to be the value of the Articles, in lieu of the value so declared by the Importer or his known Agent; and upon which the Colonial Impost Duties shall be charged and paid ; *Provided also,* that if it shall appear to the Collector of Impost or other proper Officer that such Articles have been invoiced below the real and true value thereof, in the place whence the same were imported, or if the Invoice price is not known, the Articles shall, in such case, be examined by two competent Persons, to be nominated and appointed by the Board of Revenue, or Collector of Impost, and such Persons shall declare, on Oath, before the Collector or other proper Officer, what is the true and real value of such Articles; and the value so declared on the Oaths of such persons shall be deemed to be the true and real value of such articles, and upon which the Colonial Impost Duties imposed shall be charged and paid ; *Provided always,* that if such articles be charged with Imperial Duties, and have been valued according to the provisions of the Imperial Act, such valuation shall be accepted as the true value for paying or securing the Colonial Impost Duties thereon.

Importers re-  
fusing to pay  
Duties.

XXVI. *And be it further enacted,* That if the Importer of such Articles shall refuse to pay or secure the Colonial Impost Duties thereon, it shall and may be lawful for the Collector or other Officer of the Colonial Revenue, where such Articles shall be imported, and he is hereby required to take and secure the same, with the casks or other package thereof, and to cause the same to be publicly sold within the space of twenty days at the most, after such refusal made ; and at such time and place as such Officer shall, by four or more days public notice, appoint for that purpose, which articles shall be sold to the best bidder ; and the money arising from the sale thereof shall be applied, in the first place in payment of the said Duties, together with the charges that shall have been occasioned by the said sale, and



and the overplus, if any, shall be paid to such Importer or Proprietor, or any other person authorised to receive the same.

XXVII. *And be it further enacted*, That every Importer of any Goods shall, within twenty days after the arrival of the Importing Ship—(the same Goods not being intended for Exportation in the same Ship to parts beyond the Seas,) make due entry inwards of such Goods and land the same; and in default of such entry and landing, it shall be lawful for the Officers of the Colonial Duties to convey such Goods to the King's or some Special Warehouse;—and if the Duties due upon such Goods be not paid or secured within three months after such twenty days shall have expired, together with all charges of removal and warehouse rent, or if the said Goods be not duly entered and warehoused, the same shall be sold, and the produce thereof shall be applied, first to the payment of freight and charges, next of Duties, and the overplus, if any, shall be paid to the proprietor of the Goods.

Time limited  
for entry of  
Goods

XXVIII. *And be it further enacted*, That the value of Goods, not chargeable with Colonial Duties according to the number, measure or weight thereof, which have been or shall be brought into this Province, under the denomination of Prize Goods, or which shall be sold therein, by order of any Court of Vice Admiralty, or Instance Court, or which have or shall hereafter become forfeit to His Majesty, on account of illegal importation, or of other causes whatsoever; and also the value of all such Goods which shall be derelict, jetsam, flotsam or wreck, or landed or saved from any ship wrecked, stranded or lost, not having been first landed in any other place beyond the seas; shall, if the value thereof cannot be ascertained by the means aforesaid, be ascertained by the gross price at which the same shall have been sold at Public Auction; and that all such Goods, whether so charged to pay Duty according to the value to be produced as aforesaid, or charged according to the number, measure or weight thereof, shall be fairly and openly exposed to sale, and sold by way of Public Auction within two years from the Importation thereof, and after due notice of the time and place of such Sale, given by the person charged with such Sale, to the Collector of Impost, for the Port where the same shall be held; and the respective purchasers of all such Articles shall be considered the bona fide Importers thereof, for the payment or security of the Colonial Duties thereon, and shall make payment of or give security for the Colonial Duties thereon.

Goods—prize  
smuggled or  
saved from  
wreck

XXIX. *And be it further enacted*, That when any package or parcel shall have been landed by bill of sight, and any Goods or other things shall be found in such package or parcel, concealed in any way, or packed with intent to deceive the Officers of the Colonial Revenue, as well all such Goods and other things, as the package or parcel in which they are found, and all other things contained in such parcel, shall be forfeited.

Goods conceal-  
ed in Packages  
landed under  
Bill of Sight

XXX. *And be it further enacted*, That if any Goods, which are charged with Colonial Duties according to the number, measure, weight or tale thereof, (except certain Goods hereinafter mentioned,) shall receive damage during the voyage, an abatement of such Duties shall be allowed in proportion to the damage so received:—Provided proof be made to the satisfaction of the Board of Revenue, or of any Officer of the Colonial Revenue acting therein, under their direction, that such damage was received, after the Goods were shipped abroad in the Ship importing the same, and before they were landed; and Provided, claim to such abatement of Duties be made at the time of the first examination of such Goods.

Damaged  
Goods

XXXI. *And be it further enacted*, That the Officers of the Colonial Revenue shall thereupon examine such Goods with reference to such damage, and may state the proportion of damage which, in their opinion, such Goods have so received, and may make a proportionate abatement of Duties:—but, if such Officers be incompetent to estimate such damage, or if the importer be not satisfied with the abatement made by them, the Collector of Impost shall choose two indifferent Merchants, experienced in the nature and value of such Goods, who shall examine the same, and shall make and subscribe a declaration, stating in what proportion, according to their judgment, such Goods are lessened in their value, by reason of such damage: and thereon the Collector of Impost may make an abatement of the Duties, according to the proportion of damage so declared by such Merchants.

Abatement  
claimed on da-  
maged Goods  
how deter-  
mined

XXXII. *Provided always, and be it further enacted*, That no abatement of Duties shall be made on account of any damage received by any sorts of Goods charged with Duty according to the weight, measure, gauge or tale thereof respectively.

Proviso

XXXIII. *And be it further enacted*, That the surplus Stores of every Ship, arriving from parts beyond the Seas in this Province, shall be subject to the same Duties, and the same prohibitions, restrictions and regulations, as the like sorts of Goods shall be subject to when imported by way of Merchandize. But, if it shall appear to the Collector of Impost, that the quantity or description of such Stores is not excessive or unsuitable, under all the circumstances of the voyage, it shall be lawful for him to permit such surplus Stores to be entered for the private use of the Master or owner of such Ship; or any Passenger therein; to whom such surplus Stores may belong, on payment of the proper Duties, or to be warehoused for the future use of such Ship, although the same could not be legally Imported by way of Merchandize.

Surplus Stores

XXXIV. *And be it further enacted*, That no Goods shall be Imported into this Province, as being Imported from the United Kingdom, or from any other British Possession, (if any advantage attach to such distinction,) unless such Goods appear, upon the Cockets, or other proper documents for the same, to have been duly cleared outwards at the Port of Exportation in the United Kingdom, or in such other British Possessions; nor unless the ground upon which such advantage be claimed be stated in such Cocket or Document.

Goods must be  
stated in Cock-  
ets

Proof that  
Goods are Brit-  
ish

XXXV. *And be it further enacted*, That no Goods shall, upon Importation into this Province, be deemed to be of the Growth, Production or Manufacture of the United Kingdom, or of any British Possession in America, unless imported from the United Kingdom, or from some British Possession in America, or unless satisfactory proof be given that such Goods are of British Growth, Production or Manufacture.

Cape of Good  
Hope

XXXVI. *And be it further enacted*, That, in all Trade with this Province, the Cape of Good Hope and the Territories and Dependencies thereof, shall be deemed to be within the limits of the East India Company's Charter.

Goods import-  
ed from Man-  
otius

XXXVII. *And be it further enacted*, That all Goods, Wares and Merchandize, the Growth, Produce or Manufacture of the Island of Mauritius, and all Goods, Wares and Merchandize, which, having been imported into the said Island of Mauritius, shall be imported from thence into this Province, shall be liable, upon such Importation, to the like Colonial Impost Duties, and no other, as Goods, Wares and Merchandize, of the Growth, Production or Manufacture, of the British Possessions in America, will be subject to when imported into this Province.

Goods import-  
ed from British  
Possessions

XXXVIII. *And be it further enacted*, That no Goods, Wares and Merchandize, of the Growth, Production or Manufacture, of any British Possession *not* in America, nor within the limits of the East India Company's Charter, shall, on Importation into this Province, be charged with the Colonial Impost Duties, applicable to Goods *not* of the British Possessions in America, and in the fourth column of the Table of Duties contained, unless the same Goods, Wares and Merchandize, shall be subject to and charged with the Imperial Duties.

Goods com-  
posed of differ-  
ent kinds of  
Materials

XXXIX. *And be it further enacted*, That in all cases where Goods are manufactured, or composed of two or more different kinds of materials, and the rate of Colonial Duty wherewith such Goods are charged according to the value, would be higher, if the same were rated on *one* material rather than the *other*, then, and in every such case, and with respect to all articles or things as formed of substan-ces differently charged with duty, the same Goods and articles shall be rated and charged with the *highest* Duty, which any or either of such component parts or materials is subject to, or chargeable with; and if any doubt should occur, with respect to the mode of charging or computing such Duty on articles of that nature, the Collector of Impost shall, and he is hereby required to charge the Duty thereon, in the same manner as the same Goods, if liable to any Imperial Duties would be therewith charged at the Custom-House.

Goods import-  
ed from an  
adjacent Bris-  
ish Colony

XL. *And be it further enacted*, That it shall be lawful to bring or Import, by Land or Inland Naviga-tion, into this Province from any adjacent British Colony, any Goods which might be imported by Sea, and so to bring or Import such Goods in the Vessels, Boats or Carriages of such Colony; and that the Colonial Duties imposed thereon shall be ascertained, levied and recovered, for and upon all Goods so brought or imported, in the same manner, and by the same means, and under the same rules, regu-lations, penalties, restrictions and forfeitures, as the Duties on the like Goods Imported by Sea may and can be ascertained, levied or recovered, as far as the same are applicable; and, if any Goods shall be brought or imported contrary hereto, or if any Goods so brought or imported shall be removed from the station or place appointed for the examination of such Goods, by the Officers of the Colonial Revenue, before all Duties payable thereon shall have been paid or secured, such Goods shall be for- feited, together with the Vessel, Boat or Carriage, and the Horses or other Cattle, in, or by which such Goods shall have been so Imported or brought, or so removed.

Vessels enter-  
ing Gut of An-  
napolis

XLI. And for preventing frauds on the Revenue, *be it enacted*, That no Ship, entering the Gut of Annapolis, shall pass the Town Plot of Digby to unlade at Bear River, or Moose River, or the creeks in the lower part of the Township of Granville, or any other place or places between the Town Plot of Digby aforesaid, and the Town Plot of Annapolis, until the Master of such Vessel and Im- porter of the Goods on board respectively, shall have made a report and entry, with the Collector of Impost in the Town of Digby, in the manner hereinbefore directed, of the whole Dutiable Articles on board such Ship, and shall have paid or secured the Colonial Impost Duties on such Goods, nor shall any Ship, entering the Gut of Annapolis aforesaid, pass the Town Plot of Annapolis to unlade at any place or places, further up the said River, or to the Northward or Eastward of the said Town Plot of Annapolis, until such Report and Entry as aforesaid shall have been made as aforesaid, with the Col- lector of Impost in the Town of Annapolis, of the whole Dutiable Articles on board such Ship, and until all the Colonial Impost Duties on such Goods shall have been paid or secured according to the Provisions of this Act, under the Penalty of Fifty Pounds for every such offence, to be paid by the Master of such Ship or Vessel.

Vessels in Dis-  
tress

*And whereas*, Ships not bound to this Province, are oftentimes obliged by stress of weather, or other sufficient causes, to enter some one of its Ports, and such Ships may have on board Goods subject to Colonial Duties, which Goods it may be necessary to unlade, in order to repair such Ships, and enable them afterwards to proceed on their intended voyage.

XLII. *Be it therefore enacted*, That it shall and may be lawful for the Collector of Impost; for the Port in which any such Ship may arrive, from the causes aforesaid, upon application to him by the Master or Agent thereof, to permit such Master or Agent to unlade all such Dutiable Articles; and to deposit and store the same in the Custody of the said Collector, and in some suitable Warehouse; and such Col- lector shall cause to be taken, an exact account of the packages in which such Goods are contained, and

and of the contents of each package—And a correct entry of such cargo shall be duly made by such Master or Agent in manner before mentioned. And all the said Goods shall remain in the Custody of the Collector, until such Ship shall have been put in a condition to receive the same on board again, and be ready for Sea: and upon payment of Store rent, and all other reasonable charges that may have been incurred by the unloading and storing the whole or any part of such Goods, the said Collector is hereby required to deliver up the same to the said Master or Agent, to be exported from the Province, but under the same Security, Regulations, Restrictions and Conditions, as if such Goods had originally been duly imported into this Province: and the same Goods shall not be subject to any Colonial Impost Duties. *Provided always*, that no such person as aforesaid shall be entitled to the benefit of the exemption contained in this Clause who shall be proved to have sold any of the said Goods other than and except such part thereof as may be necessary for defraying the expense of the Repairs and Charges incurred in respect of such Ship, and except also, such parts of such cargo as have been permitted to be sold for that purpose by the Board of Revenue; *And provided always*, that if any part of the said Goods shall be sold for the payment of the Repairs and other necessary Charges that may arise, in refitting any such Ship for the prosecution of her intended voyage, the Goods sold shall be subject to and pay the Colonial Duties chargeable thereon, and the same Goods shall either be entered to be Warehoused, or the Duties shall be paid or secured in the manner hereinbefore provided, and by the Purchaser thereof.

XLIII. *And be it further enacted*, That it shall be lawful for the Owner or Salvor, of any property saved from Sea, and liable to the payment of Colonial Impost Duties, and in respect of which Property any Sum shall have been awarded under any Law in force at the time, or in respect of which any Sum shall have been paid, or agreed to have been paid, by the owner thereof or his Agent, to the Salvors, to defray the Salvage of the same, to sell so much of the property so saved as will be sufficient to defray the expence of the Salvage so awarded, or such other sum so paid or agreed to be paid, and that upon the production of an award made in execution of any such Law to the Board of Revenue, or upon proof to the satisfaction of the Board, that such Sum of Money has been paid or has been agreed to be paid, the said Board are hereby empowered and required to allow the Sale of such Property as aforesaid, free from the payment of all Duties, to the amount of such Sum so awarded, paid or agreed to be paid, or to the amount of such other Sum as to the said Board shall seem just and reasonable.

Salvage allowed and paid

XLIV. *And be it further enacted*, That if any person shall have possession of any Goods, derelict, flotsam, jetsam or wreck, brought or coming into any part of this Province, and which shall be subject to any Colonial Duties, and either on land or within any port of this Province, and shall not give notice thereof to the nearest Officer of the Colonial Revenue immediately after such Possession or without unnecessary delay, or shall not, on demand, pay or secure the Duties thereon, or deliver the same to the proper Officer of the Colonial Revenue, such person shall forfeit the sum of Fifty Pounds; And if any person shall remove or alter, in quality or quantity, any such Goods, or shall unnecessarily open or alter any package containing any such Goods, or shall cause any such act to be done, or assist therein, before such Goods shall be deposited in some Warehouse, in the Custody of the Officers of the Colonial Revenue, every such person shall forfeit the Sum of Fifty Pounds, and in default of the payment of the Colonial Duties on such Goods, within eighteen months from the time when the same were so deposited the same may be sold in like manner, and for the like purposes, as Goods imported may, in such default be sold; *Provided always*, that any person, having by law, just claim to such Goods, or having possession of the same, shall be at liberty to retain the same in his own Custody, giving Bond, with two sufficient Sureties to be approved by the Collector of Impost, in treble the value of such Goods, for the payment of the Duties thereon, at the end of one year and one day, or to deliver such Goods to the proper Officer of the Colonial Revenue, in the same state and condition as the same were in at the time of taking possession thereof.

Persons in possession of ship-wrecked Goods

XLV. *Provided always, and be it further enacted*, That nothing in the next preceding Section contained shall extend to Goods derelict, jetsam, flotsam, or wreck, in the Custody or under the management of any Commissioner for the time being of the Isle of Sable.

Proviso

XLVI. *And whereas*, Goods, not being of the Growth, Production or Manufacture, of the United Kingdom, or of the British Possessions in America, are subject to certain Imperial Duties, payable at His Majesty's Custom-House; *Be it therefore enacted*, That no Goods, which are subject to such Imperial Duties, shall be entered *inwards or outwards*, with any Collector of Impost, until such Goods shall have first been duly entered with the proper Officers of His Majesty's Customs; and a warrant by them granted for the delivery thereof, absolutely on payment of Duties, or to be Warehoused, or for exportation, as the case may be; nor until a duplicate copy of the entry inwards, either for warehouse, or for home use, or outwards for exportation, made of such Goods at the Custom-House, and also the warrant for the same Goods, under the hands of the proper Officer of the Customs, shall be produced to the Collector of Excise; nor unless the Bill of Entry, made for such Goods at the Office of Impost shall correspond in all particulars with the Bill of Entry made thereof at the Custom House; nor unless such Bill of Entry shall be made in duplicate, and exhibit in separate columns, the amount of Imperial Duties and of Colonial Duties, wherewith such Goods are chargeable; nor unless, where the Imperial Duties have been paid, the payment thereof shall be certified on such duplicate Bills of Entry by the proper officer of the Customs. And in all cases Goods subject to Imperial Duties, in the Custody or care of the Officers of the Customs, shall be deemed, and taken to be in the Custody of the

Foreign Goods subject to Imperial Duties

Officers of the Colonial Revenue, for the purposes of such Revenue, and the Acts relating thereto and shall not be taken out of the Custody of the Officers of the Customs; but if not in their Custody shall be delivered to such Officers of the Customs.

Days of Land-  
ing Goods

XLVII. *And be it further enacted*, That no Goods whatever, (except articles hereinbefore allowed to be landed without permit) shall be unshipped, from any Ship arriving from parts beyond the Seas, or arriving coastwise with Goods subject to Colonial Duties, or be landed or put on shore, but only on days not being Sundays or Holidays, and in the day time, and between such hours as the Board of Revenue shall appoint: nor shall any Goods, except as aforesaid, be so unshipped or landed, unless in the presence or with the authority of the proper Officer of the Revenue, and at the place expressed in the permit for landing, and that no Goods except as aforesaid, after having been unshipped, shall be transhipped; or after having been put into any Boat or Craft to be landed, shall be removed into any other Boat or Craft, previously to their being duly landed, without the permission or authority of the proper Officer of the Colonial Revenue.

Expenses at-  
tending ex-  
amination of  
Goods  
Act may be al-  
tered

XLVIII. *And be it further enacted*, That the unshipping, carrying and landing of all Goods, and the bringing the same to the proper place after landing for examination, or for weighing or gauging, and the putting the same into the Scales, and the taking the same out of and from the Scales after weighing, shall be performed by or at the expence of the Importer.

XLIX. *And be it further enacted*, That this present Act may be altered or amended by any Act or Acts of the present Session of the General Assembly.

Continuation  
of Act

L. *And be it further enacted*, That this Act shall continue and be in force until the thirty-first day of March, which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty-five, and no longer.

### CAP. XLVIII.

## An Act concerning Goods Exported, and for granting Drawbacks.

(PASSED THE 16th DAY OF APRIL, 1834.)

Preamble

WHEREAS it is expedient to revise and amend the regulations heretofore in force relating to the Exportation of Goods from this Province, and to the Drawback or Allowance of Colonial Impost Duties on Articles exported, or otherwise freed or exempted from duty—and, as far as may be practicable, such regulations, so far as they relate to Goods exported, to assimilate to the provisions for exportation, contained in the Act of the Imperial Parliament, passed in the Third and Fourth Year of the Reign of His Majesty King William the Fourth, entitled, An Act to Regulate the Trade of the British Possessions Abroad.

Act in operati-  
on

I. *Be it therefore enacted, by the President, Council and Assembly*, That upon, from and after, the first day of April, in this present Year of Our Lord One Thousand Eight Hundred and Thirty-four, this Act shall come into and be in operation.

Entries out-  
wards

II. *And be it further enacted*, That the Master of every Ship bound from any port of this Province shall, before any Goods be laden therein, deliver to the Collector of Impost, or other proper Officer, an Entry Outwards, under his hand, of the destination of such ship, stating her name, country and tonnage, and, if British, the port of registry, the name and country of the Master, and the number of the Crew; and if any Goods be laden on board any such ship before such entry be made the Master of such ship shall forfeit the sum of Fifty Pounds; and, before such ship depart, the Master shall bring and deliver to the Collector or other proper Officer a Content, in writing under his hand, of the Goods laden, and the names of the respective Shippers and Consignees of the Goods, with the marks and numbers of the packages or parcels of the same; and shall make and subscribe a declaration to the truth of such Content, as far as any of such particulars can be known to him. And thereupon, the Collector or other proper Officer, if such ship be laden, shall make out and give to the Master a Certificate of the Clearance of such Ship for her intended voyage, containing an account of the total quantities of the several sorts of Goods laden therein, or a certificate of her clearance in ballast, as the case may be.— And if the ship shall depart without such clearance, or if the Master shall deliver a false Content, or shall not truly answer the questions demanded of him, he shall forfeit the sum of Fifty Pounds.

Drawbacks

III. *And be it further enacted*, That whosoever shall export or carry out of this Province, by sea, any Goods chargeable with Colonial Impost Duties, upon which on their entry inwards for home use the duties shall have been duly paid or secured, shall be entitled to, and shall be allowed, a drawback or allowance of the whole amount of such duties: *Provided*, the Goods shall be of the quantity or value for which a drawback of duty is hereinafter allowed; *and provided also*, that the regulations hereinafter contained shall be in all things observed in respect thereof.

Goods ware-  
housed may be  
exported with-  
out payment  
of duties.

IV. *And be it further enacted*, That all Goods, charged with Colonial Impost Duties and entered to be Warehoused on or as of the first importation thereof, shall and may be exported and carried out of this Province by Sea, from any *King's or Special Warehouse*, without payment of Duty; *Provided*, the regulations hereinafter contained shall be observed in respect thereof.

V. *And be it further enacted,* That no Goods, on which upon Exportation any Drawback of Duties is intended to be claimed; and no Goods which, having been Warehoused without payment of Duty, are intended to be exported from the Warehouse, shall be laden, or waterborne to be laden, on board of any Ship, in any port or place of this Province, until due entry outwards shall have been made of such Goods, and Permit granted for the lading of the same; and that no Goods shall be so unladen or waterborne, except at some place at which an Officer of the Colonial Revenue is appointed to attend the lading of such Goods; and that no Goods shall be so unladen, except in the presence, or with the permission in writing, of the proper Officer. *Provided always,* that it shall be lawful for the Board of Revenue to make and appoint such other regulations for the carrying coastwise of any Goods as to them shall appear expedient. And that all Goods laden, or waterborne to be laden, contrary to any regulations of this Act, or contrary to any regulations so made and appointed, shall be forfeited.

Exportation of Goods on which Drawbacks is to be claimed

VI. *And be it further enacted,* That the Person entering any such Goods outwards for Drawback, or for Exportation, or from the Warehouse, shall deliver to the Collector or other proper Officer a bill of the entry thereof outwards, fairly written in words at length, containing the name of the Exporter, and of the Ship, and of the Master, and of the place to which bound, and of the particular place within the port where the Goods are to be laden, and the particulars of the quality and quantity of the Goods, and the packages containing the same, and the marks and numbers on the packages; and the Collector or other proper Officer shall thereupon grant his Shipping Permit for the lading of such Goods, which permit shall be written upon or annexed to a copy or copies of such entry to be made by the Exporter.

Bills of Entry of Goods outwards

VII. *And be it further enacted,* That upon the Entry Outwards of any Goods to be exported for Drawback, or to be exported from the Warehouse, the Person entering the same shall give security by Bond in treble the duties of Importation on the quantity of such Goods, with two sufficient Sureties to be approved of by the Collector, that the same shall be landed at the place for which they may be entered, or be otherwise accounted for to the satisfaction of the Board of Revenue.

Bond to be given of Goods exported

VIII. *And be it further enacted,* That every person who shall make or cause to be made any Entry outwards of Goods for Drawback, or for Exportation from the Warehouse, not being the Master of the Exporting Ship, or not being duly authorized thereto by the Proprietor, or Agent of the Proprietor of such Goods, shall for every such offence forfeit the Sum of Fifty Pounds.

Unauthorised Entry of Goods for Exportation

IX. *And be it further enacted,* That no Entry outwards, nor any Shipping permit, or for the taking of any Goods out of any Warehouse for Exportation, shall be deemed valid, unless the particulars of the Goods and packages in such Entry shall correspond with the particulars of the Goods and packages purporting to be the same, in the Entry inwards for home use, or in the Entry for Warehousing; nor unless such Goods shall have been properly described, in the Entry outwards, by the denomination, and with the characters and circumstances, according to which such Goods were originally charged with duty. And any Goods, laden on board any Ship, or taken out of any Warehouse, by virtue of any Entry outwards or shipping permit, not corresponding or agreeing substantially in such respects or not properly describing the same, shall be deemed Goods taken without due Entry thereof, and shall be forfeited.

Particulars of Goods to be expressed in Entries

X. *And be it further enacted,* That a Drawback as aforesaid of the whole Colonial Duties, upon Goods not Warehoused, or upon Goods on which those Duties shall have been paid or secured, shall be allowed, upon any quantity of Wine not less than Twenty-five gallons, or upon any quantity of Spirits or other Liquors, not less than One Hundred gallons, reshipped or exported in the original Casks or Packages: and upon any quantity not less than Three Hundred weight of Coffee, or any quantity not less than Ten Hundred weight of Sugar, or other articles charged with Duty, according to the weight thereof; and upon any amount, not less than Fifty Pounds, of the original or declared value of any articles charged with duty according to the value thereof.

Quantity of Wines &c entitled to Drawback

XI. *And be it further enacted,* That before any Goods—not exported from the Warehouse, and being charged with duty according to the weight, tale, gauge or measure thereof—shall be laden for exportation, the Shipping Permit granted therefor shall be exhibited to the Guager and Weigher for the port, who shall thereupon, without fee, gauge or weigh the same Goods, or ascertain the tale or measure thereof, before the shipment of such Goods; and certify on the permit that the Goods therein mentioned are of the gauge, tale, weight or measure by him ascertained.

Permit to be exhibited to Guager

XII. *And be it further enacted,* That as soon as any Goods so entered outwards for Drawback, not being Goods exported from the Warehouse, shall have been actually laden and put on board the Ship mentioned in the Permit, the Master of such ship and the Exporter of the Goods shall, before the Collector, respectively make and subscribe an Affidavit in writing—to the said Entry to be annexed or thereon written, whereby they shall severally declare on oath that the Goods in such Entry for Exportation mentioned are actually shipped and laden on board the Ship therein specified for the purpose of being therein exported out of the Province, and are not intended to be reloaded, sold or exchanged, in any part thereof. And the Exporter shall therein further on oath declare that the Goods so specified were really part of the Stock of the Person by whom the same were entered for home use; and shall specify the Office of the Collector where the same were so entered, and the date of such Entry; and declare that the Goods are of the same quality, proof and description, as when first imported, or as described in the Entry Outwards.

Shipmasters' Affidavit as to Goods exported

XIII. *And be it further enacted,* That as soon as such Bond for Exportation shall have been given and affidavit made as aforesaid, in respect of Goods not exported from the Warehouse, then—if the duties thereon, Bond

Drawback to be allowed thereon, Bond

thereon have not been fully paid—the Collector shall indorse on the Bond a credit or satisfaction for so much money as the duties on the Goods shipped for Exportation shall amount to, and the Bond for Exportation shall to that extent stand in lieu of the Bond for duties. But if the whole or any part of the duties on the Goods exported have been paid, then the Exporter, or party entitled to the drawback shall, within three months, be entitled to receive from the Treasurer of the Province the whole amount or balance of the duties so actually paid as aforesaid. *Provided* that the Board of Revenue shall be satisfied that the said Goods were exported from the Province, and not relanded, sold or consumed therein, or shall receive from the Exporter such proof of the fact as to them may seem necessary.

Certificates to be procured by Claimants of Drawbacks

XIV. *And be it further enacted*, That if at any time within one year from the date of such Entry Outwards there shall be produced to the Collector of the Port whence such Goods were exported, a Certificate, annexed to or containing a copy of such Shipping Permit for any Goods exported, either for Drawback or from the Warehouse, and signed by or under the seal and signature of some Principal Officer of His Majesty's Customs at the place to which such Goods shall be exported, or signed by or under the seal and signature of any Consul or Vice-Consul in any Foreign State or Country to which such Goods shall be exported, or, otherwise, an Affidavit in writing, annexed to, or containing a copy of such Permit, and signed and sworn to, by any credible person resident at the place to which such Goods shall be exported, and certified by any Notary Public, Judge or Chief Magistrate, or any two Justices of the Peace of such place, and under his or their seal of office if any: and in which Certificate or Affidavit it shall be stated that the Goods therein referred to, being the same stated in the shipping Permit, were, to the knowledge of the party certifying or deposing, actually and truly landed at some port or place out of the Province, or were lost or destroyed by the perils of the Seas, or that the vessel in which the Goods were shipped had never arrived at the Port of destination, and was supposed to be lost, then and in every such case, the Bond for Exportation shall be cancelled and the Exportation be deemed actually made.

Drawbacks allowed

XV. *And be it further enacted*, That upon the production of the like Certificate or Affidavit, Drawbacks for Duties shall be allowed by the Board of Revenue, and ordered to be credited, or paid as the case may be, to the respective parties by whom *heretofore* any Goods charged with Colonial Duties have been exported conformably with the provisions of any Acts heretofore in force concerning Drawbacks or Allowances of such Duties; and who have not yet received or been allowed the same on account of non-compliance with such provisions of former Acts.

Dutiable Goods consigned coastwise

XVI. *And be it further enacted*, That whenever any Goods, imported into any Port of this Province, and there duly entered, and upon which Goods the Colonial Impost Duties shall have been there duly paid or secured, shall be sent or consigned *coastwise* to any person at any other Port of this Province, it shall and may be lawful for the person, to whom such Goods are so sent or consigned, as the Agent of or for the original Importer, to export the same beyond the Seas from such *second* Port, and to receive the Drawback of Duty thereon in the name of the original Importer; *Provided*, such Goods have been, at the *first* Port, duly entered as aforesaid for Exportation to the *second* Port, *coastwise*: *And Provided*, such and the like shipping Permit as before mentioned, has been granted for the Goods so exported coastwise; in which Permit it shall be stated that the Colonial Impost Duties thereon have been duly paid or secured at the first Port of Entry; and therein also shall be stated the Importing Ship's name, and the place from whence, and the time when such Goods were imported, and the marks or numbers of the Casks or Packages:—*And provided further*, That all Wines, Spirits and Liquors, be in the original Casks or Packages.

Portions of Cargoes intended for Exportation

XVII. *And be it further enacted*, That whenever Goods, subject to Colonial Impost Duties, shall be imported into this Province, and part thereof shall, without being unladen, be designed to be exported in the *Importing* Ship to parts beyond the Seas, such Report, Entry, and other Proceedings, as are directed and prescribed by the Act for Regulating the Importation of Goods, shall be had and taken for, and in respect of, all such Goods as shall be intended to be landed in this Province;—and all the Regulations and Enactments of that Act shall apply thereto; and all the Goods intended to be exported in the *Importing* Ship shall be reported and entered outwards for Exportation, in the same Ship, in the manner by the present Act before prescribed, but without landing or putting on shore the Goods so designed to be exported, unless in cases hereinafter mentioned; and the duties to which such Goods, if entered inwards and landed, would be subject to, shall, without landing such Goods or gauging or weighing the same, be ascertained by means of, and according to, the quantities and values in the original Manifest or Invoice of the Cargo specified, after deducting therefrom the quantity and value of the Goods entered inwards and landed from such Ship, and thereupon such Shipping Permit as aforesaid shall be granted, and such Bond for Exportation shall be given, by the Exporter, with two Sureties in such sum, and with such conditions, as is hereinbefore directed, in respect to Goods exported after having been landed in this Province, and such Bond shall be cancelled on production of the Certificate or Affidavit with respect to the Goods exported, as is before directed for cancelling Bonds for Exportation and obtaining allowance of Drawback.

Original Invoice to be produced of Goods intended for Exportation

XVIII. *And be it further enacted*, That, upon such Entry outwards for Exportation in the *Importing* Ship, the person making such Entry shall produce and deliver, to the Collector or other proper Officer the original Invoice of all the Goods so entered outwards for exportation, and shall answer all such questions as shall be put to him, and shall further answer all such questions concerning the ship, cargo and

and voyage, as shall be demanded of him by such Officer; and shall also verify such Invoice by an Affidavit, to be made in writing, and signed by the party making such Entry, and the same shall be in the following words:

I. (*Name and Designation of Party*;) do solemnly Swear, that the Invoice to this Affidavit annexed, and now by me produced, is the original Invoice of the Goods now by me entered outwards for Exportation, in the Ship called the (*Ship's Name*;) whereof (*Master's Name*;) is Master, bound to (*Port of Destination*;) and that such Invoice was actually and truly made at the Port out of the Province, where such Goods were originally Shipped, and does contain, to the best of my knowledge and belief, a true and just account of the quantities and value of each and every part of the Goods so by me now entered for Exportation in the said Ship.

*Affidavit to be made*

XIX. *And be it further enacted*, That if on examination it shall be discovered that the Report and Entry made of such Goods for Exportation shall be false, and that there was a greater quantity of Dutiable Goods laden on board the Ship than was reported and entered as aforesaid, all the Surplus Goods shall be forfeited; and the party making such false Entry shall be subject to all the Penalties and Forfeitures imposed in and by this Act, or any other Act relating to the Colonial Revenue, or persons making false Report or Entry; and if any part of the Goods so permitted to be exported as aforesaid shall be *fraudulently* or *clandestinely* discharged or unladen within this Province, from on board the Ship in which the same were imported, such Ship, and all the Goods so landed, together with the Boats, Carts and Carriages employed in landing or removing the same, shall be forfeited; and all and every person or persons, who shall be aiding and assisting in such fraudulent or clandestine landing of any such Goods, shall forfeit and pay the sum of Fifty Pounds.

*Examination of Reports and Duties.*

XX. *And be it further enacted*, That in case the party, making such Report and Entry for Exportation, shall neglect or refuse to produce such original Invoice, and to verify the same as aforesaid, or to answer such questions, or to give such Bond for Exportation as aforesaid, then the Collector or other proper Officer shall cause the Goods so entered for Exportation to be landed, at the expense of the Importer, and the Duties to be ascertained, and secured in the manner directed by the Act for regulating the Importation of Goods.

*Refusal to produce original Invoice*

XXI. *And be it further enacted*, That in case the Collector shall have any just cause to doubt the truth or authenticity of any Report or Entry of Goods for Exportation, or of the Invoice produced, he shall and may search and examine into the contents of the cargo so reported and entered; and may remove or cause to be removed the packages from one part of the Ship to the other, so as to ascertain, as far as possible, the true contents of each package; and the Master, Officers and Crew of such Vessel, shall aid and assist the Revenue Officer or Officers in making such search and examination: and in case such assistance shall be refused, then and in such case, the Goods shall be landed, and the truth of such Report and Invoice ascertained. And it shall and may be lawful for the Officer making such search to call to his aid three respectable Merchants to assist therein; and if in the opinion of such Merchants, there shall be any reasonable cause for further suspicion, they shall certify the same; which certificate shall be sufficient to authorise the proper Officer to order the cargo to be discharged, and the truth or falsity of the Report and Invoice actually ascertained, by weighing and gauging such Goods as are chargeable with Duty according to the weight, number, gauge or measure thereof, or by appraisement and valuation of the Goods subject to Duty, according to the value thereof, and in like manner as prescribed by the Act for regulating the Importation of Goods.

*Doubts as to the truth of Reports or Entries*

XXII. *Provided always, and be it further enacted*, That if the difference, between the Invoice and the Return of the Guager and Weigher, shall, in the opinion of three Merchants, not exceed the difference, which frequently occurs between the gauge and weight of two different ports and places, in such case no penalty or forfeiture shall attach to the Person making such Report or Entry.

*proviso*

XXIII. *And be it further enacted*, That if the Master or Owner of the Ship in which Goods are entered for exportation as aforesaid shall unnecessarily delay unloading the part or parts of her cargo entered to be landed, or shall, after the unloading thereof, delay, for a space longer than ten days, proceeding on her voyage and departing from the Province, with the Goods so to be exported, the said Master or Owner shall pay, each and every day, to the Tide Waiter employed to attend such vessel during such delay, the daily pay established for a Tide Waiter to receive from the Province when on Duty; and on refusal it shall be lawful for such Tide Waiter to recover the same, in a summary way, before one of His Majesty's Justices of the Peace for the County or place within which such Tide Waiter shall have been so employed.

*Delay in unloading*

XXIV. *And be it further enacted*, That all Wines, and all Brandy, Gin, Rum or other distilled Spirituous Liquors, and all Flour, Bread, Cheese, Oatmeal, Peas, Salted Suet, Vinegar, Oil, Raisins and Currants, and all Salted Beef, Salted Pork, Butter and Cocoa, imported into this Province for the use of His Majesty's Army or Navy or the Naval Yard, by any Commissary actually in His Majesty's Service, or by any Contractor for the supply of such articles for the use aforesaid; and all such articles being *prize* Goods, purchased for the use aforesaid, at any Sale thereof made by the authority of a Court of Admiralty; and all such distilled Spirituous Liquors, manufactured or distilled within this Province and supplied for the use aforesaid, shall severally and respectively be exempted and freed from all Colonial Imposts, Duties with which the same may be charged or chargeable: *Provided* the said respective Goods, upon the first importation thereof, or being *prize* Goods, immediately after the purchase thereof, or being Spirituous Liquors, distilled within this Province, immediately after

*Exemption from duty of articles required by Army or Navy*

the manufacture thereof, shall be duly entered to be Warehoused, and deposited in any King's or Special Warehouse, according to the regulations in force with respect to the Warehousing of Goods: *and provided* that, when any such enumerated Goods are intended to be delivered from the Warehouse, such entry *inwards* thereof shall be made as by law prescribed with respect to Goods entered for home use; and in such entry the party making the same shall state and declare, that the Goods therein mentioned are *solely* for the use of His Majesty's Army or Navy, or the Naval Yard, and for no other use or purpose whatsoever; and thereupon the person entering the same for the use aforesaid, shall give Security by Bond, in treble the Duties of Importation on the quantity of such Goods, with two sufficient Sureties, to be approved by the Collector of Impost, that the said Goods shall be delivered to the proper person or persons authorized to receive the same for the use of His Majesty's Army, Navy, or Naval Yard, or be otherwise accounted for to the satisfaction of the Board of Revenue.

Delivery of  
Goods from  
Warehouse for  
Army or Navy

XXV. *And be it further enacted*, That upon such Security being given, a permit for delivering from the Warehouse the Goods so entered for the use aforesaid, shall be granted; and the same Goods shall be delivered out of the Warehouse, in the presence of the proper Officer of the Colonial Revenue; and in his presence shall be immediately conveyed and delivered over to the Commissary, or other proper Officer appointed to receive the same, for the use of His Majesty's Army; or to, or on board of some one of His Majesty's Ships of War, or into the Naval Yard: and a receipt for the Goods so delivered shall be signed on the Permit; and the same being returned to the Collector of Impost, and verified on Oath, if required, shall be sufficient for the cancelling of the said Security; unless the Goods shall be fraudulently applied, or used otherwise than for His Majesty's said Service.

Drawback al-  
lowed on arti-  
cles supplied  
Army or Navy

XXVI. *And be it further enacted*, That if any of the Goods above enumerated shall be supplied or delivered, for the use of His Majesty's Army, Navy or Naval Yard, after the Colonial Duties thereon have been paid or secured, a Drawback of the *whole* Duties thereon shall be allowed; provided a permit for the delivery thereof, for the use aforesaid, and specifying the quantities thereof respectively, with the marks and numbers of the casks or packages containing the same, shall have been first obtained from the Collector of Impost; *and provided*, the said Goods be conveyed and delivered, in the presence of the proper Officer of the Colonial Revenue, in the like manner as is before directed with respect to Goods taken for the use aforesaid out of Warehouse; and the like receipts on the Permit, and verification thereof, shall be made as aforesaid. And thereupon credit, on the Bond of the Importer or party supplying such Goods, shall be given for the amount of Duty on the Goods so applied, or the like amount shall, if such Bond be satisfied, be paid to him, from the Provincial Treasury, unless the Goods shall be *fraudulently* applied; or used *otherwise* than for His Majesty's Service.

Drawbacks al-  
lowed on  
Goods taken  
from Ware-  
houses

XXVII. *And be it further enacted*, That if any such Goods so entered, or for which Permit shall be granted for the delivery thereof, for the use of His Majesty's Army, Navy or Naval Yard, shall be charged with duty according to the Weight, Tale, Gauge or Measure thereof, the same shall be *first* Guaged or Weighed, and the quantity contained in each Cask shall be marked by the Guager on the head thereof; and on that quantity, and no more, the person supplying such Goods shall be allowed Credit, or repaid the Duties by him secured or paid thereon.

Fraudulent re-  
landing of  
Goods

XXVIII. *And be it further enacted*, That if any such Goods so entered, or for which Permit shall be granted for the use of His Majesty's Army, Navy or Naval Yard, shall afterwards be fraudulently re-landed in this Province, from any of His Majesty's Ships, or be sold within the Province, or be fraudulently applied, otherwise than for the use aforesaid, the same shall be forfeited, and every person, party to, or concerned in, such fraudulent re-landing, sale, removal or fraudulent application of any such Goods, otherwise than for the use aforesaid, shall forfeit the sum of Fifty Pounds.

Licence to pur-  
chase Wine

XXIX. *And be it further enacted*, That it shall and may be lawful for the Governor for the time being, on the application of the Captain or Officer commanding any of His Majesty's Ships of War, about to leave the Province, to grant a licence to purchase, for the use of the Officers of such Ships respectively, so many Gallons of Wine as shall be recommended, by the Board of Revenue, as a reasonable allowance for the use of the Officers of such Ships; so as the same be calculated to supply such Officers for a period of at least three months: and the name or names of the person or persons, from whom such Wines are intended to be purchased, shall be inserted in such Licence.

Permit to be  
obtained to  
ship Wines for  
use of Navy

XXX. *And be it further enacted*, That the person, so selling Wines in such licence allowed, shall obtain the necessary Permit, and Ship the said Wines, according to the provisions, and under all the regulations hereinbefore prescribed, in cases of Exportation of Dutiable Articles from the Warehouse, or if entered for home use, according to the regulations on Exportation for Drawback, and shall also take the Exporter's Oath required in the latter case, and the Officers, for whose use such Wines shall have been so purchased and shipped, shall certify that such Wines are actually on-board one or more of His Majesty's Ships then ready for Sea, and that no part thereof shall, with their consent, privity, or knowledge, be re-landed in this Province: which certificate, together with the Licence for such Purchases, shall be delivered to the Collector of Impost, and thereupon the person from whom such Wines shall have been purchased, shall have his Bond on Export from the Warehouse cancelled; or otherwise shall be entitled to a Drawback of the Duties which shall have been paid or secured thereon, in the same manner as is allowed by this Act on Wines exported out of this Province.

*And whereas*, the Fisheries of this Province and the Trade arising therefrom require encouragement. *And whereas*, certain Foreign Goods are charged with Duty under the said Act of the Imperial Parli-  
ment



ment, and are also subject, under the Act of the present Session for granting Colonial Impost Duties, to a Duty including and exceeding the said Imperial Duty, which excess of Duty, it is expedient, in certain cases to relinquish.

XXXI. *Be it therefore enacted*, That the Board of Reveune shall be, and is hereby authorised, by any order of the Board, to free and exempt, from the difference or excess of the said Colonial over the Imperial Duty, and to the extent only of such excess, all such foreign Goods, liable to the Colonial Impost Duties, as, by satisfactory proof on Oath, shall, to the said Board, appear to have been *actually* and *bona fide* purchased or procured with the proceeds of Fish and Fish Oil, caught, cured and made, by the Inhabitants of this Province, and others employed in the Fisheries thereof; and which shall have been exported in vessels owned and registered in this Province, or belonging to British Merchants engaged and carrying on the Fisheries of the same; all which proof shall be taken in writing, in such way as that the same may be submitted to the inspection of the General Assembly, when required.

Goods purchased with proceeds of Fish or Fish Oil

XXXII. *And be it further enacted*, That if any Owner or Merchant shall be resident in some part of the Province, being more than ten miles from the Office of the Collector at the port of shipment, he may appoint any person to be his Agent, to make and pass his entry, and to clear and ship his Goods, and to receive for him the Drawback or Bounty payable on his Debenture or Certificate of Drawback if payable to him; provided the name of such Agent, and the residence of such Owner or Merchant, be subjoined to the name of such Owner or Merchant in the Entry, and in the shipping permit for such Goods; and such Agent, being duly informed, shall make declaration upon the entry, if any be necessary, and also upon the Debenture, in behalf of such Owner or Merchant, to the effect before required of such Owner or Merchant; and shall answer such questions touching his knowledge of the Exportation of such Goods, and the property therein, and of the right to the Drawback or Bounty, as shall be demanded of him by the Collector: and if any such Goods be exported, by any Corporation or Company trading by a joint Stock, it shall be lawful for them to appoint any person to be their Agent for the like purposes, and with the like powers, to act in their behalf.

Agents may be appointed to enter Goods, &c.

XXXIII. *And be it further enacted*, That no Drawback shall be allowed, upon the Exportation of any Goods, unless such Goods be shipped within *three* years after the payment of the Duties inwards thereon.

Limitation of claim for Drawbacks

XXXIV. *And be it further enacted*, That if any Goods, which are to be exported for Drawback, be the property of any person residing abroad, having been consigned by the Owner thereof to some person, as his Agent, residing in this Province, to be exported from the same to parts beyond the Sea, by such Agent, upon account of such Owner, it shall be lawful for such person (being the Consignee by whom, or in whose name, the Duties inwards on such Goods had been paid, or his legal Representative,) in like manner, as Agent for such Owner, to enter, clear and ship, such Goods for him, and upon like Condition to receive for him the Drawback payable thereon.

Agency in the export of Goods

XXXV. *And be it further enacted*, That the exemption contained in the said Act of the present Session of the General Assembly, for granting Colonial Impost Duties, whereby Foreign Goods otherwise charged with Duty are in certain cases declared *free* from such Colonial Duties, to the extent of the Imperial Duties chargeable thereon; in case the said Goods were otherwise imported, shall not extend, or be construed to extend, to any Foreign Flour, or Salted Beef, or Salted Pork, imported, entered or supplied for the use of the British Fisheries.

Articles not included in the exemptions

XXXVI. *And be it further enacted*, That, upon the representation of the Board of Revenue, it shall be lawful for the Governor for the time being, with the advice and consent of His Majesty's Council, to suspend the operation of any regulation or restriction in this Act contained which may be found in practice attended with injury or inconvenience to the Trade of the Province, and such suspension to continue during the whole or such part of the duration of this Act as shall be found expedient.

Operation of the Act may be suspended

XXXVII. *And be it further enacted*, That this Act shall continue and be in operation until the Thirty-first day of March, in the year One Thousand Eight Hundred and Thirty-five, and no longer.

Continuation of Act

## CAP. XLIX.

### An Act for the General Regulation of the Colonial Duties.

(PASSED THE 16th DAY OF APRIL, 1834.)

**WHEREAS** it is expedient to provide effectual regulations in respect to the Colonial Impost Duties, and to assimilate as far as possible the modes of receiving, collecting, paying, and securing the same, to those prescribed by the Act of Parliament, passed in the third and fourth year of the reign of His Majesty King William the Fourth, entitled, An Act to regulate the Trade of the British Possessions Abroad.

Preamble

I. *Be it therefore enacted, by the President, Council and Assembly* That this Act shall commence and come into operation, upon, from, and after the first day of April, in this present Year of our Lord One Thousand Eight Hundred and Thirty-four.

Act comes into operation

II. *And be it further enacted*, That all Reports, Entries, Clearances, Bonds, Proceedings, matters and things whatsoever, which, under or in pursuance of the provisions of the said Imperial Act, or of any

Reports, Entries, &c.

Act

Act in addition to, or amendment thereof, shall be made, done or performed, by, to or before, any Officers of His Majesty's Customs, if the same also by any Act relating to the Colonial Revenue be required to be done before any Officer of the Colonial Revenue, shall be made, done or performed, by delivering to such Officer a duplicate original of the same Entry, Paper, Document, Bond or Writing, and signed by the same parties as shall have been made, done or signed, before such Officer of the Customs.

Duties, &c.  
taken to be  
British Sterling

III. *And be it further enacted*, That all Duties, Drawbacks and Bounties, and all sums of money, penalties and forfeitures, mentioned in any Act concerning the Colonial Revenue, shall be deemed and taken to be British Sterling.

And in order to avoid the frequent use of numerous terms and expressions in any Act relating to the Colonial Revenue, and to prevent any misconstruction of the terms used therein :

Definitions of  
certain Terms  
used in Acts

IV. *Be it further enacted*, That whenever the several terms or expressions following shall occur in any Act relating to the Colonial Revenue, the same shall be construed respectively in the manner hereinafter dissected, that is to say, that the term "Ship" shall be construed to mean Ship or Vessel generally, unless such term shall be used to distinguish a Ship from Sloops, Brigantines, and other classes of Vessels; that the term "Master" of any Ship, shall be construed to mean the person having or taking the command of such Ship; that the term "Owners" and the term "Owner" of any Ship, shall be construed alike to mean one Owner, if there be one only, and any or all the Owners, if there be more than one; that the term "Mate" of any Ship, shall be construed to mean the person next in Command of such Ship to the Master thereof; that the term "Seaman" shall be construed alike to mean Seaman, Mariner, Sailor or Landsman, being one of the Crew of any Ship; that the term "His Majesty" shall be construed to mean His Majesty, His Heirs and Successors; that the term "Governor" shall be construed to mean the Governor, Lieutenant-Governor, President, or Commander in Chief of this Province for the time being; that the term "parts beyond the Seas" shall be construed to mean any Port or Place not being within this Province, or the limits thereof; that the term "East India Company" shall be construed to mean the United Company of Merchants of England, trading to the East-Indies; that the term "Limits of the East-India Company's Charter" shall be construed to mean all Places and Seas Eastward of the Cape of Good Hope, to the Straits of Magellan; that the term "Collector" shall be construed to mean the Collector of Impost of the Port intended in the sentence; that the term "proper Officers" or "proper Officer" of the "Colonial Revenue" shall be construed to mean the person appointed or directed to do the Act referred to; that whenever mention is made of any Public Officer, the Officer mentioned shall be deemed to be such Officer for the time being; that the term "Warehouse" shall be construed to mean any place, whether House, Shed, Yard, Timber-pond, or other place in which Goods entered to be Warehoused upon Importation may be lodged, kept and secured, without payment of Duty, or although prohibited; that the term "King's Warehouse" shall be construed to mean any place provided by the Crown for lodging Goods therein for security of the Duties under the Act of the Imperial Parliament; and that the term "Special Warehouse" shall be construed to mean any other Warehouse where Goods liable to Colonial Duties are permitted to be warehoused.

Bonds—how  
taken—cancel-  
led

V. *And be it further enacted*, That all Bonds relating to Colonial Duties, required to be given in respect of Goods or Ships, shall be taken by the Collector, and in the name of His Majesty, for the use of the Province, and after the expiration of three years from the date thereof, or from the time, if any limited therein, for the performance of the condition thereof, every such Bond, upon which no prosecution or suit shall have been commenced, shall be void and may be cancelled.

Warrants of  
Attorney to  
confess Judg-  
ments

VI. *And be it further enacted*, That when any Bond for securing the payment of any Colonial Impost Duties shall be given as provided by the Act for regulating the Importation of Goods, the principal and sureties named in such Bond shall at the same time execute under their hands and seals a Warrant of Attorney to His Majesty's Attorney General and Solicitor General of this Province, authorizing them or either of them, when any Sum or Sums of Money shall become payable on such Bond which shall be referred to in the Warrant, to appear in the Supreme Court in Term time, or before any of the Judges thereof in vacation, in the names and on the behalf of the parties to such Bond, and to the suit of His Majesty, and to file and enter an appearance for the parties, in the proper Office, and to confess the said suit, and to sign and file a plea of confession for the obligors, jointly and severally, and on their part and behalf to consent and suffer Judgment on such confession to be entered against them or either of them upon such Bond, for the full amount of the sum thereby secured and conditioned to be paid to His Majesty; and thereupon such Bond, Warrant of Attorney, and plea of Confession, so signed by the Attorney or Solicitor-General shall be filed by the Prothonotary of the said Court, and thereon a Judgment of the said Supreme Court shall be entered and docketted; and signed by the Chief-Justice, or in his absence the Senior Assistant-Justice thereof present, in the Books, and in the usual manner, in which Judgments of that Court are usually signed or entered; and for the full amount of the Debt secured by such Bond, together with costs of Suit and Execution on such Judgment, shall and may be sued out, and levied on behalf of His Majesty, for the amount of the Debt and Costs specified in such Judgment.

Exceptions to  
Persons offer-  
ing as Sureties

VII. *And be it further enacted*, That it shall not be lawful for any Collector to receive as Surety in any Bond, for the payment of Duties, any person against whom a Suit shall have been commenced or unsatisfied

unsatisfied, Judgment remain in force, for or in respect of any Bond for Duties to which he shall have become party as principal.

VIII. *And be it further enacted,* That it shall be lawful for the Officers of the Colonial Revenue to take such Samples of any Goods as shall be necessary for ascertaining the amount of any Duties payable on the same, and all such Samples shall be disposed of and accounted for in such manner as the Board of Revenue shall direct.

Samples of Goods

IX. *And be it further enacted,* That, if upon the first levying or repealing of any Duty, or upon the first granting or repealing of any Drawback or Bounty, or upon the first permitting or prohibiting of any Importation or Exportation, whether Inwards, Outwards or Coastwise, it shall become necessary to determine the precise time at which an Importation or Exportation of any Goods made and completed shall be deemed to have had effect, such time, in respect of Importation, shall be deemed to be the time at which the Ship importing such Goods had actually come within the limits of the Port at which such Ship shall in due course be reported, and such Goods be discharged, and that such time, in respect of Exportation, shall be deemed to be the time at which the Goods had been shipped on board the Ship in which they had been exported. And that, if any question shall arise upon the arrival or departure of any Ship, in respect of any charge or allowance upon such Ship exclusive of any Cargo, the time of such arrival shall be deemed to be the time at which the report of such Ship shall have been or ought to have been made, and the time of such departure shall be deemed to be the time of the last clearance of such Ship with the Collector of Impost, for the Voyage upon which she had departed.

Times of Importation and Exportation of Goods determined

X. *And be it further enacted,* That although any Duty of Impost shall have been overpaid, or although after any such Duty shall have been charged and paid, it shall appear or be judicially established that the same had been charged under an erroneous construction of the Law, it shall not be lawful to return any such overcharge after the expiration of three years from the date of such payment, but the same may be granted at the discretion of the General Assembly.

Duties overpaid

XI. *And be it further enacted,* That if any person shall counterfeit or falsify, or willingly use when counterfeited or falsified, any Entry, Permit, Certificate or other Document, for the unloading, lading, entering, reporting or clearing, any Ship or Vessel, or for the landing or shipping of any Goods or article whatever, or shall, by any false statement, procure any writing or document to be made for any of such purposes, every Person so offending shall for every such offence forfeit the sum of Two Hundred Pounds; *Provided always,* that this penalty shall not attach to any particular offence for which any other penalty shall be expressly imposed by any Law in force for the time being.

Counterfeiting or falsifying Entries

XII. *And be it further enacted,* That wherever any person shall make application to any Officer of the Colonial Revenue, to transact any business on behalf of any other person, it shall be lawful for such Officer to require of the person so applying to produce a written authority from the person on whose behalf such application shall be made, and in default of the production of such authority to refuse to transact such business with the applicant.

Agency

XIII. *And be it further enacted,* That if any declaration required to be made by this Act, or by any other Act relating to the Colonial Revenue, (except declarations to the value of Goods,) be untrue in any particular, or if any person required by any Act relating to the Colonial Revenue to answer any questions put to him by the Officers of the Colonial Revenue, touching certain matters, shall not truly answer such questions, the person making such declaration or answering such questions shall, over and above any other penalty to which he may become subject, forfeit the sum of Fifty Pounds.

False declarations

XIV. *And be it further enacted,* That all Goods, and all Ships, Vessels and Boats, which, by any Act at any time in force relating to the Colonial Revenue shall be declared to be forfeited, shall and may be seized by any Officer of the Colonial Revenue, or or by any person authorised to make seizures; and such forfeiture of any Ship, Vessel or Boat, shall be deemed to include the Guns, Tackle, Apparel and Furniture of the same, and such forfeiture of any Goods shall be deemed to include the proper package in which the same are contained.

Seizures

XV. *And be it further enacted,* That in case any Goods, Ships, Vessels or Boats shall be seized as forfeited, or detained as under valued, by virtue of any Act relating to the Colonial Revenue, it shall be lawful for the Board of Revenue to order the same to be restored, in such manner and on such terms and conditions as they shall see fit to direct; and if the Proprietor of the same shall accept the terms and conditions, he shall not have or maintain any actions for recompense or damage, on account of such seizure or detention, and the person making such seizure shall not proceed in any manner for condemnation.

Property seized may be restored upon certain terms

XVI. *And be it further enacted,* That if any Ship shall have become liable to forfeiture, on account of any Goods laden therein, or unladen therefrom, or if the Master of any Ship shall have become liable to any penalty on account of any Goods laden in such Ship or unladen therefrom, and such Goods shall be small in quantity or of trifling value, and it shall be made appear to the satisfaction of the Board of Revenue that such Goods had been laden or unladen contrary to the intention of the Owners of such Ship, or without the privity of the Master thereof, as the case may be, it shall be lawful for the said Board to remit such Forfeiture; and also, to remit or mitigate such penalty as they shall see reason, to acquit such Master of all blame in respect of such offence, or more or less to attribute the commission of such offence to neglect of duty on his part as Master of such Ship, and every forfeiture and every penalty or part thereof so remitted shall be null and void, and no Suit or Action shall be brought or maintained by any person whatever on account thereof.

Forfeitures may be remitted

Officers may  
be stationed on  
board Vessels

XVII. *And be it further enacted*, That it shall be lawful for the Board of Revenue, and for the Collector of any port under their directions, to station Officers on board any Ship, while within the limits of any port in this Province, and the Master of every Ship, on board of which any Officer is so stationed, shall provide every such Officer sufficient room under deck, in some part of the Forecastle or Steerage, for his Bed or Hammock, and in case of neglect or refusal so to do shall forfeit the sum of Fifty Pounds.

Goods taken to  
Warehouse for  
security of Duties

XVIII. *And be it further enacted*, That whenever any Goods, not duly entered to be Warehoused or for Home use, shall be taken to and secured in any of the Warehouses of the Province, for security of the Duties thereon or to prevent the same from coming into Home use, it shall and may be lawful for the Board of Revenue to charge and demand and receive Warehouse Rent for such Goods, for all such time as the same shall remain in such Warehouse, at the same rate as may be payable for the like Goods when warehoused in any Warehouse in which such Goods may be warehoused without payment of Duties; *Provided always*, that it shall be lawful for the Board of Revenue, by order of such Board, respectively from time to time to fix the amount of Rent, which shall be payable for any Goods secured in any of the Warehouses as aforesaid.

Goods in  
Warehouse may  
be sold

XIX. *And be it further enacted*, That, in case such Goods shall not be duly cleared from the Warehouse within three calendar months (or sooner, if they be of a perishable nature), it shall be lawful for the Board of Revenue to cause such Goods to be publicly sold by Auction, for home use or for Exportation, as the case may be, and the produce of such sale shall be applied towards the payment of the Duties, if sold for Home use, and of the warehouse rent and all other charges; and the overplus (if any) shall be paid to the Person authorised to receive the same; *Provided always*, that it shall be lawful for the said Board to cause any of such Goods to be destroyed as cannot be sold for a sum sufficient to pay such Duties and charges, if sold for Home use, or sufficient to pay such Charges if sold for Exportation; *Provided also*, that, if such Goods shall have been landed by the Officers of the Colonial Revenue and the Freight of the same shall not have been paid, the produce of such sale shall be first applied to the payment of such Freight.

Informations

XX. *And be it further enacted*, That in any information or other proceeding of any offence against any Act made or to be made, relating to the Colonial Revenue, the averment that such offence was committed within the limits of any port shall be sufficient, without proof of such limits, unless the contrary be proved.

Goods re-land-  
ed after ship-  
ment

XXI. *And be it further enacted*, That if any Goods which have been taken from the Warehouse, to be exported from the same, or any Goods which have been entered or cleared to be exported for any Drawback or Bounty, shall not be duly exported to parts beyond the Seas, or shall be re-landed in any part of this Province, (such Goods not having been duly re-landed or discharged, as short shipped or for some just cause, and not fraudulently, and under the care of the proper Officers) or shall be carried to any port of the Province of New-Brunswick, or Prince Edward's Island, not having been duly entered, cleared and shipped, to be exported directly to those Provinces respectively, the same shall be forfeited, together with the Ship, Vessel, Boat or Craft, which may have been used in so re-landing, landing or carrying, such Goods, and any Person by whom, or whose orders or means, such Goods shall have been so taken or cleared, or so re-landed, landed or carried, shall forfeit a sum equal to treble the value of such Goods.

Operation of  
Act may be sus-  
pended

XXII. *And be it further enacted*, That, upon the representation of the Board of Revenue, it shall be lawful for the Governor for the time being, with the advice and consent of His Majesty's Council, to suspend the operation of any regulation or restriction in this Act contained, which may be found in practice attended with injury or inconvenience to the Trade of the Province, and such suspension to continue during the whole or such part of the duration of this Act as shall be found expedient.

Continuation of  
Act

XXIII. *And be it further enacted*, That this Act shall continue and be in operation until the thirty-first day of March, which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty-five and no longer.

## CAP. L.

### An Act for the Prevention of Smuggling.

(PASSED THE 16th DAY OF APRIL, 1834.)

Preamble

**W**HEREAS it is expedient to revise and consolidate the Provisions for securing the payment of the Colonial Impost Duties, and preventing Frauds on the Revenue, and to assimilate the same as far as may be practicable with the Regulations contained in the Act of the Parliament of the United Kingdom, passed in the third and fourth year of the reign of King William the Fourth, entitled, An Act to regulate the Trade of the British Possessions Abroad.

Act comes into  
operation

I. *Be it therefore enacted, by the President, Council and Assembly*, That this Act shall commence and come into operation upon, from and after the first day of April, in this year One Thousand Eight Hundred and Thirty-four.

Powers vested  
in Officers of  
Colonial Reve-

II. *And be it further enacted*, That it shall be lawful for the Officers of the Colonial Revenue to go on board any Ship in any Port in any part of this Province, and either before or after such Ship comes to anchor,

anchor, and to rummage and search all parts of such Ship for prohibited and uncustomed Goods ; and also to go on board any Ship sailing, hovering or being within one league of any of the Coasts thereof, and in either case freely to stay on board such Ship so long as she shall remain in such Port or within such distance ; and if any such Ship be bound elsewhere, and shall continue so hovering for the space of twenty-four hours after the Master shall have been required to depart, it shall be lawful for the Officer of the Colonial Revenue to bring such Ship into Port, and to search and examine her Cargo, and examine the Master upon Oath touching the Cargo and Voyage ; and if there be any Goods on board prohibited under any Act of Parliament, or relating to the Colonial Revenue, to be imported, such Ship and Cargo shall be forfeited ; and if the Master shall not truly answer the questions to be demanded of him in such examination, he shall forfeit the sum of One Hundred Pounds.

due to search  
Vessels for un-  
accustomed  
Goods

III. *And be it further enacted*, That all Boats, Carriages and Cattle, made use of in the removal of any Goods liable to Forfeiture under any Act relating to the Colonial Revenue, shall be forfeited, and every person who shall assist or be otherwise concerned in the unshipping, landing or removal, or in the harbouring of such Goods, or into whose hands or possession the same shall knowingly come, shall forfeit the treble value thereof, or the penalty of One Hundred Pounds, at the election of the Officers of the Colonial Revenue or person prosecuting, and the Averment in any Information or Libel to be exhibited for the recovery of such Penalty, that the Officer or person proceeding has elected to sue for the sum mentioned in the information, shall be deemed sufficient proof of such election without any other or further Evidence of such fact.

Boats, &c. used  
in conveyance  
of Goods liable  
to Forfeiture

IV. *And be it further enacted*, That all Goods and all Ships, Vessels and Boats, and all Carriages and all Cattle, liable to Forfeiture under any Act relating to the Colonial Revenue, shall and may be seized and secured by any Officer of the Colonial Revenue, or by any person employed for that purpose, by or with the concurrence of the Board of Revenue, whether previously or subsequently expressed ; and also by any Sheriff or Deputy Sheriff of any County or District within this Province, or by any Justice assigned to keep the Peace therein, or by any person who in any place, distant more than ten miles from any office of a Collector of Impost shall by the Warrant of any Justice of the Peace, granted upon information made on Oath before him of any such forfeiture, be appointed to seize and secure any Boats, Carriages or Cattle, liable to Forfeiture as aforesaid, and every person who shall in any way hinder, oppose, molest or obstruct, any Officer of the Colonial Revenue, or any person so employed as aforesaid, in the exercise of his office, or any person acting in his aid or assistance, or any such Sheriff, Deputy Sheriff, Justice of the Peace, or other person appointed by any Justice of the Peace in manner aforesaid, or any person or persons acting in the aid or assistance of any such persons as last aforesaid, shall for every such offence forfeit the sum of One Hundred Pounds.

Property liable  
to Seizure and  
by whom

V. *And be it further enacted*, That it shall be lawful for any Officer of the Colonial Revenue to enter in the day time into any House, Shop, Cellar or other building whatsoever, wherein such officer shall have reasonable cause to suspect or believe any Goods to be, or to be concealed or deposited, which are liable to forfeiture under any Act relating to the Colonial Revenue, provided, that before such Entry made, information on Oath shall be given to some one of His Majesty's Justices of the Peace for the place where such House, Shop, Cellar or other Building is situate, that such Officer has reasonable cause to suspect and believe that Goods liable to forfeiture as aforesaid, are deposited or concealed therein, and immediately on such information being laid or given, such Justice shall and he is hereby enjoined and authorised forthwith, but at some time between Sun-rising and Sun-setting, to go with such Officer to such House, Shop, Cellar or other Building, and then and there to enter with such Officer, or to authorise him to enter and search for such Goods, if the doors be open, but if the doors be fastened and admission denied, then, after first demanding to be admitted, and declaring the purpose for which such entry is demanded, it shall be lawful for such Justice and he is hereby required to direct and order such Officer forcibly to enter into such House, Shop, Cellar or other Building, and to search therein for any Goods forfeited, and to seize all Goods liable to forfeiture under any Act relating to the Colonial Revenue.

Houses, Shops,  
&c. may be  
searched

VI. *And be it further enacted*, That under the authority of a Writ of Assistance granted by the Supreme Court of this Province or the Chief-Justice thereof, who are hereby authorized and required to grant such Writ of Assistance, upon application made to them or him in Term time, or vacation, for that purpose, by the Board of Revenue, and due cause shewn therefor, it shall be lawful for any Officer of the Colonial Revenue, taking with him a Peace Officer, to enter any building or other place in the day time, and to search for and seize and secure any Goods liable to forfeiture under any Act relating to the Colonial Revenue, and in case of necessity to break open any Doors and Chests or other Packages for that purpose, and such Writ of Assistance when issued, shall be deemed to be in force during the space of three months.

Writs of Assistance  
may be  
granted

VII. *And be it further enacted*, That every Collector in his respective District, shall once in every three Months or oftener, if he shall think proper, and at any time between Sun-rising and Sun-setting, and with or without the other Officers of the Revenue, enter into any Houses, Shop, Store, House or Cellar, possessed by any person trading or dealing in any Goods subject to or charged with Colonial Impost Duties, and take an account of all such Goods composing the Stock or in the possession of such Trader or Dealer, and if such Trader or Dealer shall refuse to open the door of such House, Shop, Store House or Cellar, or prevent the Collector or his Officers from entering into the same for the purpose, or obstruct or prevent the taking of any such account of Stock, every such person shall forfeit the sum of One Hundred Pounds.

Account of  
Stocks may be  
taken

Assaulting or  
resisting Offi-  
cers of the Re-  
venue

VIII. *And be it further enacted*, That if any person shall by force or violence assault, resist, oppose, molest, hinder or obstruct, any Officer of the Colonial Revenue, or other person employed as aforesaid, in the exercise of his Office, or any person acting in his aid or assistance, such person, being thereof convicted, shall be adjudged guilty of a Misdemeanour, and shall be proceeded against as such, and punished at the discretion of the Court before whom such person shall be tried.

Seizures placed  
in possession  
of Collector of  
Impost

IX. *And be it further enacted*, That all things which shall be seized as being liable to forfeiture, under any Act relating to the Colonial Revenue, shall be taken forthwith and delivered into the Custody of the Collector of Impost at the Colonial Office, next to the place where the same were seized, who shall secure the same by such means and in such manner as shall be provided and directed by the Board of Revenue: and after condemnation thereof the Collector shall cause the same to be sold at public auction to the best bidder, *Provided always*, That, except in cases particularly provided for, it shall be lawful for the Board of Revenue to direct in what manner the Produce of such Sale or any Residue of such Produce shall be applied, or in lieu of such Sale to direct that any of such things shall be destroyed, or shall be reserved for the public service, *And provided also*, That the Board of Revenue shall have power to direct by whom and to what extent any person rendering Service or giving Information, under which any seizure shall be made, shall be recompensed out of the proceeds of the seizure, and also to allow such remuneration out of the Provincial share of such seizures.

Penalties and  
Forfeitures

X. *And be it further enacted*, That all penalties and forfeitures, which may have been heretofore, or may be hereafter incurred, under this or any other Act relating to the Colonial Revenue, shall and may be prosecuted, sued for and recovered, in any Court of Record in this Province; *Provided always, and be it further enacted*, that, subject nevertheless, in all respects, to the control and order of the Board of Revenue, when and so soon as any Ship, Goods or other thing, seized or taken as forfeited under any such Act, shall be delivered into the Possession of the Collector for the District in which the seizure is made, the said Collector shall forthwith cause the same to be appraised on Oath by three competent and respectable Persons, to be named by him, and if, on such appraisement made and signed by the Appraisers, it shall appear that any Goods, or any Cattle or Carriages, used in the removal thereof, have been seized, is or are not of the full and reasonable value of Forty Pounds, then, and in every such case, but not otherwise, nor for any ship seized, an Information in writing may, if the Party who made the seizure thinks proper so to proceed, be exhibited, in the name of such Collector, before any two of His Majesty's Justices of the Peace, resident in the District of such Collector, charging the said Goods or other thing as aforesaid seized to be forfeited, under some particular Section or Sections in the Information to be referred to, of the Act under which the seizure is made, and praying the condemnation thereof, and upon such Information being exhibited to the said Justices they shall, under their hands and seals, grant a Summons, requiring all persons, claiming or having any interest in the Goods or things seized, to appear at the place, day and hour, in such Summons to be specified, there to claim such Goods, and answer the Information, otherwise the Goods will be condemned; and a Copy of such Summonses shall, at least eight clear days before the time of appearance, be served upon the Person from whose possession the Goods were taken, or shall be left at, or affixed openly to the House, Building or Place, or the Ship, Vessel or Boat, if there remaining, from which the Goods were taken, or at two or more public places nearest to the place of seizure; and if any party shall appear to answer such Information, the said Justices shall hear and determine the same, and acquit or condemn the Goods or things as the right may be, but if no Person appear Judgment of Condemnation shall be given, and the Justices shall issue a Warrant to the Collector, requiring and authorizing him to sell the Goods seized by public Auction, after such notice of sale as shall be appointed by the Warrant, and, after paying the expense of the proceedings, to pay over one third part of the nett proceeds of the seizure to the party who seized the Goods condemned, another third part to the Overseers of the Poor of the Town or place where the Goods or things condemned shall be seized, for the benefit of the Poor of such Town or place, and the remainder as the Board of Revenue shall appoint.

Judgments on  
Information

XI. *And be it further enacted*, That if either the party prosecuting or claimant be dissatisfied with the Judgment given on such information, he shall be entitled to appeal therefrom to the Supreme Court, at its next sitting in the County or District for which the Collector is appointed, and such appeal shall be allowed, upon sufficient security being given, to the satisfaction of the said Justices by Bond, to abide the decision of the said Supreme Court, and if the appeal be by the Claimant, the security shall be given in treble the appraised value of the Goods and the proceeding shall be sent to such Supreme Court, and the said Court shall upon such appeal hear and determine the same in a summary manner, and confirm or reverse the Judgment of the Magistrates, and with or without costs as to such Court shall seem fit, and, if there be Judgment of Condemnation shall order the sale as aforesaid.

Goods seized  
may be restored  
upon security  
being given

XII. *And be it further enacted*, That if any Goods, or any Ship or Vessel, shall be seized as forfeited, under any Act relating to the Colonial Revenue, it shall be lawful for the Judge or Judges of any Court having jurisdiction to try and determine such seizures, with the consent of the Collector of Impost, to order the delivery thereof on Security by Bond, with two sufficient Sureties to be first approved of by such Collector, to answer double the value of the same in case of condemnation; and such Bond shall be taken to the use of His Majesty, in the name of the Collector of Impost in whose custody the Goods, or the Ship or Vessel, may be lodged, and such Bond shall be delivered and kept in the custody of such Collector; and in case the Goods, or the Ship or Vessel, shall be condemned, the value thereof shall be paid into the hands of such Collector, who shall thereupon cancel such Bond, and all the provisions of this clause shall extend to Prosecutions before two Magistrates as aforesaid.

XIII. *And be it further enacted*, That, except in cases hereinbefore provided for, no Suit shall be commenced for the recovery of any penalty or forfeiture, under any Act relating to the Colonial Revenue, except in the name of some Collector of Impost, or other Person employed as hereinbefore mentioned, or of His Majesty's Attorney-General, or, in his absence, of the Solicitor-General, of the Province; and if any question shall arise, whether any person is an Officer of the Colonial Revenue, or such other Person as aforesaid, *viva voce* evidence may be given of such fact; and shall be deemed legal and sufficient evidence.

Suits—how brought

XIV. *And be it further enacted*, That in all Suits or Prosecutions, in any Court of Record, in respect of any seizure, penalty or forfeiture, under any Act relating to the Colonial Revenue, the party prosecuting or defending shall be entitled to a Special Jury for the trial thereof, and shall and may take the Depositions *de bene esse* of any Witnesses, aged, infirm or about to leave the Province, or have a Commission for taking the Depositions of any Witnesses out of the Province, in such and the like manner as in Suits between party and party is authorised by Law, and such Depositions, duly taken and returned, shall be read in evidence on the trial.

Special Jury allowed

XV. *And be it further enacted* That if any Goods shall be seized for non-payment of Duties, or any other cause of forfeiture, and any dispute shall arise whether the Duties have been paid for the same, or the same have been lawfully imported, or lawfully laden or exported, the proof thereof shall be on the Owner or Claimer of such Goods, and not on the Officer who shall seize and stop the same.

Disputes

XVI. *And be it further enacted*, That no claim to any thing seized under any Act relating to the Colonial Revenue, and returned into any of His Majesty's Courts of Record for Adjudication, shall be admitted, unless such claim shall be entered in the name of the Owner, with his residence and occupation, nor unless Oath to the property in such thing be made by the owner, or by his Attorney or Agent by whom such claim shall be entered, to the best of his knowledge and belief, and every person making a false Oath thereto shall be deemed guilty of a Misdemeanour, and shall be liable to the Pains and Penalties to which Persons are liable for a misdemeanour.

Claims to property seized

XVII. *And be it further enacted*, That no person shall be admitted to enter a claim to any thing seized in pursuance of any Act relating to the Colonial Revenue, and prosecuted in any Court of the Province, until sufficient security shall have been given in the Court, where such seizure is prosecuted, in a penalty not exceeding Forty Pounds, to answer and pay the Costs occasioned by such claim, and in default of giving such security such things shall be adjudged to be forfeited, and shall be condemned.

Security to be given in prosecutions of Claims

XVIII. *And be it further enacted*, That all Certificates and Copies of Official Papers, being duly certified under the hand and Seal of any of the principal Officers of His Majesty's Customs, or of any Collector of Colonial or Provincial Revenues or Duties, in any of the British Possessions in America or the West Indies, or under the hand and Seal of the principal Officers of His Majesty's Customs in the United Kingdom, or other the British Possessions, or under the hand and seal of any British Consul or Vice Consul in a Foreign Country, and all Certificates and Copies of Official Papers, made or required to be made, pursuant to any Act relating to the Colonial Revenue, shall be received as evidence on the trial of any Suit or Prosecution carried on under the authority of, or with respect to any matter contained in any Act relating to the Colonial Revenue.

Certificates and Official Papers received as evidence

XIX. *And be it further enacted*, That no Writ shall be sued out against, nor a Copy of any Process served upon any Officer of the Colonial Revenue, or other Person as aforesaid, for any thing done in the exercise of his office, until one calendar month after notice in writing shall have been delivered to him, or left at his usual place of abode, by the Attorney or agent of the Party who intends to sue out such Writ or Process; in which Notice shall be clearly and explicitly contained the cause of the Action, the name and place of abode of the Person who is to bring such Action, and the name and place of abode of the Attorney or Agent, and no evidence of the cause of such Action shall be produced except of such as shall be contained in such Notice, and no Verdict shall be given for the Plaintiff, unless he shall prove on the trial that such Notice was given, and, in default of such proof, the Defendant shall receive in such Action a Verdict and Costs.

Notice of Prosecution of Revenue Officer

XX. *And be it further enacted*, That every such Action shall be brought within Three Calendar Months after the cause thereof, and shall be laid and tried in the Place or District where the facts were committed, and the Defendant may plead the general issue, and give the Special matter in evidence; and if the Plaintiff shall become nonsuited, or shall discontinue the Action, or if, upon a Verdict or Demurrer, Judgment shall be given against the Plaintiff, the Defendant shall receive treble costs, and have such remedy for the same as any Defendant can have in any other cases where Costs are given by Law.

Actions to be brought within Three Months

XXI. *And be it further enacted*, That in case any Information or Suit shall be brought to trial, on account of any seizure made under this Act, and a Verdict shall be found for the Claimant thereof, and the Judge or Court before whom the Cause shall have been tried shall certify on the Record that there was probable cause of seizure, the Claimant shall not be entitled to any Costs of Suit, nor shall the Person who made such seizure be liable to any Action, Indictment or other Suit or Prosecution, on account of such seizure; and if any Action, Indictment or other Suit or Prosecution, shall be brought to trial against any Person, on account of such seizure, wherein a Verdict shall be given against the Defendant, the Plaintiff, besides the thing seized or the value thereof, shall not be entitled to more than two pence damages, nor to any costs of Suit, nor shall the Defendant, in such Prosecution, be fined more than One Shilling.

Claimants: not entitled to Costs where there was probable Cause of Seizure

Tender of amends.

XXII. *And be it further enacted*, That it shall be lawful for such Officer, within one Calendar Month after such Notice, to tender amends to the party complaining or his agent, and to plead such tender in bar to any Action, together with other pleas; and if the Jury shall find the amends sufficient they shall give a verdict for the Defendant; and in such case, or in case the Plaintiff shall become nonsuited or shall discontinue his Action, or Judgment shall be given for the Defendant upon Demurrer, then such Defendant shall be entitled to the like costs as he would have been in case he had pleaded the general issue only: *Provided always*, that it shall be lawful for such Defendant, by leave of the Court where such Action shall be brought, at any time, before issue joined, to pay money into Court as in other Actions.

Damages in cases where there was probable cause for seizure

XXIII. *And be it further enacted*, That in any such Action, if the Judge or Court before whom such Action shall be tried, shall certify upon the Record that the Defendant or Defendants in such Action acted upon probable cause, then the Plaintiff, in such Action, shall not be entitled to more than two pence damages nor to any Costs or Suit.

Penalties and forfeitures to be paid into hands of Collector

XXIV. *And be it further enacted*, That, except in the case hereinbefore provided for, all penalties and forfeitures recovered under any Act relating to the Colonial Revenue, or to Trade or Navigation, shall be paid into the hands of the Collector of Impost of the Port where the same shall have been recovered, and shall be divided, paid and applied as follows, (that is to say),—after deducting the charges of prosecution from the produce thereof, one half part of the nett produce shall be paid into the hands of the Collector of Impost at the port or place where such penalties or forfeitures shall be recovered, for the use of His Majesty's Government in this Province, and be paid under the order, and in such manner as the Board of Revenue direct, and the other half part to the Person who shall seize, inform and sue for the same; subject nevertheless, to such distribution of the produce of the seizures so made, as well with regard to the moiety hereinbefore granted to His Majesty, as with regard to the other moiety given to the Seizor or Prosecutor, as the Board of Revenue shall think fit to order and direct by any order or orders to be made for that purpose. *Provided always*, that no Officer of the Colonial Revenue, save and except the Officer who shall have actually made any seizure, or been the means of recovering any penalty or forfeiture, shall be entitled to any part thereof.

Times limited for bringing Actions

XXV. *And be it further enacted*, That all Actions or Suits, for the recovery of any of the penalties or forfeitures imposed by this Act, or any other Act relating to the Colonial Revenue, may be commenced or prosecuted at any time within three years after the offence committed, by reason whereof such penalty or forfeiture shall be incurred, but not afterwards, any Law, usage or custom to the contrary notwithstanding

Appeals

XXVI. *And be it further enacted*, That no appeal shall be prosecuted from any Judgment of any of His Majesty's Courts of Record in this Province, touching any penalty or forfeiture imposed by any Act relating to the Colonial Revenue, unless such appeal shall be entered, and security therefor filed, within twelve months from the time when such Judgment was pronounced; *Provided always, and be it further enacted*, that in any case in which proceedings shall have been, or shall hereafter be, instituted in any Court of Record of this Province, against any Ship, Vessel, Boat, Goods or Effects, for the recovery of any penalty or forfeiture under any Act relating to the Colonial Revenue, the execution of any Judgment restoring such Ship, Vessel, Boat or Effects, to the claimant thereof, which shall be pronounced by the Court in which such proceedings shall have been had, shall not be suspended by reason of any appeal which shall be prayed and allowed from such Judgment, provided that the party or parties appellatc shall give sufficient security, to be approved of by the Court, to render and deliver the Ship, Vessel, Boat, Goods or Effects, concerning which such Judgment shall be pronounced or the full value thereof to be ascertained, either by agreement between the parties, or in case the said party cannot agree then by appraisement, under the authority of the said Court, to the Appellant or Appellants, in case the Judgment so appealed from shall be reversed, and such Ship Vessel, Boat, Goods or Effects be ultimately condemned.

Persons discovered to have been on board of Vessels liable to forfeiture

XXVII. *And be it further enacted*, That every person who shall be found or discovered to have been on board any Vessel or Boat liable to forfeiture, under any Act relating to the Revenue, for being found within one league of any part of this Province, having on board, or in any manner attached thereto, or conveying, or having conveyed in any manner such Goods or other things as subject such Vessel or Boat to forfeiture, or who shall be found or discovered to have been on board any Vessel or Boat, from which any part of the Cargo shall have been thrown overboard, or staved or destroyed, shall forfeit the sum of Twenty Pounds; *provided* such Person, so found on board, shall have been knowingly and wilfully concerned in such acts.

Additional Penalties imposed upon Illicit Traders

And to put a stop to Smuggling into this Province from any of the British Colonies in, or Provinces in North America, any Goods subject to the Provincial Duties of Impost:

XXVIII. *Be it enacted*, That the Master and Owner or Owners of any ship or vessel, on board of which any Goods subject to a Duty of Impost shall have been imported and brought into this Province, from any of the said British Colonies in North America, and on which the Duties due as aforesaid shall have not been duly paid or secured as aforesaid, according to Law, such Master, Owner or Owners, over and above the penalties and forfeitures to which they are at present liable, shall each severally forfeit and pay to His Majesty for each and every such offence, a penalty not less than Ten Pounds, nor exceeding One Hundred Pounds, over and above being bound jointly and severally to pay to His Majesty the full amount of the Duties due on the Goods clandestinely landed from such Vessel or Vessels,



Vessels, and all and every person or persons concerned in exporting to this Province, from any of the said British Colonies or Provinces, or in bringing in, Importing, Landing, receiving or helping to land or receive into this Province, or in any shape having in his or their possession any Goods whatsoever, whereon the Duties of Impost shall not have been paid or secured as the Law directs, each and every such person, for each and every such offence, over and above the penalties and forfeitures to which they may be at present liable, shall each severally pay to His Majesty a penalty not to exceed as aforesaid One Hundred Pounds, nor less than Ten Pounds, besides being each jointly and severally liable to pay to His Majesty the full amount of the Duties of Impost payable on all or any of the said Goods so by them or either of them imported, brought, landed and received, from any place whatsoever, or helped to be landed or received, or who may have the same in possession, if such Duties shall not have been previously paid or secured as the Law directs.

XXIX. *And be it further enacted*, That if any person or persons in this Province shall hereafter grant or give any Certificate or Document in Writing, stating therein that any Goods whatsoever have been landed or put on Shore in this Province, for the purpose of enabling any person to obtain the Drawback allowed in the United States, or any of the Provinces or Colonies of North-America, such person or persons, if unable to prove that the Goods, Wares and Merchandise, so specified in any such Certificate, have duly paid or secured in this Province the Duties of Impost due thereon, shall, for each and every such offence, severally pay a like penalty not exceeding One Hundred Pounds nor less than Ten Pounds, over and above being either jointly or severally liable to pay the full amount of the Duties due on the Goods specified in such Certificate or Certificates, Document or Documents: and every person or persons convicted of granting any such false Certificate shall, after such conviction, be forever after rendered incapable to serve His Majesty in any office of trust or confidence within this Province, notwithstanding any Commission or Appointment given to, or made in favor of, such person or persons so convicted as aforesaid.

XXX. *And be it further enacted*, That, upon the representation of the Board of Revenue, it shall be lawful for the Governor for the time being, with the advice and consent of His Majesty's Council, to suspend the operation of any Regulation or Restriction in this Act contained, which may be found in practice attended with injury or inconvenience to the Trade of the Province, and such suspension to continue during the whole or such part of the duration of this Act as shall be found expedient.

XXXI. *And be it further enacted*, That this Act shall continue and be in operation until the Thirty-first day of March, in the Year of Our Lord One Thousand Eight Hundred and Thirty-five and no longer.

False Certificates in respect of Drawbacks.

Operation of his Act may be suspended.

Continuation of Act

## CAP. LI.

### An Act to encourage the Manufacture of Tobacco in this Province, by granting a Bounty thereon.

(PASSED THE 16th DAY OF APRIL, 1834.

**W**HEREAS the manufacture of Tobacco from the Leaf employs a vast number of hands, and tends to the employment of Labourers and Children, and is otherwise beneficial to the interests of this Province:

Preamble

I. *Be it therefore enacted, by the President, Council and Assembly*, That any person or persons who shall carry on the manufacturing of Twist and Fig Tobacco, Cigars and Snuff, within this Province, shall be entitled to receive a Bounty of Twelve Pounds and Ten Shillings for every Hundred Pounds of the original cost of all Leaf Tobacco by him manufactured within the same, from the first day of April, in this present year of Our Lord One Thousand Eight Hundred and Thirty-four.

Bounty

II. *Provided always, and be it further enacted*, That previous to removing any Leaf Tobacco to the place where the same shall be manufactured as aforesaid, such person or persons shall procure a permit for the removal of the same, from the Collector of Impost; *And provided also*, that such person or persons shall make a particular Account in writing of the Leaf Tobacco which shall have been used, in manufacture of the above enumerated articles, previous to the time of demanding such Bounty, and deliver the same, together with the Permits granted for the removal of the said Leaf Tobacco, to the Collector of Impost, and that the person or persons concerned in such manufacture shall make oath before such Collector of the truth of such Account, and that all the Tobacco in such Account has been manufactured by him or them.

Proviso

III. *And be it further enacted*, That as soon as such Accounts and Permits shall have

have.

Donny paid  
upon Certificate  
of Board of  
Revenue

have been rendered to the said Collector, and the said oath made, the same shall be transmitted to the Board of Revenue, who shall thereupon, by such ways and means as they deem necessary, ascertain the first cost of the Tobacco actually manufactured as aforesaid and settle the amount of such Bounty, and therefor grant a Certificate in the name of the Manufacturer, which shall entitle him to receive at the Treasury the sum specified in the Certificate, within three months from the date thereof.

Continuation  
of Act

IV. *And be it further enacted,* That this Act shall continue and be in force until the Thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-five and no longer.

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### CAP. LII:

## An Act for the relief of Debtors to the Crown in certain Cases.

(PASSED THE 16th DAY OF APRIL, 1834.)

Preamble

**W**HEREAS, in the present embarrassed and distressed state of the Mercantile Community, it is desirable that as much indulgence as may be consistent with the Public Interests, should be extended to such persons laboring under present difficulties, as may be Debtors to the Crown, in respect of Provincial Duties of Impost and Excise.

Relief may be  
afforded for the  
space of six  
months after  
the passing of  
this Act

*BE it therefore enacted, by the President, Council and Assembly,* That whenever application shall be made in writing to the Commissioners of the Provincial Revenue, signed by any person or persons indebted to His Majesty, under any Bond or Bonds given according to Law, to secure the payment of any Duties of Impost and Excise, and by his or their Sureties, representing to the said Commissioners that the immediate sale of the respective Properties of the said Debtor or Debtors, (in the event of a Judgment or Judgments being taken against him or them, and Execution issued thereon,) will, from the present depressed state of Commercial affairs, be attended with a great sacrifice of the value thereof, and praying that further time may be allowed for the payment of the sum or sums therein secured, but without in any manner discharging them, the said Sureties or any of them, from their respective liabilities; and if it shall at the same time be made to appear to the said Commissioners, that the said Debtor or Debtors or their Sureties respectively, are abundantly sufficient to secure and satisfy the said sum or sums so due or to become due in and by the said Bond or Bonds, and that the prayer of the said application may be granted without risk of detriment to the Public Interest, then and in every such case or cases hereafter happening, the said Commissioners shall and may at any time or times within the period hereinafter mentioned, if they shall deem it expedient so to do, and upon such terms as they shall deem proper, direct His Majesty's Crown Officers to defer proceeding upon the said Bond or Bonds against such Debtor or Debtors, or their Sureties from time to time as they, the said Commissioners, shall think proper and shall direct, provided that the period of indulgence so given to the said Debtor or Debtors and their Sureties respectively, shall not in any one case in the whole exceed the space of six months from the time of the passing of this Act.

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### CAP. LIII.

## An Act to amend the Act concerning Suits against Foreign Bodies, Politic or Corporate.

(PASSED THE 16th DAY OF APRIL, 1834.)

Preamble

**W**HEREAS, by the Act, passed in the last Session of the General Assembly, entitled, An Act concerning Suits against Foreign Bodies, Politic or Corporate, Suits or Actions, to be brought against such Foreign Bodies, Politic or Corporate, are required to be brought or commenced in the County or District wherein the Goods at-

tached

tached may be, or the Agent, Factor or Trustee of such Foreign Body, Politic or Corporate, may reside, and it may happen that it would be just and expedient, such Action or Suit should be brought in some other County or District where the Witnesses are or may be.

I. *Be it therefore enacted, by the President, Council and Assembly, That, from and after the passing of this Act, it shall and may be lawful for any person or persons, having or becoming entitled to any debt, claim or demand, or any Action or Suit against any such Body, Politic or Corporate, or any person or persons trading or doing business as or in the name of a Body, Politic or Corporate, to commence and carry on an Action or Suit in the manner prescribed by the said Act, of which this is an amendment, in the Supreme Court of this Province, in any County or District within the same, any thing in the said Act contained to the contrary notwithstanding.*

Suits may be brought in any County or District of the Province

II. *And be it further enacted, That in any Action or Suit, brought or commenced as aforesaid, in any County or District, where the Supreme Court sits but once in the year, no greater or longer imparlance shall be allowed than from the Term in which the said Suit or Action shall be commenced until the then next ensuing Term or Sitting of the said Supreme Court.*

Imparlance

III. *And be it further enacted, That service upon the Agent of any such Body, Politic or Corporate, shall be deemed and taken to be sufficient service upon such Body, Politic or Corporate, and the said Agent shall be personally responsible for the amount of the sum recovered in any such Suit, as well to the extent of all Monies, which at the time of the service of such process were in his hands, as also, that which thereafter and before final Judgment in any such Suit may have come into his hands, power or possession, deducting his fair and legal Commission thereon, the same to be disclosed by such Agent on Oath if thereto required.*

Service

#### CAP. LIV.

### An Act to continue an Act relating to the Court of Commissioners at Halifax.

(PASSED THE 16th DAY OF APRIL, 1834.)

**B**E it enacted by the President, Council and Assembly, That an Act, made and passed in the Fourth Year of His late Majesty's Reign, entitled, An Act relating to the Court of Commissioners at Halifax, and every matter, clause and thing therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Continuation of Act

#### CAP. LV.

### An Act to Incorporate a Company for Erecting a Bridge across the Cornwallis River.

(PASSED THE 16th DAY OF APRIL, 1834.)

**W**HEREAS, it would be of great advantage, if a Bridge were well and substantially built and erected across the Cornwallis River, at or below the scite of the former Bridge; and in order to procure Funds for building such Bridge, in addition to the Amount already granted by the Legislature, it is expedient to Incorporate such Persons as may be willing to advance Monies for the purpose of building such Bridge, into a Company, for the purpose of building the same, and to authorise them to collect a Toll from Passengers, after such Bridge may be built and erected;

Preamble

I. *BE it therefore enacted, by the President, Council and Assembly, That all such Persons as shall from time to time become Proprietors of Shares in the Corporation hereinafter mentioned, and hereby established, and their Successors, Executors, Administrators*

Incorporation of Shareholders—their powers and liabilities

trators and Assigns, shall, so soon as this Act shall come into operation, and thereafter be, and they are hereby, united into a Company, and declared to be one Body Politic and Corporate, by the name of the "Cornwallis Bridge Company," and by that name shall have succession, and a Common Seal, with power the same to change, alter, and make anew, as they shall see fit, and, by that name, shall and may sue and be sued, plead, and be impleaded, at Law, or in Equity, and be able and capable in Law to have, hold, purchase, get, receive, take, possess and enjoy, Houses, Lands, Tenements, Hereditaments and Rents, in fee simple or otherwise, and also Goods and Chattles, and all other things real, personal or mixed, to any Amount not exceeding Fifteen Thousand Pounds, including the cost or value of the Bridge, and also to give, grant, mortgage, demise, sell, let, assign, or convey the same, or any part thereof, and to do, manage, transact and execute, all other things, in and about the same, which shall and may be thought necessary or proper for the benefit and advantage of the said Company.

II. *Provided always, and be it further enacted,* That until Forty Shares of and in the Capital Stock of the said Company, or One Thousand Pounds, shall be taken and subscribed, this Act shall not come in operation, or be of any force or effect.

III. *And be it further enacted,* That the Capital and Joint Stock of the said Company shall consist of, and be, and shall be restricted to, a sum not exceeding the sum of Five Thousand Pounds, to be divided into Shares of Twenty-five Pounds each.

IV. *And be it further enacted,* That the said Shares shall and may be transferable, and transferred, in such manner and under such conditions as may hereafter be prescribed by any Bye-Law, Rule or Ordinance, of the said Company, to be made and ordained as hereinafter mentioned.

V. *And be it further enacted,* That when and so soon as Forty Shares, or One Thousand Pounds, of the said Capital or Joint Stock of the said Company shall be subscribed, and this Act shall come into operation as aforesaid, and not before, it shall and may be lawful for the Subscribers and Shareholders in and to the said Company, to meet and assemble together, and to nominate, choose and appoint, Five Directors for the said Company, of whom one shall be chosen and elected by the said Directors to be President, which said President and Directors shall be and remain in Office for such period of time, not less than one Year, as may be provided for and directed by any Bye-Law or Bye-Laws, Rules or Ordinances, hereafter to be made or ordained by the said Company, and until other Directors are substituted and elected in their stead.

VI. *And be it further enacted,* That when and so soon as the said President and Directors shall be chosen and appointed, it shall and may be lawful for the Members and Shareholders of the said Company, at any Meeting or Meetings to be held by them, when, and as the same shall be considered necessary, to make, ordain and establish, all or any such Bye-Laws, Rules, Ordinances and Regulations, as shall or may be requisite and necessary for the Rule, Order, Direction, and good Government of the said Company, for the management of the affairs and Servants thereof, for the appointment, change, and re-election of the President, Directors and Officers, and Servants of the said Company, and for the building of the said Bridge, and effecting the objects of the said Company, and such Bye-Laws, Rules, Ordinances and Regulations, from time to time to abrogate, alter, change and vary, as may be deemed expedient; *Provided,* such Bye-Laws, Rules, Ordinances and Regulations, be not contradictory or repugnant to this Act, or any of the Laws and Statutes of the Province, or of those in force within the same.

VII. *And be it further enacted,* That Annual or other Meetings of the Stockholders or Members of the said Company shall be held at the time, in the manner, at the place and under such Regulations, as shall or may from time to time be appointed and prescribed therefor, in and by any of the Bye-Laws, Rules, Ordinances, and Regulations, of the said Company, to be made as aforesaid.

VIII. *And be it further enacted,* That when and so soon as the said Sum of One Thousand Pounds, or Forty Shares of the Capital or Joint Stock of the said Company, shall be subscribed as aforesaid, and actually paid in, it shall and may be lawful for the said Company to commence building the said Bridge, and to proceed to erect and build over and

Proviso

Amount of  
Joint StockShares trans-  
ferableAppointment  
of President  
and DirectorsBye-Laws  
Rules, &c.Meetings of  
StockholdersBuilding of  
Bridge when  
to be com-  
menced

and across the said Cornwallis River, on some scite at or below the scite of the former Bridge, a good and sufficient Bridge of such size and dimensions, and of such Materials, and with such and so many Piers and Abutments, and in such way and manner as shall be proper, safe and convenient, for the Passage and Conveyance of Passengers, Horses, Cattle, and Carriages of all descriptions, and at all times across and over the same, and according to such plan and method as the said Company shall think proper or expedient, and the same Bridge to alter, change, renew, amend, repair, and sustain, as the said Company shall think fit.

**IX.** *And be it further enacted,* That the said Bridge, when erected as aforesaid, and all the Piers, Abutments, Approaches, Outlets, Entrances, and Appurtenances thereof, and all Lands and other Property purchased or obtained for the said Bridge, or as appurtenant thereto, shall be, and the same are hereby vested in, and declared, and made the sole and exclusive Property of, the said Company forever.

Bridge &c  
vested in Com-  
pany

**X.** *And be it further enacted,* That a way and passage in, upon, and over the said Bridge, and the Approaches, Outlets, and Entrances thereof, shall be, at all times and Seasons, (except when obstructed or closed from absolute necessity,) free and open to all His Majesty's Subjects, with their Horses, Cattle, Carts and Carriages, upon payment of such Toll or Pass Money as shall from time to time be fixed and established by the President and Directors of the said Company, by and with the consent and approbation of the Justices of the Peace for the County of King's County, in any their General Sessions of the Peace, such Toll or Pass Money to be applied in keeping up and repairing the said Bridge, and paying the Salary of the Toll Gatherer, and the expense of collecting such Toll or Pass Money, and also in paying to the Shareholders, or Members of the said Company, a fair, just, and reasonable Dividend and Interest, on the Capital advanced and expended by them, in building such Bridge; *Provided always,* that no Toll or Pass Money shall be demanded, taken or received, of and from any of His Majesty's Troops, or any Body of Militia, with their Munitions of War and Baggage, when on their March from place to place in this Province, or of and from any such Troops and Militia, when actually employed on Military duty or service, or of and from, or for any person or persons, Horse, Coach or Carriage, carrying or conveying any of His Majesty's Mails from place to place within this Province, but His Majesty's Troops and Militia when on their March, or when employed as aforesaid, and all His Majesty's Mails, shall at all times and seasons, when such Bridge shall not be closed or obstructed from absolute necessity as aforesaid, pass and be conveyed, and be suffered and permitted freely to pass over and upon the said Bridge, free from any such Toll or Pass Money as aforesaid.

Toll or Pass  
Money

His Majesty's  
Troops, Militia  
and Mail Car-  
riers exempted  
from Toll

**XI.** *And be it further enacted,* That the Joint Stock and all real and personal Estate of the said Company shall at all times be subject and liable to and for all and every Contract or Contracts, and Engagements of every description, of or made, or entered into, by the said Company, and no person or persons having any claim or demand against the said Company shall, on any pretence whatsoever, have recourse against the separate and individual property of any Member thereof, or against their Persons, for any Debt, Contract, or engagement, of the said Company, but the Members of such Company shall be liable only for the Shares or Stock held by them respectively, and no more.

Liability of  
Company

**XII.** *And be it further enacted,* That notwithstanding any Real Estate which the said Company may at any time own or possess, the Shares and Interests of the Stockholders of and in the Stock, Fund, Property, and Estate of the said Company, shall be, and shall be held, deemed, and taken to be, personal Property, to all intents and purposes whatsoever.

Shares and  
Interests in the  
Bridge con-  
sidered personal  
property

**XIII.** *And be it further enacted,* That if any Subscriber for any Share or Shares in the said Capital or Joint Stock of the said Company, shall not pay into the hands of the person or persons appointed to receive the same, the said Share or Shares, or such portion thereof as may be required, within Thirty Days after notice shall be given, in any one or more of the Public Newspapers, printed and published at Halifax, requiring the same to be paid in, it shall and may be lawful for the President and Directors of the said Company

Payment of  
Shares

Company, in the name of the said Company, to commence and prosecute a Suit or Action at Law for the Amount of the Share or Shares so remaining unpaid, against the Subscriber or Subscribers for the same.

Provineial  
Appropriations  
in aid of Bridge

XIV. *And be it further enacted*, That when and so soon as the said Company shall have erected and finished the said Bridge, and have the same open and ready for the Passage and Conveyance of Passengers, Horses, Cattle, Carts and Carriages, across the said River, the several sums of Seven Hundred and Fifty Pounds, and One Thousand One Hundred and Fifty Pounds already granted and appropriated for the purpose of building such Bridge, shall be and become payable to the said Company, and it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to draw any Warrant or Warrants on the Treasury of this Province, in favor of the said Company, for the payment of the said sums of Money already granted and appropriated as aforesaid.

Bridge to be  
built within six  
years

XV. *Provided always, and be it further enacted*, That the said Bridge shall be fully built and completed, ready for the Transport, Conveyance, and Passage of all Persons whatsoever, with their Horses, Cattle, Carts and Carriages, within six years from the passing of this Act.

Act 6, Geo. IV  
repealed

XVI. *And be it further enacted*, That the Act, passed in the Sixth Year of the reign of His late Majesty King George the Fourth, entitled, An Act to authorize the Incorporation of a Company for erecting a Bridge across Cornwallis River, and every matter, clause and thing, therein contained, shall be, and the same are hereby repealed.

This Act may  
be pleaded in  
evidence

XVII. *And be it further enacted*, That if the said Company, or any other person or Persons, shall be sued or prosecuted for any matter or thing by such Company, or other Person or persons, done under or in pursuance of this Act, the said Company or other Person or persons may be at liberty to plead the general issue, and give this Act and the special matter in evidence.

## CAP. LVI.

### An Act for Regulating the Fishery in the River Shubenacadie.

(PASSED THE 16th DAY OF APRIL, 1834.)

Preamble.

**W**HEREAS great part of the River Shubenacadie constitutes the boundary between the County of Hants and the County of Halifax, the line of division between the said Counties being the centre of the said River, in consequence whereof, the whole of said River being in neither of the said Counties, it is found impracticable to make or enforce such Regulations for the Fishery in such River as are authorised and required by Law to be made for River Fisheries :

*And whereas*, Persons are in the habit of erecting, setting up and placing. Wears, Nets, Fish-garths and other incumbrances, in the said River, which impede and obstruct the course or passage of the Fish to the great injury of the said Fishery and to the detriment of the Inhabitants and Settlers on said River—for remedy whereof,

Extent of Fish  
ing Privilege

I. *Be it enacted, by the President, Council and Assembly*, That, from and after the publication hereof, no person or persons shall presume to erect, set up or place, any Wear, Net, Hedge, Fish-garth or other incumbrance, in the said River, which shall hindor or obstruct the course or passage of the Salmon, Gapereau or other Fish, but that all Nets, Hedges, Wears or Fish-garths, set or placed in the said River, shall not extend more than two thirds over the Middle Channel of said River.

Encroachments

II. *And be it further enacted*, That no person or persons shall set or place any Wear, Net, Hedge, or Fish-garth, within Fifty Rods of any other Net, Wear, Hedge or Fish-garth, which shall have been placed in said River.

Decayed Fish  
and Fish Offs.

III. *And be it further enacted*, That all Fish and Offal of Fish, shall be buried or taken away from the Banks of the said River, so as not to be prejudicial to the Fishery, and no Fish or Offal of Fish shall be thrown into said River. **IV.**

IV. *And be it further enacted*, That if any person or persons shall offend against any of the foregoing enactments, he, she or they, shall forfeit and pay for each and every offence as follows, that is to say—For erecting or placing any wear, net, hedge, or fish-garth, more than two-thirds over the middle channel of the River, or for setting or placing any other incumbrance which shall impede the course or passage of the Fish in the said River, the sum of Five Pounds;—For erecting or placing any wear, net, hedge or fish-garth, nearer than fifty rods to any other wear, net, hedge, or fish-garth, which had been placed in said River, Five Pounds;—For throwing any fish or offal of fish into the said River, the sum of Two Pounds, and for leaving any fish or offal of fish on the bank of the said River, unburied, the sum of Two Pounds.

Penalties

V. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Council, annually to appoint two or more fit persons to be Overseers of the said River Fishery, who shall be sworn to the faithful discharge of their duty; and any person so appointed as aforesaid shall be subject to a fine of Five Pounds for neglecting or refusing to serve or act as Overseer as aforesaid.

Overseers

VI. *And be it further enacted*, That the said Overseers shall have power to remove any wear, net, fish-garth, or other incumbrance that shall be found in the said River contrary to this Act; and if no owner appear to claim the same in ten days after notice shall have been given of the taking thereof, by putting up such notice publicly for that space of time, the said wear, net, fish-garth or other incumbrance, shall, together with the Fish found therein, be forfeited, and sold to satisfy the penalties aforesaid.

Powers vested  
in Overseers

VII. *And be it further enacted*, That all fines and forfeitures under this Act, shall be sued for and recovered with costs by the said Overseers, or any other person who will sue for the same, in the same manner as if such fines and forfeitures were a private debt or debts, and shall be applied for the use of the Poor of the town or place where any such offence shall be committed.

Recovery of  
Penalties

VIII. *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 then next Session of the General Assembly.

Continuance  
Act

## CAP. LVII.

### An Act to Limit the Income of the Collector of Impost and Excise for the District of Halifax.

(PASSED THE 16th DAY OF APRIL 1834.)

**B**E it enacted, by the President, Council and Assembly, That, out of the Monies which shall be secured, collected and paid in cash into the Treasury of the Province, by the Collector of Impost and Excise, for the District of Halifax, by virtue of any Act of the General Assembly, passed or to be passed, there shall be allowed and paid to the said Collector the sum of Three Pounds Ten Shillings for every Hundred Pounds so by him collected and paid into the Treasury. *Provided always*, that if the amount of the Commissions granted by this Act, or any other Act of the General Assembly, to the said Collector, shall exceed in the whole the sum of Seven Hundred Pounds for any one year, during the continuance of this Act, the surplus shall be accounted for, and paid by the said Collector into the Treasury of the Province.

Income limited  
to £700 per  
annum

## CAP. LVIII.

### An Act for the relief of Robert Hill and William Hill, Insolvent Debtors.

(PASSED THE 16th DAY OF APRIL, 1834.)

**W**HEREAS Robert Hill is now confined in Jail at Windsor in this Province, under a Writ of Execution, at the Suit of James Murison of Glasgow, in that part

Preamble

W

of

of the United Kingdom called Scotland, Merchant, issued upon a Judgment recovered for the sum of Four Hundred and Nine Pounds Nineteen Shillings and Six Pence, Debt and Costs, by the said James Murison, against the said Robert Hill, and his former partner William Hill, for a debt contracted with, and due to, the said James Murison, who is resident in Glasgow aforesaid, and the said Robert Hill and William Hill being unable to pay the said debt, for which the said Robert Hill is so confined, are both willing and desirous to assign and make over, for the benefit of their said Creditor, all their Estate, property, effects and credits, whatsoever, either joint or individual, and to have and take the benefit of the several Acts of this Province made for the relief of Insolvent Debtors, but are unable so to do owing to the operation of some of the provisions of the said Acts. *And whereas* it appears that the said James Murison, by his Attorney, Alexander Primrose, hath consented that a Bill shall pass to extend the benefit of the Acts for the relief of Insolvent Debtors to the said Robert Hill and William Hill, notwithstanding that the said James Murison, the Creditor, resides in Great-Britain :

Robert Hill &  
William Hill  
allowed benefit  
of Insolvent  
Acts

*I. Be it therefore enacted, by the President, Council and Assembly,* That it shall and may be lawful, when and so soon as the said William Hill shall have rendered himself a prisoner to the custody of the Sheriff of the County of Hants under the Judgment aforesaid, for any one of the Justices of the Supreme Court, upon the application and petition of the said Robert Hill and William Hill, to make an order under his hand for bringing before him the said Robert Hill and William Hill, in order to afford them an opportunity of taking the benefit of the several Acts of this Province made for the relief of Insolvent Debtors, and to proceed thereon in like manner as in ordinary cases, and, upon the said Robert Hill and William Hill taking the oath prescribed by the said Acts and making the Assignment hereinafter mentioned, it shall and may be lawful for the said Justice to proceed to discharge the said Robert Hill and William Hill in manner as is prescribed and directed by the said Acts, and to make an order for that purpose, and such proceedings, order and discharge, shall, to all intents and purposes, be as valid, good and effectual, and shall be of the like force and effect, and have the same operation in Law, as any proceeding, order and discharge, made under and by virtue of the said Acts now in force for the relief of Insolvent Debtors; and the said Robert Hill and William Hill shall be forthwith discharged from Custody under the said Judgment and Execution of the said James Murison. *Provided always,* That, before the said Robert Hill and William Hill shall be so discharged as aforesaid, if no person shall attend before the said Justice on behalf of the said James Murison, it shall be proved by affidavit in writing to the satisfaction of the said Justice, that a Copy of the order of said Justice, made for bringing the said Robert Hill and William Hill before him, hath been and was served upon the Attorney or Agent of the said James Murison, at least six days previous to the day in such order specified and appointed for the consideration of the petition and application of the said Robert Hill and William Hill.

Provis.

Assignment to  
be made of  
Property, &c.

*II. And be it further enacted,* That the said Robert Hill and William Hill, before obtaining or becoming entitled to their discharge as aforesaid, shall make and execute a good, legal and sufficient Assignment, transfer and conveyance, in such manner as by the said Justice shall be deemed proper, and to such person or persons as by the said James Murison, his Attorney or Agent, may be named as Assignee or Assignees, or in default of such nomination to said James Murison, of all Estate, Lands, Tenements, and Hereditaments, Goods, Chattles, Effects and Credits, Debts, Dues, Claims and Demands which they the said Robert Hill and William Hill jointly or either of them severally have, or can or ought to have, either in possession, remainder or reversion, or by way of expectancy or otherwise, or to which they or either of them are or may be entitled in any way or manner howsoever, and the said Assignee or Assignees, his or their Executors or Administrators, shall thereof stand and be possessed, and be entitled to and interested in the same in Trust, in the first place to pay and reimburse to himself and themselves all or any Costs, Charges and Expences, attendant upon or incident to the executing and carrying into effect the several trusts and purposes of the said assignment, transfer and conveyance, and in the next place to pay off and discharge the sum of Money due, or to become due, to the said James Murison, on and by virtue of his said Judgment,



Judgment, for principal and interest thereon, and in the next place to pay and discharge any other Judgment or Judgments with which the said Robert Hill and William Hill, or either of them, may stand charged in Execution for or in respect of any debt or debts by them jointly contracted, or which shall or may be subsisting or obtained against the said Robert Hill and William Hill or either of them, jointly or severally, for or in respect of any such joint debt as aforesaid, according to the respective dates and priority of such Judgments, and then in Trust for the benefit of the other Creditors of the said Robert Hill and William Hill, in equal proportion, share and share alike, and if there shall afterwards remain any surplus, then lastly, as to such surplus in Trust, to pay and dispose of the same to the said Robert Hill and William Hill, their Executors, Administrators, or Assigns.

III. *And be it further enacted*, That the Assignee or Assignees named in the said assignment, transfer and conveyance, his or their Executors or Administrators, shall be entitled to, and shall be at liberty to Prosecute and Sue, in his or their own name or names, any Action or Suit at Law or in Equity for the recovery of, or for and in respect of any debt, property, effects, matter or thing whatsoever, which in and by the said assignment, transfer and conveyance, to the said Assignee or Assignees is or shall be conveyed, transferred and assigned, under and by the means aforesaid.

Power vested  
in Assignees

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### CAP. LIX.

## An Act for the relief of James Thomson, an insolvent Debtor.

(PASSED THE 16th DAY OF APRIL, 1834.)

**W**HEREAS the said James Thomson hath now been confined for two years and upwards in the Gaol at Halifax, by virtue of an Execution issued at the Suit of Joseph Fielden, upon a Judgment obtained by the latter in His Majesty's Supreme Court of Judicature for this Province, in an Action of Trespass. *And whereas*, the said James Thomson hath applied to the Judges of the said Court for relief, under the Acts made for the benefit of Insolvent Debtors, and it is matter of doubt whether the said Acts can be extended to cases of this nature, for remedy whereof:

Preamble

I. *Be it enacted, by the President, Council and Assembly*, That the said Judges of His Majesty's Supreme Court, or any two of them, shall have power and authority to extend to the said James Thomson, in the Suit of the said Joseph Fielden, the benefit of the said Acts of this Province, made for the relief of Insolvent Debtors, in the same manner as if the Judgment obtained against the said James Thomson had been for Debt, upon his complying with the terms and conditions of the several Acts passed for the relief of Insolvent Debtors.

Judges of Supreme Court  
may extend  
benefit of insolvent Acts  
to J. Thomson

*And whereas*, the Judges of the Supreme Court, before whom the said James Thomson may be brought, may upon his examination be of opinion, and so decide, that from his previous improper or fraudulent conduct he is not entitled to relief, under the Acts passed for the relief of Insolvent Debtors, but that he has not any means to maintain himself in Gaol.

II. *Be it further enacted*, That the said Judges, or any two of them, before whom the said James Thomson may be examined, shall have full power and authority, if they shall think proper, to compel the said Joseph Fielden to supply to the said James Thomson a reasonable maintenance, so long as he insists upon his confinement in Gaol, under and by virtue of the said Execution, provided it shall satisfactorily appear to the said Judges that the said James Thomson is destitute of means as aforesaid, the said Judges in their order in that behalf to settle and appoint the amount of such maintenance, and the time or times at which it is to be supplied or paid, and in default thereof to direct and order the discharge of the said James Thomson.

Or withhold it  
conditionally

## CAP. LX:

## An Act for the relief of James Beach, an Insolvent Debtor.

(PASSED THE 16th DAY OF APRIL, 1834.)

Preamble

**W**HEREAS James Beach, an Insolvent Debtor, is now confined in Jail at Horton, under Execution at the Suit of James Stewart, Administrator of the Goods, Chattles and Credits, of George Eaton, and has been so confined for several years, and, owing to the time which has elapsed since his first imprisonment, the said James Beach is now precluded from taking the benefit of the several Acts of this Province, now in force for the relief of Insolvent Debtors, although the said James Beach is willing and desirous to Assign and make over all his Property for the benefit of his said Creditor:

James Beach allowed the benefit of the Insolvent Acts

**B**E it therefore enacted, by the President, Council and Assembly, That the said James Beach shall be entitled, upon taking the Oath, making the Assignment, and complying with the other provisions and requisites of the said Acts made and now in force for the relief of Insolvent Debtors, to have and take the benefit of the said Acts, and to obtain and have his release from the said imprisonment, in the manner and upon the terms, and under the provisions, of the said several Acts, notwithstanding the time the said James Beach may have remained a Prisoner is or may be longer than in and by the said Acts is allowed or permitted. *Provided always*, it shall not appear to the Court or Justices, before whom the Petition of the said James Beach shall be considered, that the said James Beach has not purposely remained in Jail for the purpose of defrauding his Creditor, and wasting his Property.

Proviso

## CAP. LXI.

## An Act for regulating the Currency of this Province.

(PASSED THE 16th DAY OF APRIL, 1834.)

Preamble

**W**HEREAS the adoption of British Sterling Money as the Currency and Monies of Account of and throughout all His Majesty's Dominions would be highly useful, and tend to unite more closely the interests of the Colonies with those of the Mother Country, but to make such alteration in the Currency of this Province at present would be inconvenient and inexpedient, unless the same were adopted in the adjoining Colonies:—*And whereas*, in the meantime, until such change shall be made in the Currency of the other Colonies, it is requisite and necessary to establish a Standard of value and an equivalent for property which may be obtained by affixing a value upon Foreign Gold and certain British Silver Coins:

Value of British Shillings and Six Pence in this Province established

**I.** *Be it therefore enacted, by the President, Council and Assembly*, That, from and after the passing of this Act, the several British Silver Coins hereinafter mentioned and specified, shall and may be offered and received, paid, and legally tendered by or to the Provincial Treasurer or other Public Officers, or by or to any Body, Politic or Corporate, person or persons whomsoever, in payment, satisfaction or discharge, of any debt, sums of Money, Duties, Contracts, Obligations, Liabilities, or Demands whatsoever, at the several and respective rates of value following, that is to say:—The English Shilling at the rate of One Shilling and Three Pence Currency, and the English Six Pence at the rate of Seven Pence Half-penny Currency. *Provided always*, that no person shall be obliged to receive at one time payment of more than Fifty Pounds of Halifax Currency, in British Silver Money at the rate or rates aforesaid.

Proviso

*And whereas*, Spanish American Doubloons are brought into this Province in the course of Trade, and in payment of the Exports therefrom, and have been, since the year One Thousand Eight Hundred and Nineteen, received and paid at and after the rate of Four Pounds Currency, and four Treasury Notes of One Pound each have since that time been deemed equivalent to One Doubloon, and the difficulty of procuring British Coins in the ordinary course of Trade still continuing, it is necessary that the said Doubloon should become and be made a legal Tender at the rate aforesaid. **II.**

II. *Be it therefore enacted*, That, from and after the passing of this Act, the said Doublloon, being of full weight and fineness, shall and may be offered and received, paid and legally tendered to the Provincial Treasurer, or other Public Officers, or by or to any Body, Politic or Corporate, person or persons whomsoever, in payment, satisfaction or discharge, of any Debts, sums of Money, Duties, Obligations, Liabilities or Demands whatsoever, contracted since the Nineteenth day of April, in the Year of Our Lord One Thousand Eight Hundred and Nineteen, at and after the rate of Four Pounds Currency for one Doublloon.

Doublloons es-  
tablished at  
£4 Currency

III. *And be it further enacted*, That the Pound Sterling, as represented by the Gold Coin of the United Kingdom of Great-Britain and Ireland, called the Sovereign, shall henceforth be deemed and taken to be the Unit or Standard or Measure of Money or value, whereby, or with reference to which, all Contracts which shall hereafter be entered into, for the payment of British Sterling Money, shall be regulated and ascertained within this Province.

Sovereigns

IV. *And be it further enacted*, That the Copper Money legally current in the United Kindom, and the Copper Coins procured by the authority of the Legislature, for the use of, and issued from, the Treasury of the Province, shall be current, paid and received, at the same rates as British Penny and Half-penny Pieces in the United Kingdom, when the payment is to be made in Sterling, but if made in existing Currency then in the like proportion as such Currency bears as herein adjusted to Sterling Money. *Provided always*, that no person shall be obliged to receive at one time payment of more than Twelve Pence Sterling of Copper Money; *And provided also*, that in payment no account shall be taken of, or payment be required for, any fractional part remaining due less than one Half-penny.

Copper Money

V. *And be it further enacted*, That this Act shall be in force until the Thirty-first day of December, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-five, and no longer.

Continuation of  
Act

### CAP. LXII.

## An Act for borrowing Money for the use of the Province.

(PASSED THE 16th DAY OF APRIL, 1834.)

**W**HEREAS the state of the Provincial Funds may render it necessary and expedient to provide Monies by way of Loan for payment of the demands upon the Treasury:

Preamble

I. *BE it therefore enacted, by the President, Council and Assembly* That whenever, after the passing of this Act, upon and from any representation of the state of the Provincial Funds made by the Treasurer, it shall appear to be necessary to raise Money by way of Loan for the payment of demands upon the Treasury, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being from time to time as he shall deem it expedient so to do, by and with the advice of His Majesty's Council, to authorise and direct the Treasurer to negotiate and procure a Loan for such sum of Money as may be requisite to meet the exigencies of the Province; *Provided always*, that any Monies to be so borrowed, under and by virtue of this Act, shall not in the whole exceed the sum of Six Thousand Pounds.

£6000 may be  
borrowed

II. *And be it further enacted*, That at any time, and from time to time, when the said Treasurer shall be so directed and authorised to procure and negotiate a Loan as aforesaid, the said Treasurer shall give notice by Public Advertisement in the Royal Gazette and other Public Newspapers at Halifax, that a Loan is required for the sum which the said Treasurer shall or may be authorised and empowered to borrow as aforesaid, and that a subscription for such Loan will be opened at the Treasury on a certain day to be specified in the said Notice, and not to be less than three days after the date of such Notice; and on the day so specified such subscription shall be opened, and the Treasurer shall receive the subscriptions of any person or persons willing to furnish such

Loan to be ad-  
vertised

Subscriptions  
limited

Loan, in sums not less than One Hundred Pounds nor more than Five Hundred Pounds, until after such subscription shall be open for eight days, when it shall and may be lawful for any person or persons to take and subscribe any sum or amount of such Loan remaining unsubscribed for, notwithstanding the same may exceed the sum of Five Hundred Pounds.

Payment of  
Loan into  
Treasury

III. *And be it further enacted*, That the Monies so subscribed for as aforesaid shall be received and paid into the Treasury, either in Provincial Treasury Notes, or in Doubloons of full weight, at and after the rate of Four Pounds Currency each, or in British Gold and Silver Coins, at and after the rate of Twenty-Five Shillings for every Twenty Shillings thereof; and for every sum paid in by any person or persons, there shall be made and granted to such person or persons a Loan Certificate or Certificates, signed by the Treasurer of the Province, and any two of the Commissioners for issuing Treasury Notes, to be dated on the day on which the Monies therein specified shall have been paid into the Treasury, and shall express that the sum for which any such Certificate shall be granted shall bear interest from the date thereof at and after the rate of Five per centum per annum.

Interest

IV. *And be it further enacted*, That the amount to be borrowed under this Act shall bear interest from the date of such Loan Certificates as aforesaid, at and after the rate of Five Pounds per centum per annum, which interest shall be payable and shall be paid at the Treasury of the Province half yearly, on the thirtieth day of June and the thirty-first day of December in each and every year, and it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, from time to time, to draw Warrants upon the Treasury for payment of such Interest out of any Monies then in the Treasury,

Loan Certifi-  
cates

V. *And be it further enacted*, That the Certificates to be made and granted under this Act shall be made in duplicate, and one part thereof shall be delivered to the person or persons to whom the same shall be made and granted, and the duplicate thereof shall be retained in the Treasurer's Office, and such Certificate shall be assignable by indorsement thereon, made by the persons from time to time holding the same, and entitled to the Monies thereby made payable; *Provided*, a memorandum of such indorsement be entered on the duplicate of such Certificate retained in the Treasurer's Office,

Repayment of  
Loan—and

VI. *And be it further enacted*, That the amount to be borrowed and received on Loan as aforesaid under this Act, shall be repaid and be payable at the Treasury of the Province, from and out of the Public Revenues of this Province, at the end and expiration of two years from the dates of the said Certificates respectively, to the several persons then holding the said Certificates and entitled to receive the amounts thereby made payable,

In what Monies

VII. *And be it further enacted*, That the said Loan shall be repaid to the said lenders in Doubloons at Four Pounds each, in British Gold and Silver Coins at Twenty five Shillings for every Twenty Shillings thereof, or in Provincial Treasury Notes, at the option of the said lenders.

### CAP. LXIII.

**An Act establishing the Times and Days for holding the Sitting of the Inferior Courts of Common Pleas and General Sessions of the Peace in the several Counties and Districts within the Eastern Division of the Province.**

(PASSED THE 16th DAY OF APRIL, 1834.)

Preamble;

**WHEREAS**, the days and times of holding the Sittings of the Inferior Courts of Common Pleas and General Sessions of the Peace in the several Counties and Districts

Districts within the Eastern Division of the Province, have been found inconvenient for the Suitors and other Parties who have business therein, or are bound to attend the same —for remedy whereof,

I. *Be it enacted, by the President, Council and Assembly, That, from and after. the passing of this Act, Inferior Courts of Common Pleas and General Sessions of the Peace in the several Counties and Districts within the Eastern Division of the Province, shall be held and commence in the said Counties and Districts severally and respectively as follows, that is to say: at Guysborough, in the Lower District of the County of Sydney, on the Tuesday next preceding the last Tuesday of June, and on the Tuesday next preceding the last Tuesday of December, in each and every year; at Dorchester, in the Upper District of the said County, on the last Tuesday of June, and on the last Tuesday of December, in each and every year; at Pictou, in the District of Pictou, on the first Tuesday of July, and on the first Tuesday of January, in each and every year; at Truro, in the District of Colchester, on the second Tuesday of July, and on the third Tuesday of January, in each and every year; and at Amherst, in the County of Cumberland, on the third Tuesday of July, and on the second Tuesday of January, in each and every year.*

Times of Sitting of Courts in County of Sydney, District of Pictou and Colchester

II. *And be it further enacted, That all Writs, Bail Bonds, Recognizances, Rules, Orders, Bills, Declarations, Process or other Paper or Papers whatsoever, which now are or hereafter shall be depending, issued from, or made returnable into, the said Inferior Courts of Common Pleas and General Sessions of the Peace in the said several Counties and Districts respectively, at or upon the several days and times now appointed by Law for holding the same, shall be, and are hereby declared to be, returnable into and depending in, the said Courts respectively, on the days and times hereinbefore respectively fixed and appointed for the Sittings of such Courts, and all persons and parties who are summoned or bound to appear, or who ought to appear, by virtue of any such Process or Proceedings, so depending in, issued from, or returnable into, the said Courts on the days and times heretofore fixed and appointed for holding the same, shall be held and obliged to appear and answer thereto in the said Courts respectively, on the respective days and times fixed and appointed by this Act for holding the same, and all Judges, Justices, Sheriffs, Coroners, Constables, Jurors and other Officers or Persons whatsoever, are required to take notice thereof and govern themselves accordingly.*

Return of Writs, &c.

#### CAP. LXIV.

### An Act to extend to North Sydney, in the County of Cape-Breton, the Provisions of the Act relating to Commissioners of Highways in Halifax and certain other places.

(PASSED THE 16th DAY OF APRIL, 1834.)

**B**E it enacted, by the President, Council and Assembly, That an Act, passed in the Seventh year of His late Majesty's Reign, entitled, An Act relating to Commissioners of Highways in Halifax and certain other places, and all the regulations and provisions thereof, with every matter, clause and thing, therein contained, shall be extended, and the same are hereby extended, to the Town or Village of North Sydney in the County of Cape-Breton, and it shall be lawful for the Governor, Lieutenant-Governor or Commander in Chief, for the time being, to appoint five respectable Inhabitants and Freeholders of North Sydney aforesaid, to be Commissioners of Highways therein, for the purpose of carrying into effect the provisions and regulations of the said Act, and to proceed to supply any vacancy that may occur amongst such Commissioners and such appointment to renew, when necessary, in the manner prescribed in the said Act, so as the number of the said Commissioners may be at all times five.

Acts relating to Highways in Halifax extended to North Sydney

II. *And be it further enacted, That the jurisdiction, powers and authorities, of the said Commissioners, when appointed, shall be the same as if the said Town or Village of North Sydney had been, originally named and mentioned in the said Act, and shall extend*

Limits of North Sydney

extend and be restricted to and within the limits following, that is to say:—Commencing at the north-east corner of a Lot of Land belonging to Mr. Samuel Plant, at the north bar of Sydney River, and following the course of said river to the south-east corner of John Flahaven's Lot of Land, thence along the public road leading to the east corner of Mr. John Ross's Lot of Land, including said road, thence along the shore of said river to Stewart's Creek, thence along the shore of said Creek till it cuts the west boundary of the said Stewart's Lot of Land, thence along the west boundary line of said Stewart's Lot north thirty three degrees west for the distance of eight hundred yards, thence back in a direct line as nearly parallel as possible with the road and shore of the river so described as aforesaid, till it cuts Mr. Samuel Plant's north-eastern boundary line, at the same distance of eight hundred yards from the place of beginning, and thence along the said boundary line of the said Samuel Plant to the place of beginning, and shall also extend to, and be exercised over, all Roads, Streets or Lanes, within the Boundaries aforesaid, either now made or hereafter to be made; and also, to all Roads, Streets and Highways, now made or hereafter to be made, extending or running in any direction from the said limits before described, or any part thereof, to within ten miles of the Boundaries aforesaid.

Powers of Surveyors of Highways to cease

III. *And be it further enacted*, That, from and after the first day of June next, the Authority, Powers and Jurisdiction, of the Surveyors of Highways, within the limits and upon the Roads, Streets and Highways, herein before mentioned, shall cease and determine, any Law, usage or custom, to the contrary notwithstanding.

CAP. LXV.

An Act concerning the Real Estate of Lunatics and Ideots.

(PASSED THE 16th DAY OF APRIL, 1834.)

Estates of Lunatics may be sold or mortgaged for their support

**B**E it enacted, by the President, Council and Assembly, That it shall and may be lawful for the Chancellor of the Province, by and with the advice of the Master of the Rolls, upon the application of any Person or Persons, being legally intrusted with the care and commitment of the custody of the Persons and Estates of Persons, Lunatic or Ideot, or of unsound mind, and incapable of managing their affairs, to order the Freehold and Leasehold Estate of such Persons respectively to be sold, or charged and incumbered by way of Mortgage or otherwise, as shall be deemed most expedient, for the purpose of raising such sum and sums of money as shall be necessary for the payment of the Debts of such Lunatic, Ideot, or Person of unsound mind, or contracted for the support and maintenance of such persons respectively, or for the expences incurred in suing out a Writ de Lunatico Inquirendo, and the costs and charges attending the same, and attending such Sale, Mortgage, Incumbrance, respectively, as also any Costs and Expences that have been or may be incurred in executing any Commission of Lunacy, or other proceeding of and concerning such Lunatics, Ideots, or persons of unsound mind, their persons or Estate, and to direct the Committee or Committees of the Estate of such persons respectively, to execute in the name and on the behalf of such Persons respectively, conveyances of the Estates so to be sold, mortgaged or incumbered, and to do all such acts as may be necessary to effectuate the same, in such manner as such Chancellor, by the advice aforesaid, shall direct, which conveyances, so to be made in pursuance of any such order aforesaid, shall be as good and effectual in the Law as if the same had been executed by every such person so found Lunatic, Ideot, or of unsound mind respectively, when in his or her sound mind,

Surplus Monies

II. *And be it further enacted*, That in case there shall be any surplus of money to be raised by any such Sale as aforesaid, after answering the purposes aforesaid, the same shall be applied and disposed of in the same manner as the Estate sold would have been applied if this Act had not been made.

Validity of Acts done under authority of the Chancellor

III. *And be it further enacted*, That all and every act to be done by such Committee or Committees of the Estate of such Lunatic, Ideot, or Person of unsound mind, under and by virtue of this Act, and the order of the Chancellor, by the advice aforesaid, shall be

be as valid and binding against the said Persons so found Lunatic, Ideot and of unsound mind respectively, and all Persons claiming by, through or under, him or her respectively, as if the person so found Lunatic, Ideot or of unsound mind, respectively, had been in his or her sound mind, and had personally done such act or acts respectively.

IV. *Provided always, and be it further enacted,* That nothing in this Act contained shall extend, or be construed to extend, to subject any part of the Freehold or Leasehold Estates of any Person found Lunatic, Ideot or of unsound mind, to the Debts or Demands of his or her Creditors. otherwise than the same are now subject or liable by due course of Law.

Proviso

CAP. LXVI.

An Act to authorise the Incorporation of a Company for Erecting a Bridge across Avon River.

(PASSED THE 16th DAY OF APRIL, 1834)

**W**HEREAS the erection of a substantial Bridge across the River Avon, between Windsor and Falmouth, in the County of Hants, at or near the Point of Rocks or Narrows, will be of great public advantage; *And whereas,* it has been found impracticable to procure sufficient funds for building the same, otherwise than by the formation of a Joint Stock Company, and by vesting the property of the said Bridge when so built in the said Company :

Preamble

I. *Be it therefore enacted by the President, Council and Assembly,* That William Blowers Bliss, Benjamin Dewolf, Thomas Chandler Halliburton, William Henry Shey, Lewis Morris Wilkins, and all and every such other person and persons as shall from time to time become Proprietors of Shares in the Corporation hereinafter mentioned, and hereby established, and their Successors, Executors, Administrators and Assigns, shall be and they are hereby united into a Company, and declared to be one Body Politic and Corporate, by the name, of the "Avon Bridge Company," and by that name shall have succession and a common Seal, with power the same to change, alter and make anew, as they shall see fit, and by that name shall and may sue and be sued, plead and be impleaded, at Law or in Equity, and be able and capable in Law to have, hold, purchase, get, receive, take, possess and enjoy, Houses, Lands, Tenements, Hereditaments and Rents, in fee simple or otherwise; and also, Goods and Chattles, and all other things, real, personal or mixed, to any amount not exceeding Thirty Thousand Pounds, including the cost or value of the said Bridge; and also, to give, grant, mortgage, demise, sell, let, assign or convey the same or any part thereof, and to do, manage, transact, and execute, all other things in and about the same, as shall and may be thought necessary or proper for the benefit and advantage of the said Company.

Incorporation of Avon Bridge Company

II. *And be it further enacted,* That the Capital and Joint Stock of the said Company shall consist of and be, and shall be restricted to, the sum of Fifteen Thousand Pounds, to be divided into Six Hundred Shares of Twenty-five Pounds each.

Amount of Capital

III. *And be it further enacted,* That the said Shares shall and may be transferable and transferred, in such manner and under such conditions, as may hereafter be prescribed by any Bye Law, Rule or Ordinance, of the said Company, to be made and ordained as hereinafter metioned.

Shares transferable

IV. *And be it further enacted,* That when and so soon as One Hundred and Sixty Shares or Four Thousand Pounds of the said Capital or Joint Stock of the said Company shall be subscribed, and not before, it shall and may be lawful for the Subscribers and Shareholders to and in the said Company to meet and assemble together, and to nominate, choose and appoint Five Directors for the said Company, of whom one shall be chosen and elected by the said Directors to be President, which said President and Directors shall be and remain in office for such period of time, not less than one year, as may be provided for and directed by any Bye Law or Bye Laws, Rules or Ordinances hereafter to be made or ordained by the said Company, and until other Directors are substituted and elected in their stead.

Choice of Directors

Bye-laws,  
Rules, &c.

V. *And be it further enacted,* That when and so soon as the said President and Directors shall be chosen and appointed, it shall and may be lawful for the Members and Shareholders of the said Corporation, at any Meeting or Meetings to be held by them when and as the same shall be considered necessary, to make, ordain and establish, all or any such Bye Laws, Rules, Ordinances and Regulations, as shall or may be requisite and necessary for the rule, order, direction and good government of the said Company, for the management of the affairs and Servants thereof, for the appointment, change and re-election of the President, Directors and Officers and Servants of the said Company, and for the building of the said Bridge and effecting the objects of the said Company, and such Bye Laws, Rules, Ordinances and Regulations from time to time to abrogate, alter, change and vary, as may be deemed expedient; *Provided,* such Bye Laws, Rules, Ordinances and Regulations, be not contradictory or repugnant to this Act or any of the Laws and Statutes of the Province or those in force within the same.

Meetings of  
Stockholders

VI. *And be it further enacted,* That annual or other Meetings of the Stockholders or Members of the said Company shall be held at the time, in the manner, at the place, and under such regulations, as shall or may from time to time be appointed and prescribed therefor, in and by any of the Bye Laws, Rules, Ordinances and Regulations, of the said Company to be made as aforesaid.

Building of  
Bridge

VII. *And be it further enacted,* That when and so soon as the said Sum of Four Thousand Pounds, or One Hundred and Sixty Shares of the Capital or Joint Stock of the said Company shall be subscribed as aforesaid and actually paid in, it shall and may be lawful for the said Company to commence building the said Bridge, and to proceed to build and erect over and across the said River Avon, between Windsor and Falmouth aforesaid, on some scite at or near the Point of Rocks or Narrows, a good and sufficient Bridge, of such size and dimensions, and of such materials, and with such and so many Piers and Abutments, and in such way and manner as shall be proper, safe and convenient for the passage and conveyance of Passengers, Horses, Cattle and Carriages of all descriptions, and at all times across and over the same, and according to such plan and method as the said Company shall think proper or expedient, and the same Bridge to alter, change, renew, amend, repair and sustain, as the said Company shall think fit.

Bridge vested  
in Company

VIII. *And be it further enacted,* That the said Bridge when erected as aforesaid, and all the Piers, Abutments, Approaches, Outlets, Entrances and Appurtenances thereof, and all Lands and other Property purchased or obtained for the said Bridge, or as appurtenant thereto, shall be, and the same are hereby, vested in and declared and made the sole and exclusive Property of the said Company forever.

Passage of  
Bridge

IX. *And be it further enacted,* That a way and passage in, upon and over the said Bridge, and the Approaches, Outlets and Entrances thereof, shall be at all times and seasons, (except when obstructed or closed from absolute necessity,) free and open to all His Majesty's Subjects, with their Horses, Cattle, Carts and Carriages, upon payment of such Toll or Pass-money as shall from time to time be fixed and established by the President and Directors of the said Company. *Provided always,* that no Toll or Pass-money shall be demanded, taken or received, of and from any of His Majesty's Troops, or any Body of Militia, with their Munitions of War and Baggage, when on their march from place to place in this Province, or of and from any such Troops or Militia, when actually employed on Military Duty or Service, or of, from or for any person or persons, Horse, Coach or Carriage, carrying or conveying any of His Majesty's Mails from place to place within this Province, but His Majesty's Troops and Militia, when on their March or when employed as aforesaid, and all His Majesty's Mails, shall at all times and seasons, when such Bridge shall not be closed or obstructed from absolute necessity as aforesaid, pass and be conveyed, and be suffered and permitted freely to pass over and upon the said Bridge, free from any such Toll or Pass-money aforesaid.

Liability of  
Joint Stock

X. *And be it further enacted,* That the Joint Stock, and all Real and Personal Estate of the said Company, shall at all times be subject and liable to and for all and every Contract or Contracts, and Engagements of every description of, or made or entered into by, the said Company, and no person or persons having any claim or demand against



against the said Company shall on any pretence whatsoever have recourse against the separate and individual Property of any individual Member thereof, or against their persons, for any Debt, Contract or Engagement of the said Company, but the Members of such Company shall be liable only for the Shares or Stock held by them respectively, and no more.

Stock considered personal property

XI. *And be it further enacted,* That, notwithstanding any Real Estate which the said Company may at any time own and possess, the Shares and Interest of the Stock Holders of and in the Stock, Funds, Property and Estate, of the said Company, shall be and shall be held, deemed and taken to be, Personal Property, to all intents and purposes whatsoever.

XII. *And be it further enacted,* That if any Subscriber for any Share or Shares in the said Capital or Joint Stock of the said Company shall not pay into the hands of the person or persons appointed to receive the same, the said Share or Shares or such portion thereof, as may be required within Thirty Days, after notice shall be given in any one or more of the Public Newspapers, printed and published at Halifax, requiring the same to be paid in, it shall and may be lawful for the President and Directors of the said Company, in the name of the said Company, to commence and prosecute a Suit or Action at Law, for the amount of the Share or Shares so remaining unpaid against the Subscriber or Subscribers for the same.

Failure in paying Shares

XIII. *And be it further enacted,* That the Piers, Abutments and Materials, lately erected or purchased, prepared or procured for the purpose of erecting a Bridge, and now remaining at or near the said intended scite of the said Bridge, shall be, and the same are hereby declared to be assigned to, and vested in, the said Company, from and after the same shall be formed as and for their Property.

Abutments now erected vested in Company

XIV. *And be it further enacted,* That the said Company shall have a right of way or passage from the Main Road in Windsor aforesaid, along the Shore of the said River for all persons, Horses, Cattle and Carriages, and at all times and seasons, and shall have liberty to make, keep, uphold and sustain, a Public Road or Highway along the said Shore, free and open for all persons whatsoever, with their Horses, Cattle, Carts and Carriages to pass and repass, over and upon the same. *Provided always,* that no such right of way or passage, or the liberty of making such Road, shall extend or be construed to extend to any Land already granted to any person or persons whomsoever, but shall be limited and restricted to Lands ungranted.

Right of way to Bridge

XV. *Provided always, and be it further enacted,* That the said intended Bridge shall be erected and completed within Six Years from the passing of this Act, and be kept and maintained at all times in good and sufficient repair, after the same shall be so built and erected.

Proviso

XVI. *Provided always, and be it further enacted,* That if the said Company shall think proper, and find it expedient so to do, it shall and may be lawful for the said Company, instead of building a Bridge upon Piers or Abutments in the usual manner, to build and erect across the said River a solid Bridge, Dam or Aboiteau, and all the privileges, advantages and authorities, hereby given to, and vested in the said Company, for building a Bridge, shall be deemed and taken to be applicable to the building and erecting of the said solid Dam, Bridge or Aboiteau, across any part of the said River. *Provided always,* that a sufficient Lock or Water Way shall be made and kept in and through said solid Bridge, Dam or Aboiteau, for the passage of all Ships and Vessels to the parts of the said River, above the said solid Bridge, Dam or Aboiteau, to be erected as aforesaid.

A solid Bridge may be built

## CAP LXVII.

## An Act to authorize the Congregation of the Presbyterian Meeting-House at Douglas to raise Money from the Pews of the said Meeting-House, for the Repairing and Ornamenting thereof.

(PASSED THE 16th DAY OF APRIL, 1834.)

Preamble

**W**HEREAS the Presbyterian Meeting-House at the mouth of the Shubenacadie in the Township of Douglas, wherein the Reverend Thomas S. Crowe at present officiates, was originally built by a number of Persons who were mutually interested therein, and were Owners of the Pews in the said Meeting-House, many of which persons are since dead, and the property in the said Pews has now become vested in the Heirs or other Representatives of such deceased original proprietors; and whereas the interest of the several Owners of the said Pews has now become so inconsiderable that great difficulties are experienced in procuring Funds to keep the said Meeting-House in repair, owing to the neglect of many of the Owners of the said Pews to pay their proportion of the necessary and unavoidable expense of Repairing and Ornamenting the said Meeting-House, in consequence of which the said Meeting-House is in great danger of going to decay:

Committee may be appointed to make assessments to defray expense of repairs

**I.** *Be it therefore enacted, by the President, Council and Assembly,* That, from time to time, and at any time after the publication of this Act, whenever it shall be necessary to procure or raise any Money for the Repairing and Ornamenting the said Meeting-House, it shall and may be lawful for the Congregation attending at such Meeting-House, at any Public Meeting of such Congregation, whereof due notice shall be given to such Congregation in said Meeting-House when therein assembled for Divine Service, on the Sunday previous to such Meeting, to nominate and appoint, by vote of the majority of the Members of the said Congregation present at such Meeting, three or more fit and proper persons to be a Committee to assess and apportion the Sum of Money necessary and required to be raised for the purposes aforesaid, on the said Pews respectively, according to the relative size and value of such Pews, at a just and equitable rate, of which assessment and apportionment due notice shall be given by publicly reading the same in the said Meeting-House, to the Congregation when assembled therein for Divine Service, on some one Sunday, after the same shall be made by the said Committee; and also, by putting up and continuing a true and correct Copy of such assessment and apportionment on the door of the said Meeting-House, for three successive weeks after the same shall be so made as aforesaid.

Persons neglecting or refusing to pay assessments

**II.** *And be it further enacted,* That if, after due notice of such assessment and apportionment shall have been so publicly given as aforesaid, some such person or persons so interested in any of the said Pews shall not come forward to pay the sum which may have been assessed by the said Committee on such Pew, within three weeks after such Notice so given as aforesaid, then, and in such case, it shall and may be lawful for the said Committee, after having given due Notice on the previous Sunday publicly to the said Congregation when assembled in the said Meeting-House for Divine Worship, of the time of letting the same, to proceed to let at Public Sale or Auction, for such period of time, (not exceeding Ten Years) as may be sufficient to pay the rate or sum assessed thereon respectively, any Pew or Pews whereon the sum assessed shall remain unpaid as aforesaid.

Lessees put in possession of Pews

**III.** *And be it further enacted,* That the Person or Persons who shall or may become the Lessee or Lessees of the said Pew or Pews respectively, at the said Sale, shall be put in possession thereof by the said Committee, and shall be taken and held to be the sole and exclusive Owner or Owners of the said Pew or Pews, for such period of time as the same may be leased or let to the said person or persons at such sale, and such Lessee or Lessees shall be liable to pay such rent or rents as he or they shall or may have agreed to pay for the same; and if the rent or rents aforesaid or any part thereof shall be behind

behind and unpaid after the time or times which shall or may have been agreed on for the payment thereof, it shall and may be lawful for the said Committee, so to be appointed as aforesaid, to sue for and recover such rent or rents for such part thereof as may so remain behind and unpaid, in the same manner as Debts of the like amount may or can be ordinarily sued for and recovered.

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

## CAP. LXVIII.

## An Act to prevent the Clandestine Landing of Liberated Slaves, and other Persons therein mentioned, from Vessels arriving in this Province.

(PASSED THE 16th DAY OF APRIL, 1834)

**WHEREAS**, from the recent Emancipation of the Slaves in the West-Indies, Bermuda and the Bahama Islands, it is apprehended that many of the sick, infirm, idle and dissolute of them, may be transported to this Province, and there is also reason to fear that Felons and Convicts, and others who may have undergone sentence of transportation and been pardoned or liberated, may be also hither, and that thereby burthensome expence may be occasioned to the Inhabitants of this Province, and Contagious Diseases be introduced among them :

Preamble

I. *Be it therefore enacted, by the President, Council and Assembly*, That, on the arrival of any Vessel in any place within this Province, containing or having on board Slaves, liberated Slaves, Felons or Convicts, or Persons having been Felons or Convicts who may have been transported under the Sentence or Judgment of any Court, or by other Legal Authority whatsoever, and who may have been pardoned or liberated before or after the expiration of the Term for which they may have been so respectively transported, it shall be lawful for any two Justices of the Peace, if they shall think fit, to station one or more Constables, who are hereby required to obey their directions in that behalf, on board of or near to such Vessel, to prevent the clandestine landing of the said Slaves, liberated Slaves, Felons or Convicts, or Persons having been so transported as herein before mentioned, and that a reasonable allowance, to be fixed by the said Justices, shall be paid by the Master or Owner of such Vessel to the Constable or Constables or other Persons so stationed, for their services in attending until security shall have been given as is hereinafter prescribed, or until the said Vessel shall depart from such place, and the amount of such reasonable allowance, so to be fixed as aforesaid, shall and may be recovered with costs in an action of debt to be brought in any Court of Record within the Province, at the suit of the said persons to whom the said allowance shall be made as aforesaid.

Constables may be stationed on board Vessels bringing Liberated Slaves, &c.

II. *And be it further enacted*, That the Master or other Person having charge of any Ship or Vessel so arriving in this Province with Slaves, liberated Slaves, Felons or Convicts, or Persons who may have been so transported as aforesaid on board, shall enter into a Bond or Bonds to His Majesty, His Heirs and Successors, in the form prescribed in the Schedule hereto annexed, and marked A, with sufficient Sureties, to be approved of by the Collector of Impost and Excise nearest to the port or place where the Vessel may be, in a penalty of Fifteen Pounds for each Slave, liberated Slave, Felon or Convict, or Person who may have been so transported, pardoned or liberated as aforesaid, who may be on board of such Vessel, and who is to be landed.

Bonds to be given by Masters, &c.

III. *And be it further enacted*, That if any Master or Commander of any such Vessel shall wilfully, and in violation of this Act, land any one or more of the said Slaves, liberated Slaves, Felons or Convicts, or Persons who may have been transported and pardoned or liberated as aforesaid, before such Bond or Bonds shall have been duly executed and the Security approved as aforesaid, such Master or Commander shall forfeit and

Violation of this Act

and pay to His Majesty, His Heirs and Successors, the sum of One Hundred Pounds, to be recovered by the Attorney-General or in his absence by the Solicitor-General, in the name of His said Majesty, to His use, in any Court of Record within this Province, and also all costs, damages and expences; and in case any attempt shall be made to land any of such Slaves, liberated Slaves, Felons or Convicts, or Persons so transported and liberated or pardoned as aforesaid, before such Bond shall be duly executed as aforesaid, or any such Slave, liberated Slave, Felon or Convict, or Person transported and pardoned or liberated as aforesaid, shall be actually landed, then it shall be lawful for any two Justices of the Peace, upon complaint on oath duly made before them, to issue a Warrant directed to any Constable or Constables, under their hands and seals, whereby the said Master or Commander shall be arrested and holden to bail to answer the said suit of His Majesty, to be prosecuted as aforesaid, in double the said sum of One Hundred Pounds.

Liberated  
Slaves, &c. be-  
coming charge-  
able

IV. *And be it further enacted*, That in case any of the said Slaves, liberated Slaves, Felons or Convicts, or Persons so having been transported and pardoned or liberated as aforesaid, landed under the security hereby prescribed, shall become chargeable to any Township or Townships, place or places, within this Province, by reason of disease, bodily infirmity, aged, childhood or poverty, or shall become Paupers or Common Beggars, within one year after he, she or they, shall so land, the said Bond or Bonds shall be sued in the name of His said Majesty in any Court of Record in this Province, by the said Collector, who shall have approved of the said security as aforesaid, and Judgment shall be given therein for a sum equal to Fifteen Pounds for each Slave, liberated Slave, Felon or Convict, or Person so having been transported and pardoned or liberated as aforesaid, who shall have become chargeable, or become Paupers or Common Beggars as aforesaid, together with costs of suit; and the amount for which Judgment shall be so given shall be paid over to the Overseers of the Poor of the Township or Place in which the said Slave, liberated Slave, Felon or Convict, or Person having been so transported and liberated or pardoned as aforesaid shall have become chargeable, or Paupers or Beggars as aforesaid.

operation of  
Act may be  
suspended

V. *And be it further enacted*, That it shall and may be lawful for the Governor Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, from time to time to suspend the operation of this Act by proclamation for such period as he shall deem necessary, or to limit the operation thereof to vessels arriving from particular Places or Countries, or under particular circumstances. *Provided always*, that this Act shall not extend to any of His Majesty's Ships or Vessels of War, or other Vessels employed in the Transport or Packet Service, or in the service of the Government of this Province.

Prosecutions

VI. *And be it further enacted*, That if any Action or Suit is brought against any Person or Persons for any act, matter or thing, by him or them done or caused to be done, by virtue of this Act, he or they may, if he or they think fit, plead the general issue, and, upon the trial, give this Act and the special matter in evidence, any Law, usage or practice, to the contrary notwithstanding.

Continuation  
of Act

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

#### SCHEDULE A.

##### FORM OF BOND.

Bond

KNOW ALL MEN by these Presents, that We are held and firmly bound to our Sovereign Lord the King, His Heirs and Successors, in the sum of \_\_\_\_\_ to be paid to our said Lord the now King, His Heirs and Successors, to which payment well and truly to be made We bind ourselves and each and every of us by himself, Our and each and every of Our Heirs, Executors and Administrators, jointly, severally and firmly, by these Presents, sealed with our Seals, and dated this \_\_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord One Thousand Eight Hundred and Thirty \_\_\_\_\_

The Condition of the foregoing Obligation is such, That if the following Persons or any of them, that is to say:

(NAMES OF PASSENGERS.)

who

Who are about to land from the Ship or Vessel called the ... shall not, in any way become chargeable to any Township or Townships, Settlement or Settlements, in this Province, by reason of Disease, Bodily Infirmity, Age, Childhood or Indigence, nor shall become Paupers or Common Beggars, within one year from the date hereof; then these Presents shall be null and void, otherwise to be and remain in full force.

Signed, Sealed and Delivered, }  
in the Presence of }

CAP. LXIX.

An Act in amendment of the Act relating to Highways, Roads and Bridges.

(PASSED THE 16th DAY OF APRIL, 1834.)

WHEREAS the method at present prescribed by Law for laying out new or altering old Roads or Highways in this Province, is found to be tedious, troublesome and expensive.

Preamble

I. Be it therefore enacted, by the President, Council and Assembly, That hereafter whenever a New Road or Highway within any Town, Township or Place, or from Town to Town, or place to place, in any County or District in this Province, or an alteration of an old one is wanting, the same shall and may be applied for to the Court of General Sessions of the Peace for such County or District, by Petition, Signed by at least Twenty Freeholders of such County or District, and the Court to whom such Petition shall be made if fully satisfied of the propriety and necessity thereof, is hereby authorized and required forthwith to order a Precept to be directed to three Persons, resident within such County or District, being Freeholders, not being interested in the business referred to them, directing them within some convenient time to repair to, and view and examine into the propriety and necessity of, such proposed New Road or Highway, or alteration of an old one, as the case may be, and if in their opinion the same shall be proper and necessary then to proceed to lay out and mark off such New Road or Highway, or alteration of an old one, in such way as may be most for the public good, and of the least possible damage to the person or persons through whose Property it may be necessary to run the same, and thereupon having ascertained the extent of such New Road or Highway, or alteration of an Old one, and being made acquainted with the distance the same shall or may run through any Person's Property, the nature of the Soil and Improvements, as also the extent of Fencing necessary to be done, by reason thereof, the said Three Freeholders shall proceed to make a just and equitable valuation and appraisement, according to the circumstances of the case, of the damages to be paid each person through whose land such New Road or Highway, or alteration of an Old one, shall run, specifying particularly and separately what is to be paid to each Proprietor for damage to Soil, for Improvements and for Fencing, and shall make return of their proceedings therein to the Clerk of the Peace for such County or District, at least fifty days before the then next Sittings of the said Court for such County or District, to be filed in his Office, who thereupon shall forthwith post Notices, containing the substance of such return, and continue such Notice, in at least six different places of Public resort in the said County or District, and also near to such New Road or Highway, or alteration of an Old one, for the space of Thirty Days, to the intent, that any person or persons thinking himself or themselves aggrieved or injured thereby, may appear at the then next General Sessions, of the Peace for such County or District to make his exceptions thereto, at which time and place the said Court shall and may proceed to take into consideration the objections made to all or any of such proceedings, and confirm or disallow the same, according to the justice and expediency of the case.

Application for new road or alteration of old one to be made to Court of General Sessions of the Peace

Precept to be issued to three Freeholders

Compensation to owners of Lands through which roads shall pass

II. And be it further enacted, That in case any person or persons so objecting to all or any of the proceedings to be had under this Act, for the purpose of laying out new or altering old Roads or Highways, shall be so minded, he or they may appeal from

Appeal allowed

from any decision which shall be thereupon made by the said Court before whom such proceedings shall be had, in which case such Court shall forthwith order a Precept or Warrant to the Sheriff of such County or District, or his Deputy, who shall thereupon proceed to summon a Jury, and lay out or alter such Highway or Road, and all such further and the like proceedings shall be thereupon had and taken for laying out or altering such Highway or Road, as is prescribed in and by the said Act of which this is an amendment; —*Provided always*, that before any such appeal shall be entertained or allowed of by the Court before whom it is taken, or any proceedings shall be thereupon had, the Person or Persons so appealing shall give Bond to Our Sovereign Lord the King, and his Successors, with two sufficient Sureties, in such sum as shall be ordered by the Court; upon condition, that if the Jury who shall or may be summoned to lay out or alter such Highway or Road shall confirm the Return of the proceedings of the said three Freeholders, or shall expressly return it as their unanimous opinion that the appeal so entered was frivolous or vexatious, or shall not give greater damages to the person or persons so appealing by one sixth more than was respectively allowed him or them by the return of the said three Freeholders, of all which circumstances the Jury are hereby empowered to enquire, then the said person or persons so appealing shall pay all such costs and charges as by and from such appeal being made shall and may happen and accrue, and as shall be taxed and allowed by the said Court.

Provide

Damages and Expenses

III. *And be it further enacted*, That the damages assessed and appraised, and the expences incurred under this Act, shall be assessed and levied in such and the like manner as is prescribed in and by the Fifteenth Section of the said Act, of which this is an amendment.

Provide

IV. *Provided always, and be it further enacted*, That nothing herein contained shall extend or be construed to extend to stay any proceedings now pending in any Court of General Sessions of the Peace, relative to laying out new or altering old Roads or Highways, unless the same shall be abandoned by the Persons applying for the same, in which case such Persons are at liberty to do so and proceed *de novo* under the several Clauses of this Act relating thereto.

*And whereas*, Frauds have in many instances been practised under the Eighteenth Section of the said Act of which this is an amendment.

18th section of Act repealed

V. *Be it therefore further enacted*, That from and after the passing of this Act the Eighteenth Section of the said Act, of which this is an amendment, shall be and the same is hereby repealed.

Compensation for Fencing

VI. *And be it further enacted*, That in all cases where compensation has been or may hereafter be adjudged to the Owners of Lands, to enable them to Fence the sides of such Highways, payment of such compensation shall not in any case be made to such Owner or Owners until he or they shall have made Oath before one of His Majesty's Justices of the Peace, that such Fence or Fences has or have been actually put up in a proper manner, and that the same incloses in whole, or in part, some of his or their lands, and that the same shall not be removed by him or them, or with his or their assent.

Act not to extend to Cape-Breton

VII. *Provided always, and be it further enacted*, That nothing in this Act contained shall extend to the County of Cape-Breton.

Continuation of Act

VIII. *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 then next Session of the General Assembly.

CAP. LXX.

An Act respecting Judgments and Executions obtained and levied against Lands.

(PASSED THE 16th DAY OF APRIL, 1834.)

Last section of Act 3, Geo. IV. and Act 29 Geo. III, repealed

**B**E it enacted, by the President, Council and Assembly, That the last clause or section of the Act, passed in the Third Year of His late Majesty's Reign, entitled, An Act to amend the several Acts passed in the Thirty-second and Thirty-fourth

27th C 51 }  
 4 Geo. IV. C 49 }  
 9 Geo. IV. C 46 }

fourth Years of the Reign of His late Majesty King George the Second, for confirming Titles to Land, and quieting Possessions, and an Act, passed in the Twenty-ninth Year of the Reign of His Majesty King George the Third, entitled, An Act to amend the several Acts, passed in the Thirty-second and Thirty-fourth Years of His late Majesty George the Second, and in the First, Fifth, and Twelfth Years of His present Majesty's Reign, relative to the Registering of Deeds and Conveyances, made of, or which may affect, Lands, Tenements, and Hereditaments, and every matter and thing, in such clause contained, shall be and the same are hereby repealed.

And whereas, in many cases Judgments obtained against parties in the Supreme Court and Inferior Courts of Common Pleas in this Province, have been duly Registered, whereby a lien has been obtained on the lands of the parties against whom such Judgments have been obtained, but no levy of any Execution or first deed by the Sheriff has been made, and it is expedient to permit the party having such lien upon lands under any such Judgment, to render the said lands available for payment thereof, with as little delay and expense as possible.

II. Be it therefore enacted, That in any case where a Judgment shall have been registered, and the amount or a part thereof shall remain unpaid, it shall and may be lawful for any plaintiff or plaintiffs or other person or persons holding such Judgment as aforesaid, to issue an Execution on such Judgment, and to cause the same to be levied on any Real Estate, Lands, Tenements or Hereditaments, upon which such plaintiff or plaintiffs, or other person or persons, by means of such Judgment and the Registry thereof as aforesaid, may have obtained a lien, and forthwith thereafter, and without executing or causing to be executed any first deed, and after giving notice by Advertisement in the Royal Gazette Newspaper for the space of three months, to cause the Sheriff to make sale of any such Real Estate, Lands, Tenements, or Hereditaments, or of any part thereof, and to proceed on such sale in like manner as if a first deed had been made, notwithstanding, there may not have been any such first deed executed. Provided always, that before such sale be made the Judgment whereon the said sale shall be founded, and the said proceedings had, shall be at the time of such sale actually signed and docketted for two years at the least, and not longer than ten years.

III. And be it further enacted, That it shall and may be lawful for any Defendant or Defendants, whose real estate, lands, tenements or hereditaments, shall or may hereafter be taken in Execution, by himself or themselves, or by his or their Attorney, or his or their Heirs, Executors or Administrators, at any time within the space of twenty days before the sale thereof is to be made, to signify in writing to the Officer who is to make such sale what part or portion of such real estate, lands, tenements or hereditaments, shall be sold, if a part or portion thereof may be sufficient to satisfy the Monies on such Execution due and payable, which part, if that shall be sufficient, and no other, the Sheriff or other Officer shall, under such Writ of Execution, sell and dispose of; but if the same shall prove insufficient, then, and in such case, it shall and may be lawful for the Sheriff or other Officer to proceed to make sale of the residue of the said real estate of any such Defendant or Defendants, or such part thereof as may be sufficient for the payment of such debt.

IV. And be it further enacted, That the Sheriff shall in his own name make and execute to the purchaser or purchasers at such sale a deed in fee simple of the real estate, lands, tenements or hereditaments, purchased at such sale, which Deed shall be good and sufficient to convey and assure to the said purchaser or purchasers all the Estate, Title and Interest, of the defendant, or party against whom such Judgment may have been obtained, of and in the said real estate, lands, tenements or hereditaments, so levied on, sold and conveyed; subject only to such mortgage or mortgages or other legal incumbrances, conveyances and charges, as may be legally chargeable on such real estate, lands, tenements or hereditaments, in preference to the said Judgment and Execution under which such sale and conveyance shall or may be made.

V. And be it further enacted, That whenever any person or persons shall have recovered a Judgment and registered the same, whereby such person or persons may have obtained a lien on any real estate, lands, tenements or hereditaments, and the person or persons obtaining such Judgment shall not within one year from the day of signing the

*See 2nd Act  
in Recording Judgments*

*In the case of  
Judgments Registered  
but no levy on  
Lands*

*Altho' by Act 1841  
by P.C. Act 49  
Executions  
may be issued by Plaintiff  
upon registered  
Judgments within*

*Ten years after  
signing of Judgment*

*Proviso  
See also Sec 44 of Act  
4 Vic: July 77 of 1841*

*Estates may be  
sold to satisfy  
Debts*

*Sheriff to give  
Deeds*

*Judgment on  
which Executions are not  
issued in one  
year after they  
are obtained*

*It may be issued at any time after the execution 10 years (Act 2) unless notice be given by the creditor within 3 months after the execution otherwise*

same levy or cause to be levied an Execution on the said real estate, lands, tenements or hereditaments, and any Judgment or Judgments against the same party or parties shall be subsequently to such first Judgment, recovered at the suit of other person or persons, and shall be duly registered, it shall and may be lawful for the person or persons who shall have recovered any such subsequent Judgment to give notice to the Creditor or Creditors holding any prior Judgment or Judgments, that unless Execution be levied under the said prior Judgment or Judgments, that the person or persons giving the said notice will proceed to levy an Execution or Executions under his or their Judgment upon the real estate, lands, tenements or hereditaments, of the debtor or debtors against whom such Judgments shall have been recovered: and if the Creditor or Creditors, holding such prior Judgment or Judgments, shall not, within three calendar months after such notice, proceed to levy an Execution on the said real estate, lands, tenements or hereditaments, the party or parties giving such notice shall and may proceed to levy or cause to be levied an Execution on the real estate, lands, tenements or hereditaments, of the Debtor or Debtors, and shall thereby be and, become entitled to, and shall obtain, priority and preference over any former Judgment, Creditor or Creditors, to whom such notice shall have been given, and who shall neglect to levy or cause to be levied an Execution as aforesaid.

Executions may be issued on Judgments subsequently obtained

And whereas, by an Act, made and passed in the Second Year of His present Majesty's Reign, entitled, an Act for the Registry of Judgments and Attachments, and confirming Titles to Lands, it is, among other things, enacted, that all Judgments intended to form a lien on lands shall be Registered in the office of the Registrar or Deputy Registrar of Deeds, in the district or county where the lands lie, but no provision is made for entering or registering a discharge of such Judgment or lien under the same.

Satisfaction of Judgments may be registered

VI. Be it therefore enacted, That where any such Judgment shall be registered in the Office of any Registrar or Deputy Registrar of Deeds in this Province, pursuant to the said last mentioned Act, if at any time afterwards a Certificate in writing signed by the party having the beneficial interest in such Judgment, and attested by one or more subscribing witness or witnesses present at the signing of the said Certificate, shall be proved as by Law required, on the oath of one of the said witnesses, and be deposited in the Office of the said Registrar or Deputy Registrar, whereby it shall appear that the Monies due upon, or by virtue of, such Judgment, have been paid or satisfied in discharge thereof, or if a Certificate is produced to such Registrar or Deputy Registrar, signed by the proper Officer or his Deputy, under the seal of the Court in which such Judgment has been obtained, that satisfaction of such Judgment has been entered of record, then, and in every such case, the said Registrar or Deputy Registrar shall make an entry in the margin of the Books of Registry against the Registry of said Judgment, that the same has been satisfied and discharged, according to such Certificate, to which the said entry shall refer, and such Certificate shall be filed and remain of record in the Office of such Registrar or Deputy Registrar, and the fee to be taken by such Registrar or Deputy Registrar for such entry shall be Two Shillings and no more, and the fee to be taken by the Officer of the Court granting any such Certificate of satisfaction as aforesaid, shall be also Two Shillings and no more.

*Certificate filed by Registrar full*

Fees to Prothonotaries and Registrars

VII. And be it further enacted, That the fee to be taken by the Prothonotary or Deputy Prothonotary, or other Officer, for the Copy of any Docket of Judgment with his Certificate and the Seal thereon for Registry, shall be Five Shillings and no more, and the fee to be taken by the Registrar or Deputy Registrar for the Registry thereof shall also be Five Shillings and no more.

*5s. each see also Act 4th Cap. 149. May 79.*

CAP. LXXI.

An Act in further amendment of the Act concerning the Common of Halifax.

(PASSED THE 16th DAY OF APRIL, 1834.)

Preamble

WHEREAS it is expedient and desirable that the whole control and regulation of the Common of Halifax should be vested in the Commissioners of such Common:



**I.** *Be it therefore enacted, by the President, Council and Assembly,* That the eleventh, twelfth, and last clauses or sections of the Act, passed in the Tenth Year of the reign of His late Majesty King George the Fourth, entitled, An Act concerning the Common of Halifax, save and except so much of the said last clause or section of the said Act as requires His Majesty's Assent to the said Act, shall be and the same are hereby repealed.

Sections of Act  
10th Geo IV  
(except part of  
the last).  
repealed.

**II.** *And be it further enacted,* That it shall and may be lawful for the Commissioners for the Common of Halifax for the time being, to make such Rules, Orders, and Regulations for the said Common, as may be deemed necessary, and from time to time to alter and change the same, and to annex such penalties as may be thought necessary to compel obedience to such Orders, Rules and Regulations, as effectually to prevent persons from trespassing on the said Common, by digging or breaking up the soil thereof, or from taking away the earth, soil or stones thereof, and for forfeiting and removing all manure, stones, rubbish, ashes, earth, or any incumbrance which may be laid thereon, and for punishing by fines or otherwise the person or persons who shall place the same thereon, or by whose order and direction the same may have been so done, and for regulating the number of Cows, Sheep or Oxen, which the respective Inhabitants of the Town of Halifax may be entitled to pasture on the said Common, and for taking up and impounding all Horses or Pigs, found at large on said Common, as also for impounding all Cattle, Cows, Oxen and Sheep, which may be found on said Common, beyond the number entitled to be depastured thereon, and also to fix the penalty which the owner of such Horses, Pigs, Cattle, Oxen Cows, or Sheep, shall pay to obtain the release of the same when lawfully impounded, and also for preserving ornamental trees now planted, or from time to time to be planted on such Common, and also for punishing persons injuring the same.

Commissioners  
to make rules  
and regulations  
for Common

**III.** *Provided always, and be it further enacted,* That no fine or penalty exceeding Forty Shillings shall be imposed, adjudged or affixed, by or to any such Rule, Order, or Regulation, for the breach thereof, and that all fines thereby affixed shall be recovered with costs before any one of His Majesty's Justices of the Peace for the County or District of Halifax, one half to go to the informer who shall sue and prosecute for the same, and the other half to be paid to the said Commissioners, to be by them applied for the purposes of the said Act hereby amended, and in case of the person convicted of the breach of any such rule, order or regulation, being unable or refusing to pay the fine or penalty thereby imposed, such person shall be forthwith committed to the House of Correction or Jail at Halifax, as may be by the said rule, order or regulation directed, for such space of time, not exceeding in any case Three Calendar Months, as may be thereby prescribed.

Fines and  
Penalties

**IV.** *And be it further enacted,* That the rules, orders and regulations, of the said Commissioners, so to be made and established as aforesaid, shall extend to, and include the whole of the said Common; *Provided always,* that no such rule, order or regulation, shall interfere with, or in any wise prevent or impede, the free and uninterrupted use at all times, and in such way, and for such purposes, as may be requisite by His Majesty's Troops, of the north part of the said Common now known and used as an Exercising Ground for the said Troops, but the same shall continue to be used as such Exercising Ground as heretofore.

Rules of Com-  
missioners ex-  
tend to whole  
Common

*Provided always,* That no rule, order or regulation, so to be made by the Commissioners, shall be carried into effect until the same shall have been approved of by the Lieutenant Governor or Commander in Chief, by and with the advice of His Majesty's Council.

Rules to be  
submitted to  
His Majesty's  
Council

### CAP. LXXII.

**An Act to extend to the Town of New-Glasgow, in the District of Pictou, the Provisions of the Act relating to Commissioners of Highways in Halifax, and certain other places.**

(PASSED THE 16th DAY OF APRIL, 1834.)

**BE it enacted, by the President, Council and Assembly,** That, from and after the passing of this Act, the Act, passed in the Seventh year of His late Majesty's reign, entitled, An Act relating to Commissioners of Highways in Halifax and certain other

Halifax High-  
way Act ex-  
tended to New  
Glasgow

Places, and every matter, clause and thing, therein contained, shall be extended, and the same are hereby extended, to the Town of New Glasgow, in the District of Pictou.

Appointment  
of Commis-  
sioners of High-  
ways

II. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Council, to appoint and commission during pleasure three fit and proper persons, Inhabitants and Freeholders of the said Town, to be Commissioners for repairing, keeping in repair and paving, the Streets and Highways in the said Town of New Glasgow, to carry into effect the provisions of the said Act, and upon the death, continued absence, removal from Office, or refusal to act, of any one or more of the said Commissioners, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Council, to appoint and Commission some fit and proper person or persons, being an Inhabitant and Freeholder, or severally Inhabitants and Freeholders of the said Town, to supply such vacancy, and such appointment to renew whenever necessary, so that the said Commissioners may always continue to be three in number.

Jurisdiction of  
Commissioners

III. *And be it further enacted*, That the Jurisdiction, Powers and Authority, of the said Commissioners so to be appointed, shall be the same as if the said Town of New Glasgow had been originally mentioned and named in the said Act, and shall be confined and restricted to and within such part of the said Town as is or may be comprehended within the several limits, and be bounded by the lines herein after mentioned, that is to say: to be bounded on the West by the East side of the East river of Pictou, to be bounded on the East by a line running along the East side or front of St. Andrew's Church, so called, in the said Town of New Glasgow, and extending North and South on a line parallel to the shore of the said East River to the North and South lines or bounds hereinafter mentioned, to be bounded on the South by a straight line running from the East River aforesaid Eastwardly on the North line of the property of William McDonald, Merchant, until it comes to the East line or boundary aforesaid, and to be bounded on the South by a straight line running in an Eastern direction from the river aforesaid, in a line with the North line of Alexander McKay's stone House, to the East line or boundary hereinbefore mentioned.

Powers of Sur-  
veyors of High-  
ways to cease

IV. *And be it further enacted*, That, from and after the first day of July next, after the passing of this Act, the Authority, Powers and Jurisdiction, of the Surveyors of Highways, within that part of the said Town of New Glasgow hereinbefore described, shall cease and determine, any law or custom to the contrary notwithstanding.

#### CAP. LXXIII.

### An Act for protecting the Eastern side of the Road leading round the Western Bank of Bedford Basin.

(PASSED THE 16th DAY OF APRIL, 1834.)

Trespasses on  
Western Road  
of Bedford  
Basin

**B**E it enacted, by the President, Council and Assembly, That if any person or persons shall cut, break down, or otherwise injure or destroy, any Trees or Underwood, growing between the Road leading round Bedford Basin and the Waters of the said Basin at any place on the said Eastern side of said Road, where the said Bank shall not be of greater width than Twenty Feet from the Eastern line of said Road, or shall at any place, above high Water Mark, where the said Bank shall not be of greater width than before mentioned, unless for Agricultural purposes, in some cultivated place or part thereof, dig out, take and carry away from and out of the said Eastern side of the said Road, any Soil, Earth, Gravel, or Stones, or shall dig or take from and out of the said Bank, or from the side of the said Road, where the said Bank shall not be of greater width than aforesaid, any Earth, Soil or Stones, below or near the roots of any Trees or Underwood there growing, whereby said Trees or Underwood shall be destroyed or injured, any such person, being thereof legally convicted on the Oath of one or more credible witness or witnesses, before any Justice of the Peace for the District of Halifax, shall forfeit and pay a fine or penalty of Forty Shillings, one half thereof to be paid to the person who will sue or prosecute for the same, and the other half to be paid to the Commissioners of Highways for the Town of Halifax, to be applied by them, as other Funds received by them are directed to be applied, and upon the neglect, refusal or inability of the said person to pay such Penalty, such person shall be committed to Jail, for such time not less than ten days, nor more than thirty-days, as the said Justice shall direct and adjudge.

