

1775
ANNO REGNI

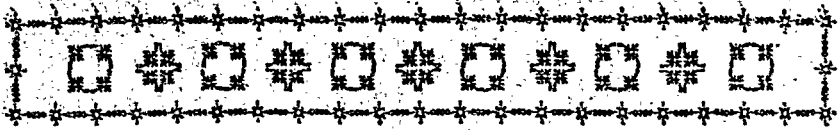
Georgii III. Regis

Magnæ Britanniae, Franciæ, & Hiberniæ,

TRICESIMO TERTIO.

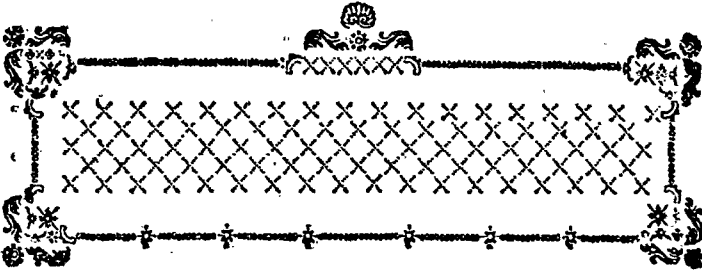
ACTS passed by the GENERAL ASSEMBLY of the Province of NEW-BRUNSWICK begun and holden at ERE-DERICTON, on the TWELFTH day of FEBRUARY, Anno Domini 1793, in the thirty-third Year of the reign of our soveraign LORD GEORGE the THIRD by the Grace of GOD, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. being the FIRST session of the SECOND GENERAL ASSEMBLY convened in the said Province.

1793.



THE TITLES OF THE ACTS.

	<i>Page.</i>
I. AN Act to continue sundry Acts of the General Assembly, which have expired or are near expiring.	268
II. An Act to prevent the encumbering or filling up of Harbours.	269
III. An Act for apprehending Deferters from His Majesty's Service, and for punishing unlawful Dealings with Soldiers or Deferters.	270
IV. An Act to explain and amend an Act intituled "An Act to provide for the Support of a Light-House to be built upon Part-ridge Island."	272
V. An Act in amendment of an Act intituled "An Act for more effectually securing the Title of Purchasers of Real Estate against Claims of Dower."	273
VI. An Act in amendment of an Act intituled "An Act to regulate and provide for the Support of the Poor in this Province."	274
VII. An Act for regulating the Size and Contents of Lime Hogf-heads within this Province.	274
VIII. An Act to levy an Assessment on the Proprietors of the Township of Sackville for defraying the Expences of a Survey and Plan of said Township.	276
IX. An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province.	278
X. An Act for raising a Revenue in this Province.	282



ANNO TRICESIMO TERTIO

Georgii III. Regis.



C A P. I.

An ACT to CONTINUE fundry Acts of the GENERAL ASSEMBLY, which have EXPIRED or are near EXPIRING.



BE IT ENACTED, by the Lieutenant Governor, Council and Assembly, That an act made and passed in the *twenty eighth* year of the reign of His present MAJESTY intituled "*An Act to empower the Justices of the Sessions in several Counties in this Province to make such Regulations respecting Markets and Ferries within such Counties as may be found necessary*;"— And also an act made and passed in the *thirty first* year of the same reign, intituled "*An Act for the Recovery of SMALL Debts*" be continued and in force, and the said acts are hereby declared to be in full force for *two* years and no longer.

The Act to im-
power the Sess-
ions to regul-
the Markets and
Ferries;

and the Act for
the recovery of
small Debts con-
tinued for two
years.

A

C A P.

C A P. II.

An ACT to PREVENT the ENCUMBERING or FILLING UP of HARBOURS.

Preamble.

WHEREAS great injury may be done to the different Harbours in this province, by throwing ballast and rubbish into the same.

I. BE IT ENACTED, by the Lieutenant Governor, Council and Assembly, That no Master or Commander of any ship or vessel, shall presume to unload or throw overboard, any ballast or rubbish into any road, port or harbour within this province, or to land the same in any other part of such road, port or harbour than shall be appointed by the Port Wardens of the respective ports, under the penalty of *ten pounds*; to be recovered of the said Master or Commander on the oath of one or more credible witness or witnesses, before any *two* of His MAJESTY'S Justices of the Peace for the county where such offence shall be committed; which penalty shall be paid to such Port Wardens, to be by them expended in erecting and fixing of beacons, landmarks or buoys and other necessary purposes for the benefit of the harbours in their respective counties, who shall be accountable to the Justices in their Sessions for such expenditure.

No Master of a vessel to unload or throw overboard ballast or rubbish into any Harbour, or land the same in any other place than such as the Port Wardens shall appoint, under the penalty of *10l.* to be recovered on oath before *two* Justices of the Peace, and paid to Port Wardens—to be applied in fixing buoys &c. and

accounted for to the Sessions.

Every vessel in ballasting or unballasting to have a piece of canvas &c. to prevent the ballast or rubbish falling into the harbour under penalty of *40 shillings*.

Not to extend to the city of St. John.

II. And be it further enacted, That in ballasting or unballasting any ship or vessel in any other place than shall be so appointed, there shall be a sufficient piece of canvas or tarpauling reaching from the ballast-port or gunwale of such ship or vessel to the lighter or boat to prevent any part of the ballast or rubbish falling into such road, port or harbour, under the penalty of *fifty shillings*, to be recovered, appropriated and accounted for as aforesaid; PROVIDED, that nothing in this act shall extend or be construed to extend to the City of Saint John.

C A P. III.

An ACT for apprehending DESERTERS from HIS MAJESTY'S SERVICE, and for punishing unlawful Dealings with SOLDIERS or DESERTERS.

WHEREAS several Soldiers, being duly listed, do afterwards desert and are often found wandering or otherwise absenting themselves illegally from His MAJESTY'S service :

Preamble.

I. BE IT ENACTED, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful to and for any constable of the town or place where any person, who may be reasonably suspected to be such a Deserter, shall be found within this province, to apprehend or cause him to be apprehended, and to cause such person to be brought before any Justice of the Peace living in or near such town or place, who hath hereby power to examine such suspected person; and if, by his confession or the testimony of one or more witness or witnesses upon oath or by the knowledge of such Justice of the Peace, it shall appear or be found that such suspected person is a listed Soldier and ought to be with the troop or company to which he belongs, such Justice of the Peace shall forthwith cause him to be conveyed to the gaol of the county or place where he shall be found or other public prison where such Deserter shall be apprehended, and transmit an account thereof to the Officer commanding His MAJESTY'S forces within this province for the time being, to the end such person may be proceeded against according to law; and the Keeper of such gaol or prison shall receive the full subsistence of such Deserter or Deserters during the time that he or they shall continue in his custody for the maintenance of such Deserter or Deserters, but shall not be intitled to any fee or reward on account of the imprisonment of such Deserter or Deserters.

Any person suspected to be a Deserter, may be apprehended by any Constable and brought before the nearest Justice of the Peace, who is to examine him;

and if it appears to the Justice that he is a Deserter,

he shall commit him to prison,

and transmit an account thereof to the commanding Officer of the King's troops. The Gaoler to receive the subsistence of such Deserter while in his custody; but not intitled to fees for imprisonment.

And be it further enacted, That if any person shall harbour, conceal or assist any Deserter from His MAJESTY'S service, knowing him to be such, the person so offending

Persons harbouring or assisting Deserters to suffer 5s.

shall

or purchasing
arms, cloathing
&c.

or causing the
colour of their
cloathes to be
changed, to for-
feit 5l. for every
offence;

to be levied by
Warrant of dis-
tress and sale.

One half of the
penalties to the
Informer;

the residue to the
Officer to whom
the Deserter be-
longed.

For want of
goods and chat-
tles where n to
levy the penalties

or non-payment
in four days af-
ter conviction;
the offender to be
committed to
Gaol for three
months.

shall forfeit for every such offence the sum of *five pounds*; or, if any person shall knowingly detain, buy or exchange or otherwise receive from any Soldier or Deserter, or any other person, upon any account or pretence whatsoever, any Arms, Cloathing, Caps or other Furniture belonging to the *KING*, or any such Articles belonging to any Soldier or Deserter, as are generally deemed *Regimental Necessaries* according to the custom of the army, being provided for the Soldier and paid for by deductions out of his pay, or cause the colour of any such cloathes to be changed, the person so offending shall forfeit for every such offence the sum of *five pounds*; and upon conviction by the oath of one or more credible witness or witnesses before any of His *M A J E S T Y*'s Justices of the Peace the said respective penalties of *five pounds* and *five pounds* shall be levied, by warrant under the hands of the said Justice or Justices of the Peace, by distress and sale of the goods and chattles of the offender; one moiety of the said first mentioned penalty of *five pounds* to be paid to the Informer by whose means such Deserter shall be apprehended, and one moiety of the last mentioned penalty of *five pounds* to be paid to the Informer, and the residue of the said respective penalties to be paid to the Officer to whom any such Deserter or Soldier did belong: And in case any such offender who shall be convicted as aforesaid, of harbouring or assisting any such Deserter or Deserters or having knowingly received any Arms, Cloathes, Caps or other Furniture belonging to the *KING*, or having caused the colour of such cloaths to be changed contrary to the intent of this act, shall not have sufficient goods and chattels whereon distresses may be made to the value of the penalties recovered against him for such offence, or shall not pay such penalties within *four* days after such conviction; then and in such case such Justice of the Peace shall and may by warrant under his hand and seal commit such offender to the Common Gaol, there to remain without bail or mainprize for the space of *three* months.

C A P. IV.

An ACT to EXPLAIN and AMEND
 an Act intituled "An Act to pro-
 vide for the SUPPORT of a LIGHT-
 HOUSE to be built upon PART-
 RIDGE ISLAND.

WHEREAS in and by an act made and passed in the Præambit.
twenty eighth year of His MAJESTY'S reign intituled "*An act to provide for the support of a Light House to be built upon Partridge Island*" it is among other things enacted, that no vessel shall be deemed a coaster within the meaning of that act, excepting such as shall be wholly employed within the *Bay of Fundy*: AND WHEREAS doubts have arisen, whether vessels that are employed during the whole of the summer season within the *Bay of Fundy*, but which during the winter season, when there is no employment for them in the *Bay of Fundy*, occasionally make a voyage to any port without the said Bay, are to be considered and deemed as coasters within the meaning of the said act, and also whether vessels wholly employed within the said Bay and in passing and re-passing between the ports and places belonging to this province within the said Bay, and the ports and places belonging to the province of *Nova-Scotia* within the said Bay, are to be considered and deemed as coasters within the meaning of the said act; AND ALSO, whether vessels generally employed in fishing but occasionally for other purposes, are to be considered and deemed as fishing vessels within the meaning of the said act; for preventing and removing all such doubts in future.

I. BE IT ENACTED, *by the Lieutenant Governor, Council and Assembly*, That from and after the passing of this act, ALL vessels of the several and respective descriptions herein before recited and contained, shall be deemed as coasters or fishermen respectively within the meaning of the said herein before recited act, and shall be liable to the payment only of the duty required to be paid by coasting and fishing vessels respectively in and by the said act, any thing in the said herein before recited act to the contrary notwithstanding. PROVIDED ALWAYS, That all such vessels, when they make any voyage to any port or place without the said Bay, shall upon their arrival from such voyage within the harbour of *Saint John*, be liable to the same duties as if they were not deemed to be coasters or fishing vessels within the meaning of the said act, any thing herein before contained to the contrary notwithstanding.

Vessels of what description to be deemed as coasters or fishing vessels.

Proviso.

C A P. V.

An ACT in AMENDMENT of an Act
intituled "An Act for more effectu-
ally securing the TITLE of pur-
chasers of REAL ESTATE
against CLAIMS of DOWER.

Preamble.

WHEREAS, in and by an act made and passed in the *twenty seventh* year of His MAJESTY's reign, intituled "*An act for more effectually securing the title of purchasers of real estates against claims of dower*" it is enacted, that no deed of bargain and sale or other conveyance of any lands, tenements or hereditaments in which any *Feme Covert* is or may be entitled to a right of dower shall be valid and sufficient to bar such right or the recovery thereof after the decease of her husband, unless such *Feme Covert* or married woman shall sign, seal and deliver such deed and shall also appear before some one of His MAJESTY's Council, Judge of the Supreme Court, or one of the Judges of the Inferior Court of Common Pleas in the several counties of this province and being examined *separately* and apart from her husband, shall declare that she executed the same freely and voluntarily without any threat, fear or compulsion from him. AND WHEREAS great inconveniencies have been experienced for want of a greater number of persons authorized to take such acknowledgment of *Femes Coverts*.

I. BE IT ENACTED, *by the Lieutenant Governor, Council and Assembly*, That, from and after the passing of this act any such acknowledgment of any *Feme Covert* or married woman, of any deed in which the consideration money shall not exceed *two hundred pounds*, shall be valid and sufficient to bar her right of dower and the recovery thereof, if made before any one of His MAJESTY's Justices of the Peace in this Province or Register of Deeds in the county in which the premises to be conveyed lie, in the same manner and as fully to all intents and purposes as if such acknowledgment should be made before any of the persons mentioned and described in and by the said herein before recited act.

The acknowledgment of deeds by Femes Covert in which the consideration does not exceed 200l. sufficient to bar their right of dower if made before a Justice of the Peace or Register of Deeds.

C A P. VI.

An ACT in AMENDMENT of an Act intituled "An Act to regulate and provide for the support of the POOR in this Province."

WHEREAS, in and by the said act the Justices in the respective counties are authorized to examine and allow the account of expenditures of the Overseers of the Poor in each Parish at the first General Sessions in each year only, which has been found inconvenient by reason of many persons becoming poor and chargeable long before any provision can be made for their relief; which inconvenience to prevent.

I. BE IT ENACTED, by the Lieutenant Governor, Council and Assembly, That the Justices in the respective counties and in the city of Saint John may at any General Sessions to be by them holden, examine and allow all such accounts and issue their warrants to make an assessment in the same manner they are now authorized in their first annual General Sessions, any thing in the said act to the contrary notwithstanding. PROVIDED NEVER THE LESS, That in the city and county of Saint John, the Justices shall not make more than two assessments for the purposes aforesaid in any one year.

The Justices at any General Sessions, may examine the accounts of Overseers of the Poor, and issue warrants of assessment.

Provido. Not more than two assessments to be made in St. John in one year.

C A P. VII.

An ACT for regulating the SIZE and CONTENTS of LIME HOGSHEADS within this Province.

I. BE IT ENACTED, by the Lieutenant Governor, Council and Assembly, That, from and after the first day of May next, every Cooper or other person who shall make any Hogsheads or half-hogsheads for the purpose of

After the 1st May next, all hogsheads made in accordance to contain two gallons; and

receiving

half-hogsheads
50 gallons. And

be branded with
the makers name

Any person ma-
king casks of a
smaller size, or
neglecting to
brand them,

to forfeit 5s. for
each offence.

receiving Lime, shall make the same agreeable to the following dimensions, that is to say, each Hogshead shall contain *one hundred gallons* at the least, and each Half-hogshead shall contain *fifty gallons* at the least, and each and every such Hogshead and Half-hogshead shall be branded upon one of the heads thereof with the name of the Cooper or other person making the same; and if any Cooper or other person shall make any such Hogshead or Half-hogshead of a smaller size than is herein before specified, or shall neglect to brand the same as aforesaid, before any Lime shall be put therein, every such offender, shall for each and every offence, forfeit and pay the sum of *five shillings*.

After 1st July
next, if Lime
shall be shipped
in smaller casks,
or casks not
branded,

the owner or
shipper, and the
master of the
vessel to forfeit
5s. for each
hoghead.

II. *And be it further enacted*, That, from and after the *first* day of *July* next, if any Lime shall be shipped for exportation on board any ship or vessel in any Hogshead or Half-hogshead of a smaller size than is herein before specified, or which shall not be branded as aforesaid, the owners or shippers of such Lime and the Master of the vessel receiving the same on board, shall each forfeit and pay the sum of *five shillings* for each Hogshead and Half-hogshead so shipped.

Penalties to be
recovered on
oath before a
Justice of the
Peace, and levied
by warrant of
distress and sale.

III. *And be it further enacted*, That the several penalties and forfeitures inflicted by this act shall be recovered before any one of His MAJESTY'S Justices of the Peace in the county where the offence shall be committed on the oath of one credible witness and shall be levied by warrant of distress and sale of the offender's goods and chattles under the hand and seal of such Justice, rendering the overplus, if any, after deducting the costs and charges of prosecution, to the offender; and for want of sufficient distress such offender shall suffer imprisonment not exceeding *ten days*. PROVIDED ALWAYS, That it shall and may be lawful for any owner or shipper of Lime to pack the same for sale or exportation in any Hogsheads or Casks of a smaller size, if such Hogsheads or Casks previous to such sale or exportation shall have their contents ascertained by a *sworn* Gauger and the exact number of gallons marked by such Gauger upon such Hogsheads and Casks respectively any thing herein before contained to the contrary notwithstanding.

For want of dis-
tress offender to
be imprisoned.

Proviso, that
lime may be
shipped in small-
er casks if their
contents is ascer-
tained and mark-
ed thereon.

C A P. VIII.

An A C T to levy an ASSESSMENT on the Proprietors of the Township of SACKVILLE, for defraying the EXPENCES of a SURVEY and PLAN of said Township.

W H E R E A S, from the loss of boundaries and inaccuracies of surveys heretofore made in the Town of *Sackville* in the county of *Westmorland*, difficulties have arisen in ascertaining with precision the boundary lines between adjoining proprietors, who have generally agreed to a new survey of the lands in the said Town, as nearly as possible conforming to the ancient boundaries in the original plan, whereby expence has been incurred, which ought equally to be borne by the different proprietors in proportion to their interests.

I. B E I T T H E R E F O R E E N A C T E D, *by the Lieutenant Governor, Council and Assembly*, That, *Charles Dixon and Jonathan Burnham, Esquires, and Mr. Hezekiah King* be, and they are hereby appointed Commissioners with full power and authority to examine, liquidate and adjust all accounts relative to the survey and plan of the said Town of *Sackville*, and the amount of the said sum of the expence of the said survey and plan being so adjusted, the said Commissioners shall and may assess the same upon all owners and proprietors of any lands lying within the limits of the said survey as equally as may be, in proportion to the actual expences incurred by the survey and plan, on each lot or right, and the benefits to be received by the different proprietors of each lot or right respectively, according to the best knowledge and discretion of the said Commissioners: And the said assessment being so made, and public notice thereof given in writing within the said Town of *Sackville* and at the *Court-house* of the said county of *Westmorland*, it shall be the duty of each and every proprietor, resident in this province at the time of making and publishing the said assessment as aforesaid, to pay their respective quotas or shares of such assessment within *three months* after the same shall be made; and it shall also be the duty of every proprietor absent from this province at the time of making and publishing the said assessment as aforesaid, to pay his respective

Preamble

Commissioners appointed to examine the accounts of the survey and plan,

and to assess the amount thereof on the Proprietors.

The Assessment being made and published, Proprietors resident in the Province to pay their Quotas in 3 months,

and absent Proprietors in six months.

And in case of refusal or neglect Commissioners to issue their Warrant for collecting the same.

quota of such assessment within *nine months* from the making and publishing such assessment as aforesaid. And in case any proprietor resident in this province as aforesaid, shall neglect or refuse to pay his quota of such assessment within *three months* as aforesaid, or any proprietor absent from this province at the time of making and publishing the said assessment as aforesaid shall neglect or refuse to pay his quota of such assessment within *nine months* as aforesaid, the said Commissioners shall and may issue a warrant under their hands and seals directed to the sheriff of the county or constable of the said town, with their bill of assessment thereto annexed, thereby commanding them to levy and collect the quota of each delinquent proprietor, on the goods and chattels of such delinquent, respectively.

If no effects of Delinquents can be found and no Person appears to pay their Quota, the Commissioners may lease the Lands of such Delinquent.

II. *And be it further enacted*, That in case no goods or chattels of such delinquents shall be found and no person shall appear to pay the quota or proportion of such delinquent proprietor in such assessment made as aforesaid, such Commissioners, or any *two* of them, shall by advertisement during *three months* in the *Royal Gazette* and also at the said *Court-house*, cause notice to be given for letting out the lands of such delinquent proprietor in the said town or so much thereof as shall answer such proprietors assessment with the charges, and thereupon may proceed to lease the same for such term as shall be necessary for that purpose.

No Possession acquired under the Survey or this Act to be deemed an adverse Possession against the owner, or to intitle the person acquiring the same to the Statute of Limitations.

III. *And be it further enacted*, That, no possession to be acquired under the said survey or this act shall be taken or deemed to be an adverse possession against the real owner or enable the person or persons acquiring such possession or any person or persons claiming under them, to plead or give the same in evidence to intitle him or them to the benefit of the *act of limitation*.

The Sum to be assessed not to exceed 120l.

IV. *And be it further enacted*, That, the sum to be raised or assessed under this act shall not exceed the sum of *one hundred and twenty pounds* any thing herein before contained to the contrary thereof in any wise notwithstanding.

The Plan to be completed and deposited with the Town Clerk previous to making the assessment.

V. *And be it further enacted*, That, the before mentioned plan shall be completed and deposited with the *Town clerk* of the said town or parish of *Sackville* for the time being, or such person as the majority of the proprietors in the said town of *Sackville* shall from time to time nominate for that purpose, for the inspection and use at all times *gratis*, of persons interested in the lands contained in the said plan or any part thereof previous to the making such assessment as aforesaid.

C A P. IX.

An ACT for regulating the FISHERIES in the different RIVERS, COVES and CREEKS of this Province.

I. **B**E IT ENACTED *by the Lieutenant Governor Council and Assembly*, That, if any person or persons after the publication of this act, shall presume to erect or set up any hedge, wear, fish garth, or other incumbrance or place any seine or seines net or nets across any river, cove, or creek in this province in such manner as to obstruct, injure or hurt the natural course of the fish in any river or place where they usually go, such person or persons shall forfeit and pay the sum of *ten pounds* upon due conviction thereof by the oath of one or more *credible* witness or witnesses before any *two* of His MAJESTY'S Justices of the Peace in the county where such offence shall be committed, to be levied by warrant of distress and sale of the offender's goods, rendering the overplus, if any to such offender; and *twenty pounds* for the second offence, to be recovered with costs by action of debt, bill, plaint, or information in any Court of Record in this province, and *fifty pounds*, for the *third* and *every subsequent* offence to be recovered with costs, in the manner last mentioned; one half of which penalties shall on conviction be paid to the informer and the other half to the Overseers of the Poor of the town or parish where such offence shall be committed to be applied to the use of the poor. PROVIDED ALWAYS, That, nothing herein before contained shall extend or be construed to extend to prevent the erection of wears upon the flats or drawing seines upon the shores or setting nets under the regulations herein after mentioned in any such rivers, coves or creeks.

No hedge, wear, fish-garth or other incumbrance to be set up, or any seine or nets placed across any river, cove or creek to injure the course of the fish,

under the penalty of 10l.

to be levied by Warrant of Distress, &c.

£20 for the 2d. offence, to be recovered with costs by action &c.

one half to the Informer the other half to the Poor.

Proviso.

II. *And be it further enacted*, That, the Justices of the Peace in their General Sessions held in the several counties in this province, may and are hereby required to appoint one or more fit person or persons Inhabitants not being employed as fishermen to be Overseers of the fisheries for each town or parish within their respective counties, who shall be sworn to the faithful discharge of their duty; and shall have power to remove any net, hedge, wear, fish garth, seine or other incumbrance that shall be found in any river, cove or creek contrary to the provisions of this act.

Justice: in Sessions to appoint Overseers.

III.

Overseers to seize any net &c. found contrary to the provisions of this act,

and if not claimed sell the same.

Overplus after paying the penalties to the Poor.

III. *And be it further enacted*, That, if any net, hedge, wear, fish garth, seine or other incumbrance shall be found in any river, cove or creek in this province contrary to the provisions of this act, it shall and may be lawful for such Overseers of the Fisheries, and they and each of them are hereby required respectively forthwith to seize the same, and if no owner shall appear to claim the same in *ten days*, such net, seine, or fish garth shall, together with the fish, if any, found therein, be forfeited and sold by the said Overseers to satisfy the respective penalties in this act mentioned and inflicted, and the overplus, if any, shall be paid to the Overseers of the Poor for the use of the poor of the town or parish where such offence shall be committed.

Overseers to receive one shilling for each net.

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

Overseer neglecting his duty to forfeit 5l.

V. *And be it further enacted*, That, if any such Overseer of the Fisheries shall at any time wilfully and knowingly delay, neglect or refuse to perform the duty in and by this act enjoined, such offender shall forfeit and pay for every offence the sum of *five pounds*, to be sued for, recovered and applied in the same manner as the penalty of *ten pounds* herein before mentioned, can or may be sued for, recovered and applied.

Overseer neglecting his duty sheriff or constable may act.

VI. *And be it further enacted*, That, if any Overseer shall so neglect to perform the duty in and by this act enjoined, it shall and may be lawful for any person or persons to apply to any sheriff or constable who are hereby authorized and required to take up and remove any such incumbrance forthwith; and if no person or persons appear to claim the same within *ten days*, the said net or nets so taken up and removed as aforesaid, shall be considered the *one moiety* as the property of the person or persons so complaining, and the other moiety as the property of the sheriff or constable who may take up and remove the said nets or other incumbrance.

If no claim of nets in ten days to become the property of the complainant and sheriff or constable.

No net to be longer than 30 fathoms in the main river St. John, or extend more than 30 into said river or broad part of the

VII. *And be it further enacted*, That, no net shall be set longer than *thirty fathoms* in the main river *St. John*, or extend more than *thirty fathoms* into the said river, or the broad part of the *Kennebeckacis* river, or more than *one fourth* part of the width of the water between the shores on each side the said rivers,

rivers and any Islands or Sand-bars in the said rivers; and in any of the branches of the said rivers not more than *one fourth* part of the width of the branch where such net shall be so set; and that no drag net or seine shall be used in either of the same rivers or the branches thereof to sweep the same rivers or the branches thereof, or either of them, more than *one fourth* part of the width of such river or branch.

Kennebeckeacis or one fourth of the width between the shores and Islands, and in the branches one fourth of the branch, &c.

VIII. *And be it further enacted*, That, the width of all such branches, coves or creeks, wherein there are any Islands or Sand-bars, shall be computed from the opposite shores to the said Islands or Sand-bars to where the water surrounding the said Islands or Bars is *three feet* in depth.

Width of branches where there are Islands, to be computed from the opposite shores to where the water is 3 feet deep.

IX. *And be it further enacted*, That, no net shall be set in the river *St. John* below the *Boarhead* or in the harbour of *St. John*, more than *twenty fathoms* in length: And that no net shall at any time be set or remain in the water, or any seine be drawn, or any Salmon speared, in any part of this province, between the time of Sun-set on *Saturday* night and Sun-rise on *Monday* morning; and that no nets shall be placed within less than *fifty feet* of each other measured upon a straight line, running parallel as near as may be with the shore, in any of the said places in this clause mentioned, under the penalty of *ten pounds* for each and every of the said offences herein before described and prohibited, to be sued for, recovered and applied in the manner herein last before mentioned, any law, usage or custom to the contrary thereof in any wise notwithstanding.

No net to be set below the Boarhead more than 20 fathoms in length, or remain in the water or seines be drawn or Salmon speared in any part of the province from Saturday night to Sunday morning — No nets to be placed within less than 50 feet of each other under penalty of 10l.

X. *And be it further enacted*, That the fisheries in that part of the county of *Northumberland* which are within the Bay and River *Miramichi* and its branches, shall be regulated in the manner herein after mentioned, that is to say, that the Justices of the Peace in the said county in their *first* General Sessions in each year, shall divide the said Bay and River *Miramichi* and its branches as nearly as may be, into *five* equal districts according to the number of permanent settlers, and shall appoint a certain time and place for the inhabitants of each respective district to meet and choose *two* persons the best qualified for that purpose from their knowledge of the fisheries and situation of the Bay and River, all which persons so chosen shall forthwith meet together and proceed to make and form such rules and regulations for carrying on the fisheries so far as respects the length of nets in the said Bay and River, as they or the majority of them shall think the best and most pro-

Regulation of the fisheries within the bay and river Miramichi—Sessions to divide the bay river & branches into 5 districts.

Inhabitants of each district to choose 2 persons, to form rules & regulations

to be returned to the Sessions to be rejected or confirmed under penalty not exceeding 10l.

per to be adopted for the year ensuing; which rules and regulations shall be returned and submitted to the said Justices in their General Sessions or any Special Sessions to be held for that purpose, to be by the said Justices either rejected or approved of, confirmed and established under such penalties and forfeitures, not exceeding the sum of *ten pounds*, as to the said Justices shall seem meet and necessary for carrying the same into execution; and which rules and regulations shall be observed and obeyed by the Overseers of the Fisheries to be by the said Justices appointed in the several districts agreeable to the provisions of this act, in the same manner as if the same rules and regulations were herein and hereby particularly established and enacted.

No Salmon to be taken in the river Miramichi or Restigouche from the 30th August to the 1st of April, under penalty of 5 shillings each fish taken or purchased.

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

Justices in their Sessions in Northumberland to make rules and regulations in all other rivers &c. in the county. Sessions in Westmorland and Charlotte to make regulations for said counties—Not inconsistent with the former provisions of this act.

To be enforced by the Overseers.

XII. *And be it further enacted*, That, the Justices of the Peace in the said county of *Northumberland*, in their General Sessions shall and may make such rules and regulations for the fisheries in all other rivers, coves and creeks within the said county as they shall think fit; and also the Justices of the Peace for the counties of *Westmorland* and *Charlotte* in their General Sessions shall make such regulations for the fisheries within the said counties as they shall think fit. PROVIDED, the same regulations so to be made, be not contrary to, nor inconsistent with the provisions herein before contained; and the Overseers of the Fisheries in the said counties are hereby required to see that such rules and regulations so to be made are observed and enforced in the same manner as any of the rules and regulations in this act are required to be observed and enforced under such penalties not exceeding *ten pounds* as they in their discretion shall think fit.

Vid. Post 306 - act to amend &c

C A P. X.

An ACT for RAISING a REVENUE
in this Province.

I. **B**E IT ENACTED, *by the Lieutenant Governor, Council and Assembly*, That from and after the *first* day of *April* next, there be and hereby is granted to His MAJESTY his heirs and successors, for the use of this province and for the support of the Government thereof, the several rates and duties on the articles herein after mentioned, which shall or may be brought or imported into any port or place within the province, (except the product or manufacture of *Great Britain* or *Ireland* directly imported from thence) to be paid by the importers thereof that is to say: For every gallon of Rum or other distilled spirituous liquors *two pence*, for every gallon of Wine *three pence*, for every gross hundred weight of brown Sugar when landed allowing *twenty* per cent for tare *two shillings*, for every pound of Coffee *one penny*, for every barrel of Wheat or Rye Flour the growth, product, or manufacture of any or either of the *United States of America* *two shillings*, and so in proportion for a greater or less quantity estimating each barrel at *one hundred and ninety six pounds*, and on all horses, neat cattle, hogs, poultry, and dead meats of any kind, directly or indirectly imported from the *United States* a duty of *ten* per cent on the first cost.

Duties to be paid
after the 1st A-
pril next, to wit:

on every gallon
of Rum 2d.
every gallon of
Wine 3d.
every cwt. of
brown Sugar 2s.
every lb. of
Coffee 1d.
every barrel of
Flour the pro-
duce of the U-
nited States 2s.

on horses, cattle
hogs, poultry &
dead meats 10
per cent.

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

Duties to be paid
at the time of
importation,

unless they a-
mount to 10l.
on one cargo,
then bond may
be taken payable
in 3 months,

if they amount
to 50l. bond may
be taken payable
in 6 months.

III.

Masters of vessels to report in 24 hours after their arrival,

and make oath that no dutiable articles have been landed.

The vessel to be forfeited for neglect of the Master.

Dutiable goods landed before entry, or found on board not being entered, or landed after entry without a permit,

the vessel and goods to be forfeited,

and seized by the Treasurer, & prosecuted to condemnation.

Forfeitures to be paid one third to the prosecutor & the remainder into the Treasury.

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

Exceptions.

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

IV. *And be it further enacted*, That, for all merchandize of what nature or kind soever, imported by or belonging to any person or persons not resident in this province, there shall be paid a duty of *five pounds* for every *hundred pounds* value prime cost at the place from whence the same shall be imported, and so in proportion for a greater or less quantity, except such goods belong to some person or persons subjects and inhabitants of *Great Britain* or *Ireland*, and are imported directly from thence, or are of the produce of the provinces of *Canada* or *Nova-Scotia*, or the Islands of *Saint John* and *Cape Breton*

and

and their dependencies, and are imported directly from thence, which prime cost shall be ascertained by a manifest of the cargo to be lodged in the Treasurer's office or that of his Deputy, by the Master, Owner or Agent, of any vessel importing such goods or merchandize, who shall enter at such office and there report his whole cargo and make oath to the truth of his manifest, within *twenty four* hours after his arrival at such place or port, and make true report of every parcel of goods or commodities he may have on board enumerating the quantity and quality of the same to whom belonging and to whom consigned: And in case of refusal or neglect of such Owner, Master or Agent, all goods not so reported shall be liable to forfeiture and may be seized and proceeded with to condemnation, and divided and applied in the manner herein before directed. PROVIDED ALWAYS, that in case the Master cannot make oath to the property, the burthen of proof shall lie upon the Consignee.

Prime cost to be ascertained by the manifest.

Masters of vessels importing such goods, to enter at the Treasurer's office and report on oath.

Goods not reported liable to forfeiture.

Burthen of proof to lie on the consignee.

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

Treasurer to cause process to issue against persons indebted for duties;

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

or be answerable for the same.

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

Treasurer to appoint Deputies in the counties

who are to give security and be accountable for all duties received,

and have power to make seizures

and be allowed 10l. per cent.

Monies to remain in the Treasury until disposed of.

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

Treasurer may appoint a Deputy in St. John,

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

to have the same power as other Deputies;

but not allowed 10l. per cent.

Permits to be made out by the Treasurer.

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

Dutiable goods found landed, or on board any vessel not enter'd

or found landed without a permit

the vessel and goods to be detained,

and reported to the Treasurer, who is to seize and prosecute the same.

Vessel and goods to be forfeited.

Forfeitures how applied.

Duties to be paid or secured

XI. *And be it further enacted*, That every Master or Owner of every ship, vessel or coasting craft coming into any port

or harbour in this province, shall, before bulk be broken, pay before breaking bulk.
 or give security as aforesaid for the payment of the duties imposed by this act, upon all and every of the dutiable articles on board such ship, vessel, or coasting craft. PROVIDED ALWAYS, that if any part of the Rum imported in any ship, vessel or coasting craft, shall, at the time of entry thereof as aforesaid at the Treasurers office, be reported for exportation in the same vessel or coasting craft, that the duty shall not be required to be paid or secured to be paid for such Rum so reported. Except on rum reported for exportation in the same vessel.

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

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

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

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

“*Machias Harbour, to the best of my knowledge and belief.*”

Bonds to be given.

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

Rum re-landed to be forfeited.

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

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

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

Rum imported to be gauged by Gunter's Callipers, by a sworn Gauger.

XVII. *And be it further enacted*, That the quantities of Rum so imported shall be ascertained by the instrument commonly called *Gunter's Callipers*, and by no other instrument whatever, and shall be so gauged by a sworn Gauger or Gaugers legally appointed or to be appointed for that purpose, in the city of *St John* by the Lieutenant Governor or Commander in Chief of this province for the time being, and by the Justices at their Sessions in the several and respective counties. PROVIDED, that no Gauger shall gauge any dutiable article his own property, or consigned to him within this province.

No Gauger to gauge his own property.

Penalty of false swearing.

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

Limitation of the act.

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