

Anno Quinquagesimo Nono GEORGII III.

1818.

At the GENERAL ASSEMBLY of His Majesty's ISLAND OF PRINCE EDWARD, begun and holden at CHARLOTTE-TOWN on the Third Day of November ANNO DOMINI One thousand Eight hundred and Eighteen, and in the Fifty-ninth Year of the Reign of our Sovereign Lord GEORGE the Third of the United Kingdom of GREAT BRITAIN and IRELAND KING, Defender of the Faith, &c. being the First Session of the Tenth General Assembly in the said Island.

C. DOUGLASS SMITH,
Lt. Governor.

THOMAS TREMLETT,
President of Council.

ANGUS MACAULAY,
Speaker.

AN ACT for raising a Fund to build GAOLS and COURT HOUSES and for appointing COMMISSIONERS to carry the same into effect.

[January 8, 1819]

WHEREAS it is essential for the support of his Majesty's Government in this Colony, the due and regular maintenance of Justice, and the security of private property, that provision be made for erecting a Gaol in Queens County, a Court House and Gaol under one roof in Prince County, and a Court House and Gaol under one roof in Kings County.—And whereas it is considered that the most speedy and effectual mode of raising adequate supplies for such objects is by establishing an *Impost Duty* upon Goods imported into this Colony.

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, that a Duty of *Impost* shall be levied, paid, and received on all kind of Goods, Wares, and Merchandize of what kind and nature soever, (except as herein after excepted) which shall be imported or brought within this Colony, from any place or Country whatsoever, and which shall be sold and expended, or consumed within the same; which said *Impost Duty* shall be levied, paid, and collected at the following Rates, that is to say, a Duty of *Impost* of *Two Pounds Ten Shillings* on every *One Hundred Pounds* worth of Goods, of any kind, which shall be imported for sale and consumption as aforesaid, by any person or persons whatsoever; and a Duty of *Impost* shall be levied paid and collected at the rate of *Five*

A Duty of *Impost* to be levied on all Goods, Wares, and Merchandize (except as therein after excepted) brought into this Colony, which shall be consumed within the same;

at the rate of £2 10s on every £100 worth of Goods, &c.

£5. duty to be paid on each £100 worth of Goods imported as aforesaid, if owned by persons not having a known establishment or being a resident Inhabitant for nine Months.

Duties to be calculated upon the first Cost.

Importer to produce to the Collector of Impost an entry containing particulars of articles imported and amount of Invoice.

Owners of goods to make and subscribe an Affidavit of quantity & value thereof.

Oath to be administered by Collector.

Form of Affidavit.

Owners not resident, when the person producing to Collector the entry shall only swear to such part of Affidavit as relates to the value and ownership of such goods.

Proviso.

Five Pounds on every One Hundred Pounds worth of Goods which shall be imported as aforesaid, or which shall be in any shape owned by any other person or persons whatsoever, who have not had a known establishment within, or actually resident Inhabitants of this Colony for Nine Months, previous to such Importation, which said Duty of Impost of Two Pounds Ten Shillings per Centum, and Five Pounds per Centum shall be calculated on the first Cost of each One Hundred Pounds worth of such Goods as aforesaid, and so in proportion for a greater or less quantity thereof.

II. And be it further enacted, by the authority aforesaid, That all and every Person or Persons whatsoever, who shall import or bring within this Colony, any Goods, Wares or Merchandize, of any kind whatsoever, such Person or Persons, shall immediately produce to the Collector of Impost for the District wherein such Importation shall be made, an entry, containing the particulars of the Articles imported, and the total amount of the original Invoice of the Goods, Wares or Merchandize, which shall be so imported as aforesaid, and the Owner or Owners of such Goods, shall make or subscribe the following Affidavit, (which the said Collector or Collectors, are hereby empowered to take and administer the Oath thereon.)

I A. B. of _____ in the County of _____ do swear that the entry, now by me made, is just and true, and is according to the original Account or Invoice, and that it contains the exact amount of all the articles by me imported in the _____ from _____ whereof _____ is Master, (which are made subject to an Impost Duty in and by an Act passed in the Fifty-ninth year of his present Majesty's Reign, intituled "An Act for raising a fund to Build Gaols and Court-Houses, and for appointing Commissioners to carry the same into effect) and I do further swear that I am the owner, or part owner thereof, or consignee, (as the case may be) and have the principal care, disposal and management of the same: And I do further swear, that I have actually resided as an Inhabitant in this Colony, for more than nine months from this date:—SO HELP ME GOD.

And if the Goods so imported, shall belong to a person not resident as aforesaid, then the person producing to the Collector or Collectors the entry thereof as aforesaid, shall only be obliged to swear to such part of the said Affidavit, as relates to the value and ownership of such Goods.

Provided always, That if for any Goods so imported, the importer shall be entitled to a Drawback of any Duties imposed on such Goods in Great Britain or Ireland, or any British Colony, the amount of such Drawback shall be deducted from the amount of such Invoice, and the said duty of Two and One half per centum, and

and Five per centum, respectively, be imposed on the residue of the Invoice, after such deduction. And all Goods, Wares or Merchandize which shall be imported, or brought within this Colony, as aforesaid, and shall be found in the custody or possession of any Person or Persons whatsoever, during the operation of this Act, without having been entered and accounted for as aforesaid, and the Duties thereon paid or secured in the manner hereinafter mentioned, the whole and every part thereof, shall be seized, forfeited, condemned, and distributed, in the manner herein after mentioned. *Provided Always*, That in case of the absence of the Importer of such Goods, Wares, and Merchandize, it shall and may be lawful for the principal Clerk or Agent of such Importer, to make Oath agreeable to the Tenor of the above Affidavit.

Goods liable to forfeiture if the above Conditions are not complied with.

Proviso.

III. *And be it further enacted, by the authority aforesaid*, That the said Collectors of *Impost*, shall keep or file the original Entries of all the said Goods, Wares or Merchandize, which shall be imported as aforesaid, within their several Districts, and shall ascertain by whom the same shall be owned, and shall take Bonds from the Owner or Importer thereof, with one good and sufficient surety bound therein, in the following Form.

Collectors to keep or file original Entries of all goods imported,

and shall ascertain by whom owned, and to take Bond from the owner with sufficient security.

Prince Edward Island,) Be it remembered that on the day of
County,) in the year of A. B. and
C. D. of came before me E. F. Collector and Receiver
of Imposts and Duties for the District of in said Island, and
acknowledged themselves to owe, our Sovereign Lord the King,
the sum of (double the amount of the Duties payable,)
of good and lawful Money of Prince Edward Island, to be made
and levied of their, or either of their Goods and Chattels, Lands,
and Tenements, to the use of our said Lord the King, His Heirs
and Successors, if the said A. B. and C. D. shall fail in the con-
dition underwritten.

Form of Bond.

The condition of the above written Recognizance is such that if the above bound A. B. and C. D. or either of them, their or either of their Heirs, Executors, or Administrators, shall well and truly pay or cause to be paid unto the Treasurer of His Majesty's said Island, the sum of of lawful Money of the said Island on or before the day of or in case the said Sum shall be permitted to remain in the hands of the said A. B. and C. D. after the said day of then if the said A. B. and C. D. their or either of their Heirs, Executors or Administrators, shall well and truly pay on demand, to the Treasurer aforesaid, the said sum of with the lawful Interest thereof from the said day of then the said Recognizance to be void, otherwise to remain in its force.

Taken and acknowledged at pursuant to the
Statute before me, E. F. Collector.

IV.

Duties to be paid in lawful money of this Island.

Proviso.

Collector authorized to give credit for 3 Months when Duties exceed £5. and are under £50.

If above £50 and under £100 credit to be given for 6 Months.

If above £100 to give credit for 9 months.

If owner, &c. shall refuse to give Bond, Collector to secure Duty from Master of Vessel,

Masters of Vessels to detain, or deliver to Collector, so much of goods as will secure the Duties.

Collector to keep the same at the owners risk.

If the Duties are not paid within 3 months,

Collector is empowered to sell so much of Goods as will pay the Duties thereon.

Vessel may be attached unless Master gives security to abide judgment.

IV. *And be it further enacted,* That all the Rates, Duties, and Imposts, before mentioned, shall be paid in lawful Money of this Island, by the Importer or Importers of any such Goods, Wares, or Merchandize, unto the Collector or Collectors for the time being, appointed for entering and receiving the same, at or before the landing thereof. *Provided nevertheless,* that when the Duties to be paid by any Importer or Importers of such Goods, Wares, and Merchandize, shall amount to the sum of *Five Pounds*, and not more than *Fifty Pounds*, the said Collector or Collectors, of the said Duties is or are hereby authorized to give credit for the payment thereof, for the space of *Three Months*, and in like manner; if the said Duties shall exceed the sum of *Fifty Pounds*, and not amount to more than the sum of *One Hundred Pounds*, the said Collector or Collectors, is or are hereby authorized to give credit for the payment thereof, for the space of *Six Months*, and if the said Duties shall exceed the sum of *One Hundred Pounds*, then he or they, are hereby further authorized to give credit for payment thereof for the space of *Nine Months*. And in case the Owner or Owners, Importer or Importers, shall refuse or be unable to give such *Bond or Bonds*, then it shall and may be lawful for the said Collector or Collectors, to proceed to secure such Duties, from the *Master* of any Ship or Vessel, importing any Goods, Wares, or Merchandize, as aforesaid, who shall be, and he is hereby made liable to pay the Duties for so much thereof, as may be contained in his said Report, not being duly entered, nor the said Duties paid, by the Person or Persons to whom such Goods, Wares, and Merchandize, are or shall be consigned. And it shall and may be lawful, to and for the *Master* of any Ship or Vessel, to detain in his hands and possession, or to deliver to the said Collector or Collectors for the security of such Duties, so much of such Goods, Wares, and Merchandize, as shall be sufficient to pay such Duties, which said Collector or Collectors is or are hereby impowered and directed to receive and keep the same, at the Owners Risk, until the Duties due with the charges, have been paid or secured. And if the Duties due and payable on such Goods, Wares, and Merchandize shall not be paid or secured to be paid, by the Owner or Owners thereof, within the space of *Three Months*, then, and in such case, the said Collector or Collectors is or are hereby impowered to *sell and dispose* of so much thereof as shall be sufficient to pay the Duties thereon, and also the Freight, charge of Custody, and Sale thereof.

V. *And be it further enacted,* That in case any *Master* of any Ship or Vessel, shall be prosecuted for the violation of this Act, such Ship or Vessel, in which the said Goods, Wares or Merchandize, may have been imported, shall be subject and liable to be attached to answer the final Judgment which shall or may be given in

in consequence of such prosecution, unless the said *Master* shall and do enter into Recognizance with sufficient Securities to answer such final Judgment.

VI. *And be it further enacted*, That all *Masters of Ships, Coasting, Fishing, and all other Vessels* whatever, coming into any Harbour, Port, River, Creek, or any part of the Coasts of this Colony, and the Territories belonging thereto, shall before breaking Bulk, and within *Forty Eight Hours*, after his or their arrival, make Report in Writing upon Oath to the Collector or Collectors for the time being, of all Goods, Wares, and Merchandize, on board the said Ship or Vessel, specifying therein, the kinds of Casks, Packages, Parcels, Boxes, Trunks, Bales, and all other manner of things in which they shall have been contained, together with the marks and numbers thereof, and that they have not landed, or suffered to be landed, sold, bartered or exchanged, any Goods, Wares or Merchandize, at any Port or place within this Colony, or on the Coast thereof, since their sailing from the Port or place where the same were laden on board the said Ship or Vessel for Exportation, which Oath the said Collector or Collectors is or are empowered to administer in the form following, viz.

Masters of Vessels before breaking bulk, and within 48 hours after arrival, to report their Cargoes particularly, to Collector of Impost,

who is empowered to administer an Oath in the form annexed.

YOU A. B. do swear, that the Report that you have now made, read, or heard read, and subscribed, contains a just and true account of all the Goods, Wares and Merchandize, laden on board the at And that you have not landed, nor suffered to be landed, sold or delivered, bartered or exchanged, any Goods, Wares or Merchandize, at any Port or place within this Colony, or on the Coasts thereof since your sailing from
 SO HELP YOU GOD.

Masters' of Vessels Oath.

Provided always nevertheless, That nothing herein contained, shall extend, or be construed to extend to compel any *Master* or *Masters* of any Vessel or Vessels to disclose the contents of the several Packages laden on board of his or their Vessels, Boat or Boats, in any other shape, manner or form, than such *Master* or *Masters*, would be compelled to disclose the same at his Majesty's Custom-House, any thing herein contained to the contrary notwithstanding.

Proviso.

VII. *And be it further enacted*, That if any Goods, Wares, or Merchandize, shall be found on Board any Ship or Vessel, which shall not have been duly entered, or which shall be proved to have been landed, sold, delivered, bartered or exchanged, contrary to the true intent and meaning of this Act; or if any *Master* of such Ship or Vessel, shall refuse or neglect to conform strictly to the directions

Masters of Vessels compelled to give in their Manifests only, in the same manner, as at Custom Houses.

Goods, &c. (not being entered) found on board any Vessel, or landed, bartered or ex-

changed; or if any Master of Vessel shall refuse or neglect to conform to the directions of this Act; in either case he shall forfeit and pay £100.

All Goods, &c. (not duly entered) and found on board any Vessel after entry made shall be forfeited.

Persons assisting in the clandestine landing of Goods, &c. (to avoid payment of Duties,) to forfeit 20 pounds and suffer 3 month's imprisonment.

Proviso.

Masters of open Boats or other persons, importing Goods above the value of 5 pounds, (contrary to the meaning of this Act) to forfeit the same.

Value to be ascertained and established by Oath before a Justice of the Peace,

Persons bringing Goods &c. in open Boats to report the first Cost of the same on Oath to Collector, or nearest Justice of the Peace,

and pay centage as before directed.

Justice required to transmit sums received to the Treasurer every 3 Months, and to deduct 5 per cent for his trouble.

Justices of the Peace (where no Collector being resident) to use all

directions prescribed in and by this Act, in either of such cases, he shall on conviction thereof, by the Oath of *Two* credible Witnesses, forfeit and pay a fine not exceeding *One Hundred Pounds*; And if any Goods, Wares or Merchandize (not being duly entered) be found on board any such Ship or Vessel, after such entry made, the same is hereby declared forfeited and lost, and shall or may be seized by the Collector or Collectors or either of them respectively, or by any of the Landwaiters or Guagers as forfeited property.

VIII. *And be it further enacted*, That if any Person or Persons whatsoever shall knowingly be aiding or assisting in the clandestine landing or concealing any Goods, Wares or Merchandize, in order to avoid payment of the Duties, to which the same are made liable by this Act, he, she or they shall upon conviction thereof by the Oath of One or more credible Witness, forfeit and pay the sum of *Twenty Pounds* or suffer *Three Months* Imprisonment without Bail or Mainprize.

IX. *Provided also, and be it further enacted*, That all *Masters or Owners of open-Boats*, or other Person or Persons who may import any Goods, Wares, or Merchandize, into this Colony, above the value of *Five Pounds*, contrary to the true intent and meaning of this Act, shall forfeit such Goods, Wares or Merchandize so imported, the value of such Goods to be ascertained, agreeable to the current price of the same, at the time in this Colony, which value shall be established on Oath, before any one of his Majesty's Justices of the Peace residing contiguous to the place where such Goods arrive. And all such Person or Persons bringing any such Goods, Wares or Merchandize, in such open Boats or other Vessels, into this Colony, shall before any such Goods, Wares or Merchandize be landed or disposed of, report the first cost of the same on Oath, to the Collector of the District in which they so arrive, or if there is no such Collector there, then to the nearest Justice of the Peace, (who in such case is hereby invested with the same powers and authority, as if he were Collector of the Impost Duty, as are in this Act specified,) and pay into the hands of such Justice, the amount of the Duty on such Goods, Wares or Merchandize of *Two Pounds Ten Shillings* per centum, or of *Five Pounds* per centum, as the case may occur, and such Justice is required to transmit such Sum or Sums so received, with an Account thereof to his Majesty's Treasurer of this Island, at the end of every *Three Months*, deducting from such amount *Five* per cent for his trouble in attending to the collecting and transmitting such Duties, in addition to such Fees as he may otherwise be legally intitled to.

X. *And be it further enacted*, That in the event of no Collector being resident in such District, where such *open-Boat* or *Boats*, *Vessel*

Vessel or Vessels so arrive, that the Justice so residing as aforesaid, shall use all diligence in seizing all such Goods, Wares, and Merchandize so brought to this Island.

diligence in seizing all goods, &c. brought in open Boats, contrary to the meaning of this Act.

XI. *And be it further enacted, by the authority aforesaid,* That the said Collector or Collectors shall in every shape, respect, and form, have full power and authority to execute this Act, in all the Duties thereby upon him or them imposed; and that all such Collector or Collectors for the time being, shall render a just and true Account of, and pay into the hands of the Treasurer of this Island, all such Monies, as shall or may be, by him or them, respectively received, by virtue of this Act, within *Thirty Days* next after the end of each Quarter, on Penalty of forfeiting *Fifty Pounds*, for such his or their neglect: And that the Provisions, directions and Regulations, in this Act contained, shall be the rule and guide of the Collector or Collectors of the said *Impost Duties*, in all matters incident to their respective Offices, in collecting the same; and also that this Act may be pleaded by the parties, to any suit instituted for breaches or violations thereof, according to their several and respective cases, and whereof the Justices of His Majesty's said Supreme Court of Judicature, are hereby required to take notice and govern themselves accordingly, any former Law, Usage or Custom, to the contrary notwithstanding.

Collectors to have full power to enforce the execution of this Act; and to render to Treasurer a just Account of all monies received in 30 days after each quarter,

on penalty of £50.

Directions of this Act to be the rule & guide of Collectors of Impost.

Act to be pleaded in any suit for violations thereof.

and the Justices of Supreme Court to be Governed thereby.

XII. *And be it further enacted, by the authority aforesaid,* That for the purpose of encouraging the *Fisheries* of this Colony, it is the true intent and meaning of this Act, that nothing herein contained shall extend or be construed to extend to, the levying, imposing or collecting any Duty whatsoever, by virtue or under the authority of this Act, from or upon the article of *Salt*, any thing herein contained to the contrary notwithstanding.

Salt exempted from the payment of Duty.

XIII. *And be it further enacted, by the authority aforesaid,* That if any *Contractor or Contractors, Commissary or Commissaries,* or any other Person or Persons whatsoever in *His Majesty's Service or Employment*, shall import or bring within this Colony, for the use of *His Majesty's Navy or Army*, any Goods, Wares, or Merchandize, or Ordnance Stores, or War Munitions of any kind whatsoever, or Officers Baggage, the same shall not be considered in any manner, liable to any Duties imposed by this Act, any thing herein contained to the contrary notwithstanding.

Articles imported for the use of Navy or Army exempted from Duty.

Also, Officers's Baggage.

XIV. *And be it further enacted, by the authority aforesaid,* That if any Person or Persons whatsoever shall come within this Colony, or any part thereof, for the purpose of actually settling therein, that it shall and may be lawful for the said Collector or Collectors of Impost, to exempt from the said Duty of *Five Pounds per Centum*

New Settlers freed from Duty on Household Goods and Articles for private use.

tum; all *Household Goods, Provisions, and necessaries* of all kinds, which said Person or Persons shall import or bring with them, for their own use, and the use of their families, but it shall not be lawful to exempt any Goods, Wares or Merchandize, of any kind whatsoever, brought or imported by such Person or Persons for the purpose of *Trade* or for *Sale*.

In case of exporting Goods,

then before they are put on Board,

Account of the quantity and Sterling Cost shall be produced to the Collectors, by the shipper, who shall take the following Oath.

Exporter's Oath to be sworn before Collector.

XV. *And be it further enacted, by the authority aforesaid, That* in case any Goods, Wares or Merchandize whatsoever, which by this Act are made subject to an *Impost*, and on which, such *Impost Duty* shall have been paid, or secured, pursuant to the Provisions herein before made, shall be re-shipped or exported out of the Colony, to any other Country not within its Jurisdiction, the Person or Persons making such shipment or exportation, shall before such Goods, Wares or Merchandize, shall be laden on board any Ship or Vessel, give notice of such intended export, to the Collector of *Impost* for the District wherein such Goods, Wares or Merchandize shall be, and shall deliver to such Collector, at the same time, an account specifying the several articles so about to be re-shipped or exported, together with the quantity, quality, and the first cost thereof; and such Person or Persons shall also exhibit or shew, the Packages so about to be exported, to the said Collector, who shall have liberty to see the same laden on board the Ship or Vessel, in which the same are to be exported; and the Owner or Owners, or Person, making such shipment, shall produce an Invoice of such Goods, so loaded or re-shipped, and shall make and subscribe the following Affidavit, which shall be annexed thereto.

I A. B. do swear, that the Goods specified in the foregoing Invoice were imported by me, (or as the case may be) and are charged therein, at the first cost, and that I have actually paid or secured the Duty of *Impost*, directed to be levied thereon by the Law of this Colony, agreeable to the value in such Invoice, and I have shewn and exhibited the Packages in which the same Goods are contained, to the Officer appointed to examine the same, who has attended the re-shipment thereof, and the whole of the said Goods, have been regularly entered, at this Office, and are now actually laden on board the bound to and the same are not intended to be again landed, brought back, sold, bartered, exchanged or consumed, in any part of this Colony. And I do swear, that if it shall ever come to my knowledge, that the whole or any part thereof, shall be re-landed in or brought back to this Colony, I will to the best of my power endeavour to prevent the Revenue thereof, from being in that respect defrauded, and I will make the same immediately known to the Collector of the District wherein I shall then be.

SO HELP ME GOD.

And

And the Master of the Vessel, in which such export shall be made, shall likewise make and subscribe the following Affidavit, which shall be annexed to the said Invoice :

I A. B. do swear that to the best of my knowledge and belief the Goods specified in the annexed Invoice are contained in Packages marked and numbered as follows that is to say which said several Packages, with the Goods therein contained, are now actually laden on board the bound to and I know of no fraudulent intention or design to re-land or bring the same back to this Colony, or any part thereof, and if it shall ever come to my knowledge that the whole or any part thereof shall have been brought back or fraudulently re-landed, in any part of this Colony, I will make the same known to the Collector or Collectors of some District within the same. And I do swear that unless prevented by the danger of the Seas, Winds, or other unavoidable accident, I will truly land or put on shore at the said Packages with the said Goods contained therein. SO-HELP ME GOD.

Master of Vessel's Oath.

Which Affidavit when duly made and sworn to before the Collector of Impost for the District, shall be delivered with the original Invoice, to the Person making such Shipment, together with a Permit, in the usual form, and the Person making such Export shall be entitled to a Drawback of *Seven Eighths* of the whole Duty of *Impost*, paid or secured to be paid on such Goods, by virtue of this Act, on his or their producing to the Treasurer of the Colony a Certificate from the Collector of the Duties or Customs, or British Consul or Vice Consul, for the Kingdom, Province or Country, to which such Exportation shall be made, that the Goods and Packages mentioned in such Invoice and Affidavit, have actually been landed within such Collector's, Consul's, or Vice Consul's District, for the amount of which, certified by the said Treasurer, the Collector, or Collector's of *Impost*, shall give credit, and if the Duties have been paid thereon, the Collector or Collectors shall certify the same on the back thereof, which shall entitle such Person or Persons to receive a Warrant or Warrants on the Treasury of this Colony, for the amount thereof, which Warrant or Warrants, the Governor, Lieutenant Governor, or Commander in Chief for the time being, is hereby authorized from time to time to draw, and the Treasurer to pay, and if any Vessel or Vessels shall be found re-landing of any Goods, so exported for a Drawback as aforesaid, such Vessel or Vessels together with the articles clandestinely landed, shall be forfeited, condemned, and distributed, in the manner herein after mentioned, and all Persons aiding and assisting in the clandestine landing or putting such Goods or any part thereof on shore, or bringing the same back to this Colony, and any Person or Persons clandestinely

Exporter shall be entitled to a Drawback of seven eighths of Duty, on producing proper Documents,

If Goods be clandestinely re-landed, vessels and Goods shall be condemned.

All concerned in re-
landed goods clau-
destinely, shall forfeit
and pay £100.

Proviso.

Drawback only to
be allowed on goods
when they shall ex-
ceed £50 value.

Proof to entitle Draw-
back must be made with-
in 12 months from re-
shipment.

Reshipments to be
made from sun-rise to
sun-set.

Fees allowed Offi-
cers to execute duties
of this Act.

Collectors how to
be appointed,

and to give security.

Trials for forfeit-
ures how and where
to be commenced,

Special Jury may be
awarded.

clandestinely having the same in his, her, or their custody or pos-
session, shall forfeit and pay the sum of *One Hundred Pounds* each,
for every offence, to be levied and distributed in the manner herein
after directed.

Provided always nevertheless, That nothing herein contained shall
entitle any exporter or exporters in any respect whatsoever to any
Drawback unless the first cost of the Goods shipped at one and the
same time, and owned by one and the same Person, in one and the
same Vessel, shall exceed the sum of *Fifty Pounds*, and unless ap-
plication be made for the Drawback to be allowed, and the several
proofs requisite for allowing thereof made within *Twelve Months*
to be computed from the time of such re-shipment, any thing herein
contained to the contrary notwithstanding: *And Provided also,*
that the time limited for such re-shipment, shall be from sun-rising
to sun-setting, both in the Winter and Summer.

XVI. *And be it further enacted, by the authority aforesaid,* That
the following Fees or allowances shall be made to the Officers ap-
pointed to execute the Duties prescribed by this Act, for the per-
formance thereof, that is to say, to the *Collector of Impost* the sum of
Five Pounds per centum, upon all Monies received or secured under
the operation of this Act, and to the *Treasurer* the sum of *Two*
Pounds and *Ten Shillings* per centum, upon all Monies received by
him on account thereof, and no other Fees, Perquisites or Emolu-
ments whatever.

XVII. *And be it further enacted,* That it shall and may be law-
ful for the Governor, Lieutenant Governor, or Commander in Chief
for the time being, to appoint a proper Person to be Collector of the
several Rates, Duties and Imposts herein before mentioned, for
every Port in this Island, where he shall or may think expedient
and necessary for the effectually carrying into execution this Act,
each and every of which Person or Persons appointed as aforesaid,
is and are to give sufficient security, payable to his Majesty, his
Heirs and Successors, in such amount as he shall from time to time
judge sufficient to effect the faithful discharge of the trust reposed
in such Person or Persons according to the true intent and mean-
ing of this Act.

XVIII. *And be it further enacted,* That all Causes or Trials for
forfeitures and penalties inflicted for breaches of this Act, shall and
may be commenced and prosecuted by Bill, Complaint or Information
in any of his Majesty's Courts of Record, which now are, or
which may hereafter be established in this Island, and upon Motion
duly and regularly made a Special Jury shall be awarded and sum-
moned to try the matter in question, agreeable to the form and
manner of awarding and summoning Special Juries, in the Courts
of

of Westminster in Great Britain. And the Defendant or Defendants in such Suit shall be subject to pay all Costs if the Verdict therein be given against him or them.

XIX. *And be it further enacted, by the authority aforesaid,* That all the penalties and forfeitures arising from breaches of this Act, shall be paid to the Treasurer, and applied as follows, that is to say, three-fourths to His Majesty, and to and for the purposes herein after mentioned; and one-fourth to him or them who shall inform, seize, or sue for the same. And that all Prosecutions in pursuance of this Act shall be commenced within the space of *Six Months* from the time of the Offence being committed.

Penalties, &c. shall be paid to the Treasurer, and how to be applied.

XX. *And be it further enacted,* That all Monies, Duties, Fines and Forfeitures, imposed, received or recovered by operation of this Act shall be applied and laid out for the purposes herein mentioned and no other, according to the modes herein specified and directed; and that an Account of the same and of the Expenditure thereof shall be kept by the Treasurer, which shall be separate and distinct from all other Public Accounts kept by the said Treasurer.

Monies, Fines, &c. to be applied to such purposes only as are directed by this Act;

and account thereof to be kept separate by the Treasurer.

XXI. *Be it further enacted, by the authority aforesaid,* That the Sums herein after mentioned out of the Monies arising or to be recovered by operation of this Act, shall be appropriated as follows, that is to say, the sum of *Eight Hundred Pounds* for erecting and building a *Gaol* in *Queen's County*; the sum of *Eight Hundred Pounds*, for building and erecting a *Gaol* and *Court House* under one roof in *Prince County*; and the sum of *Eight Hundred Pounds* for erecting a *Court House* and *Gaol* under one roof in *King's County*.

£800 to be applied to build a Gaol in Queen's County.

£800 to build a gaol and Court House in Prince County.

£800 to build a Court House and Gaol in King's County.

XXII. *And be it further enacted,* That the Governor, Lieutenant Governor, or other Commander in Chief of this Island, for the time being, by and with the advice and consent of His Majesty's Council, he and he is hereby empowered to appoint *five* Commissioners being Freeholders residing in *Queen's County*, for carrying into effect the erection of the *Gaol* to be built in the said County, and *five* like Commissioners residing in *Prince County*, to erect a *Court House* and *Gaol* to be built in the said County; and *five* like Commissioners residing in *King's County*, for carrying into effect the erection of the *Court House* and *Gaol* to be built in the said County.

Li. Governor, &c. and Council, empowered to appoint 5 Commissioners, in each of the Counties to carry into effect the building of gaols and Court Houses.

XXIII. *And be it further enacted, by the authority aforesaid,* That the said Commissioners first above named or the major part of them, shall without delay procure proper Plans and Sections for the said *Gaol* to be erected in *Queen's County*, together with particular Estimates of the expence of Materials and Workmanship necessary to complete

Commissioners to procure proper Plans, and Estimates of expence.

complete the same, which together with all Contracts which shall be entered into by the said Commissioners, shall previous to their being executed, be laid before the Governor, Lieutenant Governor or Commander in Chief for the time being, for his approbation. *Provided* the expence thereof shall not exceed in the whole the Sum of *Eight Hundred Pounds*.

Proviso.

Governor, &c. to draw Warrants on the Treasury, when required by the Commissioners.

XXIV. *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 on the Treasury, at the requisition of the said Commissioners, or the major part of them, for the sum appropriated by this Act, for building the said *Gaol*, or any part thereof, at such times and in such proportion as they may think necessary.

Commissioners for King's and Prince Counties to proceed in like manner as for Queen's County.

XXV. *And be it further enacted, by the authority aforesaid*, That the Commissioners hereby appointed for building a *Court House* and *Gaol* in *Prince County*, and a *Court House* and *Gaol* in *King's County*, shall proceed in like manner respectively, as is above directed, for the proceedings of the first named Commissioners, and Warrants shall in like manner issue upon their requisitions, for such sums as they shall respectively require. *Provided*, That the whole expence attending the erection of each of such Buildings shall not exceed the sum of *Eight Hundred Pounds*.

Gaol to be built in *Charlotte-Town*.

Court House and *gaol* to be built in *Prince Town*.

Court House and *gaol* to be built in *George Town*.

XXVI. *And be it further enacted by the authority aforesaid*, That the said *Gaol* for *Queen's County*, shall be erected and built at *Charlotte-Town*; and the *Court House* and *Gaol* to be erected at *Prince County* shall be built at *Prince-Town*; and the *Court House* and *Gaol* to be erected in *King's County*, shall be built at *George Town*.

Surplus money to remain unappropriated.

XXVII. *And be it further enacted*, That after the foregoing Expenditures have been made, the surplus Monies arising under the operation of this Act shall remain in the hands of the Treasurer, unappropriated, subject to be disposed of by an Act of the General Assembly of this Island.

To remain in force 2 years after the Royal Allowance.

XXVIII. *And be it further enacted*, That this Act shall continue in force for and during the space of *Two Years*, from and after the Royal Allowance thereof being duly proclaimed, or published in this Island, and no longer.

Suspending Clause.

XXIX. *Provided Always*, That nothing in this Act contained shall have any force or effect until His Majesty's pleasure therein shall be known.

C A P. II.

AN ACT to prevent ACTS of the GENERAL ASSEMBLY from taking effect from a time prior to the passing thereof.

January 8, 1819.

WHEREAS every Act of the General Assembly in which the commencement thereof is not directed to be from a specific time, doth commence from the first day of the Session of the General Assembly, in which such Act is passed; and whereas the same is liable to produce great and manifest injustice, for remedy whereof,

Preamble.

I. *Be it enacted by the Lieutenant Governor, Council and Assembly,* That the Clerk of the Council shall indorse in English, on every Act of the General Assembly, which shall pass after the Third day of November, One Thousand Eight Hundred and Eighteen, immediately after the Title of such Act, the Day, Month and Year, when the same shall have passed, and shall have received the Governor, Lieutenant Governor, or Commander in Chief's Assent; and such indorsement shall be taken to be a part of such Act, and to be the date of its commencement, where no other commencement shall be therein provided.

Clerk of Council to indorse on every Act the day, month, and year, when the same shall receive the Governor's assent.

C A P. III.

AN ACT to LIMIT the DURATION of the TERMS of the SUPREME COURT of JUDICATURE, and for other purposes therein mentioned.

January 8, 1819.

WHEREAS the Terms of the Supreme Court of Judicature of this Island, are not limited to any fixed periods of time, and grievous delays, burthens and expences have been occasioned to Suitors, Jurors, Witnesses, and others attending the said Court, by reason of the extension of the Sessions of the same.

Preamble.

I. *Be it therefore enacted by the Lieutenant Governor, Council, and Assembly,* of this Island, and by the authority of the same, That the Term of the said Court known and distinguished by the name of Hilary Term, shall begin and take its commencement on the Third Tuesday of February, yearly, as by Law established, and shall continue and endure for the space of *Fourteen Days*, and no longer; and that the Term of the said Court known and distinguished as Trinity Term, shall begin and have its commencement on the last Tuesday of June yearly as by Law established, and shall continue and endure for the space of *Fourteen Days*, and no longer; and that the Term of the said Court known and distinguished as Michaelmas

Hilary Term to commence upon the third Tuesday of February and to continue 14 days.

Trinity Term to commence on the last Tuesday in June, and continue 14 days.

Michaelmas Term to commence on the last Tuesday in October, and to continue 7 days.

Every Juridical day to be the return day for all Writs, &c.

No trial by Jury to take place in Hilary or Trinity Terms after the expiration of 10 days.

Michaelmas Term shall begin and have its commencement on the last Tuesday of October, yearly, as by Law established, and shall continue and endure for the space of *Seven Days* and no longer.

II. *And be it further enacted*, That every Juridical day during the said Terms of Hilary, Trinity, and Michaelmas, shall be a Return day, for all Writs and Processes awarded by the said Court.

III. *And be it further enacted*, That no Trial by Jury whatsoever shall take place in either of the said Terms of Hilary and Trinity after the expiration of the first *Ten Days*, from the commencement of said respective Terms.

C A P. IV.

AN ACT to enable the JUSTICES of the Supreme Court of Judicature to issue COMMISSIONS for examining WITNESSES out of this ISLAND.

January 8, 1819.

Depositions of Witnesses residing out of this Island to be read as evidence.

Issue of Commissions for taking such Depositions.

Depositions so taken to be read as evidence DE BENE ESSE.

Costs attending suit to be taxed and paid by the party discontinuing,

if otherwise to be paid by party obtaining Commission.

Act to be in force 5 years.

BE it enacted by the Lieutenant Governor, Council and Assembly, That in all Civil Causes which may at any time after the passing of this Act be depending and at issue in the Supreme Court of Judicature of this Island, in which either Party shall be desirous to take the Depositions of Witnesses residing out of this Island, to be read as Evidence in such causes, it shall and may be lawful for the said Court in Term time, or for any one of the Justices of the same, in Vacation, upon sufficient cause being shewn by Affidavit made by or on behalf of the Party desiring the same, to authorize the issuing of a Commission under the Seal of the said Court for taking such Depositions in such manner, and under such Rules, Restrictions and Regulations as the said Court by any Rules and Orders for that purpose shall direct and appoint. And such Depositions so taken shall be read in Evidence as Depositions taken *de bene esse*, at the Trial of such causes, and the Costs attending the issuing such Commissions and taking such Depositions, shall be taxed and shall be paid by the Party who shall afterwards discontinue any such Suit, or against whom any final Judgment therein shall be given. *Provided* that the Judge or Officer taxing such Costs shall be of opinion that such Commission was necessarily issued, and that the Depositions taken thereunder were material to the matter in issue, in favour of the Party who desired the same, but if otherwise such Costs shall be paid by the Party obtaining the Commission.

II. *And be it further enacted*, That this Act shall remain and be in force for and during the Term of Five Years from and after the passing thereof, and no longer.

CAP.

C A P. V.

AN ACT for regulating JURIES and further declaring the QUALIFICATIONS of JURORS.

January 8, 1819.

BE it enacted by the Lieutenant Governor, Council, and Assembly, That no Sheriff or Bailiff shall return any Person to have been Summoned as a Grand or Petit Juror, to serve in this Island, unless such Person shall have been duly summoned *Six Days*, before the Day, of appearance and shall have resided in this Island for the space of *Six Months* next before such Summons, and in case any Juror be absent from his Habitation, notice of such Summons shall be given by leaving a Note in writing under the hand of such Officer, at the Dwelling of such Juror, with some Person there inhabiting.

No Person to be returned unless summoned six days before the day of appearance, and shall have resided 6 Months in the Island.

Notice in writing to be left at the Dwelling House.

II. *And be it further enacted*, That an equal Number of Grand and Petit Jurors, shall be summoned as aforesaid, from each County of this Island, except in cases of Special Juries.

An equal number of Jurors to be chosen from each County, except in cases of Special Juries.

III. *And be it further enacted*, That if any cause Criminal, or Civil, cannot be tried when called on in Court for default of Jurors the Justices of the Court, shall have authority to command the Sheriff to summon so many other proper Persons not liable more than once in a year, of any County in this Island, to attend forthwith, as will make up a full Jury for the Trial of such cause.

Jurors how chosen when a sufficient number shall not appear.

IV. *And be it further enacted*, That upon Motion made in the Supreme Court in behalf of his Majesty, or on the Motion of any Prosecutor or Defendant in an Indictment or Information for any Misdemeanor or Information, in the nature of a *quo Warranto*, or on Motion of any Plaintiff or Defendant in any cause depending in the said Court, the Justices are required to order a Jury to be struck before the proper Officer, for the trial of any issue, in such manner as Special Juries are usually struck in the said Court upon trials at Bar. And in all cases the Party who shall apply for a Special Jury shall not only pay the Fees for striking such Jury, but shall also pay all the expences occasioned by the Trial of the cause by such Special Jury; and shall not have any other allowance for the same upon taxation of Costs, than such party would be entitled unto in case the cause had been tried by a common Jury.

Jury to be struck on motion in the Supreme Court as Special Juries are usually struck in trials at Bar.

Fees and expences of Special Jury to be paid by the party applying for the same.

V. *And be it further enacted*, That every Person so summoned as aforesaid, to serve as a Grand Juror, and who shall not appear after being openly called three times, upon Oath made by the summoning Officer that such Person so making Default had been lawfully summoned, shall forfeit and pay for such Default such fine not exceeding the sum of *Five Pounds* nor less than *Forty Shillings*,

Grand and Petit Jurors to be fined for non-appearance when called.

Grand Juror on Default to be fined not more than 5 pounds, nor less than 40 shillings.

as

as the Judge or Judges presiding in said Court shall think reasonable to inflict or assess, unless some sufficient cause of his absence be proved by Oath, Affidavit, or Affirmation, to the satisfaction of the said Judge or Judges: and that every Petit Juror so summoned as aforesaid to attend at any Court of Record, in this Island, and making Default on proof so as above set forth, of their being legally summoned, shall forfeit and pay for every such Default the sum of *Five Shillings*, unless some reasonable cause by proof as above directed be assigned to the satisfaction of the Judge or Judges who sit to try the cause. *Provided always*, That the amount of the said Fines, to be levied on each Petit Juryman for the several Defaults at one Term shall not exceed the sum of *Three Pounds*.

Amount of Fines for Petit Jurors not to exceed £3.

No Juror liable to be summoned oftener than every third issuable Term.

Members of Council exempt from serving as Jurors.

Act to be in force for 3 years.

VI. *And be it further enacted*, That no Grand or Petit Juror shall be liable to be summoned oftener than every third issuable Term.

VII. *Provided always, and be it enacted*, That the Members of His Majesty's Council shall be excused from serving as Jurors.

VIII. *And be it further enacted*, That this Act shall continue and be in force for and during the Term of Three Years from and after the passing thereof, and further until the end of the next Session of the General Assembly, and no longer.

C A P. VI.

AN ACT to amend and repeal certain parts of an Act intituled an Act to repeal an Act made and passed in the forty-first year of his present Majesty's Reign, intituled an Act for the better regulation of ELECTIONS, and to regulate ELECTIONS for MEMBERS to serve in GENERAL ASSEMBLY in future.

January 8, 1819.

Preamble.

WHEREAS by the above recited Act there is no provision made for the Sheriff's Return in the event of two or more Candidates at any one Election within this Island, having the same number of Votes.

When an equal number of Votes for two or more Candidates shall be polled, Sheriff or Returning Officer to return the whole of the Candidates and the proceedings.

I. *Be it therefore enacted by the Lieutenant Governor, Council, and Assembly*, That from and after the passing hereof, no Sheriff or returning Officers shall make Return as duly elected, of any one of such Candidates so having an equal number of Votes, to the exclusion of the other Candidate or Candidates, but shall, in every such case, Return the whole Candidates having such equal number of Votes, with the proceedings thereon, to be disposed of by the House of Assembly as to them may appear most consonant to Justice, and to the Laws of Election. *Provided*

Provided always, That nothing herein contained shall prevent, or be construed to prevent, the Sheriff or Returning Officer from proceeding on a scrutiny according to Law, and making a Return of his proceedings on such scrutiny to the House of Assembly to be adjudged and determined.

Proviso.

II. *And be it further enacted,* That the Oath prescribed to be taken by the Poll Clerks, under and by virtue of the said Act, be and the same is hereby repealed, and instead thereof, that the following be and is hereby required to be taken, that is to say,

Former Oath to be taken by Poll Clerk repealed.

I A. B. do swear that I will at this ensuing Election of a Member or Members to serve in General Assembly, for the County (or Royalty,) of _____ truly and indifferently take the Poll, and set down the name of each Voter, and for whom he shall Poll, and give his Vote, that I will not enter on the Poll Books the Name or Vote of any Person but such as shall be permitted to Vote at this Election; and that I will truly enter all and every Vote upon the Poll Books, without partiality, fear, favor, or affection.

Poll Clerk's Oath to be taken instead of one repealed.

SO HELP ME GOD.

III. *Provided,* That nothing in this Act contained shall have any force or effect until His Majesty's pleasure therein shall be known.

C A P. VII.

AN ACT to regulate the Sale of the INTEREST of LEASEHOLDERS, when taken in EXECUTION.

January 8, 1819.

WHEREAS Leases and Terms for Years in this Island are liable to be sold under Execution, the same as Goods and Chattels, which has often produced great inconvenience, for remedy whereof:

Preamble.

I. *Be it enacted by the Lieutenant Governor, Council, and Assembly,* That from and after the passing of this Act, no Leasehold Interest, or Term of Years, in any Lands, Tenements, or Hereditaments, hereafter to be taken in Execution, within this Island, shall be exposed to Sale until the expiration of Six Calendar Months, after the same shall have been so taken in Execution.

No Leasehold Interest, or Term of Years, to be taken in execution shall be sold until the expiration of six months.

II. *And be it further enacted,* That whenever any Leasehold Interest or Term of Years shall be taken in Execution, the Sheriff, Coroner, or other proper Officer, to whom such Writ of Execution shall be directed, shall duly advertise the same for Sale, pursuant to this Act, and in the manner directed by Law, in such cases, respecting Freehold or Real Estates, taken in Execution within this Island.

Sheriff, &c. to whom Writ of Execution shall be directed, shall advertise the same for sale.

III. *And be it further enacted,* That if the Premises so taken in Execution, or any part thereof, shall have been previously underlet
by

Defendant underletting Premises, named in Ex-

ention, whose Term of Years have not expired at the time of levying, under-Tenant to be notified by Sheriff that he, she or they must return and become Tenants to the plaintiff.

Said Plaintiff before the determination of Suit, to have power to recover Rents payable by Under-Tenant or so much thereof as will satisfy the Execution;

such Under-Tenant stand discharged from the claims of Defendant for so much Rent as shall be paid, and which shall be received in liquidation of the Levy.

When Terms of Years are taken in Execution Sheriff to return the Writ within 8 days after levy made.

Provido.

No sale, as aforesaid, to be a forfeiture of such Lease.

Sheriff, &c. to expose to sale the Interest of Leaseholder at Auction.

Sheriff, &c. to execute to Purchaser a Deed of sale,

which shall be good and sufficient in Law to transfer such Leasehold Interest unto Purchaser.

by the Defendant or Defendants, named in any such Writ of Execution, to any Under-Tenant or Under-Tenants, whose Term or Terms shall not have expired, at the time of such Execution being levied, then the Sheriff, Coroner, or other proper Officer, shall notify such Under-Tenant or Under-Tenants, that he, she, or they must return and become Tenants to the Plaintiff or Plaintiffs named in the Writ of Execution, and the said Plaintiff and Plaintiffs shall from thenceforth until Sale or other sooner determination of the Suit, have the like power and authority to recover and receive the Rents payable by such *Under-Tenant* or *Under-Tenants*, or so much thereof as will satisfy the Execution, as the Defendant or Defendants named in such Writ had before; and such *Under-Tenant* or *Under-Tenants*, shall stand absolutely discharged of, and from, the claims of such Defendant or Defendants, for so much Rent as he, she, or they shall pay as aforesaid, and which shall be received in liquidation of the levy marked on such Execution.

IV. *And be it further enacted*, That in all cases where Terms of Years are taken in Execution under or by Virtue of any Writ issuing out of the Supreme Court of Judicature of this Island, or out of any other Court competent, the Sheriff to whom such Writ is directed shall return the same into the said Court from which it issued within Eight Days after the so taking any Term of Years in Execution as aforesaid, notwithstanding any other Return Day in such Writ contained.

Provided, That no Covenant, Agreement, or Proviso, in any such Lease or other Instrument, shall prevent the Interest of any such *Leaseholder* as aforesaid, from being sold in terms of this Act, to pay his or her just Debts; nor shall the sale thereof, as aforesaid, in any case be a forfeiture of such Lease, any thing contained in such Lease, or other Instrument, to the contrary notwithstanding.

V. *And be it further enacted*, That it shall and may be lawful for the Sheriff, Coroner, or other proper Officer, at the time allowed by this Act to expose to Sale the Interest of any such *Leaseholder* as aforesaid, and the same shall thereupon be put up to fair Auction, and shall be sold to the highest bidder, who shall be declared the Purchaser; and the Sheriff, Coroner, or other proper Officer, shall forthwith execute to such Purchaser, at his (the Purchaser's) expence, an absolute Deed of Sale or Assignment of such Leasehold Interest, reciting therein the Execution under which the same may have been sold, which Deed or Assignment shall be good and sufficient in Law to transfer such Leasehold Interest unto such Purchaser, his Executors, Administrators and Assigns, and it shall and may be lawful for the Sheriff, Coroner, or other proper Officer, after such Deed or Assignment shall have been so executed, to enter into the Premises specified in such Deed or Assignment, and to put the Purchaser into quiet and peaceable possession thereof.

VI. *And*

VI. *And be it further enacted*, That this Act shall continue and remain in force for and during the space of *Seven Years*, from and after the passing thereof, and from thence until the end of the next Session of the General Assembly of this Island, and no longer.

This Act to remain in force for 7 years.

C A P. VIII.

AN ACT for the better regulation of MERCHANT SEAMAN, and to repeal part of an Act passed in the Fiftieth year of his present Majesty's Reign, intituled an Act to prevent the Harbours Deserters from His Majesty's Navy or Army, and for giving a reward for apprehending Deserters, and to prevent Harbours DESERTERS from Ships in the MERCHANT SERVICE.

January 8, 1819.

WHEREAS great loss and damage is frequently occasioned to Trade and Navigation by Seamen deserting their employ, or Voyages they are entered upon or being taken off from the same by Arrest for Debt, or pretence thereof, for remedy :

Preamble.

I. *Be it enacted by the Lieutenant Governor, Council, and Assembly*, That if any Inn-keeper, or Seller of Rum, and other strong Liquors, Shop-keeper, or any person whatsoever, shall trust or give credit to any Mariner or Seaman, belonging to any Ship or other Vessel, without the knowledge and allowance of the Master or Commander thereof, in any sum of Money, no Capias, Arrest, or any other Process for any Debt so contracted, without the knowledge and allowance as aforesaid shall be granted against or served upon the Person of such Mariner or Seaman, until he shall have performed the Voyage he is then entered upon, and be discharged of the same, and every Process issued contrary to this Act shall be deemed and adjudged utterly void in Law, and any one Justice of the Court from whence such Process shall issue to whom it shall be made to appear that any Mariner or Seaman is committed or restrained upon Process granted, for any such Debt or pretence of Debt, made whilst he was engaged and actually entered and in pay on any Voyage, shall forthwith order his release, upon filing common Bail to the Action.

No attachment or Process for Debt, to be served upon any Seaman when engaged in a Voyage.

II. *And be it further enacted*, That if any Master or Commander of any Ship or Vessel, or any other Person or Persons shall Hire or Engage, Harbour or conceal any Seaman, Mariner, or other Person, who shall have signed any former Contract or Articles, knowing him to have deserted from any Ship or Vessel within this Colony, every such Master, Commander or other Person or Persons so offending, and being thereof convicted, shall forfeit and pay the sum of *Twenty Pounds*, to the use of the party aggrieved, to be sued for in any Court of Record, proper to try the same, in which Action

Any Person having or concealing any Seaman or other Person, who shall have signed any former Contract knowing him to have deserted from any Vessel to forfeit £20.

Any Seaman deserting during the Voyage to forfeit over and above the penalties, all the Wages he may be entitled to during that Voyage, to the use of the Owners.

Seamen neglecting their attendance and duty when engaged,

Penalty.

Proviso.

Seaman not bound unless Agreement in writing.

Repealing Clause.

Limitation of Action.

tion or Suit the Defendant or Defendants may be held to Special Bail on an Affidavit being duly made and filed of the cause of Action, and such Seaman, Mariner, or other Person, who shall desert at any time during the Voyage on which he is engaged by written Contract, or Articles, shall over and above all Penalties and Forfeitures to which he is now by Law subject, forfeit all the Wages he may have agreed for, or be entitled to during the Voyage, from the Master or Owner of the Ship or Vessel on board of which he shall have entered after such Desertion, to the use of the Owner or Owners of such Ship or Vessel as he shall have deserted from.

III. *And be it further enacted,* That if any Mariner or Seaman having shipped himself on board any Ship or Vessel which hath been Launched or is actually preparing for Sea, to proceed on any Voyage and under pay, shall neglect his attendance and duty on board, or absent himself from his said service, upon complaint thereof made on Oath by the Owner, Master, or other Officer of the said Ship or Vessel, to any Justice of the Peace within the same County, such Justice is hereby empowered to cause such Mariner or Seaman to be forthwith brought before him by Warrant, and upon conviction of his absenting himself as aforesaid, to commit to prison, that he may be secured and forthcoming to proceed on the Voyage he has so agreed to, and to be delivered by order of the Justice that committed him, or some other Justice in the same County, and all necessary charges, attending his being so secured, and which have been actually paid by the said Owner or Master, may be deducted from such Mariner or Seaman's Wages, as the same becomes due.

IV. *Provided always,* That no Seaman shall be bound by entering or shipping himself on board of any Ship or Vessel, unless the Agreement shall be in writing, and declare what Wages such Seaman is to have for so long a time as he shall Ship himself for, and also express the Voyage or Time for which such Seaman was shipped, any thing herein before to the contrary notwithstanding.

V. *And be it further enacted,* That so much and such part of an Act of Assembly of this Island, made and passed in the Fiftieth year of his present Majesty's Reign, intituled "An Act to prevent the Harbours Deserters from his Majesty's Navy or Army, and for giving a reward for apprehending Deserters; and to prevent Harbours Deserters from Ships in the Merchant Service," as relates to Merchant Seamen be and the same is hereby repealed.

VI. *And be it further enacted,* That no Action or Suit for any Penalty inflicted by this Act, shall be commenced after the expiration of Two Years from the time when the offence was committed.

CAP.

C. A. P. IX.

AN ACT for BARRING ESTATES TAIL.

January 3. 1819.

WHEREAS there is no Law in this Island, whereby Estates Tail, or in Reversion, or Remainder, may be Barred, or defeated, or enlarged, into Estates in fee simple, other than by levying Fines, or by suffering common Recoveries, the Process of which and of making and executing Deeds to lead to the uses, or to declare the uses of such Recoveries, are attended with heavy expence, and with delays that are often injurious:

Preamble.

I. *Be it therefore enacted by the Lieutenant Governour, Council, and Assembly of this Island, and by the authority of the same; That a Deed in the form of Law, made and executed of any Lands, Tenements, or Hereditaments, within this Island, by any Tenant in Tail, acknowledged before the Chief Justice, or any of the Assistant Judges of the Supreme Court of Judicature of this Island, shall to all intents and purposes be as effectual and valid in the Law, to pass all Estate, Right, Title, Interest, and claim of the party, to such Deed in or to such Lands, Tenements, and Hereditaments, by such Deed granted, conveyed, or made over to the Grantee or Bargainee, in such Deed made over, his Heirs and Assigns, and to defeat, extinguish, cut off and destroy, all Estates Tail, Remainders and Reversions, touching and concerning such Lands, Tenements and Hereditaments, as if the party so granting or conveying had levied a Fine with Proclamations, or suffered a common Recovery of such Lands, Tenements, and Hereditaments, according to the Laws of England, duly levied in the Court of Common Pleas, at Westminster, with Deeds properly executed, to lead the uses or declare the uses of such Fine or Recovery of Lands, Tenements, and Hereditaments, lying and being in England. Provided always, That where such Deed of Conveyance shall be executed by Baron and feme, of any Lands, Tenements and Hereditaments as aforesaid, then the same shall be acknowledged in the form and manner provided by an Act of the General Assembly of this Island, of the Thirty-sixth year of his present Majesty's Reign, intituled "An Act to render valid Conveyances of real Estates of Married Women, by them made or to be made during their Coverture," and such Deed of Conveyance so acknowledged shall be as good and valid in Law as if the same had been made by a Feme sole, or as if such Married Woman had joined in levying a Fine according to the Law and practice in that behalf made and used in that part of Great Britain called England, and shall effectually Bar her Dower in such Lands, Tenements and Hereditaments.*

Deeds made and executed of Land, and Tenements by Tenant in Tail, acknowledged before Chief Justice, &c. shall be valid in Law,

to pass all Estate, right, title, &c. of the party to such Deed,

as if the party so granting or conveying, had levied a Fine with Proclamation, or suffered a common recovery of such Lands, &c. according to the Laws of England.

Proviso.

Where Deed of Conveyance shall be executed by BARON and FEME to be acknowledged in manner provided by an Act of this Island,

and to be as valid in Law as if the same had been made by FEME SOLE.

II. *And be it further enacted, by the authority aforesaid, That all Deeds in due form of Law made and executed in Great Britain or Ireland*

All Deeds, &c. how to be executed and ac-

acknowledged by Tenant
in Tail out of this
Island,

same shall be effectual
and valid in Law, to
pass all Estate, Right,
Interest, and claim of
the party to such Deed,

and to defeat, cut off,
and destroy, Estates Tail
&c. touching or con-
cerning such Lands as if
the Grantee had levied
a Fine, &c.

Proviso.

Ireland, or in any of his Majesty's Colonies, of any Lands, Tenements and Hereditaments in this Island, by Tenant in Tail, and acknowledged within Three Months of the time of executing the same, before any one of the Justices of the Court of Common Pleas, in England or Ireland, or any one of the Lords of Session in Scotland, or any Chief Justice or Assistant Justice of the Supreme Court in the Colonies, shall be as effectual and valid in the Law to pass all Estate, Right, Title, Interest, and claim of the Party, to such Deed in or to such Lands, Tenements, and Hereditaments, by such Deed or Conveyance, granted, made over, or conveyed, to the Grantee or Bargainee in such Deed made over, and his Heirs and Assigns, and to defeat, extinguish, cut off and destroy all Estates Tail, Remainders or Reversions, touching or concerning such Lands Tenements and Hereditaments, as if the party so granting and conveying had levied a Fine with Proclamations or suffered a common Recovery of such Lands, Tenements, and Hereditaments, according to the Laws of England, duly levied in the Court of Common Pleas at Westminster, with Deeds properly executed to lead the uses or declare the uses of such Fine or Recovery, of Lands, Tenements and Hereditaments lying and being in England. *Enacted* always that when such Deed or Conveyance shall be executed by Baron and feme in Great Britain, or Ireland, or any of his Majesty's Colonies, of any Lands, Tenements and Hereditaments, as aforesaid, then the same shall be acknowledged in the form provided by the aforesaid Act of the General Assembly of this Island, made and passed, in the Thirty-sixth year of his present Majesty's Reign; intitled "An Act to render valid Conveyances of real Estates of Married Women, by them made, or to be made, during their Coverture," and such acknowledgement may be taken within Three Months of the time of executing the same, before any one of the Justices of his Majesty's Court of Common Pleas, in England or Ireland, or any one of the Lords of Session in Scotland, or any Chief Justice or Assistant Justice of the Supreme Court in the Colonies, or any Justice of the Peace in Great Britain or Ireland, or the Colonies; and such Deed of Conveyance so acknowledged shall be as good and valid in the Law as if the same had been made by a *Feme sole*, or as if such Married Woman had joined in levying a Fine according to the Law and practice in that behalf made and used in that part of Great Britain called England, and shall effectually *Bar* her *Dower* in such Lands, Tenements and Hereditaments.

Deed or instrument
shall as aforesaid to
Registered.

III. And be it further enacted by the authority aforesaid, That no Deed or Instrument, executed as aforesaid, shall have any force or effect, excepting against the party granting it, until the same or a Memorial thereof shall be duly Registered in the proper Office for Registry of Deeds within this Island.

Ex. J. M.