

C. A. Hatheway Esq
ACTS

OF THE

GENERAL ASSEMBLY

OF

HIS MAJESTY'S PROVINCE

OF

NEW-BRUNSWICK,

PASSED IN THE YEAR

1829.



FREDERICTON :

PRINTED BY GEO. K. LUGRIN,

Printer to the King's Most Excellent Majesty.

MDCCCXXIX.

Rec. Apr. 16, 1902.

ANNO REGNI
GEORGII IV.

Britanniarum Regis, Nono et Decimo,

AT the General Assembly of the Province of New-Brunswick, begun and holden at Fredericton, on the ninth day of December, Anno Domini one thousand eight hundred and twenty-eight, in the ninth Year of the Reign of our said Sovereign Lord George the Fourth by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. &c. &c. being the second Session of the ninth General Assembly, convened in the said Province.

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THE
ACTS
OF THE
General Assembly,
&c.

CAP. I.

An Act to prevent the failure of Justice by reason of variances between Records and Writings produced in Evidence in support thereof.

Passed 10th February, 1829.

WHEREAS great expense is often incurred, and delay or failure of Justice takes place at Trials by reason of variances between writings produced in evidence, and the recital or sitting forth thereof, upon the Record or Pleadings on which the Trial is had, in matters not material to the merits of the case, and such Record or Pleadings, cannot now, in any case, be amended at the Trial, and in some cases, cannot be amended at any time: For remedy thereof;

Preamble.

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful

In cases where a Variance shall appear between written or printed Evidence and the Record, the Court may order the Record to be amended on payment of Costs.

lawful for every Court of Record, holding Plea in Civil Actions, any Judge sitting at Nisi Prius, and Court of Oyer and Terminer and General Gaol Delivery, within this Province, if such Court or Judge shall see fit so to do, to cause the Record or Pleading on which any trial may be pending, before any such Judge or Court in any Civil Action, or in any Indictment or Information for any misdemeanor, when any variance shall appear between any matter in writing or in print produced in evidence, and the recital and setting forth thereof upon the Record or Pleading, whereon the Trial is pending, to be forthwith amended in such particular, by some officer of the Court, on payment of such Costs (if any) to the other party, as such Judge or Court shall think reasonable; and thereupon the Trial shall proceed as if no such variance had appeared; and in case such Trial should be had at Nisi Prius, the order for the amendment shall be endorsed on the Postea, and returned, together with the Record; and thereupon the Papers, Rolls and other Records of the Court, from which such Records issued, shall be amended accordingly.

CAP. II.

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

Passed 10th February, 1829.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act passed in the fifty-sixth Year of the Reign of His late Majesty King George the Third, intituled, "An Act more effectually to provide for the support of a nightly Watch in the City of Saint John," be, and the same is hereby further continued and declared to be in force until the first day of April

pril, which will be in the year of our Lord one thousand eight hundred and thirty-two.

CAP. III.

An Act to continue the Laws for regulating the Fisheries in the County of Northumberland.

Passed 10th February, 1829.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That a certain Act passed in the thirty-ninth year of the Reign of His late Majesty King George the Third, intituled "An Act for regulating the Fisheries in the County of Northumberland;" and also a certain other Act passed in the fifty-sixth year of the Reign of His said Majesty, intituled, "An Act in amendment of an Act intituled, 'An Act for regulating the Fisheries in the County of Northumberland;'" and also a certain other Act passed in the fourth Year of the Reign of His present Majesty, intituled, "An Act in further amendment of the Laws for regulating the fisheries in the County of Northumberland;" so far as the said several Acts are now in force, be, and the same are hereby continued and declared to be in force until the tenth day of May, which will be in the Year of our Lord one thousand eight hundred & thirty-four.

39. Geo. 3, c. 5.

56. Geo. 3, c. 8.

4. Geo. 4, c. 25.

So far as in force, continued till 10th May 1834.

CAP. IV.

An Act to continue an Act, intituled, "An Act for the regulation of Booms for securing Masts, Logs, and Lumber, in certain parts of the County of Northumberland."

Passed 10th February, 1829.

BE it enacted by the Lieutenant-Governor, Council, and Assembly, That an Act passed in the fourth Year of His Majesty's Reign, intituled, "An Act for the regulation of Booms for securing Masts, Logs, and Lumber, in certain parts

4. Geo. 4, c. 21, continued till 10th May 1834.

C. 5, 6. ANNO IX. et X: GEO. IV. A. D. 1829.

parts of the County of Northumberland," be, and the same is hereby continued and declared to be in full force until the tenth day of May, which will be in the Year of our Lord one thousand eight hundred and thirty-four.

CAP. V.

An Act to continue an Act for granting Bounties on Grain raised on New Land.

Passed 10th February 1829.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act made and passed in the seventh Year of His Majesty's Reign, intituled, "An Act for granting Bounties on Grain raised on new Land," be, and the same is hereby continued, and declared to be in force until the first day of May, which will be in the Year of our Lord one thousand eight hundred and thirty-three.

7. Geo. 4, c. 19,
continued till 1st
May 1833.

CAP. VI.

An Act further to continue until the first day of April one thousand eight hundred and thirty-five, "An Act to authorize the Justices of the Peace, in their General Sessions, to establish Ferries in their respective Counties."

Passed 10th February, 1829.

BE it enacted by the Lieutenant-Governor, Council, and Assembly, That an Act made and passed in the fifty-eighth Year of His late Majesty's Reign, intituled, "An Act to authorize the Justices of the Peace in their General Sessions, to establish Ferries in their respective Counties," be, and the same is hereby further continued and declared to be in full force until the first day of April, which will be in the Year of our Lord one thousand eight hundred and thirty-five.

58. Geo. 3, c. 4,
continued till 1st
April 1835.

CAP.

CAP. VII.

An Act to authorize the extension of the Gaol Limits in the City of Saint John.

Passed 10th February, 1829.

WHEREAS it is considered proper that Debtors confined within the limits of the Gaol of the City and County of Saint John, should be allowed to have access to such of the places of Public Worship, within the said City, as are not already contained within the Limits authorized by Law:

Preamble.

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That it shall and may be lawful for the Justices of the Peace of the said City and County, at any General Sessions of the Peace, or Special Sessions for that purpose to be holden, to extend the limits of the Gaol of the said City and County, so as to comprehend and include the Street called Wellington Row, and the whole of the Church or Chapel, called Saint John's Church, situate at the extremity of such Row; and also as much of Germaine Street as lies to the Northward of a line drawn through the centre of Queen Street, where it intersects Germaine Street; and to comprehend and include the Presbyterian Kirk or Church, called Saint Andrew's Church, and the area lying immediately in front of the same; and also the Baptist Meeting House, situate at the Corner of Germaine Street and Queen Street; and the Ground in front of the same, extending to the centre of Queen Street aforesaid.

Justices of the City and County of St. John to extend Gaol Limits.

Boundaries.

II. *And be it further enacted,* That it shall also be lawful for the said Justices, at any General or Special Sessions, as aforesaid, further to extend the said Limits, so as to comprehend and include the Dwelling House of James White, Esquire, High Sheriff of the said City and County, and the Office of the said Sheriff, contiguous to the

Further extension.

same

same; and also so much of the Street as extends from the line of Union Street to the Northern side of the said Office.

Limitation.

III. *And be it further enacted*, That this Act shall continue and be in force until the first day of April, One Thousand Eight Hundred and Thirty.

CAP. VIII.

An Act for the more speedy and effectual Punishment of Persons keeping Disorderly Houses.

Passed 10th February 1829.

BE it enacted by the Lieutenant-Governor, Council, and Assembly, That it shall and may be lawful for any one of his Majesty's Justices of the Peace; upon the complaint of any two inhabitants and householders of any City, Town or Parish, within this Province, upon oath, of any person keeping a Bawdy House; Gaming House, or other disorderly House, in such City, Town or Parish, to issue his Warrant to bring such person before him, and such Justice shall thereupon bind him or her over, to appear at the next General Sessions of the Peace, or at the next Court of Oyer and Terminer, to be holden in and for the County, or City and County in which such place shall be; as to the said Justice shall seem meet; there to answer to such Bill of Indictment, as shall be found against him or her for such offence; and such Justice shall and may, if in his discretion, he thinks fit, likewise demand and take security for such person's good behaviour, in the meantime: Provided always that before any such Warrant shall be issued by a Justice of the Peace, he shall require the two Inhabitants, so making complaint to him as aforesaid to enter into a recognizance in the Penal sum of Twenty Pounds each, to give or produce

Justices upon complaint on oath against any person keeping a Bawdy, Gaming, or other disorderly House, to issue Warrant to bring such person before him and bind him or her over

likewise to take security for such person's good behaviour.

The two Inhabitants to enter into a recognizance to produce material evi-

produce material evidence against the person complained of, at the next Sessions, or Court of Oyer and Terminer, as the case may be.

II. *And be it further enacted*, That any person, who shall at any time hereafter, appear, act, or behave him or herself as Master or Mistress, or as the person having the care, government or management of any Bawdy House, Gaming House, or other Disorderly House, shall be deemed and taken to be the Keeper thereof, and shall be liable to be prosecuted and punished as such, notwithstanding he or she shall not in fact be the real Owner or Keeper thereof.

III. *And be it further enacted*, That upon any such prosecution, against any person for keeping a Bawdy House, Gaming House, or other Disorderly House, any person may give evidence against the Defendant, or on behalf of the Defendant in such prosecution, notwithstanding his or her being an Inhabitant, or having entered into such recognizance as aforesaid.

IV. *And be it further enacted*, That every Indictment against any person for keeping a Bawdy House, Gaming House, or other Disorderly House, shall be heard, tried and finally determined at the same General Sessions, or Court of Oyer and Terminer; where such Indictment shall have been preferred, unless the Court shall think proper upon cause shewn, to adjourn the same to the next or any subsequent Sessions, or Court of Oyer and Terminer.

V. *And be it further enacted*, That this Act shall continue and be in force, until the first day of April in the Year of Our Lord, One Thousand Eight Hundred and Thirty-four,

dence against the person complained of.

The person appearing or behaving as master or mistress of any Bawdy, Gaming, or other disorderly House, to be deemed the keeper.

Persons may give evidence against or on behalf of Defendant notwithstanding their having entered into recognizance.

Indictment to be heard and finally determined at the same General Sessions or Court of Oyer and Terminer where such Indictment shall be preferred.

Limitation.

CAP. IX.

An Act for amending the Laws of Evidence in certain cases.

Passed 10th February, 1829.

WHEREAS it is expedient that Quakers and Moravians should be allowed to give evidence upon their solemn affirmation in all cases, criminal as well as civil; and that in prosecutions for Forgery, the party interested should be rendered a competent witness:

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That every Quaker or Moravian, who shall be required to give evidence in any case whatsoever, criminal or civil, shall, instead of taking an oath in the usual form, be permitted to make his or her solemn affirmation or declaration in the words following:—that is to say, “I A. B. do solemnly, sincerely, and truly declare and affirm;” which said affirmation or declaration shall be of the same force and effect, in all Courts of Justice and other places where, by Law an oath is required, as if such Quaker or Moravian had taken an oath in the usual form; and if any person making such affirmation or declaration, shall be convicted of having wilfully, falsely, and corruptly affirmed or declared any matter or thing, which, if the same had been sworn in the usual form, would have amounted to wilful and corrupt perjury, every such offender shall be subject to the same pains, penalties and forfeitures to which persons convicted of wilful and corrupt perjury, are, or shall be subject.

II. *And be it further enacted,* That on any prosecution, by indictment or information, against any person for forging any deed, writing, instrument, or other matter whatsoever, or for uttering or disposing of any deed, writing, instrument or other

Preamble.

Quakers or Moravians giving evidence in any case to be permitted to make their solemn affirmation or declaration.

Such affirmation to have the same effect as an oath.

Persons affirming falsely guilty of perjury.

In prosecutions for forgery no person to be deemed an incompetent witness by reason of any supposed interest in the matter.

other matter whatsoever, knowing the same to be forged; no person shall be deemed to be an incompetent witness in support of any such prosecution by reason of any interest which such person may have, or be supposed to have, in respect of such deed, writing, instrument, or other matter.

CAP. X.

An Act to continue an Act, intituled, "An Act to repeal all the Laws now in force for the regulation of Seamen, and to make more effectual provision for that purpose."

Passed 10th February, 1829.

BE it enacted by the Lieutenant-Governor, Council, and Assembly, That an Act made and passed in the seventh Year of the Reign of His present Majesty, intituled, "An Act to repeal all the Laws now in force, for the regulation of Seamen; and to make more effectual provision for that purpose." be, and the same is hereby continued and declared to be in full force, until the first day of April one thousand eight hundred and thirty-five.

7. Geo. 4. c. 12,
continued till 1st
April 1835.

CAP. XI.

An Act to continue and amend an Act, intituled, "An Act to provide for the surrender of the Principal in discharge of Bail, in Actions pending in the Supreme Court of Judicature in this Province."

Passed 10th February, 1829.

WHEREAS in and by an Act passed in the fourth Year of His Majesty's Reign, intituled, "An Act to provide for the surrender of the Principal in discharge of Bail in actions pending in the Supreme Court of Judicature in this Province; power is given to the Commissioners for taking Bail in the said Court in the several Counties where no Judge of the said Supreme Court resides, to take the surrender of Defendants in discharge of their Bail in the same manner

Preamble.

B. ner

ner as the Judges of the said Court are used to do: *And whereas* it frequently happens that Judges are absent from the Counties in which they have their residence, and in their absence no persons are present in such Counties, before whom such surrender now lawfully can be made:

In the absence of all the Judges from any County, Commissioners for taking Bail to exercise powers vested in them by 4, Geo. 4, c. 17, as in cases of the non-residence of such Judges.

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That all the power vested in the said Commissioners, by the said Act, shall and may be exercised by them respectively in the absence of all the Judges of the said Court from any County in which the surrender is to be made, in the same manner as they may now do, in cases of non-residence of such Judges, or any of them.

Limitation.

II. *And be it further enacted,* That this Act, together with the said recited Act, to which this is an amendment, shall continue and be in force until the first day of April in the Year of our Lord one thousand eight hundred and thirty-five.

CAP. XII.

An Act in addition to an Act, intituled, "An Act for the appointment of Town and Parish Officers in the several Counties in this Province."

Passed 10th February, 1829.

Preamble.

WHEREAS it is expedient, that persons who shall be appointed Parish Officers, should not be members of the Court by which such Parish Officers are appointed;

No persons to be appointed Town or Parish Officers who shall be members of the Court appointing such officers.

Be it enacted by the Lieutenant-Governor, Council and Assembly, That from and after the passing of this Act, it shall not be lawful for the Justices of the Peace for the several Counties in this Province, to appoint any person or persons to serve in the capacity of any Town or Parish Officer, who shall be a member or members of the Court so appointing Parish Officers,

CAP. XIII.

An Act to extend the provisions of the several Acts regulating the exportation of Fish, to all Pickled Fish intended for exportation.

Passed 10th February, 1829.

WHEREAS it is deemed expedient to extend the provisions of the several Acts now in force for regulating the exportation of Fish, to all pickled Fish ;

Preamble.

Be it therefore enacted by the Lieutenant-Governor, Council and Assembly. That the several provisions of an Act passed in the ninth Year of His Majesty's Reign, intituled, "An Act in amendment of the Acts regulating the exportation of Fish," and an Act passed in the fifty-ninth Year of the Reign, of His late Majesty, King George the Third, intituled, "An Act to regulate the exportation of Fish, and to repeal the Laws now in force relating thereto," be, and the same are hereby extended to Alewives, Gaspeaux, Mackarel, and other pickled Fish, as fully as if the same had been particularly specified in such Acts.

9. Geo. 4, c. 27.

59. Geo. 3, c. 18

extended to all pickled Fish.

CAP. XIV.

An Act to repeal an Act intituled, "An Act for the speedy punishment and release of such Persons as shall commit criminal offences under the degree of Grand Larceny."

Passed 10th February, 1829.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act passed in the twenty-sixth Year of the Reign of His late Majesty King George the Third, intituled, "An Act for the speedy punishment and release of such persons as shall commit criminal offences under the degree of Grand Larceny," be, and the same is hereby repealed.

Repeals the 26, Geo. 3. c. 59.

CAP. XV.

An Act to regulate the appointment of County Treasurers.

Passed 10th February, 1829.

Preamble.

WHEREAS it is deemed expedient and proper that no Justice of the Peace, or Clerk of any Sessions, in and for any County in this Province, shall hold, or be appointed to the situation of Treasurer of such County ;

Prohibits Justices and Clerks of Sessions from holding the office of County Treasurer.

Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That no Justice of the Peace, or Clerk of any Sessions, in and for any County in this Province, shall hold or be appointed to the situation of Treasurer of such County.

CAP. XVI.

An Act to continue an Act intituled, " An Act to empower the Justices of the County of Charlotte to make regulations for driving Timber and Logs down the Rivers Saint Croix, Magaguadavic, Digdeguash, and their Branches.

Passed 10th February, 1829.

Continues the 8th Geo. 4, c. 15, till 1st. April 1833.

BE it enacted by the Lieutenant-Governor, Council, and Assembly, That an Act made and passed in the eight year of His Majesty's Reign, intituled " An Act to empower the Justices of the County of Charlotte to make regulations for driving Timber and Logs down the Rivers Saint Croix, Magaguadavic, Digdeguash, and their Branches, be, and the same is hereby continued and declared to be in full force, until the first day of April which will be in the Year one thousand eight hundred and thirty-three.

CAP. XVII.

An Act for the better Regulation of Sales by Auction.

Passed 10th February 1829.

WHEREAS Sales by Public Auction or Preamble.
 Outcry, have, of late, much increased, and tend to the injury of the regular Trade of the Province: And whereas doubts have arisen whether under the Act now in force, the Auction Duty can be exacted on the sales of large quantities of Goods which are sold by Auctioneers, at, or shortly after the times of holding their Public Sales, and which ought to be subject thereto: And whereas other provisions are deemed necessary to enforce the more punctual collection of the duty; and for the better regulation of such Sales—

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That from and after the time hereinafter limited and appointed for this Act going into operation, the Act passed in the twenty-sixth year of the reign of His late Majesty King George the Third, intituled, “An Act to regulate the Sale of Goods sold at Public Auction or Outcry,” be, and the same is hereby declared to be repealed, 26. Geo. 3, c. 44, repealed. saving saving right of recovering Duties. nevertheless the right of recovery of all the Duties and Penalties which are now due, or hereafter may become due or be incurred, under and by virtue of the said Act.

II. *And be it further enacted,* That there be granted to the King’s most Excellent Majesty, His Heirs and Successors, for the use of this Province, and for the support of the Government thereof, the rate and duty hereinafter mentioned, that is to say.—

On all Goods, Chattels, Wares, Merchandize and effects whatsoever, sold by Public Vendue, Auction or Outcry, within this Province the sum two poundsten shillings for every hundred pounds Goods sold at Auction subject to a Duty of two and a half per cent.

of

of the value or price at which the same shall be sold, and after the same rate for every greater or lesser sum; and that all Goods sold by any Vendue Master or Vendue Masters, Auctioneer or Auctioneers (not being really and bona fide, either wholly or in part, his or their property) at or near the place and during the time, or within twenty-four hours after the time of any Auction; also all such Goods bargained or treated for during that period, the sale of which may be afterwards effected, shall be deemed and taken to be Goods sold by Auction and subject to the aforesaid Duty.

III. *Provided always, and be it further enacted,* That all Goods belonging to the Crown, or seized by any public officer or officers, for, or on account of any forfeiture or forfeitures, penalty or penalties, houses, cattle, lands, ships, vessels and salt, goods and effects of deceased persons, or goods distrained for rent, or taken in execution; effects of insolvent debtors, goods damaged at sea and sold on account of the owners or insurers, within twenty-one days after the same shall be landed, shall in no wise be subject to, but are hereby altogether exempted and declared free from the duty before mentioned.

IV. And in order more effectually to secure the duty hereby imposed as aforesaid. *Be it further enacted,* That no Vendue Master or Vendue Masters, Auctioneer or Auctioneers, already appointed or hereafter to be appointed, shall presume to sell or dispose of any goods, chattels, wares, or merchandise, or effects, by Public Vendue, Auction, or Outcry, until he or they shall have first given Bond to our Sovereign Lord the King, His Heirs and Successors, with two good and sufficient Sureties, to be approved of by the Treasurer or Deputy Treasurer, as the case may be, conditioned for the payment of the duties hereinbefore mentioned, to the Treasurer of the Province for the time being,

What Goods shall be deemed to have been sold by Auction.

Goods exempted from Duty.

Auctioneers to give Bond with two Sureties to be approved by the Treasurer or his Deputy, for the payment of the Duties.

being, or his Deputy ; and for his or their good behaviour, and due observance of this Act ; such Bond, if within the City of Saint John, to be taken in the penal sum of five hundred pounds ; and if within any other part of the Province, to be taken in the penal sum of two hundred Pounds.

Amount of Bonds.

V. *Provided always, and be it further enacted,* That if at any time hereafter, it should happen that any person or persons, so becoming Surety for any Vendue Master or Auctioneer, should die, remove from the Province, or become insolvent, or in the opinion of the Treasurer or Deputy Treasurer, as the case may be, insufficient ; it shall and may be lawful for such Treasurer or Deputy Treasurer, to require such Vendue Master or Auctioneer, to enter into a new Bond, with other good and sufficient Sureties, conditioned as aforesaid ; and if such Vendue Master or Auctioneer shall refuse or neglect to give such Security, within one month after being required so to do, he shall be deemed and taken to have forfeited his appointment or licence.

Sureties dying, removing from the Province, or becoming insolvent, Treasurer may require new Bonds to be given,

and if not given within one month, Licence forfeited.

VI. *And be it further enacted,* That every Auctioneer or Vendue Master shall, at or within ten days after the expiration of every three months, to be computed from the time at which this Act goes into operation, render a just, exact, and true account in writing, upon oath, to the Treasurer of the Province for the time being, or to the Deputy Treasurer of the District within which the sales shall take place, of all and singular the goods, chattels, wares, and merchandise, with the amount thereof, which he or they may have sold within the period for which such account is rendered, and which are made subject and liable to duty by this Act, and shall forthwith pay to the said Treasurer or Deputy Treasurer, as the case may be, the full amount of duties on such sales ;
the

Auctioneers to account every three months and pay over Duties to the Treasurer or Deputy.

For Form of Oath
see Schedule.

the oath required by this Section to be according to the form set forth in the Schedule to this Act, or to that effect: And if any Vendue Master or Auctioneer shall neglect or refuse to deliver such account on oath, and pay the duties as herein directed, he shall, for each and every offence, forfeit and pay the sum of fifty pounds.

Auctioneers selling
without Licence or
having given Bond,
to forfeit, £100.

VII. *And be it further enacted,* That any person or persons presuming to sell or dispose of any lands, tenements, ships, vessels, goods, wares, or merchandise, by Public Vendue, Auction, or Outcry, without being thereunto duly licenced and appointed, and without having given Bond as directed by this Act, shall for every offence forfeit and pay the sum of one hundred pounds: *Provided Always,* that nothing herein contained shall extend or be construed to affect sales made under the process, order, or decree of any Court of Justice, or by any public officer or officers, or by any Executor or Administrator of the lands or effects of the Testator or Intestate, or of any property, real or personal, belonging to the Crown.

Not to extend to
sales under Process
of Law, or by public
officers, or by
Executors, or of
property belonging
to the Crown.

Penalties how re-
covered and applied.

VIII. *And be it further enacted,* That the Penalties imposed by the sixth and seventh Sections of this Act, shall, and may be recovered by information to be made and filed by His Majesty's Attorney-General, in the Supreme Court of Judicature; and the said Penalties, after deducting the costs and charges of prosecution, shall be paid into the Treasury of the Province for the use of the same.

Treasurer to require
Returns and ac-
counts and to pro-
ceed against delin-
quent Auctioneers.

IX. *And be it further enacted,* That it shall be the duty of the Treasurer of the Province, and the Deputy Treasurers within their respective Districts, to require the returns and accounts to be regularly made as directed by this Act; and to cause proceedings to be instituted against such Vendue Masters, or Auctioneers as neglect or refuse to render the same; and it shall

shall and may be lawful for such Treasurer and Deputy Treasurers, respectively, to examine, upon oath any Vendue Master or Auctioneer, as to any sales made by him, or touching the sale of any goods by auction, or which may be considered by the said Treasurer or Deputy Treasurer, subject to Duty under this Act.

Treasurer may examine Auctioneers on Oath.

X. *And be it further enacted*, That every Vendue Master or Auctioneer, who may be licenced or appointed within any of the Counties of this Province, (the City of Saint John excepted,) shall pay to the Treasurer of the County, within ten days after the beginning of every year, such yearly sum as the Justices of the Peace of the County; at any General Sessions of the Peace, may direct and appoint, not exceeding ten pounds per annum, the same to be applied in like manner as other County Rates; and every Vendue Master or Auctioneer, neglecting or refusing to pay the same, shall forfeit and pay the sum of twenty pounds, to be sued for and recovered by the County Treasurer for the time being, in his own name by action of debt, in any Court of competent Jurisdiction, together with Costs of Suit; and the same, when recovered, to be applied as above mentioned, in which action any Inhabitant of the County shall be considered a competent witness.

Auctioneers in the several Counties, except St. John, to pay within ten days after the beginning of each year, such sum not exceeding £10 as the Justices shall appoint

to be applied as other County Rates.

Auctioneers for neglect to forfeit £20

Inhabitants of the County made competent witnesses.

XI. *And whereas*, by the Charter of the City of Saint John, the Mayor of the said City for the time being, is authorized and empowered to licence and appoint Vendue Masters and Auctioneers within the said City: *Be it further enacted*, That nothing in this Act contained, shall extend or be construed to interfere with the right so granted as aforesaid: *Provided always*, that no Vendue Master or Auctioneer so licenced or appointed, shall presume to sell without having given Bond as hereinbefore directed: *And provided also*, that every Vendue Master or Auctioneer

Act not to interfere with the Charter Rights of St. John.

Auctioneers in St. John to give Bond and to pay to the Chamberlain such sum not exceeding 30*l.* per annum, as the Corporation shall appoint.

Treasurer to keep distinct accounts of Auction Duties.

Auctioneers not to sell smuggled goods under penalty of 100*l.*

False Swearing made perjury.

Act to commence on 1st of May 1829.

tioneer, so licenced or appointed, within the said City, shall pay to the Chamberlain of the said City, for the use of the Mayor, Aldermen and Commonalty of the said City, such yearly sum as they may direct and appoint, not exceeding thirty pounds in any one Year.

XII. *And be it further enacted*, That the said Province Treasurer and the Deputy Treasurers, shall keep exact and distinct accounts of the monies arising from time to time by virtue of this Act, which may be by them respectively received.

XIII. *And be it further enacted*, That no Auctioneer or Vendue Master shall knowingly sell or dispose of any contraband or smuggled Goods, under the Penalty of one hundred pounds, to be recovered and applied in the manner and to the uses directed in and by the eighth Section of this Act.

XIV. *And be it further enacted*, That if any person or persons shall be guilty of false swearing in any affidavit, or upon any examination taken under and by virtue of this Act, such person or persons so offending, shall, on due conviction thereof, be liable to suffer the pains and penalties by Law imposed for wilful and corrupt perjury.

XV. *And be it further enacted*, That this Act shall commence and go into operation on the first day of May next.

SCHEDULE CONTAINING THE FORM OF AFFIDAVIT.

I, *A. B.*, [or we *A. B.* and *C. D.*,] do solemnly swear, in the presence of Almighty God, that the Account now exhibited by me, [or us,] and to which I, [or we,] have subscribed my name, [or our names,] contains a just and true account of all the goods, wares, merchandise and effects sold by me, [or us,] or any person or persons under me, [or us,] within the time in the said Account mentioned, which are liable to the Duty imposed by an Act of the General Assembly, intituled,

intituled, "An Act for the better regulation of Sales by Auction," and that to the best of my, [or our,] knowledge and belief; none of the goods mentioned in the said account, or sold by me, [or us,] within the period aforesaid, were Contraband or Smuggled.

So help me God:

Sworn at *the*
day of *before*
Treasurer, [or Deputy Treasurer.]

CAP. XVIII.

An Act relative to the Election of Charter Officers for Guy's Ward and Brook's Ward, in the City of Saint John.

Passed 10th February 1829.

WHEREAS by the second Section of an Act passed in the forty-third Year of the Reign of His late Majesty King George the Third, intituled, "An Act for altering the division of four of the Wards in the City of Saint John and for changing the mode of Elections, within the two other Wards in the said City," an alteration was made in the mode of electing Charter Officers for Guy's Ward and Brook's Ward; which alteration, in consequence of the increase of Population in the said Wards is now found inconvenient, and the Mayor, Aldermen and Commonalty of the City of Saint John have by their Petition to the General Assembly prayed that the said second Section of the said Act be repealed: Preamble.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That the second Section of the Act passed in the forty-third Year of the Reign of His late Majesty, intituled, "An Act for altering the division of four of the Wards in the City of Saint John, and for changing the mode of Elections within the two other Wards in the said City," be, and the same is hereby repealed. 43 Geo. 3, c. 3, repealed.

II.

Charter Officers to remain in office until others are elected in their stead.

II. *Provided always, and be it further enacted,* That the present Charter Officers of the said two Wards shall continue and remain in office until others are duly elected in their stead, at the time and in the manner directed by the Charter of the said City, any thing herein contained to the contrary notwithstanding.

CAP. XIX.

An Act to lay a Tax on Dog in certain parts of the Parishes of Newcastle, Chatham, and Nelson, in the County of Northumberland.

Passed 10th February, 1829.

I. **B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That from and after the first day of May next, there be imposed and levied the following Tax or Duty, Yearly and every Year, on all Dogs which shall or may be owned by Persons residing in that part of the Parish of Newcastle which lies between Oxford's Bridge and the lower Mill Cove; and in that part of the Parish of Chatham which lies between the upper line of the said last mentioned Parish and Murdock's Point; and also in that part of the Parish of Nelson which lies between Flett's Cove and the lower line of the said last mentioned Parish, including only the front or first tier of Lots within the several Boundaries above mentioned, that is to say; for one Dog, (provided the persons keeps but one,) the sum of five shillings; for two Dogs, owned or kept by one person, or in or about the same House, the sum of fifteen shillings; for three or more Dogs, owned or kept by one person, or in or about the same House, the sum of thirty shillings; the said Tax or Duty to be paid by the person owning or keeping such Dog or Dogs.

Limits in Newcastle.

Limits in Chatham.

Amount of Tax.

II. *And be it further enacted,* That the Justices of the Peace for the said County of Northumberland,

thumberland, at their General Sessions, or any Special Sessions to be for that purpose holden, be, and they are hereby authorized and required to appoint a fit person to be a Collector of Dog Tax in each of the said Parishes of Newcastle, Chatham, and Nelson, respectively; who shall be sworn to the faithful discharge of their duty, and shall be liable to all the pains and penalties for neglect of duty, or refusal to serve, as any Townor Parish Officers are now liable by the Laws now in force.

Justices to appoint Collectors of Tax.

Collectors to be sworn and liable to penalty for neglect.

III. *And be it further enacted*, That it shall be the duty of all persons residing within the limits prescribed in the first Section of this Act, and who shall own or keep any Dog, or Dogs, to affix a Collar on the neck of each and every such Dog, with the name of the Owner or Keeper plainly and legibly marked thereon: And that all Dogs found going at large within the limits aforesaid, and owned or kept by persons residing within the same, after the first day of May next, without such Collar and name as aforesaid, shall be liable to be killed and destroyed by the said Collector of Dog Tax, or by any Constable of the said Parishes of Newcastle, Chatham, and Nelson, respectively: *Provided always*, That in case the Owner or Keeper of such Dog or Dogs, so found going at large, as aforesaid, without such Collar and name, contrary to the true intent and meaning of this Act, shall be known; that then he or she shall be liable to pay a fine of ten shillings, (in addition to the Tax,) to be recovered and applied as hereinafter mentioned.

Owners to affix collars with their names on their dogs.

Dogs going at large without collars liable to be killed.

Owners of such dogs liable to a fine of 10s.

IV. *And be it further enacted*, That the said Collectors of the said Dog Tax, shall, and they are hereby required, on the first day of June in each and every Year, and as often thereafter, as may be necessary, to proceed to the Collection of the Tax so imposed; and in case the said Tax be not paid to the said Collectors, respectively,

Collectors authorized to sue for Tax if not paid within six days after demand.

spectively, within six days after the same shall have been demanded, that then the said Collectors shall, and they are hereby required, in their own name, respectively, to sue for and recover the same with costs, by action of debt, before any one of His Majesty's Justices of the Peace, for the said County of Northumberland: And the said Tax when collected, shall be paid into the hands of the Overseers of the Poor for the said Parishes, respectively; and to be applied by them towards the support of the Poor of the said Parish; such Collectors retaining for their trouble at and after the rate of twenty per cent., on all such sums actually paid in by them, respectively.

Tax to be applied towards the support of the Poor.

Collectors to retain 20 per cent.

Collectors to account to Justices in Sessions.

Liable for neglect.

V. *And be it further enacted*, That the said Collectors of the said Tax, shall render Accounts to the Justices at every General Session of the Peace, to be holden in and for the County of Northumberland, of their Collection so to be made as aforesaid, which accounts shall be audited by the said Justices; and the said Collectors shall be liable to all the pains and penalties for neglect or refusal to account for, or pay over the Monies so to be collected by them, as any Collector of rates, are made liable to by the Laws now in force.

Limitation.

VI. *And be it further enacted*, That this Act shall continue and be in force until the first day of May, which will be in the Year of our Lord one thousand eight hundred and thirty-four.

To be deemed a Public Act.

VII. *And be it further enacted*, That this Act shall be deemed and taken to be a Public Act.

CAP. XX.

An Act in addition to an Act, intituled, "An Act to make more effectual provision for preventing the importation or spreading of Infectious Distempers within the Towns or Settlements on the River Miramichi."

Passed 10th February, 1829.

WHEREAS an Act made and passed in the eighth Year of His Majesty's Reign, intituled "An Act to make more effectual provision for preventing the importation or spreading of Infectious Distempers within the Towns or Settlements on the River Miramichi," has been found insufficient.

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That the Health Officers appointed, or that hereafter may be appointed, by the Justices of the Peace of the County of Northumberland, by virtue of the said herein before recited Act, shall, in addition to the power and authority given to them by the said Act, be, and they are hereby respectively fully authorized and empowered, on going on board of any vessel at the instance of any Justice of the Peace, for the purpose of inquiring into the state of the health of the persons on board the said vessel, to examine the master and such other persons on board the said vessel as he may think necessary, on oath, as to the health of all persons on board or who have been on board during any part of the voyage; and whether the said vessel came from, or touched at, any place infected with any of the Distempers, in the aforesaid Act mentioned, and into and concerning all circumstances and matters, in anywise touching or concerning the prevalence of any of the said Distempers, at any place where the said Vessel may have touched or from which she may have sailed; which oath the said Health Officers, respectively, are hereby fully authorized and empowered to administer.

Health Officers in addition to the powers given them by 8 Geo. 4, c. 21, authorized to examine on oath the Master and others on board of any vessel, as to the health of all persons on board, or who have been on board during any part of the voyage.

And whether the vessel came from or touched at any place infected with any distemper.

Persons on board any infected vessel landing or approaching within 80 rods of the shore without licence to forfeit £10 for each offence.

II. *And be it further enacted*, That if any Passenger or other person whatsoever, being on board any Vessel having on board the Yellow Fever, Putrid Bilious Fever, or any other Pesti- lential, or Contagious Distemper, or coming from any place infected with any such Distemper, shall land from such Vessel, or shall leave the said Vessel and approach within eighty rods of the shore, without licence first had, and obtained from the Justices according to the true intent and meaning of the said hereinbefore recited Act, each and every Passenger, or other person, so offending, shall forfeit and pay for every offence, the sum of ten pounds.

Justices by warrant to any Constable may cause to be taken and reconveyed on board, any persons landed or attempting to land.

III. *And be it further enacted*, That if any person or persons shall be found to have been landed, or attempting to land, from any such Vessel, so coming from any infected place, as aforesaid, or having any person on board so infected; as aforesaid; it shall and may be lawful for any Justice of the Peace, in the said County of Northumberland, by Warrant under his hand and seal, directed to any Con- stable of said County, to cause such person to be taken and reconveyed on board such Vessel, and the said Constable having such Warrant, is here- by authorized and empowered to command the necessary assistance to enable him to force back, and convey on board the said Vessel, any and all persons so landed, or attempting to land, as aforesaid; and that it shall be lawful for the persons, so called upon by the said Constable or Officer having such warrant, to assist or use such force as may be necessary to carry the said order into effect, by forcing such persons landed, or attempt- ing to land, back to, and on board such vessel: and the master or person having command or charge of such vessel, from which such persons shall have landed, or attempted to land, shall, on request of the Constable or officer having the execution

Constable to com- mand the necessa- ry assistance.

Persons called up- on, to use force if necessary.

Master of vessel to detain the persons attempting to land,

execution of such warrant, receive, take, and detain on board his said vessel, such person or persons, under the penalty of fifty pounds for each and every person that he shall refuse to receive, or neglect to keep and detain on board after being so returned.

under the penalty of £50, for each person he shall refuse to receive, or neglect to keep on board.

IV. *And be it further enacted*, That in case of any Vessel being ordered to perform Quarantine, that the Justices of the said County, in their General Sessions, or at any Special Sessions, to be for that purpose holden, there not being less than five Members present, shall have power to authorize the landing of either the healthy or the diseased persons from on board such Vessel at such Lazaretto, or place detached from the settled part of the County, and under such restrictions as they may think expedient and necessary, in order to facilitate the recovery of those who are infected, and prevent and guard, as far as possible, the spreading of the disease among the passengers and crew; and after such landing at any time before the said Vessel shall be discharged or released from Quarantine, by like order of General or Special Sessions, cause any or all persons so landed to be again taken on board such Vessel from which they were landed, and kept and detained on board the said Vessel, for such time as they may think necessary, or until the said Vessel shall be released or discharged from Quarantine.

Justices in General or Special Sessions when not less than five are present may authorize the landing of either the healthy or diseased persons.

And after such landing may cause them to be again taken and detained on board.

V. *And be it further enacted*, That if any person after being landed, or permitted to land from such Vessel, shall escape or depart from the Lazaretto; or Limits assigned by the Justices, such person, so offending, shall forfeit and pay the sum of ten pounds, and be liable to be arrested and forced back to the Limits assigned, as aforesaid, or to the Vessel from which he was permitted to land, as the Justice or Justices shall order or direct.

Any person escaping from the Lazaretto or Limits as signed by the Justices to forfeit £10 and be liable to be arrested and forced back again.

Justices may cause to be removed to the Lazaretto or other detached place, any person who after landing shall be attacked with any infectious distemper.

VI. *And be it further enacted,* That if any passenger or person that shall have landed from any Vessel so coming from any infected place as aforesaid, and shall have obtained licence to land as aforesaid, shall after landing, be attacked by such infectious distemper or disease, that it shall be lawful for the said Justice or Justices, by warrant under his or their hand and seal, as aforesaid directed, to cause such person to be removed to the Lazaretto, or place detached from the Settlement as aforesaid, and there kept and detained for such time as may be found necessary to prevent the spreading of such distemper or disease.

Justices may issue a Search Warrant for any person escaping.

VII. *And be it further enacted,* That if at any time it shall be made to appear to the satisfaction of any Justice of the Peace, on oath, that any person has escaped from any such Vessel or from the Lazaretto, or Limits assigned, or to be assigned as aforesaid, and is kept or concealed in any house or other building within the said County, or if oath be made by some credible person or persons, that there is good reason to suspect, and that such person or persons do verily believe that any person so escaping as aforesaid, is so kept or concealed; it shall and may be lawful for such Justice to issue his warrant to any of the Constables, authorizing and requiring him to enter and search such house or other building; and if such person so escaping as aforesaid, shall be found therein, to arrest, take, and convey him or her on board of such Vessel, or to the Lazaretto, or Limits, or place appointed or assigned as aforesaid for such person to be kept.

If such person be found, Constable to convey him or her back again.

Any person aiding or assisting any person to land previous to licence or concealing any such person to forfeit £20.

VIII. *And be it further enacted,* That if any Inhabitant of the said County or other person whatsoever, shall aid, assist or procure any person to aid, abet, or assist any person in landing from such Vessel, previous to a licence for that purpose, obtained as aforesaid, or shall keep, secrete, or conceal or shall procure any person to keep, secrete

secrete or conceal any such person landing or leaving the Lazaretto without licence obtained as aforesaid, or in any manner assist in preventing the detection and apprehension of such person so landing without a licence, as aforesaid, every such person so offending shall, for every offence, forfeit and pay the sum of twenty pounds.

IX. And be it further enacted, That if any person who shall be commanded by any Constable or Officer having a warrant from any Justice of the Peace as aforesaid, for the enforcement of the Quarantine or compelling the return of persons, who have landed, or shall be attempting to land without licence as aforesaid, shall refuse or neglect to render and afford such assistance, shall, for every offence, forfeit and pay the sum of ten pounds; and that in case of any action of trespass, or other prosecution or suit whatsoever, being brought or prosecuted against the said Constable, or any person aiding and assisting for any arrest, assault, or violence, or force necessarily used toward persons so landing or attempting to land, the Defendant or Defendants in such action, shall be allowed to plead the general issue, and give the special matter in evidence, at the trial, in like manner as if such matter had been fully and specially pleaded; and if the Plaintiff shall become nonsuit, or shall discontinue the action, or if upon verdict or demurrer, judgment shall be given against the Plaintiff; the Defendant shall recover double costs of suit, and have such remedy for the same as any Defendant can have in other cases where costs are given by Law.

X. And be it further enacted, That in all cases where a Pilot shall be detained on board of any Ship or Vessel, under and by virtue of this Act, or of the Act in addition to which this Act is made, each and every Pilot so detained, shall be entitled to receive from the Master or Owner of such Ship or Vessel, (in addition to the Pilot-

Persons neglecting to render assistance when called upon by any Constable to forfeit £10.

In actions against a Constable or persons assisting him.

Defendants to plead the General Issue and give special matter in evidence at the trial.

If plaintiff become nonsuited or discontinued the action; defendants to recover double costs

Pilots detained on board any infected vessel, entitled to receive at the rate of 12s. 6d. per day.

age money,) a sum at and after the rate of twelve shillings and six pence per day, for each and every day he shall be so detained; to be sued for, and recovered in any Court of competent jurisdiction.

Penalties and forfeitures to be sued for, as directed by 8 Geo. 4, c. 21.

XI. *And be it further enacted,* That all the penalties and forfeitures in this Act mentioned, may be prosecuted, sued for, and recovered, in the same manner, and applied to the uses directed in and by the said hereinbefore in part recited Act.

CAP. XXI.

An Act to amend the Statute Law, relative to offences against the Person, and to provide for the more effectual punishment of such offences.

Passed 10th February, 1829.

WHEREAS by an Act of the Parliament of the United Kingdom, passed in the ninth year of the Reign of His present Majesty, intituled, "An Act for consolidating and amending the Statutes in England relative to offences against the Person," various Statutes, the Titles of which are therein particularly specified, were thereby repealed, and other provisions made in lieu thereof: And whereas several of the said Statutes so lately repealed in England, have hitherto been considered in force, and acted upon in this Province; and it is deemed advisable that the operation of the same should also cease in this Province, and necessary provision made in lieu thereof by Act of Assembly:

Preamble.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That the Statutes or Acts of Parliament, or parts of Statutes or Acts of Parliament, so repealed in England by the said Statute or Act first mentioned, or such of them as are in force in this Province, be, and the same are hereby declared to be repealed and of no force or effect within the same; any Law,

Acts of Parliament repealed in England by 9 Geo. 4, c. 21, or such of them as are in force in this Province repealed.

Law, usage or custom, to the contrary notwithstanding; except nevertheless so far as any of the said Acts may repeal the whole or any part of any other Acts.

Except so far as any of the Acts may repeal other Acts.

II. *And be it enacted*, That every offence which before the commencement of this Act would have amounted to Petit Treason shall be deemed to be murder only, and no greater offence; and all Persons guilty in respect thereof, whether as principals or as accessaries, shall be dealt with, indicted, tried, and punished as principals and accessaries in murder.

Petit Treason to be treated in all respects as murder.

III. *And be it further enacted*, That every person convicted of murder, or of being an accessory before the fact to murder, shall suffer death as a Felon, and every accessory after the fact to murder, shall be liable to be punished by fine and imprisonment, or either; such imprisonment to be with or without hard labour in the common Gaol or House of Correction at the discretion of the Court, for any term not exceeding four years.

Punishment of Principal and Accessaries in murder.

IV. *And be it enacted*, That where any person being feloniously stricken, poisoned, or otherwise hurt upon the Sea, or at any place out of this Province, shall die of such stroke, poisoning or hurt, in this Province, every offence committed in such case, whether the same shall amount to the offence of murder or manslaughter, or of being accessory before the fact to murder, or after the fact to murder or manslaughter, may be dealt with, inquired of, tried, determined, and punished in the County or City and County in which such death shall happen, in the same manner in all respects, as if such offence had been wholly committed in that County, or City and County.

Provision for the trial of murder and manslaughter where the death or the cause of death only happens in this Province.

V. *And be it further enacted*, That every person convicted of manslaughter, shall be liable to be imprisoned with or without hard labour, in the common Gaol or House of Correction, for any

Punishment of manslaughter.

any term not exceeding three years; or to pay such fine as the Court shall award, or to be both fined and imprisoned; if the Court should so award.

As to homicide not felonious.

VI. *Provided always, and be it enacted* That no punishment or forfeiture shall be incurred by any person who shall kill another by misfortune, or in his own defence, or in any other manner, without felony.

Attempts to murder when evidenced by certain Acts shall be capital.

VII. *And be it further enacted,* That if any person unlawfully and maliciously shall administer or attempt to administer to any Person, or shall cause to be taken by any Person, any poison or other destructive thing, or shall unlawfully and maliciously attempt to drown, suffocate, or strangle any Person, or shall unlawfully and maliciously shoot at any person or shall unlawfully or maliciously stab, cut, or wound any Person, with intent in any of the cases aforesaid, to murder such person, every such offender shall be guilty of Felony, and being convicted thereof, shall suffer death as a Felon.

Administering poison or using any means to procure the miscarriage of a woman quick with child.

VIII. *And be it enacted,* That if any person with intent to procure the miscarriage of any woman, then being quick with Child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any poison, or other noxious thing, or shall use any instrument or other means whatever, with the like intent, every such offender, and every person, counselling, aiding, or abetting such offender, shall be guilty of Felony, and being thereof convicted, shall suffer death as a Felon; and if any person, with intent to

The like as to a woman not quick with child deemed Felony.

procure the miscarriage of any woman not being, or not being proved to be, then quick with Child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any medicine, or other thing; or shall use any instrument or other means whatever, with the like intent, every such offender, and every person counselling, aiding or abetting such offender, shall be guilty of Felony,

and

and being convicted thereof, shall be liable to be imprisoned with or without hard labour, in the Common Gaol or House of Correction, for any term not exceeding two years, and if a male, to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such imprisonment.

IX. *And be it enacted*, That every person convicted of the abominable crime of Buggary, committed either with mankind, or with any animal, shall suffer death as a Felon. Sodomy.

X. *And be it enacted*, that every person convicted of the crime of Rape, shall suffer death as a Felon. Rape.

XI. *And be it enacted*, If any person shall unlawfully and carnally know and abuse any Girl under the age of ten years, every such offender, shall be guilty of Felony, and being convicted thereof, shall suffer death as a Felon; and if any person shall unlawfully and carnally know and abuse any Girl, being above the age of ten years, and under the age of twelve years, every such person shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to be imprisoned with or without hard labour, for such term as the Court shall award. Carnal knowledge of a Girl under 10.
The like of a Girl above 10 and under 12.

XII. *And whereas*, upon trials for the crimes of Buggary and of Rape, and of carnally abusing Girls under the respective ages hereinbefore mentioned, offenders sometimes escape by reason of the difficulty of the proof which has been required of the completion of these several crimes; for remedy thereof, be it enacted, that it shall not be necessary in any of those cases, to prove the actual emission of seed in order to constitute a carnal knowledge, but that the carnal knowledge shall be deemed complete upon the proof of penetration only. Proof of carnal knowledge.

XIII. *And be it enacted*, That if any person shall

Unlawful abduction
of a girl from her
Parents or Guardians.

shall unlawfully take or cause to be taken any unmarried Girl being under the age of sixteen years, out of the possession and against the will of her Father or Mother, or of any other person having the lawful care or charge of her, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to suffer such punishment, by fine or imprisonment, or by both as the Court shall award.

Bigamy.

XIV. *And be it enacted*, That if any person being married, shall marry, any other person during the life of the former husband or wife, whether the second Marriage shall have taken place in this Province, or elsewhere, every such offender shall be guilty of Felony, and being convicted thereof, shall be liable to be imprisoned with or without hard labour, for any term not exceeding two years, and also fined, if the Court should so award; and any such offence may be dealt with, inquired of, tried, determined, and punished in the County where the offender shall be apprehended, or be in custody, as if the offence had been actually committed in that County: *Provided always*, that nothing herein contained, shall extend to any second marriage, contracted out of this Province by any other than a subject of His Majesty; or to any person marrying a second time, where husband or wife shall have been continually absent from such person for the space of seven years, then last past, and shall not have been known by such person to be living within that time, or shall extend to any person, who at the time of such second marriage shall have been divorced from the Bond of the first marriage, or to any person whose former marriage shall have been declared void by the sentence of any Court of competent jurisdiction.

Place of trial.

Exceptions.

XV. *And whereas*, it is expedient that a summary power of punishing persons for common

assaults

assaults and batteries should be provided under the limitations hereinafter mentioned: *Be it therefore enacted*, That where any person shall unlawfully assault or beat any other person, it shall be lawful for two Justices of the Peace, upon complaint of the party aggrieved, to hear and determine such offence, and the offender, upon conviction thereof before them, shall forfeit and pay such fine as shall appear to them to be meet, not exceeding, together with costs, if ordered, the sum of five pounds, which fine shall be paid to the Overseers of the Poor, some or one of them of the City or Parish, in which the offence shall have been committed, to be by them applied to the support of the Poor of such City or Parish; and the evidence of any Inhabitants of the City or Parish, shall be admitted in proof of the offence notwithstanding such application of the fine incurred thereby; and if such fine, as shall be awarded by the said Justices, together with the costs, if ordered, shall not be paid either immediately after the conviction, or within such period as the said Justices shall, at the time of the conviction, appoint, it shall be lawful for them to commit the offender to the Common Gaol or House of Correction, there to be imprisoned for any term, not exceeding one calendar month, unless such fine and costs be sooner paid; but if the Justices, upon the hearing of any such case of assault or battery, shall deem the offence not to be proved, or shall find the assault or battery to have been justified, or so trifling as not to merit any punishment, and shall accordingly dismiss the complaint, they shall forthwith make out a Certificate under their hands, stating the fact of such dismissal, and shall deliver such Certificate to the party against whom the complaint was preferred.

Persons committing any common assault or battery may be compelled by two Magistrates to pay fine and costs not exceeding £ 5.

Application of the fine.

Commitment on non payment.

If the Magistrates dismiss the complaint they shall make out a Certificate to that effect.

XVI. *And be it enacted*, That if any person against whom any such complaint shall have been preferred

Such Certificates or conviction shall be a bar to any other proceedings.

preferred for any common assault or battery, shall have obtained such Certificate as aforesaid, or having been convicted, shall have paid the whole amount adjudged to be paid under such conviction, or shall have suffered the imprisonment awarded for non-payment thereof, in every such case he shall be released from all further or other proceedings, civil or criminal, for the same cause.

These provisions not to apply to aggravated cases, &c.

XVII. *Provided always, and be it enacted,* That in case the Justices shall find the assault or battery complained of, to have been accompanied by any attempt to commit felony, or shall be of opinion that the same is from any other circumstance a fit subject for a prosecution by Indictment, they shall abstain from any adjudication thereupon, and shall deal with the case in all respects in the same manner as they would have done before the passing of this Act: *Provided also,* that nothing herein contained shall authorize any Justices of the Peace to hear and determine any case of assault or battery, in which any question shall arise as to the title to any lands, tenements, or hereditaments, or any interest therein, or accruing therefrom, or any execution under the process of any Court of Justice.

Provision for the punishment of Accessories to offences against this Act.

XVIII. *And be it enacted,* That every Accessary before or after the fact to any Felony punishable under this Act, for whom no punishment has been hereinbefore provided, shall be liable to be imprisoned with or without hard labour, in the Common Gaol or House of Correction, for any term not exceeding two years, or to pay such fine as the Court shall award; and every person who shall counsel, aid or abet the commission of any misdemeanor, punishable under this Act, shall be liable to be proceeded against, and punished as a principal offender.

XIX. And for the more effectual prosecution of offences punishable upon summary conviction by virtue of this Act: *Be it enacted*, that where any person shall be charged, on the oath of a credible witness before any Justice of the Peace with any such offence, the Justice may summon the person charged, to appear before any two Justices of the Peace, at time and place to be named in such summons: and if he shall not appear accordingly, then (upon proof of the due service of the summons upon such person, by delivering the same to him,) the Justices may either proceed to hear and determine the case *ex parte*, or may issue their warrant for apprehending such person and bringing him before them, or the Justice before whom the charge shall be made, may (if he shall so think fit,) issue such warrant, in the first instance without any previous summons.

Provision for offences against this Act punishable on summary conviction.

XX. *Provided always, and be it enacted*, That the prosecution for every offence punishable on summary conviction, by virtue of this Act, shall be commenced within one calendar month after the commission of the offence, and not otherwise.

F.no for summary proceedings.

XXI. *And be it enacted*, That the Justices before whom any person shall be summarily convicted of any offence against this Act, may cause the conviction to be drawn up in the following form of words, or any other form of words to the same effect, as the case shall require; (that is to say;)

Form of conviction

“ Be it remembered that on the day of _____ in the year of our Lord _____ at _____ in the County of _____ A. B. is convicted before us, [naming the Justices,] two of His Majesty's Justices of the Peace for the said County, [or City and County as the case may be] for that he the said A. B, did, [specify the offence, and the time and place when and where the same was committed,

committed, as the case may be,] and we, the said Justices adjudge the said A. B. for his said offence, to forfeit and pay the sum of, [here state the amount of the fine imposed,] and also to pay the sum of for costs; and in default of immediate payment of the said sums, to be imprisoned in the for the space of unless the said sums shall be sooner paid, [or, we order that the said sums shall be paid by the said A. B. on or before the day of] and we direct that the said sum of [i. e. the amount of the fine] shall be paid to the Overseers of the Poor of aforesaid, in which the said offence was committed, or some one of them, to be by them applied to the support of the Poor of the said and we order that the said sum of for costs, shall be paid to C. D. [the party aggrieved. Given under our hands the day and year first above mentioned.”

Exceptions to the operation of this Act.

XXII. *Provided always, and be it enacted,* That nothing in this Act contained, shall affect or alter any Statute, or Act, now in force in this Province, so far as it relates to the crimes of High Treason or Burglary, or to any branch of the Revenue, or Customs, or for the prevention of Smuggling.

Commencement of this Act.

XXIII. *Provided also, and be it enacted,* That this Act shall not commence and take effect until the first day of July next; and that all offences committed before that day, shall be dealt with and punished as if this Act had not been passed.

CAP. XXII.

An Act in amendment of the Act for establishing Parish Schools.

Passed 10th February, 1829.

WHEREAS in and by the second Section of an Act passed in the fourth year of His Majesty's Reign, intituled, "An Act for the encouragement of Parish Schools in "this Province," Trustees of Schools are required to visit and inspect the same twice in each and every year ; and to enquire into the discipline and regulations thereof, and of the proficiency of the Scholars ; but are not empowered to dismiss any Master whom they may find conducting himself negligently and improperly :

Preamble

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly,* That the Trustees of Schools established pursuant to the said Act, shall, and they are hereby authorized to visit and inspect the Schools, whenever they may consider it necessary ; and also to require from the Teacher, quarterly lists of the Scholars, and any other information relative to the said School, which the Teacher is hereby required to furnish ; and also if the said Trustees should find it necessary, to displace the said Teacher for misconduct or neglect.

Trustees to visit Schools and obtain information relative to them.

Trustees may displace Teachers.

II. *Provided always, and be it further enacted,* That whenever the Trustees shall displace any Teacher, they shall make report thereof, together with the particular cause of his being removed, to the Justices in their next General Sessions ; which Justices shall cause a statement of the same to be transmitted to the Secretary's Office, for the information of the Lieutenant-Governor or Commander-in-Chief, and His Majesty's Council.

When Teacher is removed, report of cause to be made to Justices in General Sessions.

Justices to report to His Excellency and His Majesty's Council.

III. *And be it further enacted,* That the said Trustees of Schools, shall be, and they are hereby authorized and empowered to admit such number

Free Scholars

Rate of tuition money.

number of free Scholars, being the children of indigent persons, as they may think proper, and also to fix and settle the rate of Tuition money to be paid by other Scholars to the Teacher.

School Houses where to be built.

IV. *And whereas*, difficulties have frequently arisen, from the School Houses being the property of private individuals, as built on their land: *Be it further enacted*, that the Justices of the Peace, in their respective Counties, and also the Trustees of Schools in their several Parishes, shall, as much as in them lie, endeavour to cause the School Houses to be built on the public ground of any County; or on property conveyed to the Justices of the Peace, for that purpose, who are hereby empowered to receive conveyances of the same, and to hold the same for the use of such Schools; and that no School House shall be removed from one part of a Parish to another part, without the order of the Justices in their General Sessions, to be made, if they should so think fit, upon the application and with the consent of the Trustees and Proprietors.

How removed.

Trustees to furnish a particular statement of the Schools in their Parishes.

V. *And be it further enacted*, That the Trustees of Schools, shall, and they are hereby required to deliver to the Justices at their first General Sessions of the Peace in each year, a particular statement of the Schools in their respective Parishes, specifying whether the School Houses have been built, and if so, upon whose property, or appropriated for that exclusive purpose, also the amount subscribed, the rate of Tuition Money, number of Scholars, particularizing free Scholars, the name of the Teacher, and when licenced, the days on which the Schools were visited, together with such other remarks, and observations as they may think necessary.

VI. *And be it further enacted*, That the Justices of the Peace in their General Sessions, respectively, shall be, and they are hereby authorized,

thorized, if they should think fit, to appoint a Committee of two or more Justices, to visit and inspect any Parish School or Schools in their respective Counties, and if necessary to report, the state of the same to the Lieutenant-Governor or Commander-in-Chief.

A Committee of Justices may be appointed to visit and report upon any School.

VII. *And whereas*, in and by the third Section of the Act, to which this Act is an amendment, it is provided, that no larger sum than one hundred pounds shall be paid out of the Province Treasury, to the Schools in any one Town or Parish in any one year; *And whereas* from the increasing Population of this Province, that sum has not been found sufficient, to extend the benefits intended by the said Act, to all the Inhabitants of some of the most populous Parishes in this Province: *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That the said Proviso, to the said third Section, be, and the same is hereby repealed.

Provided, to § 4, Geo. 4, c. 25, repealed.

VIII. *And be it further enacted*, That it shall and may be lawful for the Trustees of Schools, in any one Town or Parish in this Province, to receive from the Treasury a sum not exceeding one hundred and forty pounds, to be applied for the use and benefit of Schools, agreeably to the provisions of the Act to which this is an amendment. *Provided always* that no County in the Province shall be entitled to receive a larger sum from the Province Treasury, in any one year than would arise from an average of one hundred pounds for each and every Parish in said County.

Parishes to receive a sum not exceeding £140.

But not to exceed an average of 100l. for each Parish in the County.

IX. *And be it further enacted*, That the Trustees of Schools now appointed in the several Counties, shall continue in office, until the last day of the next Session of the General Assembly, unless the Justices of any County at their General Sessions, should deem it expedient to make any alteration therein.

Trustees to continue in office.

Limitation.

X. *And be it further enacted*, That this Act shall continue and be in force during the continuance of the Act, to which this is an amendment, and no longer.

CAP. XXIII.

An Act to regulate the Exportation of Lumber, and to repeal all the Acts now in force relating to the same.

Passed 10th February, 1829.

Preamble.

WHEREAS it is expedient that more ample provision for the regulation of the Lumber Trade, than hath been heretofore enacted, should be made :

59 Geo. 3, c. 11 repealed

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly*, That an Act, made and passed in the fifty-ninth year of His late Majesty's reign, intituled, "An Act to regulate the Exportation of Lumber, and to repeal all the Acts now in force relating to the same," shall be, and it is hereby repealed.

Lumber not to be shipped for exportation, previous to a survey, under a penalty.

II. *And be it further enacted*, That from and after the passing of this Act, no Lumber of the discriptions hereinafter mentioned, shall be shipped for Exportation from this Province until the same has been surveyed and measured, under a penalty, for every offence, not exceeding fifty pounds, nor less than five pounds currency, to be forfeited and paid by the person or persons who knowingly shall have shipped or caused the same to be shipped for Exportation without having been so surveyed and measured.

Surveyors of Lumber to be appointed and give security.

III. *And be it further enacted*, That it shall and may be lawful for the Justices of the Peace in each County, at their first General Sessions, annually, or the Mayor, Aldermen and Commonalty of the City of Saint John, to appoint a sufficient number of fit persons to be Surveyors of Lumber in each County, Town or place, where such may be necessary: which persons shall

give

give Bonds in the sum of one hundred pounds, with two sufficient sureties in the sum of fifty pounds, currency each, and he shall take and Subscribe the following oath before any one of His Majesty's Justices of the Peace, who is hereby authorized and required to administer the same without any fee, that is to say ;

Surveyors to be Sworn.

"I do solemnly swear, that I will faithfully, truly and impartially, to the best of my knowledge, skill and ability, execute, do and perform the office and duty of a Surveyor of Lumber, according to the true intent and meaning of an Act, intituled, ' An Act to regulate the exportation of Lumber, and to repeal the Act now in force relating to the same,' and that I will give a true and faithful account of the number, dimensions or measurement of all such Lumber as may be submitted to my inspection and judgment, according to the best of my knowledge, and that I will not directly or indirectly be a dealer in, or interested in the buying or selling of any article of Lumber, either on my own account or on account of any person or persons whatsoever, and that I will not at any time purloin or wilfully change any article of Lumber, that may be delivered or intrusted to me for the purpose of being surveyed." Which oath every such person shall deliver unto the Clerk of the Peace for the County in which he shall be appointed, together with the private mark which he shall adopt, and the said Clerk of the Peace is hereby required to grant a Certificate to every such person of his having taken and subscribed the said oath, and the said Persons shall thereafter continue in such office until the annual appointment of Parish Officers, and it shall be lawful for them to survey Lumber in any part of the County in which they are appointed, and it shall be their duty respectively, personally, diligently and carefully to as-

Oath and private mark of Surveyor to be delivered to the Clerk of the Peace, who is to grant a Certificate.

To be appointed annually.

Duties of Office.

certain the qualities of the articles submitted to their inspection, and after rejecting all such as in their judgment, may appear to be in any respect objectionable under this Act, of which each Surveyor is hereby required to provide himself with a copy, they shall furnish the buyer and seller each with a true and faithful account in writing of the number, dimensions or measurement of the articles they shall respectively find to be merchantable, and every such account duly certified under the hand of a Surveyor, shall be final and conclusive between the buyer and seller. *Provided also*, that if any dispute shall arise between the buyer and any of the Surveyors, and the buyer and seller of any article of Lumber, the buyer may call upon three skilful and disinterested persons, duly appointed Surveyors under this Act, whose duty it shall be to examine and resurvey the said Lumber, and their determination, or any two of them shall be final and conclusive, and if the opinion of the first Surveyor shall be confirmed, then the buyer is to pay the expense of the resurvey, if not confirmed, the expense to be paid by the first Surveyor: *Provided also*, that if any Surveyor shall pass any article of Lumber, contrary to the provisions of this Act, such Surveyor so offending shall be liable to the party injured for all damages sustained by him or them, and be subject to the following penalties, namely, for every forty cubic feet of Timber so passed, the sum of two Shillings and six Pence; for every thousand superficial feet of Deals, Planks, Boards or Scantling, the sum of five Shillings; for every mast, the sum of five Shillings; for every spar, the sum of one Shilling; for every thousand Shingles, the sum of two Shillings and six Pence; for every thousand Staves, the sum of three Shillings; and for every cord of Lathwood, the sum of two Shillings and six Pence: *Provided also*, that if any Surveyor shall at any time be found guilty

Disputes between Buyer and Surveyor, and Buyer and Seller.

Surveyors passing Lumber contrary to this Act liable to damages.

Rate.

guilty of wilful neglect of duty, or of partiality in the execution of his office, or of wilfully giving a false account of the article or articles submitted to him for inspection as aforesaid, or of knowingly marking or shipping, or causing to be marked or shipped any article of Lumber surveyed by him of unmerchantable size, quality or manufacture, or in any manner contrary to what is required by Law, for exportation, shall be dismissed from his office, and be incapable of ever after holding such situation or employment.

Neglect of duty, &c. to incapacitate Surveyor from ever holding such office.

IV. *And be it further enacted*, That all and every Surveyor who shall wilfully and knowingly change any article of Lumber delivered or submitted to him or them to be surveyed, by substituting any other article or articles of lumber of a like description with that which may have been delivered to him or them for the purpose aforesaid; or who shall buy or sell directly or indirectly; or be a dealer in, or interested in the buying or selling of any article of Lumber, either on his own account or on account of any person or persons whatsoever, shall upon being lawfully convicted of each, or either, and every offence as aforesaid incur a forfeiture or penalty not exceeding fifty pounds nor less than one pound currency.

Surveyors changing or dealing in any article of Lumber liable to a penalty.

V. *And be it further enacted*, That in all cases where there is no specific agreement between the buyer and seller for a superior quality of Lumber, the Surveyors shall respectively be governed by the following rules, in ascertaining the merchantable qualities of Lumber submitted to their inspection, respectively, that is to say; All square Timber for the British market shall not be less than ten inches square nor shorter than sixteen feet, (hardwood excepted, which may be twelve feet long if not less than twelve inches square) to be square and smoothly hewed and butted, and the taper not to exceed one inch for every twenty feet in length, the wane not to exceed

Rules to govern Surveyors where a superior quality of Lumber is not agreed upon.

Square Timber.

exceed one inch on each and every corner ; when the square is under sixteen inches ; from sixteen inches to twenty inches square, on each and every corner, two inches wane ; and from twenty-one inches square and upwards, three inches wane on each and every corner, to be measured on the wanings in the middle of the stick, and the difference of the square between any of the sides, shall not exceed two inches, and no piece of Timber shall have a sweep, unless it has two straight sides, and such sweep shall not exceed the rate of four inches to thirty-five feet in length ; no Log shall be jogged on any pretext that can possibly be lined in one piece, but if unavoidably necessary to be made into two pieces, the top end to be lined down as near the root as the crook of the tree will admit, in order that the top piece be as long as possible, the jogs to be all cut, the ends and sides to be free from red or decayed stains, ring shakes, butt rots, concave or rotten knots, decayed sap, worm holes, large case or solid knots or other defects, and no piece shall be bored in rafting or otherwise, at a greater distance than twelve inches from the ends : that all Timber before exportation, shall be surveyed by a sworn Surveyor, who in ascertaining the contents, shall girth or measure every piece in the middle : dimension Deals shall be cut to the lengths ten, twelve, fourteen, sixteen, eighteen, twenty, and twenty-one feet in length, to the breadths of nine inches and of eleven inches ; to the thickness of three inches, each having an allowance of one inch, and not exceeding two inches on the length ; of one fourth of an inch, and not exceeding one half of an inch on the breadth ; of one eighth of an inch and not exceeding one fourth of an inch on the thickness ; to be sawed smooth and fair, of equal width and thickness at both ends, to be butted at both ends with a saw, the stubshot to
sawn

Logs.

Dimension Deals.

sawn off, to be free from rots, sap stains, large knots, rents, shakes, worm holes, worm and auger holes; all merchantable boards, plank and scantling, shall be square edged with the saw; all clear boards shall not be less than one inch thick, and merchantable not less than seven eighths of an inch thick; no board or plank shall be deemed merchantable if split at both ends, or have one continued split of more than two feet at one end, that is less than twelve feet long, and nine inches wide, and is not sawed of a thickness throughout, to be free from rots, sap stains, large knots, rents, shakes, worm holes, wane and auger holes; and purchasers shall not be obliged to take planks with boards, unless by special agreement, the breadth of the plank and boards to be taken at the middle for measurement, the stubshots of all boards, plank and scantling for exportation, shall be sawed off at the Mills where they are manufactured, previous to being surveyed; *Provided always*, that the modes of sawing off the stubshotting of boards, shall not extend to boards manufactured on the River Saint John and its branches. Masts shall not be less than three feet and one fourth of a foot in length, to every inch of diameter; to be hewed smoothly and reduced sufficiently to show the real wood free from sap on the centre of all the four sides at the partners; to be as small at the butt as at the partners, and of proportionate and full size at the top; to be straight, free from rot or decayed stains, ring shakes, butt rots, concase or rotten knots, decayed sap, worm holes, case knots, large knots at top, bark on the waness, auger holes and other defects, and to be square butted; the diameter for measurement to be taken at the partners one third from the butt, exclusive of sap: Spars shall be of straight growth, free from large knots, rots and other defects, to be of a proportionate size at top with the butt, to be square butted, and the

Boards, Plank and Scantling.

Provision as to the sawing off the stubshotting of Boards not to extend to the River St. John and Branches.

Masts.

Spars

the diameter for measurement to be taken at one third of the length from the root, exclusive of bark, and to be four and one half feet in length for every inch in diameter, where the spar exceeds nine inches in diameter, and five feet at least for all spars under nine inches in diameter :

Lathwood. Lathwood shall be of fresh growth, straight rift, free from bark, hearts, knots and splinters, to be measured by the cord of four feet high and eight feet long, and piled as close as it can be laid :

Cedar Shingles. Pine shingles shall be eighteen inches long, not less than four inches wide and three eighths of an inch thick at the butt, free from sap and worm holes, to be put up in bundles not less than twenty-five tier or courses to twenty inches wide, four of which bundles shall be reckoned a thousand :

Hogshead staves. Cedar Shingles for exportation, shall be half an inch thick at the butt, the said thickness to be continued three fourths of the length, and shaved from thence to the point, and shall also be from four to four and one half inches wide throughout, and that the account shall be taken by tale of ten hundred to the thousand ; and that all pine Shingles manufactured in the same manner, shall be subject to the like rules and regulations :

Barrel staves. Hogshead Staves shall be forty-two inches long, three fourths of an inch thick on the thinnest edge, and not exceeding one inch on the back, and shall also be from three and one half inch, to five and one half inches wide : Barrel Staves shall be thirty-two inches long, one half inch thick on the thinnest edge, and not exceeding three fourths of an inch thick on the back, the whole to be of good rift, free of twists, fairly split, and free from knot holes, rotten knots, worm holes and shakes, and that the account shall be taken by tale of twelve hundred to the thousand : *Provided also,* that in all cases where it shall appear that Timber, Deals, Planks, Boards or Staves, are not properly lined, squared, butted and edged, the same being

Surveyor may order Timber, Deals, Planks, Boards or Staves, to be made perfect at the expense of the Seller.

ing merchantable in other respects it shall be the duty of the Surveyors respectively, and they are hereby severally authorized and required, to order or cause such Timber to be properly lined, squared and butted, such Deals, Planks or Boards to be properly edged and butted, and such Staves to be properly reduced at the expense of the seller : *And whereas*, certain articles of Lumber are measured afloat and cannot then be properly seen or inspected, it shall in such cases be the duty of the Surveyors, and they are severally hereby authorized and required, to re-examine all such Lumber, either before or at the time of shipment, and shall furnish the buyer and seller each with a true and faithful return of the same, and such re-survey shall be final and conclusive between the parties :

Provision for articles measured afloat

Provided always, that the purchaser of any Lumber, shall not be allowed to re-survey any Timber by him so purchased on the account, or at the risk of the seller, after he has had the same in possession more than twelve months.

Purchasers not allowed to re-survey Lumber at the risk of the seller after having had it more than 12 months in possession.

VI. *And be it further enacted*, That each of the Surveyors so appointed, shall score or mark in large and legible figures or characters, on the butt end of each piece of Timber inspected by him, his own mark, the length, the purchasers mark, and the contents ;—Masts shall be marked in like manner, having, instead of contents, the diameter at the partners ;—Deals shall be marked with lead, on the end, with length, breadth, thickness, and superficial contents, and Boards with the Superficial contents, and the surveyors private mark.

Mode of marking Lumber surveyed.

VII. *And whereas*, the Lumber Trade has heretofore sustained much injury by reason of Surveyors of Lumber becoming the keepers and Insurers of the Lumber so surveyed by them :—*Be it therefore enacted*, That it shall not be

Surveyors not to become the insurers or keepers of Lumber surveyed by them.

lawful

lawful for any Surveyor of any article of Lumber by him surveyed, to become the keeper or the insurer of the same Lumber.

Surveyor's fees.

VIII. *And be it further enacted*, That the Persons so appointed Surveyors as aforesaid, shall respectively be entitled to ask, demand and receive for their skill and labour in surveying and re-examining, at and after the following rates, that is to say, for every forty cubic feet of Timber, four Pence ; for every thousand superficial feet of Deals, Planks, Scantling and Boards, one Shilling, and three Pence more for marking the same ; for Masts under seventeen inches diameter, one Shilling and six Pence each, and if larger, two Shillings each ; for Spars under six inches diameter, two Pence each, under nine inches diameter, three Pence each, and being nine inches diameter and upward, four Pence each ; for Lathwood, one Shilling and three Pence per cord ; for Pine Shingles, nine Pence per thousand ; for Cedar Shingles, one Shilling per thousand ; for Hogshead Staves, three Shillings per thousand ; and for Barrel Staves, one Shilling and six Pence per thousand ; which rates for the survey of merchantable Lumber shall be paid by the buyer, who shall employ or have the choice of his Surveyor ; and the seller shall remove, or cause to be removed at his own expense, whatever may obstruct or prevent the Surveyor from ascertaining with facility, the measurement, manufacture, or quality of any article of Lumber, and when required, the same shall be canted ; *And it is hereby provided*, That the purchaser of any article of Lumber, subsequent to its survey, shall not be called upon to pay the survey unless by special agreement.

Fees to be paid by the buyer who is to choose the Surveyor

Seller to remove obstructions to the survey.

Purchaser of Lumber, subsequent to survey, not to pay the survey unless by agreement.

Penalty for plugging Timber or Masts.

IX. *And whereas* some evil disposed persons are in the practice of plugging Timber and Masts for the purpose of passing such Timber or Masts by such deceptions as merchantable :—*Be it therefore*

therefore enacted, That any person convicted of plugging any Timber or Masts, when any defect is covered by such plugging, shall be liable to pay a fine of five Pounds currency for each and every offence, and in default of payment, shall be imprisoned for a space of time not exceeding one month, nor less than ten days from the date of conviction.

X. *And be it further enacted,* That any person or persons who shall prevent, or in any way molest any Surveyor, as aforesaid, from measuring or marking any such of the above enumerated articles of Lumber as he may have been required to survey, shall, upon being thereof lawfully convicted, incur a forfeiture or penalty not exceeding five Pounds nor less than one Pound currency, and in default of payment, shall be imprisoned for a space of time not exceeding one month nor less than seven days from the date of conviction.

Persons preventing or molesting any Surveyor in execution of his duty liable to a fine.

XI. *And be it further enacted,* That one half of all the forfeitures or fines arising by virtue of this Act, shall be to the person or persons who shall sue for the same, and the other half to the benefit of the Poor of the Parish where such offence shall be committed; and if the same shall not exceed five Pounds, shall be recoverable, together with the costs of prosecution, before any one of His Majesty's Justices of the Peace of the County where such offence shall have been committed; or when the same shall be more than five Pounds, and shall not exceed ten Pounds, before any two of His Majesty's Justices of the Peace, on the oath of one or more credible witness or witnesses, by warrant of distress and sale of the offenders goods and chattels, under the hand and seal of such Justice or Justices; and for want of sufficient distress shall suffer, not less than three days nor more than forty days imprisonment; and in case such forfeiture, or the value thereof, shall exceed ten Pounds, the same may

Application of fines.

Mode of recovery.

be recovered in any of His Majesty's Courts of Record in this Province, competent to try the same, with costs of suit.

Prosecutions to be commenced within twelve months after offence,

XII. *And be it further enacted,* That all prosecutions by force of this Act, shall be commenced within twelve months from and after the time such offence was committed.

To be publicly read at the opening of the Court of General Sessions.

XIII. *And be it further enacted,* That this Act shall be publicly read by the Clerk of the Peace annually at the opening of the Court of General Sessions of the Peace, at which the appointment of Town or Parish officers is made.

Not to extend to Lumber manufactured or Surveyed previous to first July next.

XIV. *Provided always, and be it further enacted,* That this Act shall not be construed to extend to any Lumber manufactured or surveyed previous to the first day of July next, which shall be deemed merchantable, if manufactured agreeably to the provisions of the former Act.

Limitation.

XV. *And be it further enacted,* That this Act shall be in force for five years, and until the end of the then next Session of the General Assembly.

CAP. XXIV.

An Act to repeal an Act, intituled, "An Act for erecting and maintaining a Light House upon one of the Islands or Rocks near the Southeast Coast of the Island of Grand Manan."

Passed 10th February, 1829.

5 Geo 4, c 2, repealed.

BE it enacted by the Lieutenant-Governor, Council, and Assembly, That an Act made and passed in the fifth year of the Reign of His present Majesty King George the Fourth, intituled, "An Act for erecting and maintaining a Light House upon one of the Islands or Rocks, near the Southeast coast of the Island of Grand Manan," be, and the same is hereby repealed,

CAP. XXV.

An Act providing for the Publication of the County Accounts.
Passed 10th February, 1829.

BE it enacted by the Lieutenant-Governor, Council, and Assembly, That the Justices of the Peace, in the several Counties shall, at some General Sessions, at least once in the year, cause a statement to be prepared of the receipts and expenditures of the County Monies, and cause the same to be published in some newspaper in the County, and in those Counties where no newspaper is published, the said statement shall be deposited in the office of Clerk of the Peace for the County, to be there open for the inspection of any person who may desire to see it.

Statement of the Receipts and Expenditure of the County Monies to be published.

Mode of publication

CAP. XXVI.

An Act to authorize the Extension of the Gaol Limits in the Town of Fredericton.

Passed 10th February, 1829.

WHEREAS it is considered proper that Debtors confined within the Limits of the Gaol of the County of York, should be allowed to have access to such of the places of Public Worship within the Town Plat of Fredericton, as are not already contained within the Limits.

Preamble.

Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly. That it shall and may be lawful for the Justices of the Peace of the said County, at any General Sessions of the Peace or Special Sessions, for that purpose to be holden, to extend the Limits of the Gaol of the said County Southerly so as to comprehend and include the Street called King Street, and the whole of the Church called Christ Church, with the inclosure around the same, situate at the extremity of the said Street, and Northerly so much of said King Street as to comprehend and include

Justices to extend Gaol Limits.

Boundaries.

Exceptions.

include the Methodist Chapel situate near the upper extremity of the said Street, and the whole of the said Chapel with the area lying immediately in the front of the same. *Provided always*; that nothing herein contained shall be construed to authorize the Justices as aforesaid, to include any of the dwelling' houses situate on the said Streets, within the Limits thus to be extended.

C.A.P. XXVII.

An Act to prevent Pedlars travelling and selling within this Province without Licence.

Passed 10th February, 1829.

Preamble.

WHEREAS it is expedient that regulations should be made for Pedlars and Petty Chapmen going about this Province without Licence :

Duties imposed on Hawkers, Pedlars, &c.

I. *Be it enacted by the Licutenant-Governor, Council, and Assembly*, That from and after the first day of April next, there shall be paid into the Treasury of this Province, by every Hawker, Pedlar, Petty Chapman, or any other Trading person or persons going from Town to Town or to other men's houses, and travelling either on foot or with a beast of burthen, or otherwise within this Province, carrying to sell, or exposing to sale, any goods, wares, or merchandize, the following duties, that is to say ; for every person so travelling on foot, two Pounds and ten Shillings per annum, for every person so travelling with a beast of burthen, bearing or drawing a burthen, the further sum of four pounds for each and every beast of burthen, and for every Waggon, Cart, Sled; or other Carriage by Land, or for any Vessel, Boat or Canoe, by Water, and by a person or persons for the purpose aforesaid, the sum of four pounds.

Rate

II. *And be it further enacted*, That every Pedlar, Hawker, or Petty Chapman, and other trading

trading person or persons, so travelling as aforesaid, within this Province, shall take a Licence for that purpose, from the Treasurer of the Province or any Deputy Treasurer for the time being, and shall pay unto the said Treasury or such Deputy, the sum or sums of money, above mentioned; upon payment whereof, the said Treasurer or his Deputy is hereby authorized and required to grant such Licence, under his hand and seal, which Licence shall particularly specify whether such person so receiving the same, is to travel on foot, or with a beast of burthen, or with a Waggon, Cart, Sled, or other Carriage, or in any Vessel, Boat, or Canoe, according to the form contained in the Schedule of this Act; and that the said Treasurer, or his Deputy, shall keep a Register of all persons Licenced under and by virtue of this Act, and from time to time publish the names of such persons in the Royal Gazette, and shall also keep a distinct account of the Duties to be received by virtue of this Act.

Hawkers to take out Licence.

Treasurer or Deputy Treasurer to grant Licence specifying how Pedlar is to travel.

To register and publish names of Pedlars and keep a distinct account of the duties.

III. *And be it further enacted*, That if any Hawker, Pedlar, or Petty Chapman, or Itinerant Trader as aforesaid, shall after the said first day of April next, be found trading as aforesaid, without or contrary to such Licence, such person shall for each and every offence forfeit and pay the sum of four pounds.

Penalty for travelling without Licence.

IV. *And be it further enacted*, That every person so trading as aforesaid, who upon demand made by any Justice of the Peace, Sheriff, or Constable, or by any person with whom he shall be so trading as aforesaid, shall refuse to produce and shew the Licence for so trading, he shall forfeit and pay the sum of twenty Shillings.

Penalty for refusing to shew Licence

V. *And be it further enacted*, That the penalties and forfeitures imposed by this Act shall be recovered in a summary way with costs, upon information or complaint made to any one or more

Penalties how recovered.

more Justice or Justices of the Peace, in the County where such offence shall be committed, upon the oath of one or more credible witness or witnesses, or confession of the party offending, and levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus, if any, after deducting the charges of such distress and sale, to the owner thereof; and the penalty when recovered, to be paid and applied as follows, that is to say; one moiety to the person who shall inform and sue for the same, and the other moiety to the Overseers of the Poor for the use of the Poor of the Parish where such offence shall be committed; and if there should not be any goods and chattels found whereon to levy such distress, it shall and may be lawful for such Justice or Justices to commit the offender to the Common Gaol of the County, for the space of five days, unless the penalty, with costs, be sooner paid.

Application.

Penalty for dealing in smuggled or contraband goods.

VI. *And be it further enacted*, That any Hawker, Pedlar, Petty Chapman, or other trading person as aforesaid, shall, from and after the said first day of April, be convicted of knowingly dealing or vending or selling any kind of smuggled, contraband, or prohibited goods, wares, or merchandize, fraudulently or dishonestly procured, either by themselves or through the medium of others, with their privity and knowledge, every such Hawker, Pedlar, Petty Chapman, or trading person shall from and after such conviction, forfeit his Licence; and forever thereafter be incapable of obtaining or holding any new Licence, or dealing, trafficking, or trading under the same, and over and above all such forfeitures and incapacities, fines and penalties, to which he is, or shall be by Law subject and liable to, for such illicit and illegal trafficking and dealing.

Penalty for forging Licences.

VII. *And be it further enacted*, That if any person or persons whatsoever, shall forge or counterfeit any Licence or Licences by this Act directed

rected to be granted, or travel with or produce, or show any forged or counterfeited Licence or Licences for any of the purposes aforesaid, every such person shall, upon conviction thereof, be subject to the like pains and penalties as persons guilty of forging, or uttering any forged instrument within this Province, are now by Law liable.

VIII. *Provided always, and be it further enacted,* That nothing herein contained shall extend or be construed to extend to prohibit any person or persons from selling any fruit, fish, victuals or country produce, or to hinder any person or persons who are the real makers or workers of any goods or wares, or carrying about for sale or selling the goods of his, her, or their own manufacture, or to vessels of fifteen tons burthen.

Not to extend to persons selling fruit &c., goods of their own manufacture or to vessels of 15 tons burthen.

IX. *Provided also, and be it further enacted,* That nothing in this Act contained, shall extend or be construed to affect the rights, privileges and immunities granted by Charter to the Mayor, Aldermen and Commonalty of the City of Saint John.

not to, affect the rights of the Charter of St. John.

X. *And be it further enacted,* That this Act shall continue and be in force until the first day of April one thousand eight hundred and thirty-one.

Limitation.

Treasurer's or Deputy Treasurer's Office,
Province of New-Brunswick.

No. District of

BE it known that A. B. a native of
of the age of or thereabouts, having this
day paid into the Treasury the sum of
pounds, licence and permission are therefore hereby
given and granted to the said A. B. to use
occupation of a Hawker, Pedlar, or Itinerant
Trader throughout this Province [here state particularly
whether the person is privileged to
travel on foot or with a horse, gelding, mare, or
other beast of burthen, carriage or boat, as the
case

case may be,] pursuant to the Act of Assembly passed in the tenth year of King George the Fourth, intituled, "An Act to prevent Pedlars travelling and selling within this Province without Licence." This Licence to continue and be in force for one Year from the date hereof and no longer.

Given under my hand and seal the
(L. S.) day of one thousand eight hundred and

C. D.

Province Treasurer, or Deputy Treasurer.

CAP. XXVIII.

An Act to secure and reclaim a Tract of Marsh on the Aulac River in the County of Westmoreland.

Passed 10th February, 1829.

WHEREAS several of the Inhabitants and Proprietors of Marsh Land in the Parishes of Westmoreland and Sackville, in the County of Westmoreland, are desirous of erecting an Aboideau over and across a navigable part of the River Aulac in the said County: *And whereas* it is considered that the erection will be of great public utility:—

Preamble.

Permission granted to erect an Aboideau over the River Aulac.

I. *Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly,* That it shall and may be lawful for the said Inhabitants or Proprietors, or any of them, to erect, maintain, and keep up an Aboideau over and across the said River Aulac where the same may be found convenient. *Provided nevertheless,* that in case a Canal may at any time hereafter be cut from the said Aulac River to the Bay Verte, under the sanction of the Legislature of this Province, and the said Aboideau shall be found to obstruct or injure the line of such Canal, it shall be lawful for the person or persons having the superintendance and direction thereof (after giving twelve

twelve months notice thereof) to cut such a passage through such Aboideau as the occasion may require ; any thing herein contained to the contrary notwithstanding.

If it obstruct a Canal line, a passage may be cut through it.

II. *And be it further enacted,* That any person aggrieved by any procedure to be had or made under the power given by this Act, may have the same remedy or redress as is provided in and by the third Section of an Act passed in the thirty-fourth Year of the Reign of His late Majesty King George the Third, intituled, "An Act in addition to an Act, intituled, 'An Act for appointing Commissioners of Sewers.'" *Persons aggrieved to seek redress as directed in 34 Geo. 3, c. 8, § 3.*

III. *And whereas* the Great Road of Communication between Sackville and Westmorland leading across the Great Marsh so called, might be greatly shortened by means of the said Aboideau, and the same thereby become of great public utility. *Be it therefore enacted,* That whenever it shall be thought expedient to alter and shorten the present route of the Great Road between Sackville and Westmorland aforesaid, by passing on and over the said Aboideau, that then and in such case the Supervisor, or such person or persons who shall have the superintendance of the said Road, shall have full power and authority to use and establish the said Aboideau for the public benefit, and as a part of the public Road. *Aboideau may be used and established as part of the public road.*

CAP. XXIX.

An Act for the Endowment of King's College at Fredricton, in the Province of New-Brunswick, and also to make new provisions for the establishment and support of Grammar Schools throughout the Province.

Passed 10th February, 1829.

WHEREAS in pursuance of the power and authority in them vested by an Act passed in the fourth Year of His Majesty's Reign, intituled, "An Act to enable the Governor and Trustees of the College of New-Brunswick, to *Preamble.*

H.

make

make a conditional surrender of their Charter, and for the further Endowment of the College upon the granting of a new Charter," the said Governor and Trustees did by an Instrument in writing, under their Seal of Incorporation, surrender into His Majesty's hands their Charter of Incorporation, upon condition that His Majesty would accept the same, and be pleased to grant another Charter in its place for the re-incorporation of the said College: *And whereas* His Majesty has been graciously pleased to accept the said resignation so made by the said Governor and Trustees of their said Charter of Incorporation, and to grant in the place thereof a Royal Charter under the Great Seal of the United Kingdom, bearing date the fifteenth day of December, in the eighth Year of His Majesty's Reign, thereby establishing a College, with the privilege of a University, by the name of *King's College*, and Incorporating the Members thereof by the name and style of "The Chancellor, President, and Scholars of King's College, at Fredericton, in the Province of New-Brunswick." *And whereas*, in and by the said Act, it was further provided, that immediately upon the commencement of the exercise of the powers to be vested by the contemplated new Charter, the said Provincial Charter, and the Enrolment thereof, should be deemed and taken to be *ipso facto* cancelled and annulled, and the property and debts of the said Governor and Trustees, transferred to, and vested in the new Corporation: *And whereas*, on the first day of January, in this present Session, a commencement was made of the exercise of the powers vested by the said new Charter:—

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

That

That all Debts due and owing to the Governor and Trustees of the College of New-Brunswick, shall be paid to, and may be recoverable by and in the name of the Chancellor, President and Scholars of King's College at Fredericton in the Province of New-Brunswick, in the same manner as if the said Debts had been contracted with them; and all property, real and personal, of the said Governor and Trustees has now become vested in the said new Corporation, and shall be holden henceforth by them in the same manner as the said Governor and Trustees might have held the same; and all Tenants of the said Governor and Trustees shall be deemed and taken to be Tenants of the said new Corporation; and that the said new Corporation are, and shall be liable to the debts, contracts and engagements, made and entered into by the said Governor and Trustees, in the same manner as if the same had been contracted by the said new Corporation; and the Graduates and Students of the late College of New-Brunswick, shall be deemed and taken to be Graduates and Students of the present University of King's College and entitled to the rights and privileges as such.

Rights of the Governor and Trustees of the College of New-Brunswick transferred to the Chancellor, President, and Scholars of King's College, at Fredericton in the Province of New-Brunswick.

Graduates and Students of the late College to be deemed Graduates and Students of King's College.

II. *And whereas*, by the Acts now in force, the several yearly sums of one hundred Pounds, one hundred and fifty Pounds, and six hundred Pounds, have been appropriated for the support and Endowment of the College, and the Schools connected therewith, and the further annual sum of two hundred and fifty Pounds, was pledged by a Resolution of the House of Assembly, for the better Endowment of the College, in consideration of the Royal Aid, which has been promised for that purpose: *And whereas* it is deemed expedient to repeal those Acts, and grant in this Act the aforesaid sum: *Be it therefore further enacted*, That an Act passed in the forty-fifth year of the Reign of His late Majesty King George the

the Third, intituled, "An Act for granting aid in support of the College of New-Brunswick, incorporated by Charter, and established at Fredericton;" and also, an Act passed in the fifty-sixth year of the Reign of His said late Majesty, intituled, "An Act for granting further aid, in support of the College of New-Brunswick, and of the Public Grammar School of the City of Saint John;" and the fourth Section of the said Act, passed in the fourth year of His present Majesty's Reign, be, and are hereby severally repealed.

III. *And be it further enacted*, That there be granted to the said Chancellor, President and Scholars of King's College, at Fredericton, in the Province of New-Brunswick, and their successors, for the Endowment of the said College, and also the establishment and support of Collegiate Schools, the yearly sum of eleven hundred Pounds, to be paid from the Treasury of the Province, and drawn out of the same, by Warrants of the Lieutenant-Governor or Commander-in-Chief of this Province for the time being, by and with the advice and consent of His Majesty's Council.

IV. *Provided always, and be it further enacted*, That the sum of money hereby granted is upon condition that His Majesty will be graciously pleased to grant for the further Endowment of the said King's College, the annual sum of one thousand Pounds sterling, out of His Majesty's Casual Revenue of this Province, or from such other branch of His Majesty's Royal Revenue, as he may be pleased to appoint for that purpose:

Provided nevertheless, that nothing herein contained shall extend or be construed to authorize the appropriation of any part of the Public Revenue of this Province without the consent of the Legislature thereof.

V. *Whereas* His Excellency Sir Howard Douglas, Baronet, Lieutenant-Governor of this Province,

56 Geo. 3. c. 29.

4 Geo. 4, c. 3. § 4,
repealed.

£1100 per annum
granted for the Endowment of the College and support of Collegiate Schools,

On condition that His Majesty be graciously pleased to grant £1000 sterling per annum, for the like purpose.

Not to authorize the appropriation of Provincial Revenue without consent of Legislature.

Province, and Chancellor of the said University, has been pleased to intimate his wish and intention to make a donation of the sum of one hundred Pounds, to be placed in some safe funds on interest; and the yearly interest to be applied to the purchase of a suitable Medal, or Prize, for the best composition, in prose or verse, in the Greek, Latin, or English Language, on such subject as the Chancellor for the time being may appoint, under any regulations to be made for that purpose by the Chancellor and College Council: And it is the express desire of His Excellency, that the said sum should be placed in the Treasury of the Province, under the security of the Legislature: *Be it therefore further enacted* That upon the said sum of one hundred Pounds being paid by His Excellency into the Treasury of the Province, the same may be applied to the Public Service of the Province, to be disposed of as other Public monies, by the Legislature; and that yearly and every year from henceforth forever, there be paid out of the Treasury of this Province, to the Chancellor of the said University for the time being, the sum of ten Pounds, to be applied and disposed of according to the munificent intention of the Donor.

10l. per annum for the purchase of a Medal or Prize granted, on the donation of 100l. from His Excellency Sir Howard Douglas, being paid into the Treasury

VI. *And whereas* many of the provisions of the several Acts for the establishment of Grammar Schools in the several Counties of this Province have been found inadequate for the purposes thereby intended, and it has become expedient to alter and make the same more effectual: *Be it further enacted*, That an Act made and passed in the fifty-sixth year of the Reign of His late Majesty King George the Third, intituled, "An Act to establish Grammar Schools in the several Counties of this Province:" Also an Act made and passed in the fourth year of His present Majesty's Reign, intituled, "An Act to alter the Act for the establishment of Grammar Schools

56 Geo. 3, c. 21.

4 Geo. 4, c. 24,
repealed.

Reserving to Trustees and Directors such sums as may be due at the passing of this Act.

Schools in the several Counties of this Province," be, and the same are hereby repealed; saving and reserving nevertheless to the Trustees and Directors of any Grammar Schools, all such sum or sums of money, which may be due and payable to them, at the time of passing this Act, under and by virtue of any of the provisions of the said last two recited Acts.

Governor with the advice of the Council to appoint Trustees and Directors.

VII. *And be it further enacted*, That His Excellency the Lieutenant-Governor, or Commander-in-Chief for the time being, by and with the advice and consent of His Majesty's Council, shall be, and he is hereby authorized and empowered to appoint during pleasure, and to remove as he shall see fit, three or more fit and proper persons in the several Counties of this Province, the Counties of York and Charlotte, and the City and County of Saint John excepted, to be Trustees and Directors of the Grammar Schools, in each of the said Counties, except as aforesaid, and for which they shall be respectively appointed.

Powers of Trustees and Directors.

VIII. *And be it further enacted*, That the said Trustees and Directors of the said Grammar Schools, in each of the said Counties; respectively, except as aforesaid, or the major part of them, shall form and constitute a board for the management of the said Schools respectively, with full power and authority to procure and provide proper places whereon to erect suitable buildings for the said Schools, in their respective Counties, and to accept and receive donations for the erection of such buildings, and for the endowment of the said Schools, and to purchase and hold Lands and Real Estate in trust, and for the use of such Schools, and that they be enable to sue and be sued, implead and be impleaded, answer and be answered unto, by the name and description of Trustees and Directors of their respective Schools.

IX. *And be it further enacted,* That the said Trustees and Directors, or the major part of them, in each of their respective Counties, except as aforesaid, are hereby empowered to procure and retain a Master or Usher for their said respective Schools, and to make and establish Bye-Laws, Ordinances and Regulations for the government of the said Schools, and to enforce obedience to the same, by expulsion or other public censure as they may judge proper, and to fix and determine the rates of tuition at the said Schools: *Provided always,* That no such Bye-Laws, Ordinances, or Regulations, shall have any force or effect, until they shall have received the approbation of His Excellency the Lieutenant-Governor or Commander-in-Chief for the time being.

Trustees and Directors to procure Masters.

Make Bye Laws.

Fix rates of tuition money.

Bye Laws to be approved of by the Commander in Chief

X. *And be it further enacted,* That no Master or Masters, Usher or Ushers, shall be employed to teach in any School or Schools now established, or hereafter to be established in this Province, unless such Master or Usher shall be duly qualified and licenced as is required in and by His Majesty's Royal Instructions.

No person to teach in any School without a Licence.

XI. *And be it further enacted,* That the said Trustees and Directors, shall hold public visitations and examinations of the said Schools, twice in each and every year, that is to say, on the first Monday in May, and the first Monday in November.

Trustees, to hold public examinations.

XII. *And be it further enacted,* That the Scholars shall be taught in the said Schools, English Grammar, the Latin and Greek Languages, Orthography, the use of the Globes, and the practical branches of the Mathematics, and such other useful learning as may be judged necessary; and the said Trustees and Directors for the respective Counties shall be, and they are hereby authorized and empowered to nominate and send to the said Schools any number of Boys, not exceeding eight, to any one School, to be taught gratis, and such Boys shall be instructed in all the

Course of tuition.

Provision for the admission of free Scholars

the branches of Education which are taught at the said Schools respectively, or such parts thereof as the said Trustees and Directors shall direct, and in the same manner as any other Scholars; and on the removal of any such Boys from the said Schools respectively, the Trustees and Directors shall and may appoint and send others in their stead, so as to keep up at all times the full number of eight free Scholars in each of the said Schools: *Provided always*, That such Boys be poor Orphans, or Children whose Parents cannot afford to pay for their Education.

XIII. *And be it further enacted*, That the sum of one hundred pounds, annually, shall be included in the estimate of the ordinary expences of the Province for each of the following Counties, that is to say, the Counties of Northumberland, Sunbury, Westmorland, Gloucester and Kent, and Queens and Kings Counties; which said sum of one hundred pounds shall be granted annually, for the payment of the Masters thereof, respectively; the same to be drawn on the Certificate of the Trustees and Directors in favor of the person or persons entitled thereto.

XIV. *And be it further enacted*, That no Grammar School in any of the said last mentioned Counties shall be entitled to the said sum of one hundred pounds in the next preceding Section mentioned, unless the inhabitants of the County in which such School shall be established, shall have raised or subscribed, and *bona fide* to be paid, the further sum of fifty pounds, in aid and support of the Master thereof.

XV. *And be it further enacted*, That whenever the said Trustees and Directors, in any of the said Counties last mentioned, shall certify to His Excellency the Lieutenant-Governor or Commander-in-Chief for the time being, that a building suitable for a Grammar School hath been provided

100l. per annum granted for Grammar Schools in the Counties of Northumberland, Sunbury, Westmorland, Gloucester, Kent, Queens, Kings.

No Grammar School to be entitled to said sum unless Inhabitants of the County subscribe 50l. in addition.

Mode of drawing Provincial Bounty

vided in such County, and that they the said Trustees and Directors have provided a competent Master to manage and teach the said School, and that the sum of fifty pounds hath been raised or subscribed and to be *bona fide* paid by the Inhabitants of such County to the said Trustees and Directors of such School, in aid of the support and maintenance of the said Master; that then and in such case it shall be lawful for His Excellency the Lieutenant-Governor or Commander-in-Chief for the time being, by and with the advice and consent of His Majesty's Council to draw on the Treasury of the Province for one half of the said sum of one hundred pounds in favor of the Master or Teacher of the said School; and so to draw from time to time on the Treasury upon the like certificate; in half yearly payments for the use of such School: *Provided always*, that all the sums of money which shall be borne upon the estimate as aforesaid from year to year for the use of such Schools, and which shall not be drawn from the Treasury of the Province, pursuant to this Act, shall revert to the Provincial Fund, to be appropriated by the Legislature.

Grants not drawn to revert to Provincial Fund.

XVI. *And be it further enacted*, That no part of the said sum of fifty pounds, to be raised by the Inhabitants of any of the said last mentioned Counties, in aid and support of any Grammar School within the same, shall be borne, paid, or subscribed by the Master or Usher of such School.

No Master or Usher to pay or subscribe any part of said 50L.

XVII. *And be it further enacted*, That from and after the first day of January, one thousand eight hundred and thirty, no beneficed Clergyman of the Established Church, or Minister of any other sect or denomination of Christians, having the spiritual charge of any Parish or Congregation, shall be eligible or be appointed Mas-

No beneficed Clergyman of the Established Church or Minister of any other sect to be Master or Usher of any Grammar School

ter or Usher of any Grammar School in any of the said last mentioned Counties.

Trustees and Directors to continue in office.

XVIII. *And be it further enacted,* That all those persons who have at any time been appointed Trustees and Directors of any Grammar Schools, under and by virtue of the provisions of the hereinbefore last recited Acts, shall remain and continue in office, and the rules, ordinances, regulations and Bye Laws, by them respectively made and passed, and which have been duly approved of for the Government of any Grammar School, shall be construed and taken to be in full force and effect, and in the same manner as if the said Acts had not been repealed.

Bye Laws duly approved, to be in force.

Trustees to be accountable to the Legislature.

XIX. *And be it further enacted,* That the Trustees and Directors of the respective Grammar Schools for the said Counties last mentioned, shall be at all times accountable to the Legislature of the Province, for their conduct, and the management of the money to be vested in them by virtue, and in pursuance of this Act.

£50 per annum granted to Grammar School in St. John.

XX. *And be it further enacted,* That there be granted to the President and Directors of the Public Grammar School in the City of Saint John, the yearly sum of fifty pounds in addition to the sum of one hundred pounds now by Law granted; the same to be applied to the support of the Master or Usher of the said School, and to defray the contingent expenses thereof.

To be deemed a Public Act.

XXI. *And be it further enacted;* That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such.

CAP. XXX.

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

Passed 10th February, 1829.

I. **BE** it enacted by the Lieutenant-Governor, Council, and Assembly, That from and after the first day of March next, there be, and are hereby granted to the King's Most Excellent Majesty, His Heirs and Successors, for the use of the Province, and for the support of the Government thereof, the rate or duty of one Shilling and six Pence for every Gallon of Rum, and other Distilled Spirituous Liquors, made in this Province, to be paid by the manufacturers of the same.

Duty of 1s. 6d. per Gallon imposed on Rum and other Spirituous Liquors made in the Province.

II. *And be it further enacted,* That it shall not be lawful for any person or persons whatever, by him, her, or themselves, or by any other person or persons whomsoever, employed by him, her, or them, or for his, her or their benefit to employ or work any Distillery or Distilleries for the making or manufacturing any Rum or other Spirituous Liquors, without having first taken out a Licence for that purpose, in manner herein after mentioned; for which purpose the person requiring the same, shall upon taking out the same, immediately pay down to the Treasurer of the Province, for the use of the Province, the sum of ten Pounds; and that such Licence shall be granted by the Treasurer of the Province, under his hand and seal, and the Treasurer of the Province is hereby authorized and required to grant and deliver such Licences to the person who shall apply for the same under the rules and regulations required by this Act, and upon payment of the duty hereinbefore mentioned.

Persons concerned in Distilleries to take out a Licence and pay £10.

Province Treasurer to grant Licence:

III. *And be it further enacted,* That all Licences given and granted by the said Treasurer, under and by virtue of this Act, shall expire on the thirty-

Licences to expire on 31st December in each year.

thirty-first day of December in each and every year.

Penalty for working any Distillery without Licence or neglecting to renew it.

IV. *And be it further enacted,* That if any person or persons shall, after the time appointed for this Act to go into operation, employ, or work any Distillery or Distilleries of Spirituous Liquor, without having first taken out a Licence for that purpose; or shall not renew the same, yearly, in manner aforesaid, so long as he or she shall continue the business of Distilling, he or she shall forfeit and pay the sum of one hundred Pounds, to be recovered in the same manner as is directed in and by the eighth Section of this Act.

Actual owners of Distillery and Implements only entitled to take out Licence;

Applicants for Licence to be sworn.

V. *And be it further enacted,* That no person or persons shall be capable of taking out, or receiving a Licence as a Distiller, save only the actual owner or owners of the Distillery or Distilleries, intended to be worked by virtue thereof, and of the implements, backs and vessels to be employed or used in carrying on the trade or business of a Distiller; and every such person or persons demanding such Licence, shall take and subscribe an Oath, before the said Treasurer, (and which Oath, the said Treasurer is hereby authorized to administer,) that the said Distillery and Distilleries, and implements, backs and vessels to be used, are his, her, or their own property; and that the trade or business intended to be carried on, is at his, her, or their own risk; and on his, her, their own account, and in every Licence which shall be granted by virtue of this Act, there shall be expressed and specified, the Christian Name or Names, and the Surname or Surnames of the person or persons to whom the same shall be respectively granted, the place or places of his, her, or their respective residence or residences, and the house or place, and the name of the particular County and Parish in which such house or place shall be situate, and which such Distill or Dis-

tills

Contents of Licence

tills are intended to be employed, worked or used, for which such Licence shall be granted, and also specifying the sum paid for the duty for such Licence and the time of commencing, and when such Licence shall cease and expire.

VI. *And be it further enacted,* That the owner or owners of any Distillery or Distilleries in this Province, or in case such Disuillery or Distilleries shall be carried on by any Agent or Agents, Servant or Servants, then such Agent or Agents, Servant or Servants, having the care or management of the same, shall respectively on the first Monday of each and every Month, from and after the publication of this Act, give, and render, on oath, to the Treasurer of the Province, or his Deputy, for the place or district where such Rum or other Distilled Spirituous Liquors shall be made, a just and true account of the quantity of Rum, or other Distilled Spirituous Liquors that hath been manufactured or Distilled in his, her, or their Distillery or Distilleries; and shall make and subscribe before the said Treasurer or his Deputy, the following Oath:—I, A. B., do solemnly swear that the account I have now rendered and subscribed of the (Rum or other Distilled Spirituous Liquors, as the case may be,) which have been manufactured or Distilled at my, or the Distillery of [here state where the Distillery is situate, and by whom owned,] is a just and true account of all the Rum and other Distilled Spirituous Liquors, that have been manufactured or Distilled, at the said Distillery, since the day of to the day of ; and I do further swear that no Rum or other Distilled Spirituous Liquors have been removed or taken away from the said Distillery to my knowledge or belief, without a Permit to remove or take away the same, being first had and obtained from the Treasurer or his Deputy (as the case may be.) So help me God.

Accounts of the quantity Rum, &c. manufactured, to be rendered on Oath monthly to the Treasurer or Deputy

Form of Oath.

VII.

Duties when and in what proportion to be paid.

VII. *And be it further enacted*, That immediately upon the making of the Oath, as aforesaid, by the owner or owners, Agent or Agents, Servant or Servants, as aforesaid, the duties by this Act imposed, shall be paid or secured to be paid in manner following, that is to say; if the same shall not exceed the sum of twenty-five Pounds, to be paid at the time of making the Oath, as aforesaid, and when the same shall not exceed fifty Pounds, it shall be lawful for the said Treasurer or his Deputy or Deputies, respectively, to take a Bond duly executed, by the person making the Oath, as aforesaid, with one or more good and sufficient Surety, in double the amount of the rates and duties, payable upon the articles so Distilled, for payment of the same, in three months; and when the rates and duties arising upon any one entry, so made upon Oath, as aforesaid, shall exceed one hundred Pounds, then it shall and may be lawful for the said Treasurer or his Deputy or Deputies, respectively, to take a Bond executed in like manner for payment of the same; one third in four months, one third in eight months, and one third in twelve months; all which Bonds shall be taken in the name of the King's Majesty, and be payable to His said Majesty, His Heirs and Successors, and conditioned for the amount of the said duties, respectively, at the time or times specified therein, either to the Treasurer for the time being, or his Deputy, if taken at Saint John, or to the Deputy Treasurer for the time being at the port or place where the same may be taken.

Penalty for neglect to render monthly account on Oath.

VIII. *And be it further enacted*, That in case of the neglect or refusal, of any owner or owners, of any Distillery or Distilleries, or the neglect or refusal of his, her, or their Agent or Agents, Servant or Servants, where such Agent or Agents, Servant or Servants have the care or management of the same, to render on Oath, a

just

Just and true account, of all Rum and other Distilled Spirituous Liquors that have been manufactured at such Distillery or Distilleries, agreeably to the second Section of this Act; that then, in such case, all the Rum and other Distilled Spirituous Liquors, so manufactured, and the account of which has not been rendered, as aforesaid, shall be forfeited and shall be proceeded against; in like manner as is provided in and by an Act for raising a Revenue in this Province, in cases where dutiable goods have been clandestinely brought or imported into this Province before entry and report made thereon.

IX. *And be it further enacted,* That no Rum or other Distilled Spirituous Liquors shall be removed or carried away from any Distillery or Distilleries in this Province, without a Permit for that purpose, first being had and obtained from the Treasurer of the Province, or one of his Deputies; which Permit shall be in the following form, namely:—Permit A. B. to remove or carry away from the Distillery of _____ situate and being in the Parish or City of _____ Gallons of _____ Given under my hand at _____ the _____ day of _____ C. D., Treasurer or Deputy Treasurer.

No rum or other Distilled Spirituous Liquors to be removed without a Permit.

X. *And be it further enacted,* That in case any Rum or other distilled Spirituous Liquors, made in this Province, shall be found in possession of any person or persons, and which shall have been removed or carried away from any Distillery or Distilleries in this Province, without a Permit for that purpose being first had and obtained agreeably to the provision of this Act, the person or persons, in whose possession the said Rum or other Distilled Spirituous Liquors shall be so found, shall forfeit and pay the sum of fifty Pounds, to be recovered by information to be made and filed by His Majesty's Attorney-General

Penalty for having Rum, &c. in possession without Permit.

Mode of recovering Penalty.

ral in the Supreme Court of Judicature in this Province, upon the filing whereof, the first Process shall be a Capias to be directed to the Sheriff or Coroner of the place where the offender may be found, by virtue of which Process the said offender or offenders shall be held to bail, for his appearance at the return of the Process, to answer the matters charged in such information; and the said Rum or other Distilled Spirituous Liquors shall be forfeited, and proceeded against in like manner, as other dutiable articles are when illegally imported into this Province.

Limitation.

XI. *And be it further enacted*, That this Act shall continue and be in force until the thirty-first day of December, which will be in the year of our Lord one thousand eight hundred and thirty-one.

When to go into operation.

XII. *And be it further enacted*, That this Act shall not go into operation until the first day of March next.

CAP. XXXI.

An Act further to continue and amend the several Acts for raising a Revenue in this Province.

Passed 10th February, 1829.

I. ***BE*** it enacted by the Lieutenant-Governor, Council, and Assembly, That an Act passed in the ninth Year of the Reign of His present Majesty, intituled, "An Act to continue and amend the Revenue Laws of this Province," also a certain other Act passed in the eighth Year of His Majesty's Reign, intituled, "An Act to continue and amend an Act, intituled, "An Act for raising a Revenue in this Province," and also so much of an Act passed in the third Year of His Majesty's Reign, intituled, "An Act for raising a Revenue in this Province," as is now in force, be, and the same are hereby continued, and shall,

together

3 Geo. 4, c. 1,

3 Geo. 4, c. 25,

And part of 3 Geo. 4, c. 9, continued till 1st April, 1820.

together with this Act, be and remain in force until the first day of April which will be in the Year of our Lord one thousand eight hundred and thirty.

II. *And be it further enacted*, That from and after the passing of this Act, there be, and are hereby granted to the King's most Excellent Majesty, His Heirs and Successors for the use of this Province and support of the Government thereof, the following Rates and Duties on the undermentioned articles imported and brought into this Province from any foreign Country, either by sea or inland navigation or transportation, that is to say, on all Horned Cattle the sum of fifty Shillings per head; and on all dead Meats, six Shillings and eight Pence per hundred pounds.

Duties granted on

Horned Cattle and

Dead meats.

III. *And be it further enacted*, That the several Rates and Duties imposed by this Act, shall be paid, levied and recovered, or secured in the manner directed in and by the said Act passed in the Third Year of His Majesty's Reign; and the said articles hereby made subject to duty, shall be liable to be seized, forfeited, and disposed of; and the like pains, penalties and forfeitures are hereby inflicted and imposed for the non-entry or false entry, and may be sued for, prosecuted, recovered and disposed of in such manner, and by such ways, means and methods as are directed in and by the provisions of the said last mentioned Act.

Duties to be recovered, and articles made liable to seizure and forfeiture as directed by 3, Geo. 4, c. 9.

IV. *And be it further enacted*, That from and after the passing of this Act, whenever any Oxen or Cows imported or driven into either of the Ports of Saint John or Saint Andrews from the United States of America, and reported for exportation at the office of the Treasurer or his Deputy, at either of such Ports, shall be exported from and out of either of such Ports, to any Port or place out of this Province, that then and in such case, the monies which may have been paid

Oxen or Cows imported at St. John or Saint Andrews, from United States and reported for exportation entitled to drawback on being exported.

for the Duties arising thereon; shall be repaid, and any Bond or Bonds taken to secure such Duties so far as may relate to the Ox or Oxen, Cow or Cows so exported, shall be cancelled and considered of no validity, saving and reserving for the use of the Province ten Shillings on each and every Ox, five Shillings on each and every Cow so exported, which the Treasurer or his Deputy at either of the said Ports are hereby authorized and required to save and reserve. *Provided always*, That the evidence to be required of such exportation, shall be a Certificate of the Treasurer or his Deputy at such Port or Ports of such articles being reported for exportation, also the following affidavit to be sworn to before the Treasurer or his Deputy, at either of such Ports, who are hereby authorized to administer such oath of the owner or consignee, to which such certificate shall be annexed, *to wit* :—I, A. B. do swear that the following are now on board whereof is master, bound for and that they are the same as are mentioned in the annexed Certificate, and reported for exportation, and that the same are not intended to be relanded in any part of this Province, to the best of my knowledge and belief, so help me God : *And provided also*, That the master of the ship or vessel in which the same are to be exported, shall make and subscribe the following oath, *to wit* :— I do swear that the shipped by are now actually on board the whereof I am master, bound for , and that the same or any part thereof shall not again be relanded in any part of this Province, with my knowledge and consent, (unavoidable accident excepted,) so help me God. Which affidavit and certificate shall be filed at the office of the Treasurer or his Deputy, at any of the said Ports, on such drawbacks being paid or allowed. *And provided also*, That no drawback shall be allowed on any Cow or Cows,

Reserving a Duty of ten Shillings on each Ox and five Shillings on each Cow.

Treasurer to certify that such articles have been reported for exportation.

Form of oath to be taken by owner or consignee.

Oath to be taken by Master of vessel in which the cattle are exported.

Affidavit and Certificate to be filed.

Cows, Ox or Oxen, unless the same are exported within the space of three months from the day the same were reported at the office of the Treasurer or his Deputy at the respective Ports hereinafter recited.

No drawback allowed unless the Cattle are exported within three months from date of being reported.

V. *And be it further enacted*, That any person or persons wilfully swearing falsely in any affidavit to be made under and by virtue of the directions of this Act, shall be deemed and are hereby declared to be guilty of wilful and corrupt perjury, and are hereby declared to be subject to the Laws now in force against any persons guilty of perjury in any Court of Record in this Province, and may be proceeded against and punished accordingly.

Persons swearing falsely under this Act, guilty of perjury.

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

Cattle fraudulently reloaded to be forfeited.

CAP. XXXII.

An Act to appropriate a part of the Public Revenue to the payment of the Ordinary Services of the Province.

Passed 10th February, 1829.

I. **B**E it enacted by the Lieutenant-Governor, Council and Assembly, That there be allowed and paid out of the Treasury of the Province for the Services hereinafter mentioned; the following Sums:—*to wit*,

To the Chaplain of the Council for the present Session the sum of twenty pounds.

Chaplains.

To the Chaplain of the House of Assembly the sum of twenty pounds.

To the Clerk of the Council the sum of fifty pounds, and twenty shillings per diem during the present Session; and the further sum of twenty-

Clerk of the Council.

five

five pounds for defraying the expenses of an Assistant during the present Session.

Clerk of the House
of Assembly.

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

Assistant Clerk.

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

Sergeants at Arms.

To the Serjeant at Arms attending the Council, the sum of fifteen shillings per diem during the present Session.

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

Door Keepers and
Messengers.

To the Door keepers and Messengers attending the Council and Assembly, the sum of ten shillings per diem each, during the present Session.

Provincial contin-
gencies.

To His Excellency the Lieutenant-Governor or Commander-in-Chief, a sum not exceeding two hundred pounds in the year one thousand eight hundred and twenty-nine, for contingent expenses.

Keeper of Partridge
Island Light House.

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

Executors of the
late Treasurer.

To the Executors of the Estate of the late Honorable John Robinson, Province Treasurer, the sum of three hundred and eighty-three pounds, six shillings and eightpence, for the services of that gentleman, from the first day of March last, until the twentieth day of October.

Province Treasurer.

To Richard Simonds Esquire, Province Treasurer, for his services from the twentieth day of October, to the thirty-first day of December, the sum of one hundred and sixteen pounds, thirteen shillings and fourpence.

Robert Parker,
Esquire.

To Robert Parker, Esquire, late acting His Majesty's Attorney-General, for his services, the sum of fifty pounds.

To

To the Solicitor-General for his services from the eighth day of September, to the thirty-first day of December, the sum of sixteen pounds, thirteen shillings and fourpence.

Solicitor-General.

To the Clerk of the Crown in the Supreme Court, for his services for the year one thousand eight hundred and twenty-nine, the sum of seventy-five pounds.

Clerk of the Crown.

To the Lieutenant-Governor or Commander-in-Chief, four thousand pounds, for the encouragement of the Fisheries of the Province, for the year one thousand eight hundred and twenty-nine; and a sum not exceeding three thousand pounds for the encouragement of raising Grain on new Lands, agreeably to the Acts of the General Assembly.

Fisheries.

Grain on new Land.

To the Lieutenant-Governor or Commander-in-Chief, a sum not exceeding two hundred pounds for the encouragement of the destruction of Bears, agreeably to a Law of this Province.

Destruction of Bears.

To Doctor John Boyd, Inoculating Surgeon for the Vaccine Institution, forty pounds for the year one thousand eight hundred and twenty-eight.

Dr. John Boyd.

To the Lieutenant-Governor or Commander-in-Chief, the sum of one hundred pounds, to be applied towards the support of the Light House on Brier Island in Nova-Scotia, for the year one thousand eight hundred and twenty-nine.

Brier Island Light House.

To the Lieutenant-Governor or Commander-in-Chief, one hundred and twenty pounds, to be applied towards the support of a Light House on Cranberry Island, in the Province of Nova-Scotia, for the year one thousand eight hundred and twenty-nine.

Cranberry Island Light House.

To the Adjutant-General of the Militia Forces, seventy-five pounds, for the year one thousand eight hundred and twenty-nine.

Adjutant-General.

To the Lieutenant-Governor or Commander-in-Chief, three hundred and fifty pounds as a provision

Staff Officers.

provision for two Staff Officers to inspect and instruct the Militia, for the year one thousand eight hundred and twenty-nine.

Speaker and Members.

To the Speaker of the House of Assembly the sum of one hundred and fifty pounds, and to the Members of the said House, the sum of forty pounds each, for defraying the expenses of attending during the present Session, and twenty shillings per diem travelling expenses, reckoning twenty miles for each day's travel, to be certified by the Speaker, agreeably to a Law of the Province.

To be paid by warrant.

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

CAP. XXXIII.

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

Passed 10th February, 1829.

L. BE it enacted by the Lieutenant-Governor, Council, and Assembly, That there be allowed and paid out of the Treasury of this Province, the following sums:—

Thomas W. Wood.

To Thomas W. Wood, a Licenced School Master, the sum of twenty pounds for teaching a School in the Parish of Carleton, formerly a part of the County of Northumberland, for the year one thousand eight hundred and twenty-six.

Peter L. Smith.

To Peter L. Smith, a licenced Teacher the sum of twenty pounds for teaching a School in the Parish of Wellington, formerly part of the County of Northumberland, from September one thousand eight hundred and twenty-four to September following. To

To His Excellency the Lieutenant-Governor or Commander-in-Chief for the time being, a sum not exceeding twenty-five pounds in order to enable His Excellency to remunerate Richard Hitchings and Edward Crowel, residents at the Seal Islands for expenses which they may be put to in relieving shipwrecked persons, the amount of such expenses to be proved to the satisfaction of His Excellency.

Richard Hitchings
and Edward Crowel.

To Thomas Gray, a settler on the road from Saint John to Saint Andrews, the sum of ten pounds as a compensation for relieving distressed Emigrants.

Thomas Gray.

To Duncan M'Grigor, the sum of sixty-nine pounds twelve shillings and fivepence, being a compensation for his services as Courier between Fredericton and Miramichi, for the year ending the fifteenth day of July one thousand eight hundred and twenty-eight.

Duncan M'Grigor.

To Isaac Mischeau, a settler at the Great Falls, the sum of ten pounds, in consequence of relief extended to distressed Emigrant travellers.

Isaac Mischeau.

To John Smith, the sum of fifteen pounds for teaching a School for one year, in Chatham, County of Northumberland.

John Smith.

To Darby Gillan, a settler on the Nerepis Road, the sum of ten pounds to remunerate him for assistance rendered to distressed Emigrants and other indigent travellers, agreeably to the prayer of his Petition.

Darby Gillan.

To the Governor and Trustees of the Madras School in New-Brunswick, for the year one thousand eight hundred and twenty-nine, the sum of four hundred pounds towards the support of that Institution throughout the Province; such part of the said sum as may be necessary for that purpose, to be appropriated to the support of a School for Children of Colour in the City of Saint John, and a sum not exceeding one hundred pounds, part of the said sum, to be appropriated for a similar School in Fredericton. To

Madras Schools.

Clerk of the Council.

To the Clerk of the Council, in General Assembly, the sum of twenty-five pounds for the purpose of defraying the expense of an Assistant during the present Session.

William Watts.

To William Watts, the sum of fifteen pounds for airing and taking care of the Province Hall, from the tenth day of November, one thousand eight hundred and twenty-seven until the thirty-first day of December, one thousand eight hundred and twenty-eight.

John Abrams and Wm. Ball.

To His Excellency the Lieutenant-Governor, for the purpose of enabling the Treasurer to pay John Abrams and William Ball, for their services as Tide Waiters at the Port of Saint John for the past year, the sum of one hundred and eighty-two pounds ten shillings.

Treasury Tide Waiter.

To His Excellency the Lieutenant-Governor, for the purpose of enabling the Treasurer to pay a Tide Waiter to the Treasury at the Port of Saint John, for his services for the past year, the sum of ninety-one pounds, five shillings.

David W. Jack.

To David W. Jack, Tide Surveyor at the Port of St. Andrews, for his services from the first day of April, one thousand eight hundred and twenty-eight, to the first day of April, one thousand eight hundred and twenty-nine, the sum of one hundred and fifty pounds.

Flora MacRae.

To Flora MacRae, widow of the late Captain Alexander MacRae, of His Majesty's late North Carolina Highlanders, the sum of fifteen pounds, to relieve her in her present indigent circumstances.

James Kelly.

To James Kelly, Adjutant of the first Battalion of Westmorland Militia, the sum of fifteen pounds, to compensate him for duties performed in the year one thousand eight hundred and twenty-seven ;

Jacob Trites.

Also to Jacob Trites, Sergeant Major of the said Battalion, the sum of seven pounds ten shillings, for services performed in the same year.

To

To William Kennedy, of Saint Stephen's, the sum of fifteen pounds, to assist him in the support of himself and family, he being very aged and indigent, and having served his country faithfully during the Revolutionary War in the United States of America.

William Kennedy.

To His Excellency the Lieutenant-Governor or Commander-in-Chief, a sum not exceeding two hundred pounds for the purpose of assisting aged and distressed Indians in the different Counties in this Province.

Aged and distressed
Indians.

To Matthew Brannen, a Clerk in the Secretary's Office, the sum of fifteen pounds, as a mark of approbation of his uniform obliging conduct and courteous demeanour in attending to the duties of the Office.

Matthew Brannen.

To His Excellency the Lieutenant-Governor or Commander-in-Chief, the sum of twenty-five pounds in aid of paying a Missionary for the instruction of the Indians, provided the said Missionary be approved of by the Lieutenant-Governor or Commander-in-Chief of this Province.

Missionary for the
instruction of the
Indians.

To the High Sheriff of Queens County, the sum of twenty-five pounds for executing a Writ of Election and returning a Member to serve in General Assembly.

Sheriff of Queens.

To James Whitney and others, the sum of one hundred and fifty pounds to enable them to run a good and sufficient Steam Boat between Annapolis, Digby and Saint John for seven months, and a good and sufficient Vessel for the remainder of the year; provided the said proprietors carry the Mail, if required, without any additional charge; the said sum of money to be drawn when it shall be proved to the satisfaction of His Excellency the Lieutenant-Governor or Commander-in-Chief that the services have been performed.

Steam Boat between
Annapolis, Digby
and Saint John.

To the joint Committee of the Council and House of Assembly appointed to inquire and re-

L.

port

Public Penitentiary. port on the subject of a Penitentiary, the sum of fifty pounds to defray the expense of printing the Report, and other incidental charges, and also to enable them to procure any plans and documents which they may deem necessary for the information of the Legislature.

Agnes Reid. To Agnes Reid, widow of the late Robert Reid, the sum of twenty-five pounds to relieve her in her present distressed situation, the said sum being a re-appropriation of the grant made to the said Robert Reid in the year one thousand eight hundred and twenty-eight.

Tide Waiter at Miramichi. To His Excellency the Lieutenant-Governor or Commander-in-Chief, the sum of seventy-five pounds for the services of a Tide Waiter at Miramichi, for the year one thousand eight hundred and twenty-nine.

Repairs on Province Buildings. To His Excellency the Lieutenant-Governor or Commander-in-Chief, a sum not exceeding fifty pounds to defray the necessary expense of repairs required on the Buildings adjoining the Province Hall, and for painting the Supreme Court Room.

Joseph Baxter. To Joseph Baxter, the sum of two pounds to compensate him for work done on the Great Road leading from Saint John to the Missiguash, to be paid from the grant for that road this Session.

Opening road from Bridges over Maguadavic to Lake George Settlement. To His Excellency the Lieutenant-Governor or Commander-in-Chief, the sum of fifty pounds towards opening a road from the Bridges over the Maguadavic River at the Block-house on the Great Road from Fredericton to Saint Andrews, to the Settlement at Lake George in the County of York.

Daily Journals. To His Excellency the Lieutenant-Governor or Commander-in-Chief, the sum of one hundred pounds towards defraying the expense of printing the daily Journals of the present Session.

To Robert Scott, Esquire, the sum of twelve pounds, ten shillings, being a balance due to him for building a Bridge over French Brook, in the Parish of Salisbury.

Robert Scott, Esq.

To James Taylor, Senior, and Company, and William Cross, the sum of one thousand pounds, to remunerate them for extra expense incurred in the erection of the new College Building, it appearing that such extra expense has been incurred in consequence of very imperfect plans and specifications upon which they were called upon to make their estimate, of the superior quality of the materials used by them and the superior style in which the work has been executed; five hundred pounds, part of the said sum to be paid in the present year, and the remaining five hundred pounds in the year one thousand eight hundred and thirty, without interest.

James Taylor, Sen. and Company, and William Cross.

To His Excellency the Lieutenant-Governor or Commander-in-Chief, the sum of ~~the~~ pounds in aid of individual subscription to pay a Courier to pass between Hopewell and the Bend of Peticoodiac River, in the County of Westmoreland.

Courier between Hopewell and Bend of Peticoodiac.

To the Magistrates of the County of Sunbury, the sum of one hundred and fifty pounds towards the payment of debts contracted in the erection of a new Gaol in that County, and in aid of finishing the same.

Magistrates of Sunbury.

To His Excellency the Lieutenant-Governor or Commander-in-Chief, the sum of ninety-four pounds nine shillings and one penny, for the purpose of reimbursing John Wilson, Esquire, of Saint Andrews, for that sum advanced by him to open and improve the new route, from Mowat's Hill, so called, to Chamcook, the same to be taken out of the sum to be appropriated for that road.

John Wilson, Esq.

To the New-Brunswick Agricultural and Emigrant Society, the sum of three hundred pounds to be applied to the encouragement of Agriculture

Agricultural and Emigrant Society.

ture during the year one thousand eight hundred and twenty-nine.

Printing Laws. To His Excellency the Lieutenant-Governor or Commander-in-Chief, the sum of fifty pounds towards defraying the expense of printing the Laws of the present Session, and a further sum not exceeding ten pounds for the purpose of having a proper Index printed to the Acts of the present Session.

Index.

Edward West.

To Edward West, the sum of six pounds ten shillings for assisting in the arrest and commitment of John Baker.

Richard S. Clarke, Esquire.

To Richard S. Clarke, Esquire, Sheriff of the County of Northumberland, the sum of twenty-five pounds for executing a Writ of Election, and returning a Member to serve in General Assembly.

Binding revised edition of the Laws. To His Excellency the Lieutenant-Governor or Commander-in-Chief, the sum of seventy-five pounds, to be applied to defray the expense incurred in binding the revised edition of the Laws.

James Gillenders.

To James Gillenders, the sum of twenty pounds to compensate him for teaching a School in the Parish of Wellington, formerly in the County of Northumberland, from March one one thousand eight hundred and twenty-one to March following.

Hammond River Bridge. To His Excellency the Lieutenant-Governor, or Commander-in-Chief, the sum of four hundred pounds in aid of individual subscription to build a Bridge over Hammond River, in Kings County, to be laid out by Special Commissioners to be appointed by His Excellency the Lieutenant-Governor.

Duties due by Wm. Saunders.

To His Excellency the Lieutenant-Governor, or Commander-in-Chief, the sum of thirty-seven pounds twelve shillings and twopence, for duties due the Province from William Saunders, it appearing that the said William Saunders has been for a long time confined in the Gaol of the County

ty of Northumberland, and has no means of realizing payment, having lost most of his property by the great fire of one thousand eight hundred and twenty-five.

To His Excellency the Lieutenant-Governor, or Commander-in-Chief, the following sums for improving the Roads throughout the Province:—

Roads.

The sum of two hundred pounds to be applied towards improving the Great Road from Saint John to the River Missequash.

St. John to River Missequash.

The sum of two hundred and fifty pounds towards improving the Great Road from Saint John to Saint Andrews; Fifty pounds, part thereof, to be laid out from Magaguadavic to Saint Andrews through the wilderness, provided that sum should remain unexpended after the Bridges are replaced and repaired between Musquash and Magaguadavic.

Saint John to Saint Andrews.

The sum of one hundred pounds towards improving the Great Road from Fredericton to Saint John, *via* Nerepis, part of which sum to be appropriated for the payment of the balance due the present Supervisor.

Fredericton to St. John, *via* Nerepis.

The sum of one hundred pounds for the improvement of the Great Road of Communication between Fredericton and Newcastle.

Fredericton and Newcastle.

The sum of one hundred pounds for the improvement of the Great Road from Fredericton to Saint Andrews.

Fredericton to Saint Andrews.

The sum of one hundred pounds for the improvement of the Great Road from Fredericton to the Canada Line.

Fredericton to the Canada Line.

The sum of fifty pounds for the improvement of the road between Fredericton and the Finger Board.

Fredericton to the Finger Board.

The sum of one hundred and fifty pounds for the improvement of the Great Road of communication between Newcastle and Bathurst.

Newcastle to Bathurst.

The sum of seventy-five pounds for improving the Great Road of Communication between Richibucto and Chatham.

Richibucto to Chatham.

To

Chediac to Richibucto.

The sum of seventy-five pounds for improving the road from Chediac to Richibucto.

Treasury contingencies.

To Richard Simonds, Esquire, Province Treasurer, the sum of forty-five pounds two shillings and fourpence, to defray the contingent expenses of the Treasurer's office during the year one thousand eight hundred and twenty-eight.

Ben. C. Chaloner.

To Benjamin C. Chandler the sum of one hundred and seventeen pounds ten shillings, being the amount of his account for gauging and weighing for the Province, for the year one thousand eight hundred and twenty-eight.

Courier between Bathurst and Restigouche.

To Commissioners to be appointed by His Excellency the Lieutenant-Governor or Commander-in-Chief, the sum of fifty pounds for defraying the expense of a Courier between Bathurst and Restigouche, in the County of Gloucester, for the year one thousand eight hundred and twenty-nine.

George Henderson, Junior.

To George Henderson, junior, of Miramichi, for gauging for the Province from the year one thousand eight hundred and twenty-one, to one thousand eight hundred and twenty-eight, the sum of fifteen pounds four shillings and sixpence,

Ben. C. Chaloner.

To Benjamin C. Chaloner, Tide Surveyor of the City of Saint John, the sum of fifty pounds for his services from the first day of May, one thousand eight hundred and twenty-eight, to the first day of May one thousand eight hundred and twenty-nine.

Thomas Heaviside, Esquire.

To His Excellency the Lieutenant-Governor or Commander-in-Chief, to pay Thomas Heaviside, Esquire, the sum of one hundred pounds on account of his services in auditing the public accounts.

Quarter Master General.

To His Excellency the Lieutenant-Governor or Commander-in-Chief for the time being, the sum of one hundred pounds, to pay the Quarter-Master-General for his services from the date of his appointment, until the end of the year one thousand

thousand eight hundred and twenty-nine, and a further sum not exceeding one hundred pounds, to enable the Quarter-Master-General to take care of the Arms sent out for the use of the Militia Forces.

Taking care of Arms.

To His Excellency the Lieutenant-Governor or Commander-in-Chief, a sum not exceeding five hundred pounds for defraying the expenses which may be incurred for the protection of the Revenue the ensuing year.

Protection of Revenue.

To Thomas P. Marter, Tide Surveyor at the Port of Saint John, for his services from the first day of February, one thousand eight hundred and twenty-eight, to the first day of February one thousand eight hundred and twenty-nine, the sum of seventy-five pounds, and this allowance to be discontinued hereafter.

Thomas P. Marter.

To William Hazen, the sum of six pounds, ten shillings for his services in exploring a road from Burpey's mill, in Burton, to the Nerepis road.

William Hazen.

To the Mayor, Aldermen and Commonalty of the City of Saint John, the sum of three hundred pounds to enable them to erect a pier on the shoal where the Beacon now stands, and to place a Harbour Light thereon, in order to facilitate the navigation into the Harbour of Saint John. The said sum to be taken out of the surplusage of the money collected from the Light House.

Pier for Harbour Light at St. John.

To George K. Lugin, the sum one hundred and three pounds, sixteen shillings and tenpence, being the amount allowed by the Committee of this House as the balance due him for printing.

George K. Lugin.

To His Excellency the Lieutenant-Governor or Commander-in-Chief, the sum of fifty-nine pounds three shillings and sevenpence, to pay the Commissioners for repairs on the old Government House, for the year one thousand eight hundred and twenty-seven, and the sum of fourteen pounds, three shillings and threepence, for the year one thousand eight hundred and twenty-eight.

Repairs on Government House.

Also,

Richard Dunn. Also, the sum of forty-seven pounds eight shillings and twopence, to pay Richard Dunn for repairs on the Province Hall.

Light House on the Northern Head of Campo Bello. To His Excellency the Lieutenant-Governor, or Commander-in-Chief, a sum not exceeding four hundred pounds for the purpose of defraying the expense of building a Light House on the northern head of Campo Bello Island; one half of the sum to be paid in the present year, and the other half in the year one thousand eight hundred and thirty.

T. P. Marter. To T. P. Marter, Tide Surveyor at the Port of Saint John for his services, the sum of twenty five pounds in addition to the sum of seventy-five pounds already granted.

Interest to Bank of New-Brunswick. To His Excellency the Lieutenant-Governor, or Commander-in-Chief, a sum not exceeding four hundred and fifty pounds to enable him to pay any Interest on Treasury Warrants in the Bank of New-Brunswick; such Interest to commence the first day of January, one thousand eight hundred and twenty-nine, and to be paid quarterly on whatever sum may be in the Bank at the respective periods.

Journals. To His Excellency the Lieutenant-Governor, or Commander-in-Chief, the sum of fifty pounds towards defraying the expense of printing Journals of the House of Assembly of the present Session.

Wm. F. Odell, Esq. To William F. Odell, Esquire, the sum of seventy-five pounds as compensation for his services for issuing Warrants from the twenty-sixth day of February until the sixteenth day of December, one thousand eight hundred and twenty-eight.

Contingencies of the Session. To the Clerk of the House of Assembly, the sum of three hundred and thirty-one pounds, seventeen shillings and eightpence to enable him to pay the contingent expenses of the present Session.

To His Excellency the Lieutenant-Governor,

or Commander-in-Chief, the sum of seven hundred and seventy pounds to be applied towards the support of the several Grammar Schools in the Province, hereinafter named, for the year one thousand eight hundred and twenty-nine, in the following proportions, *to wit* :—

To the Grammar School in Saint John, the sum of one hundred and fifty pounds. Grammar Schools.
Saint John.

To the Grammar School in Saint Andrews, the sum of one hundred and twenty pounds. Saint Andrews.

To the Grammar School in Westmoreland, the sum of one hundred pounds. Westmoreland.

To the Grammar School in Northumberland, the sum of one hundred pounds. Northumberland.

To the Grammar School in Sunbury, the sum of one hundred pounds. Sunbury.

To the Grammar School in Kings County, the sum of one hundred pounds. Kings.

To the Grammar School in Queens County, the sum of one hundred pounds. Queens.

To Colin Campbell, Esquire, the sum of seventy-six pounds twelve shillings and ninepence; that amount having been reported by the select Committee appointed to report upon his Petition, as due to him to one thousand eight hundred and twenty-six inclusive, to be taken out of the sum granted for the road from Fredericton to Saint Andrews the present Session. Colin Campbell,
Esquire.

To His Excellency the Lieutenant-Governor, or Commander-in-Chief, the sum of two hundred and sixty pounds to enable His Excellency to pay the rent of his residence in Fredericton for one year. Rent of His Excellency's Residence
in Fredericton.

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