

ACTS

OF THE

GENERAL

ASSEMBLY,

OF

HIS MAJESTY'S PROVINCE

OF

NEW-BRUNSWICK,

PASSED IN THE YEAR 1787.

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ST. JOHN:

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MDCCLXXXVII.

Rec. Aug. 14, 1906.

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**A**CTS passed by the GENERAL ASSEMBLY of the province of NEW-BRUNSWICK, began and held, at the City of SAINT JOHN on the THIRD day of JANUARY, in the year of our LORD, one thousand seven hundred and eighty six, and in the twenty sixth year of the reign of our sovereign LORD GEORGE the THIRD of Great-Britain, France and Ireland, KING, defender of the faith, &c. and there continued by several prorogations until the thirteenth day of February, one thousand seven hundred and eighty seven, in the twenty seventh year of his said Majesty's reign, being the second session of the first House of ASSEMBLY convened in the said Province.

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1787.

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# L A W S

OF THE

## PROVINCE OF NEW-BRUNSWICK.

### CAP. I.

#### AN ACT for ESTABLISHING a MILITIA, in the Province of NEW-BRUNSWICK, and for regulating the same.

**W**HEREAS a well regulated Militia in this Province, will tend not only to the security and defence thereof, but to the honor and service of his Majesty. Preamble.

*Be it enacted, by the Lieutenant-Governor, the Council, and Assembly, That within three months after the passing of this act, every person residing within this province, from sixteen to fifty years of age, and every person that is under sixteen, within one month after he arrives at the age of sixteen, shall enlist himself with the Captain, or in his absence with the next commanding officer of one of the independent companies, in the town or parish, or of the regimental company of foot where he dwells, or resides, under the penalty of five shillings, and three shillings for every month that such person shall remain unlisted. And all Captains of independent and regimented companies, in the several towns and parishes within this province, are hereby commanded, to take due care to enlist all inhabitants from sixteen to fifty years of age, which age in case of doubt is to be proved by the oath of the person whose age is in question, or the oath*

Every person from sixteen to fifty years of age, and within one month after arriving to sixteen, shall enlist in some company.

Under penalty of five shillings, and three shillings for every month here remains unlisted.

Captains to take care to enlist all inhabitants.

Age if doubted to be proved by the

Oath of the person or his parents, or some credible witnesses.

Oath.

of his parent, or some other credible witness, to be taken by the officer before whom the dispute shall happen to be, who shall administer the same in the words following. " I

" do swear, upon the Holy Evangelist of Almighty God, that  
 " summoned before Captain \_\_\_\_\_ in order  
 " to be inlisted, is \_\_\_\_\_ years old, and no more according  
 " to the best of my knowledge. So help me God." Which oath being duly administered by the Captain or other officer, who hath summoned such person before him in order to be inlisted, and it appearing that he is under sixteen, he shall be for that time dismissed; and if any dispute shall arise about older persons, and it shall appear that he or they are above the age of fifty, such persons shall be exempted at all times thereafter.

Captains shall provide drums, fifes, &c. to be paid for out of the fines, under penalty of two pounds, and for every month they remain unprovided one pound.

II. *And be it enacted*, That all Captains of independent or regimented Companies, shall provide for their companies, drums, fifes, colours and banners, and drummers and fifers, to be paid for out of the fines and forfeitures to be incurred by this act, under the penalty of *two pounds*, and for every month such Captain shall remain unprovided thereof, the sum of *one pound*.

Commanding officers of regiments; and unregimented companies shall once a year issue warrants to inferior officers to search in their districts, that all persons be duly listed, armed, &c. and return the names of defaulters.

III. *Be it further enacted*, That the Colonels, or commanding officers of all regiments or battalions, or unregimented companies within this province, shall at least once in every year, issue out their warrants to their inferior officers, commanding him or them to make diligent search and inquiry in their several districts, that all persons be duly listed, armed, and equipped; and to return to them the names of such defaulter, as he or they shall find, to the end they may be punished according to this act.

Once a year if the Commander in Chief gives orders, the commanding officers of regiments shall command the several companies to meet at such convenient place as they shall appoint to be mustered & exercised.

IV. *And be it also enacted*, That once in every year, if the Captain-General or Commander in Chief shall give orders therefor, command shall be given by the Colonels, and in his absence by the next commanding officer of the respective regiments or battalions, that the several companies in each regiment or battalion shall meet at the most convenient place therein to be appointed by the respective officer commanding the regiment or battalion, to be then and there mustered and exercised; and the several independent companies in this province shall meet twice in every year, at the most convenient place, to be appointed by the respective officers commanding them to be mustered and exercised; and once in every year and not oftener,

Independent companies shall meet twice a year to be mustered and exercised.

command

command shall be given by the Captain, and in his absence by the next commanding officer of the respective companies in each regiment or battalion in this province, that the company under his command shall meet at some place within his district, to be appointed by the said officer to be then and there mustered and exercised.

Once a year every Captain shall have his company mustered & exercised.

V. *And be it further enacted,* That in case of a general alarm or invasion, all unregimented or independent companies shall in the absence of the Captain-General or Commander in Chief, be under the immediate command and direction of the Colonel, and in his absence the next commanding officer of the regiment or battalion of the city, county, town, or district, where such unregimented or independent companies may be.

In case of a general alarm independent companies shall in the absence of the Commander in chief, be under the command of the commanding officer of the regiment in the place where they may be.

VI. *And be it enacted,* That the independent companies in this province are to consist, each, of fifty men, besides officers, and if the Colonel or commanding officer of the regiment or battalion in the city, or in any town or parish, where there is an independent company or companies, shall have reason to suppose, that the Captain or Captains of the said company or companies have enlisted a greater number of men than is limited above, such Captain or Captains shall within fifteen days after notice, deliver to the Captain-General or Commander in Chief, or to such person as he shall appoint to receive the same, a true and compleat roll of the name of every person he or they have on his list; and if it thereby appears that more are enlisted than the number above-mentioned, all such supernumerary men shall be immediately discharged out of such list, and the Captain or Captains shall give a list of their names to the Colonel or next commanding officer aforesaid; and the person or persons so discharged, shall within fifteen days thereafter enlist him or themselves in one of the companies of the said regiment or battalion; and such of the persons so discharged, as shall omit to enlist themselves accordingly, shall be subject to the fines inflicted in this act on persons omitting or neglecting to enlist in the Militia.

Independent companies to consist of fifty men each besides officers, and if the commanding officer of the regiment in the place where they may be shall have reason to suppose the Captains have enlisted a greater number, such Captains shall in 15 days after notice, deliver to the Commander in Chief, or such person as he shall appoint, a compleat roll of the company, & all supernumeraries shall be discharged;

and the persons so discharged, shall within 15 days enlist in one of the companies of the said regiment.

VII. *And be it further enacted,* That every soldier in any of the regiments or battalions, or independent companies in this province, shall at all times be provided, with a good well fixed musket, or fusée, good bayonet that suits it, a cartridge box,

Every soldier shall at all times be provided with a good musket, bayonet cartridge box, nine



cartridges, and nine bullets.

on penalty of 3*l* for each musquet not fixed, 1*l* each for want of a bayonet or cartridge-box, 1*l* for want of each cartridge or bullet, so that the whole penalty of one person shall not exceed 10*l*—the sufficiency to be judged of by the commanding officer present. Every soldier shall have at home one pound of gun-powder, and 3 pounds of bullets, on penalty of 10*l*—and if he refuses to shew them, shall be deemed unprovided.

nine cartridges of gun-powder, and nine sizeable bullets; and so provided shall appear, when and where required as aforesaid, upon penalty of *three shillings* for each musket or fusée not well fixed, and for want of a proper bayonet, belt, or cartridge-box, shall forfeit for each *one shilling*, and the same sum for want of each cartridge or bullet; the whole penalty for the default of one person for one day not to exceed *ten shillings*, and the sufficiency of the musket or fusée, bayonet, belt, and cartridge-box, shall be judged of and determined by the commanding officer then present. And every soldier shall at his habitation or place of abode, have one pound of good gun-powder, and three pounds of sizeable bullets, upon penalty of *ten shillings* for each soldier. And if any soldier shall refuse to shew to his Captain or person sent by him or other officer for that purpose by this act appointed, all or any of the equipage, arms or ammunition herein mentioned, he shall be deemed and esteemed to be unprovided thereof, and shall be fined accordingly.

Upon notice of a general muster of any company, no person enlisted shall absent himself without leave under penalty of 10*l*.

No commissioned officer shall withdraw himself without leave from his superior officer under penalty of 40*l*. No serjeant, corporal, drummer or fifer, under 20*l*.

If any person enlisted shall when required, refuse to warn the people under arms, he shall forfeit 20*l*.

Every soldier enlisted who shall when under arms refuse to perform such duty as shall

VIII. *And be it enacted*, That upon notice given of a general muster, or of the review, or appearance in the field of any particular company or companies as aforesaid, no person whatsoever enlisted in the Militia in manner aforesaid, shall absent or withdraw himself from the service without having first obtained leave of his Captain or commanding officer, so to do, under the penalty of *ten shillings*; and no commissioned officer shall remove himself out of the town, parish or district, or withdraw from the service without leave from his superior officer, under the penalty of *forty shillings*; and no serjeant, corporal, drummer or fifer, shall absent themselves in manner aforesaid, under the penalty of *twenty shillings*.

IX. *And be it further enacted*, That if any person or persons being duly enlisted, if thereunto required by their superior and proper officer, shall refuse to warn the people to appear under arms when thereunto required by his Captain or next commanding officer, he shall for every such neglect or refusal forfeit the sum of *twenty shillings*.

X. *And be it enacted*, That every soldier enlisted, to serve either in regimented or independent companies, and appearing under arms, and during such appearance, who shall refuse or neglect

neglect to perform such military duty, as shall be required from him, or shall depart from his colours or guard without leave from the commanding officer, shall forfeit *twenty shillings*; and for non-payment thereof, shall be committed by warrant from the commanding officer then present to the next goal, till the said *twenty shillings* be paid, with the prison charges; and the sheriff of such county and city, is hereby required to receive the body or bodies of such offender or offenders against this act, as shall be brought to him by virtue of a warrant or warrants under the hand and seal of such officer as aforesaid, and him or them to keep in safe custody, until such fees and fines mentioned in such warrant are paid. And such sheriff or keepers of goals shall be intitled to the same fees as are allowed in other cases, and the fines so recovered, shall be disposed of by the commanding officer, for the benefit of the company to which the offender doth belong.

be required, or shall depart without leave shall forfeit 20s. and for non-payment thereof, shall be committed to the next goal till the fine and charges are paid.

Shall be required to receive the offenders.

Shall be intitled to the same fees as in other cases.

Fines shall be for the benefit of the company.

XI. *And be it further enacted*, That the several other fines, penalties and forfeitures in this act mentioned, shall be levied, recovered, and disposed of as followeth:—That is to say, that all such forfeitures, as do relate to any person under the degree of a Captain, shall be adjudged by and be taken to the respective Captains, to defray the charges of their companies, and to be levied before the next exercising day, by distress and sale of the offenders goods by the Captains warrant, directed to a serjeant, or corporal of the company wherein such offence was committed. But if the offender be a servant, or under his parents care, then in such case the masters or parents goods shall be liable to such distress and sale as aforesaid, till satisfaction be made. And if any serjeant or corporal shall refuse to execute such warrant to him directed, he shall for every such offence forfeit for the uses above-mentioned the sum of *thirty shillings*, to be levied in manner before expressed, by such other officer, serjeant, or corporal, as such warrant shall be directed to. And for all other penalties and forfeitures in this act mentioned, the same shall be levied by distress and sale of the offenders goods by warrant, from the Colonel, or the next field-officer where such offenders are; which forfeiture and penalty shall be for the use and benefit of the regiment or battalion in the city, town, or county where the offence is committed; and the serjeants and corporals of the regiment or battalion, are to reserve to themselves, out of the distress or forfeiture, the sum of *three*

Other fines to be disposed of as follows, viz.

Such as relate to a person under the degree of a Captain, shall go to the Captains to defray the charges of their companies, and shall be levied before the next exercising day by the Captains warrant.

If the offenders be a servant, or under his parents care, the masters and parents shall be liable.

If any serjeant or corporal shall refuse to execute such warrant, he shall forfeit 30s.

All other penalties shall be levied by warrant of the Colonel or next field officer, and shall be for the use of the regiment.

Serjeants and corporals to reserve to themselves 3s. for executing each warrant.

*shillings*, for executing each warrant from their Captain or other superior officer.

Drummers and fifiers shall serve for 20*s*. a year if they find drum & fife; if the Captains find them for 10*s*.

Each drummer & fifer refusing to serve shall forfeit 20*s*.

Persons to be exempted from being enlisted in the Militia.

XII. *And be it enacted*, That all Drummers and Fifers that shall be put in service by the several Captains, shall serve upon the salary of *twenty shillings* per year, if they find Drum and Fife, and if the Captain finds the Drums and Fifes, then they shall serve for one half that sum, and each Drummer or Fifer refusing to serve shall forfeit *twenty shillings*, to be levied in manner aforesaid. Always provided, that the Members of his Majesty's Council, Members of the Assembly, Justices of the Peace, High Sheriffs, Coroners, and all persons that have held any commission, Civil or Military under his Majesty, Ministers of the Gospel, Physicians, Surgeons, School-Masters, one Miller to a Grist Mill, and one Ferryman to every public Ferry, shall be free from being listed in the Militia of this Province.

No commissioned officer liable to serve as Constable.

XIII. *And be it enacted*, That no Militia commissioned officer in this Province shall be liable, or subject to serve as Constable; any law or usage to the contrary notwithstanding.

In case of an alarm invasion, or rebellion, every officer shall raise the Militia under his command, & send immediate intelligence to the commanding officer of the regiment, who shall forward it to the next commanding officer, and let him know how he intends to proceed. Commanding officers in the counties shall dispatch an express to the Commander in Chief, specifying the danger, &c. and shall have power to impress boats, men, and horses, to draw together the militia, and march them where they shall think best for opposing the enemy, and to such places within the pro-

XIV. *And be it further enacted*, That in case of an alarm, invasion, insurrection or rebellion, every officer of the Militia shall have full power and authority, by virtue of this act, and is hereby required forthwith to raise the Militia or company under his command, and to send immediate intelligence to the commanding officer of the regiment or battalion to which he belongs, who also are hereby required to send forward the intelligence forthwith to the commanding officer of the next adjacent counties, informing him and them at the same time in what manner he intends to proceed: And every commanding officer in every county upon any alarm, or receiving intelligence of any insurrection, invasion or rebellion, shall forthwith dispatch an express to the Captain-General or Commander in Chief for the time being, notifying the danger, and shall therewith signify the strength and motions of the enemy, and the said commanding officer hath hereby full power to impress boats, men and horses, as the service may require, and shall draw together the Militia of his county, town, or parish, or such part thereof as he shall think necessary, and march them to such place or places as he shall judge most convenient for opposing the enemy, and to such place or places within this province, as shall be directed

rected by the Captain-General or Commander in Chief for the time being. And every Captain or commissioned officer under the degree of Major, that shall neglect or refuse to perform his duty hereby required, shall forfeit the sum of *twenty pounds*. And every non-commissioned officer or private man for his neglect or refusal of such duty, shall forfeit the sum of *five pounds*. And every such commissioned officers, besides paying such forfeitures, shall be degraded, and rendered incapable thereafter of holding or exercising any office civil or military within this province.

vince as the Commander in Chief shall direct. And every commissioned officer under the degree of Major, that shall neglect or refuse to perform his duty, shall forfeit £ 20. Every non-commissioned officer and private £ 5.

XV. *And be it enacted*, That if any person or persons shall be sued, molested, or impleaded for any matter or thing lawfully done and commanded in the execution and performance of this act, he or they may plead the general issue, and give this act in evidence, and if the plaintiff discontinue his action, be nonsuited, or a verdict pass against him, the defendant shall recover treble costs, nor shall any such suits be brought unless within three months next after the offence is committed.

Any person sued for any thing done by virtue of this act, may plead the general issue and give this act in evidence & shall recover treble costs. No suit to be brought unless within 3 months.

XVI. *And be it enacted*, That once in every year, and oftener if thereunto required, each Captain shall give to his Colonel, or in his absence to the next field-officer, and such field-officer, and the Captains of unregimented companies, to the Captain General or commander in chief for the time being, fair written Rolls of their respective Regiments and companies, on the penalty of *forty shillings*; and if any person be wounded or disabled upon any invasion, insurrection or rebellion, he shall be taken care of, and provided for, by the public during the time of such disability. Provided always, and it is enacted, that all persons above the age of fifty, and not exceeding sixty years of age, shall in case of an alarm, invasion, insurrection or rebellion, appear under arms, under the Captain, or commanding officer of the district where they dwell or reside, any thing herein contained to the contrary notwithstanding.

Once a year and oftener if required rolls of all the regiments & companies to be delivered in to the commander in chief on penalty of 40s.

Persons wounded or disabled upon any invasion &c. to be provided for at the public expence.

All persons under 60 years of age to appear in case of an invasion &c.

*Provided always*, That every person professing himself to be of the people called Quakers, and producing to the Captain or commanding officer of the company, in whose district or beat he resides, a certificate from one of their meetings, signed by six or more of the principal people of such meeting, that such person had been deemed and allowed one of the people called Quakers, for the space of one whole year or upwards before the

Quakers exempted from training and muniting, unless in case of an invasion &c.

date of the certificate, such person so producing such certificate shall be and is hereby exempted from the ordinary duties of training or mustering, unless upon an alarm, invasion, insurrection or rebellion,

Act to be in force  
till the 1st March,  
1792.

XVIII. *And be it enacted*, That this act shall be and remain in force till the first day of March, which will be in the year of our Lord One Thousand Seven Hundred and Ninety Two, and no longer.

## CAP. II.

An ACT to AUTHORIZE the respective PROPRIETORS of certain Islands in the River ST. JOHN, and other Rivers in this PROVINCE, to make rules and regulations for their better improvement and cultivation.

Cont. vid. pa. 193.  
341.  
395.

Preamble.

WHEREAS there are many Islands lying in the River *Saint John*, and other rivers in this Province, owned in small rights or shares, and on which division fences are liable to be carried away by the current, and pressure of the water passing in times of freshes over the same.

Proprietors of the Islands may meet once a year on the first day of the winter sessions, in the county,

and by a major vote may pass orders and rules for the husbandry and improvement of the said Islands:— the votes to be collected according to the respective rights or shares under actual cultivation. And if any of the said Proprietors shall

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That the respective proprietors of the said Islands may and are hereby authorized to meet once a year, on the first day of the winter Sessions, in the respective Counties in which such islands are included; and such and so many of the respective proprietors of the said islands as shall be present, shall have power by a major vote to make and pass orders, rules and regulations for the managing, improving, and better husbandry of the said islands, the voices of the respective proprietors present to be collected according to their respective rights or shares under actual cultivation and improvement. And if any of the said proprietors shall in disobedience of the votes, orders, rules and regulations, so made and passed, occupy, husband, manage or improve his, her or their respective shares or rights, contrary to such

such votes, orders, rules and regulations, he she or they shall be subject to an action of trespass, for the damage sustained by any proprietor, and shall forfeit and pay to the use of the poor of the respective parish to which the Island containing such shares or rights belong, a fine of *forty shillings* for each and every offence, to be recovered on complaint to a Justice of the Peace, who is hereby empowered to hear and determine the same, provided the said action of trespass or complaint be prosecuted within one month.

disobey the orders and rules so made, they shall be subject to an action of trespass for the damage sustained, and shall forfeit & pay to the use of the poor of the town to which the island belongs 40s. for every offence, to be recovered before any one Justice of the Peace.

II. And the said votes, orders, rules and regulations, made and passed as aforesaid, shall be reduced to writing, and subscribed by the major part of the proprietors present, collecting their voices as aforesaid, and afterwards deposited with the Clerk of the Peace for the respective counties, and shall be in force for one year and no longer.

The said votes, orders and rules shall be reduced to writing, & subscribed by the majority of those present, and deposited with the clerk of the peace in the county, and shall be in force but one year.

III. *Provided also*, That the said respective proprietors of the said Islands may meet at such times and places in the present year as shall be fixed and stated by two justices in each county, on application of any one or more of said proprietors.

The proprietors may meet for this year at such times and places as shall be fixed by two justices, on application of one or more proprietors.

IV. And for the security and protection of the said Islands against trespasses, it is also enacted, that the water surrounding them and each of them, shall be deemed and taken in law a lawful fence.

The water round the islands shall be deemed a lawful fence.

*This clause repeated vid p. 193.*

V. This act to continue and be in force for three years and no longer.

Act to be in force three years.

**CAP. III.**

**An ACT for laying an IMPOST.**

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

**T**HAT from and after the first day of April next, there be, and hereby is granted unto his Majesty, his heirs and successors, for the use of this province, and for the support of the government thereof, the several rates and duties, on the articles hereafter mentioned, which shall, or may be brought or imported

After the first of April shall

ported into any port or place within this province; except the produce or manufacture of Great-Britain or Ireland, directly imported from thence, to be paid by the Importers thereof, That is to say. For every puncheon of Rum or other distilled spirituous liquors, *twelve shillings and six-pence*. For every gross hundred weight of Brown Sugar, *two shillings*, on the amount of the original invoice, allowing twenty per cent. for tare and wastage. For every pound of Coffee, *one penny*; and so in proportion for any greater or lesser quantity.

be paid upon the importation of every puncheon of rum, or other distilled spirituous liquors, 12s6.  
Every Cwt. of brown sugar, 2s.  
Every pound of coffee, 1d.

The duties to be paid at the time of importation, in the city & county of St. John, to the Treasurer of the province; in the other counties to his deputies, unless the duties upon one cargo amount to upwards of £10. in which case the Treasurer may take security payable in 3 months.

II. *And be it further enacted*, That the rates, duties and imposts to be raised and paid, by virtue of this act, shall be paid at the time of the importation of such articles in the City and County of *Saint John*, unto the Treasurer of the Province; and at every other port or place unto his deputy or deputies, in every county respectively, where the same shall be imported, unless such duties on any one cargo, shall amount to upwards of *ten pounds*; in which case the Treasurer or his deputy, upon such importer or owner giving bond with good and sufficient surety in double the sum, may take the same payable in three Months.

All masters of vessels shall within 24 hours after their arrival make report in writing upon oath, to the Treasurer, or his deputy, of all the articles imported and liable to a duty by this act, & that nothing has been landed or taken out liable to a duty, in any part of this province since sailing from the port where they were laden; and in case of refusal or neglect, the vessel shall be forfeited. And if any dutiable articles not entered shall be found on board after such entry, or if any such articles shall after report, be landed, which were not specified in the report, the

III. *And be it further enacted*, That all Masters of ships or other vessels coming into any port or harbour, of this Province, shall within twenty-four hours after their arrival, and before breaking bulk, make report in writing, by him subscribed, and upon oath to the said Treasurer or his deputy, of all articles by them imported, and liable to a duty by this act, and shall also make oath, that they have not landed, nor permitted to be landed or taken from on board such ship or vessel, any such articles within this province, or any of the coasts thereof, since his or their sailing from the port or place where such articles were laden on board for exportation; and in case of refusal or neglect by any such Master, every such ship or other vessel, shall be, and is hereby declared to be forfeited. And if any such dutiable articles not duly entered as aforesaid, shall be found on board any ship or other vessel, after such entry made, or if any such articles shall have been landed from any such ship or vessel after report made as aforesaid, other than such as were specified in such report, or manifest, such ship or vessel shall be, and the same is hereby declared forfeited, and shall and may be seized

zed by such Treasurer, or his deputy, and information made, and proceedings to condemnation had in any Court of Law or Vice-Admiralty, proper to try the same. And all forfeitures incurred by virtue of this act, shall be paid into the hands of the Treasurer of the province, for the use of the same.

IV. *And be it further enacted,* That upon all goods, not herein before made liable to a duty, which shall from and after the first day of April next, be imported into this province, except immediately or circuitously from Great-Britain or Ireland, or the growth, produce and manufacture of some British colony or plantation, there shall be paid a duty of *five pounds* for every hundred pounds value, prime cost, except live stock, indian, rye, and buck wheat meal, grain of all kinds, salt, and all goods liable by act of Parliament to pay a duty to his Majesty.

V. *And be it further enacted,* That for all merchandize of what nature or kind soever, imported by or belonging to any person or persons not resident in this province, nor consigned to any inhabitant thereof, shall be paid a duty of *two pounds, ten shillings*, for every hundred pounds value, prime cost, at the place from whence the same was imported, and so in proportion for a greater or lesser quantity, except such goods belong to some person or persons subjects and inhabitants of Great-Britain or Ireland, which prime cost shall be ascertained by a manifest of the cargo to be lodged in the Treasurer's office, or that of his deputy, by the master, owner or agent of any vessel importing such goods, or merchandize, who shall enter at such office, and there report his whole cargo, and make oath to the truth of his manifest within forty eight hours after his arrival in such port, and make true report of every parcel of goods or commodities he may have on board, enumerating the quantity and quality of the same, by whom shipped and to whom consigned. And in case of neglect or refusal of such owner, master or agent, all goods, not so reported, shall be liable to forfeiture, and may be seized and proceeded with to condemnation in the manner herein before directed.

VI. *And be it further enacted,* That for the recovery of such of the duties as are imposed by this act, as shall not be paid within three months after the entry thereof, the said Treasurer shall

vessel shall be forfeited, and may be seized by the treasurer or his deputy, and proceeded with to condemnation, in any court of law or vice-admiralty.

Upon all foreign goods not coming directly or indirectly from Great-Britain or Ireland, nor herein before subject to duty, shall be paid £. 5 for every £. 100 prime cost, except live stock, indian, rye & buck wheat meal, grain, salt & goods liable to a duty by act of parliament.

Upon all goods imported by or belonging to non-residents not consigned to any inhabitant in the province shall be paid £. 2 10s per every £. 100 prime cost, except such goods belong to some subject, inhabitant of Great-Britain or Ireland. Prime cost to be ascertained by a manifest to be

lodged in the Treasurer's office, upon the oath of the master, owner or agent within 48 hours after his arrival.

In case of neglect or refusal, all goods not reported, shall be forfeited.

Treasurer shall cause process to issue for all duties not paid within 3 months.



shall be impowered to cause process to be issued against all and every person and persons who shall stand indebted for duties longer than three Months allowed for the payment thereof.

If the Treasurer shall not cause process to issue at the end of 3 months the duties in arrears shall be deemed assets in his hands.

VII. *And be it further enacted,* That if the said Treasurer shall not cause process to be made for any duties to arise by virtue of this act at the end of the said three Months, hereby limited for the payment thereof, such duties, and the arrears thereof, as he shall so omit to sue for, shall be deemed assets in his hands; and he shall in such case be answerable for the same accordingly.

Treasurer to appoint deputies to be approved of by the Lt. Governor, in the several counties who shall give good security to the Treasurer for the faithful discharge of their duty, and shall have 10 per cent. for their trouble.

VIII. *And be it further enacted,* That the Treasurer of the Province, for the time being, shall nominate fit persons to be approved of by the Lieutenant-Governor in the several counties in this province, to receive the several duties and impositions laid and imposed by this act, which persons so appointed shall give good and sufficient security to such Treasurer, for the faithful discharge of their duty, and to be accountable for all sums so to be received by virtue of this act, to the Treasurer, when thereunto required, which person so appointed shall have and retain *ten pounds* for every hundred pounds, they shall so receive in full for their trouble and services.

Money to remain in the treasury till disposed of by act of Assembly.

IX. *And be it further enacted,* That all the money to arise by virtue of this act, shall remain in the Treasury until the same shall be disposed of by an act or acts of the Lieutenant-Governor, Council and Assembly, to be passed for that purpose.

Act to be in force 18 Months.

X. *And be it enacted,* That this act shall continue and be in force for eighteen Months and no longer.

### CAP. III.

## An ACT for SECURING the PURCHASERS of MORTGAGED ESTATES.

WHEREAS it may be beneficial to Mortgagers and Mortgagees of real estates, that the sales of such estates, made in the manner herein-after directed, should not be subject to be redeemed in equity.

Preamble.

*Disallowed by the King in Council in 1790.*

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly,* That it shall and may be lawful for the Mortgagees of any lands, tenements or hereditaments, that now are or hereafter shall be mortgaged, for the payment of any sum or sums of money, to sell such lands, tenements, and hereditaments, in the manner following, subject to the restrictions, and provisos herein after mentioned.

Mortgagees authorized to sell lands, &c. under restrictions.

II. *And be it further enacted,* That no good and *bona fide* sale of lands, tenements or hereditaments that shall be made in the manner herein directed by Mortgagees, their heirs, executors or administrators, shall be defeated, to the prejudice of the *bona fide* purchaser thereof, in favour or for the advantage of any person or persons claiming a right of redemption in equity. Provided always, that nothing in this act contained, shall be construed to prejudice any other Mortgagee of the same lands, tenements and hereditaments, or any part thereof, whose title accrued before the Mortgagee, in virtue of which such *bona fide* sale is made, or any Creditor to whom the mortgaged premises or any part thereof was before bound by any judgment at law, or decree in equity.

*Bona fide* sale of lands, &c. by Mortgagees, according to the Provision of this act, shall not be defeated in favour of any person claiming equity of redemption.

Such sale not to prejudice prior Mortgagee, or judgment creditor.

III. *And be it enacted,* That all mortgages under which any sale or sales shall be made in the manner herein after directed, shall be acknowledged or proved, and registered agreeable to law, before the notice of sale be given. And every such sale shall be made by the Sheriff of the County, at Public Auction, or Vendue. And no such sale shall be made by virtue of this act in less than twelve months from the time the money secured to be paid by such mortgage is made payable, nor without first giving three months notice of such sale, by public advertisement, to be inserted and continued in the News-Paper, printed by the King's Printer, and also fixing up the said notice for the same term, in the Registers office of the county where the lands, tenements or hereditaments so to be sold shall lie.

Deeds to be registered before notice of sale.

And such sale to be by the Sheriff at public auction.

No sale to be made in less than twelve months after the money secured becomes payable; nor without three months notice by advertisement in the news-paper, &c. and in the registers office.

## CAP. V.

An ACT in ADDITION to an Act for laying out, repairing, and amending HIGHWAYS, ROADS, STREETS, and for appointing COMMISSIONERS and SURVEYORS of HIGHWAYS within the several towns or parishes in this province.

Preamble.

WHEREAS the erecting marks on the Highways, Marshes, and Rivers, for the directions of Travellers, during the winter season, will be of the greatest public utility, and tend much to preserve the lives and property of the inhabitants.

Commissioners of highways required when rivers and marshes are frozen to order the surveyors to summon inhabitants to work, in marking roads with bushes.

Persons refusing such service after being summoned, to forfeit five shillings a day.

Rivers when frozen, to be considered as part of the opposite parishes, for the purposes of this act.

Commissioners of parishes opposite to each other, authorized to agree on the distances to be worked upon by the respective parishes.

Persons keeping teams, to send them, under penalty.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That the commissioners of highways and roads for each town or parish, or a major part of them, be, and they are hereby authorized and required, after the first snow, and as soon as the rivers and marshes are safe for the passing of cattle on the ice, to order the surveyors of highways and roads, for the said town or parish, to summons forthwith so many inhabitants as the said commissioners shall in their discretion think necessary, between the age of sixteen and fifty years, to work after such manner as they the said surveyors shall direct, in cutting and carrying bushes, or marking ways. And such person not attending, or refusing to perform the said work as directed by the Surveyors, shall forfeit the sum of *five shillings*, for each days neglect, and the rivers and the several parts of the same when frozen over as aforesaid, shall be considered as a part of the towns or parishes to which they are respectively opposite, for the purposes directed by this act, and the commissioners of the towns or parishes opposite to each other, upon any river, are hereby authorized and required to agree upon and determine the distance upon the said river, which is to be worked upon by their respective towns in pursuance of this act.

II. *And be it further enacted,* That all persons keeping teams, shall be obliged forthwith on being summoned by the said Surveyors, to send their teams with a competent driver to work in such manner as the said Surveyors shall direct, and on  
any

any such person neglecting to send their teams and a good driver, or not performing such reasonable work as the said Surveyors shall direct, the owner of the said team shall forfeit the sum of *ten shillings*.

III. *Be it further enacted*, That the said way shall be marked in such place as the said commissioners shall direct, and with top'd bushes erected at the distance of not more than four rods length-ways of the said path from each other, opposite to each other, at the distance of twelve feet across the path, and five feet in height; and on any of the said marks being displaced, the Surveyors shall summons forthwith as many of the nearest inhabitants with their teams, as they may judge necessary to replace them; and in case of refusal or neglect, every person so offending, shall forfeit the sum of *five shillings* for each man, and *ten shillings* for each team for each day so summoned.

Manner and form of marking the ways prescribed.

If the marks be displaced, surveyors to summon inhabitants to replace them.

*Provided*, when the public roads are on the bank of the river, and do not exceed four rods in width, the said path shall be marked on the river. The said fines and forfeitures to be recovered by complaint to a Justice of the Peace, as in case of refusal to labor on the highways, and to be appropriated by the Surveyors towards performing the said service.

Fines and forfeitures how to be recovered and applied.

*Provided always*, That the number of hours which any person shall work in pursuance of the direction of this act, shall be deducted from and allowed as a part of the number of hours he is obliged by law to work upon the highways.

Work done in pursuance of this act, to be allowed in the account of highway work.

IV. *And be it further enacted*, That if any person shall wilfully cut or take down, or destroy any of the bushes so to be erected by virtue of this act, he shall forfeit and pay the sum of *three pounds*, upon conviction before any one of his Majesty's Justices of the peace, upon the oath of one or more credible witness or witnesses, to be levied by warrant of distress, and sale of the offenders goods, rendering the overplus if any, after deducting costs and charges, to the offender. One half of the said forfeiture to the use of the poor of the town or parish where such offence shall be committed, the other moiety to him or them who shall inform and sue for the same.

Persons wilfully destroying marks forfeit £ 3.

V. *And be it further enacted*, That if any commissioner or Surveyor shall neglect any part of the duty prescribed by this act,

Commissioner or Surveyor, neglecting duty forfeit £ 3

act, each one so guilty, shall forfeit the sum of *three pounds*, to be recovered in the manner, and to the uses aforesaid.

Limitation of the act.

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 Seven Hundred and Eighty-Nine, and no longer,

## CAP. VI

# An ACT to empower the JUSTICES of the GENERAL SESSIONS of the PEACE, in the several COUNTIES in this PROVINCE, to grant LICENCES to Tavern-keepers, and Retailers of spirituous Liquors.

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

Justices of Peace at Sessions authorized to grant licences to Tavern-keepers & retailers of strong Liquors.

**T**HAT the Justices of the General Sessions of the Peace, in the several counties in this province, shall at their General Sessions, or at any special Session, to be for that purpose holden, have full power and authority, and they are hereby authorized and empowered to give and grant Licences to such persons as they in their discretion shall think fit, being of good fame and character, to licence them, and each and every of them to keep a tavern, or to sell wine, brandy, rum, beer, ale, or any strong liquors whatsoever within their respective counties, by retail or the small measure, under the quantity of five gallons, and that it shall and may be lawful for the said Justices, or the major part of them, then and there assembled, to ask, demand, and receive for every such licence, by them to be given and granted as aforesaid, such sum as they in their discretion shall think fit, not exceeding *four pounds*, nor less than *ten shillings* for each licence for one year, which sums so to be received shall be paid by the Clerks of the respective counties into the hands of the respective county Treasurers, to defray such necessary contingent expences of the county, as such Justices, or the major part of them shall from time to time by their orders in their General Sessions, direct such Clerks retaining for their trouble *two shillings* and

And to demand for the same a sum not exceeding £ 4, nor less than 10/.

Money so arising, to be paid into the county treasury for defraying county charges.

Fee to clerk of the peace.

and *six-pence* for each licence so to be granted and no more.

II. *And be it further enacted*, That every person so licensed as aforesaid, shall at the time of taking such licence, enter into recognizance with two good and sufficient sureties to his Majesty in such sum as the said Justices or the major part of them then and there assembled shall direct, to keep an orderly house, and obey such rules and regulations as the said Justices in their General Sessions, or the major part of them, then and there assembled, shall from time to time make and ordain to be observed by Tavern-keepers and retailers, respectively in such county, which rules and regulations the said Justices in their General Sessions as aforesaid, are hereby authorized and impowered to make and ordain.

Persons licensed, to enter into recognizance with sureties, for keeping an orderly house, and to obey rules and orders of the session.

III. *And be it further enacted*, That if any person or persons shall sell any wine, brandy, rum, beer, ale, or any strong liquors whatsoever, by retail or the small measure under the quantity of five gallons without licence, first had and obtained for that purpose as aforesaid, and entering into recognizance as aforesaid, he, she or they, so offending shall for every offence forfeit and pay the sum of *five pounds* to be recovered upon complaint made to any one of his Majesty's Justices of the peace, in the county where such offence shall be committed, upon the oath of one or more credible witness or witnesses, and levied by warrant of distress and sale of the offenders goods, under the hand and seal of such Justice, directed to any constable of the town or parish where such offence shall be committed, rendering the overplus if any, after deducting the costs and charges of such distress and sale to the offender, and if no goods shall be found, whereon to levy such distress, it shall and may be lawful for such Justice by warrant under his hand and seal, to commit such offender to the common goal of the county where such offence shall be committed without bail or main-prize for such time not exceeding three months, nor less than one month, as such Justice shall in his discretion think fit, unless such penalty and forfeiture together with the costs and charges shall be sooner paid, one half of all which penalties and forfeitures shall be paid into the hands of the overseers of the poor of the town or parish where such offence shall be committed, for the use of the poor of such town or parish, the other half to him or them who shall make complaint and sue for the same.

Persons selling by retail, without licence, forfeit £ 5, to be recovered before a Justice of the Peace, and levied by warrant of distress.

If no goods found, the offender to be committed.

Persons keeping a tavern without licence, or entertaining persons, & selling strong liquors in their houses, liable to the same penalty, to be recovered and applied in same manner.

IV. *And be it further enacted,* That if any person or persons shall keep a Tavern without having a licence given and granted as aforesaid, to him, her or them for that purpose, and entering into recognizance as aforesaid, or without such licence to keep a tavern, and entering into recognizance as aforesaid, shall entertain any person or persons in his, her or their house, and shall sell to such person or persons so entertained, any rum, brandy, wine, beer, ale, or any strong liquors, or mixed liquors, to be drank and consumed in his, her or their house, or any part of such house, such person or persons so offending shall be subject and liable to the same penalty for each and every offence, as persons selling by retail, without licence, and without entering into recognizance as aforesaid, are herein before made subject and liable to be sued for, recovered, and applied in the same manner, and to the same uses and purposes.

Persons licensed to keep tavern;— to be licensed also to retail.

*Provided always,* That any person or persons to whom a licence shall be granted as aforesaid to keep a tavern, shall have included in such licence, a licence also to sell any strong liquors whatsoever by retail, without taking out a separate licence so to sell by retail.

This act to be read at the opening of the general sessions, and lists of persons licensed delivered to the grand jury.

V. *And be it further enacted,* That this act shall be publicly read by the Clerk at the opening of every Court of General Sessions of the Peace in the several counties in this province, and the Justices of such courts shall at the same time cause a list of all the tavern-keepers and retailers respectively in their respective counties, to whom licence has been granted as aforesaid, to be delivered to the Grand Jurors at such courts respectively, and it shall be particularly given in charge to such Grand Jurors, to make diligent enquiry and presentment of all and every such person and persons as shall be guilty of any breach of, or offence against this act, contrary to the true intent and meaning thereof, and upon such presentment, it shall and may be lawful for the Justices of such court to proceed against such offenders, in the manner herein before directed, to one Justice to proceed for the recovery of the penalties herein before inflicted, and upon conviction of such offender or offenders, before the Justices of such court, such penalty and penalties shall upon the recovery thereof be paid into the hands of the respective county Treasurers for the same uses and purposes, and subject to the same orders and directions as the sums to be paid for licences, are herein before directed to be applied and subject unto.

And charge to be given to present offenders.

Justices of general sessions to proceed on presentment, to recover penalties, in the manner herein before prescribed.

Penalties and forfeitures to be paid into the county treasury.

VI. *And be it further enacted,* That nothing in this act contained shall extend or be construed to extend to the City of *Saint John*, but the licences to be granted therein, shall be granted as heretofore agreeable to the directions in the Charter of the said City, and the laws of the Common Council of the said City regulating the same.

This act not to extend to the city of *St. John*.

CAP. VII.

An ACT in ADDITION to an Act for the better ascertaining and confirming the BOUNDARIES of the several COUNTIES within this PROVINCE, and for SUBDIVIDING them into TOWNS or PARISHES.

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

THAT all that Tract of Land in the county of *Westmorland*, beginning fifteen chains east of a creek about two miles south of *Memramcock* river, thence northerly on the western line of the town of *Sackville* to *Cbediac* harbour, including the Island, thence west on the north line of said county, as far as the east line of the Town of *Monkton*, thence down said line and the other river *Petculdiach*, to the first mentioned bounds, be one district, town and parish, distinguished by the name of the town and parish of *Dorchester*. That all that tract of land to the west of the town of *Hillsborough* and *Monkton*, extending the width of the same county, as far as the *Portage*, between *Petculdiach* and *Salmon* brook, be one town and parish, distinguished and known by the town and parish of *Salisbury*.

Creation of the town and parish of *Dorchester*, with the bounds.

Town and parish of *Salisbury*, with the bounds.

II. *And be it further enacted,* That a line due south from the north end of the said *Portage* to the northern boundary of the county of *St. John*, and from the said north end of the said *Portage* due north to the southern boundary of the county of *Northumberland*, be the dividing line between the county of *Westmorland*, and the counties of *King's* and *Queen's*, any law or ordinance to the contrary notwithstanding.

Dividing line between the county of *Westmorland*, & *King's* and *Queen's*.



*CAP. VIII.*

An ACT in ADDITION to an act, intituled  
an act for assessing, collecting and levy-  
ing COUNTY RATES.

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

Mayor, Aldermen  
and Commonalty  
of *St. John*, im-  
powered to ap-  
point assessors and  
collectors of rates  
and taxes.

**T**HAT it shall and may be lawful for the Mayor, Alder-  
man and Commonalty of the City of *Saint John*, in  
Common Council convened, and they are hereby authorized and  
empowered to appoint such and so many assessors and collectors  
as they in their discretion shall think fit for the assessing, levying  
and collecting all such rates, taxes and assessments as shall from  
time to time be required to be levied and assessed upon the in-  
habitants of the said City by virtue of the said recited act, or of  
any other law for raising or assessing any sum or sums of money  
upon the inhabitants of the said city. And such assessors so to  
be appointed, and all such assessors as have been heretofore ap-  
pointed by the said common Council by virtue of any law of  
this province, shall be and they are hereby made subject and  
liable to the same rules, regulations, restrictions, penalties and  
forfeitures, as the assessors of any town or parish in this province  
are by law made subject and liable to. And all Collectors to be  
appointed, or that have been already appointed by the said com-  
mon Council, shall be and they are hereby made subject and  
liable to the same duties, rules, restrictions, regulations, penal-  
ties and forfeitures as any constables in any town or parish in  
this province are by the said herein before recited act made sub-  
ject and liable to.

Such assessors sub-  
ject to the same  
rules, penalties,  
&c. as parish assel-  
sors.

And such collec-  
tors also subject to  
the same rules, pe-  
nalties, &c. as con-  
stables are subject  
to.

*CAP. IX.*

An ACT for more EFFECTUALLY se-  
curing the TITLE of purchasers of REAL  
ESTATES against CLAIMS for DOWER.

*Preamble.*

**W**HEREAS some doubts have arisen concerning the con-  
veyance of Dower by the wife, in her husband's life-time  
in the manner and form now in practice: In order therefore

to

to prevent any difficulty that may hereafter arise touching the same.

*Be it enacted, by the Lieutenant-Governor, Council, and Assembly,* That no Deed of bargain and sale, or other conveyance of any lands, tenements or hereditaments in which any *Feme Covert* is, or may be entitled to a right of Dower, shall be valid and sufficient; to bar such right or the recovery thereof, after the decease of her husband, unless such *Feme Covert*, or married woman, shall sign, seal, and deliver such deed, and shall also appear before some one of his Majesty's Council, Judge of the Supreme Court, or one of the Judges of the Inferior Court of Common Pleas in the several counties of this province, and being examined separate and apart from her said husband, shall declare that she executed the same freely and voluntarily without any threat, fear or compulsion from him, which acknowledgment and declaration shall be entered on such deed, and registered with the same, and shall be an effectual bar, to her recovery of dower in and to the premises.

No deeds of lands in which any *feme covert* has right of dower, shall bar such right unless executed by her, and acknowledged on separate examination before a Judge.

**CAP. X.**

An ACT to enable the JUSTICES of the PEACE in the several COUNTIES in this PROVINCE, wherein no sufficient GOALS are erected, to send persons charged with GRAND LARCENY, and other offences of a higher nature, to the GOAL of the city and county of SAINT JOHN.

**WHEREAS** great inconvenience may arise to several counties in this province, for the want of a County goal, for the securing of felons, and other offenders, where the inhabitants have not yet been able to build a goal. *Preamble;*

*I. Be it enacted, by the Lieutenant-Governor, Council, and Assembly,* That from and after the publication of this act, if any person or persons shall be brought before any Justice of the Peace, in any county in this province, where no sufficient coun-

When there is not a sufficient goal in any county, persons charged with

grand larceny, or any offence of a higher nature, may be sent to the goal of the city and county of *St. John*.

ty goal is or shall be built, on any charge of Grand Larceny, or any offence of a higher nature, and such Justice shall find sufficient cause to commit such offender or offenders to goal. Then, and in that case it shall and may be lawful for such Justice, by his warrant under his Hand and Seal, to be directed to some Constable or other peace officer in such county, to commit such offender or offenders to the goal of the city and county of *Saint John*. And the keeper of said goal is hereby required to take and receive such offender or offenders into his custody, and him, her or them, safely to keep until he, she or they shall be thence remanded by warrant of some Justice of the Peace, in the county where such offence shall have been committed, or under his Hand and Seal, directed to some Constable or other Peace officer of such county, in order for the trial of such offender or offenders before a court of Oyer and Terminer, and general goal delivery to be holden in the county where such felony or offence shall have been committed, or until such offender or offenders shall be otherwise discharged by due course of law.

Conveying and reconveying such felon or offender, to be at the expense of the county in which the offence was committed.

II. *And be it further enacted*, That such conveying and reconveying as well as the support of such felon or offender while in goal as aforesaid, shall be at the proper charge of the county where such felony or offence was committed, and the Constable or Constables, or other peace officer who shall have performed such service as aforesaid, shall lay his or their account or accounts before the Justices of the General Sessions of the Peace, for the county where such felony or offence was committed, which Justices or the major part of them in General Sessions assembled, shall order and direct the county Treasurer to pay him or them such sum or sums of money, out of the sums raised or to be raised for defraying the contingent expenses of the county, as they shall judge adequate to his or their service or services.

The allowance necessary for the support of the felon or offender in goal to be ascertained by one of the Justices of the Peace, of the county in which the offence was committed, and one of the Justices

III. And in order to ascertain the allowance for the support of such felons or other offenders, while in goal as aforesaid: *Be it further enacted*, That one of the Justices of the Peace, for the county where such offence shall have been committed as aforesaid, shall at the City of *Saint John* meet one of the Justices of the Peace for the County of *Saint John*, and jointly with him ascertain the sum to be allowed to the goaler, of the said City and County of *Saint John*, for the support of such

such felons or other offenders. Which sum so ascertained shall be paid pursuant to the order of the Justices of the General Sessions in the county where such offence shall have been committed, by the Treasurer of such county as aforesaid.

of the Peace for the county of Sr. John.

IV. *And be it further enacted,* That this act shall continue and be in force for two, years and to the end of the next Session of the General Assembly thereafter.

CAP. XI.

An ACT in ADDITION to an act, intituled an act for regulating the exportation of FISH and LUMBER, and for ascertaining the quality of the same.

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

THAT from and after the passing this act, it shall and may be lawful for any person or persons to ship and export fish commonly called herrings, either with or without pickle, if such herrings are in other respects merchantable, any thing in the said before recited act to the contrary notwithstanding.

Herrings may be exported with or without pickle, if otherwise merchantable.

II. *And be it further enacted,* That so much of the said recited act as allows of the exportation of wainey boards or plank from any port or other place in this province, shall be and the same is hereby repealed. And that from and after the passing of this act, no boards or plank shall be exported from any port or place in this province, but such as shall be sawed or hewed into a square edge; and that no boards or plank shall be deemed merchantable if the same shall be split in both ends, or if the same shall be split in any part more than one quarter of the length of such board or plank, any thing in the said recited act to the contrary notwithstanding.

No boards shall be exported, but what shall be saw'd or hew'd into a square edge.

No boards or plank shall be deemed merchantable, if split in both ends, or in any part more than  $\frac{1}{4}$  of the length.

III. *And be it further enacted,* That it shall and may be lawful to export boards and planks of any length whatever, provided

Boards and planks of any length provided

agreed upon by buyer and seller, may be exported, if otherwise agreeable to law, and surveyor may pass the same.

provided the same are in all other respects agreeable to law, if such length shall be agreed upon both by the buyer and seller of such boards and plank, and the surveyor may pass the same --any thing in the said recited act to the contrary notwithstanding.

No boards, plank or lumber of any kind shall be marked at the mill or any other place but by a sworn surveyor, and if any other person mark, he shall forfeit 10s for every thousand so marked, to be recovered before any one Justice of the Peace, one half to the informer, the other to the use of the poor of the parish.

IV. *And be it further enacted*, That no boards, plank or lumber of any kind shall have the contents marked thereon at the mill where the same shall be sawed, or at any other place, unless the same shall be so marked by a surveyor regularly appointed and sworn for that purpose. And if any person other than such sworn surveyor as aforesaid, shall presume to mark the contents of any boards, plank or other lumber, he shall upon conviction thereof before any one of his Majesty's Justices of the peace, upon the oath of one or more credible witnesses or witnesses, forfeit and pay the sum of *ten shillings* for every thousand feet of lumber of any kind so marked; to be levied by warrant of distress, and sale of the offenders goods, rendering the overplus if any after deducting costs and charges to the offender; one half of the said forfeiture to the use of the poor of the town or parish where such offence shall be committed, the other half to him or them who shall inform and sue for the same.

Purchasers of boards, plank, &c. may have an account of the contents from the surveyor without having them marked.

V. *And be it further enacted*, That if the purchasers of any boards, plank or other lumber, shall choose to take an account of the contents thereof from the surveyor, who shall survey the same as aforesaid, without having such contents marked upon the said lumber, such surveyor shall omit to mark the same, and shall give such account of the contents thereof if he shall be thereunto required by the purchaser thereof as aforesaid, any thing in the said recited act to the contrary thereof in any wise notwithstanding.

When boards or plank are marked, the whole contents must be marked & any allowance to be made, deducted from the amount.

VI. *And be it further enacted*, That when any boards or plank shall be marked by any sworn Surveyor as aforesaid, the whole contents thereof shall be so marked, and any allowance for splits or any other cause, shall be deducted from the amount of such contents so marked.

Surveyors for surveying boards, plank, scantling, &c. shall have 8d.

VII. *And be it further enacted*, That every such surveyor as aforesaid, who shall survey any boards, plank, scantling or ranging timber, not exceeding ten inches square, shall receive therefor

therefor *eight pence* for every thousand feet so surveyed, to be paid by the purchaser thereof and if such surveyor shall also mark the contents thereon, he shall receive only *four pence* more for every thousand feet so marked, to be also paid by the purchaser thereof as aforesaid; and for surveying, numbering and marking ton timber, masts and spars, such surveyor shall receive *six pence*, and no more for every ton of forty solid feet so surveyed, numbered and marked, to be paid by the purchaser thereof as aforesaid, any thing in the said recited act to the contrary thereof in any wise notwithstanding.

per m. to be paid by the purchaser, and if they mark, 4d more;

and for surveying, numbering and marking, ton timber, &c. 6d per ton, to be paid by the purchaser.

VIII. *And be it further enacted*, That the regulation respecting shingles in the said recited act, which in the same act is declared should not be in force sooner than the first day of January then next, shall be further suspended, and shall not be further in force till the first day of January, which will be in the year of our Lord one Thousand seven Hundred and Eighty Eight, any thing in the said recited act to the contrary notwithstanding.

The regulations respecting shingles shall not be in force till January 1788.

IX. *And be it further enacted*, That the said herein before recited act, and every part and clause thereof not altered or repealed by this act, shall continue and be in force in the same manner as if this act had never been made, any thing herein before contained, to the contrary thereof in any wise notwithstanding.

Clauses in the recited act, not altered by this, to remain in force.

CAP. XII.

An ACT for APPROPRIATING and DISPOSING of the PUBLIC MONIES.

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

THAT there be allowed and paid out of the Treasury of this province, unto the several persons hereafter mentioned, the following sums.

Monies to be paid out of the treasury.

To Richard Seaman, Esq. for his services as Treasurer from the first day of April 1786, to the first day of April 1787. *One hundred pounds.*

To the Treasurer.

To

- To the Printer. To Christopher Sower, for printing the Votes and Journals of the House, and Acts of Assembly. *One hundred and seventy-three pounds.*
- To the Commissioners for laying out roads. To the Commissioners appointed by act of Assembly to lay out roads. *One hundred and seventy-three pounds nine shillings, that is to say:*
- To John Wheldon, Esq. &c. *Thirty-seven pounds five shillings.*
- To Ozias Ainsley, Esq. *Nine pounds.*
- To John Coffin, Esq. *Seven pounds five shillings.*
- To James White, Zephaniah Kingsley, and George Leonard. *Eighty pounds.*
- To Israel Perley, Surveyor. *Thirty-nine pounds nineteen shillings.*
- To the Speaker. To the Speaker of the House of Assembly. *Fifty pounds.*
- To the Clerk. To the Clerk of the House of Assembly. *Fifty pounds.*
- To the Assistant Clerk. To the Assistant Clerk of the House of Assembly. *Twenty-five pounds.*
- To the Clerk of the Council, &c. To the Clerk of the Council in General Assembly. *Twenty-five pounds.*
- To the Chaplain. To the Chaplain of the House of Assembly. *Twenty-five pounds.*
- To the Serjeant at Arms. To the Serjeant at arms. *Seven pounds ten shillings.*
- To the Door-keeper. To the Door-keeper, *five shillings* per day, for thirty days. *Seven pounds ten shillings.*
- To the Messenger. Messenger. *Two pounds.*
- For Stationary. Stationary, Parchment, Engrossing, &c. *Five pounds five shillings.*
- For House-rent. House hire, fuel and other expences for the General Assembly. *Fifteen pounds ten shillings.*
- To the Inhabitants of the city and county of St. John. To the Inhabitants of the City and County of Saint John, to be paid into the hands of the county Treasury, to enable them

to defray the extra expences of building a Goal in the said City.  
*One hundred and fifty pounds.*

All which aforefaid feveral fums of money, fhall be paid by the Treafurer, by warrant iflued by his Excellency the Lieutenant-Governor, or the Commander in chief for the time being, by and with the advice of his Majefty's Council of this province; and the receipts of the feveral perfons endorsed on the faid warrant, fhall be to the Treafurer good vouchers, and difcharges for fo much as fhall be thereby acknowledged to be received.

The Treafurer to pay the aforefaid fums of money, by warrant iflued by his Excellency the Lieut. Governor. Receipts to be endorsed on the back of the warrant.

II. *And be it further enacted,* That for answering the expences and contingencies, and extraordinary emergencies that fhall or may happen for the fervice of this province, to the firft day of April, one thoufand, feven hundred and eighty-eight, warrants may iflue for the fame on the Treafurer, from time to time, if drawn by his Excellency the Lieutenant-Governor, or Commander in Chief for the time being, with the advice and confent of his Majefty's Council, which the Treafurer is hereby ordered and directed to pay. *Provided,* the amount of the faid warrants do not exceed the fum of *one hundred pounds* during that time.

The Treafurer authorized to pay money when drawn for by his Excellency the Lieut. Governor.