

The Works

ACTS

OF THE

GENERAL ASSEMBLY

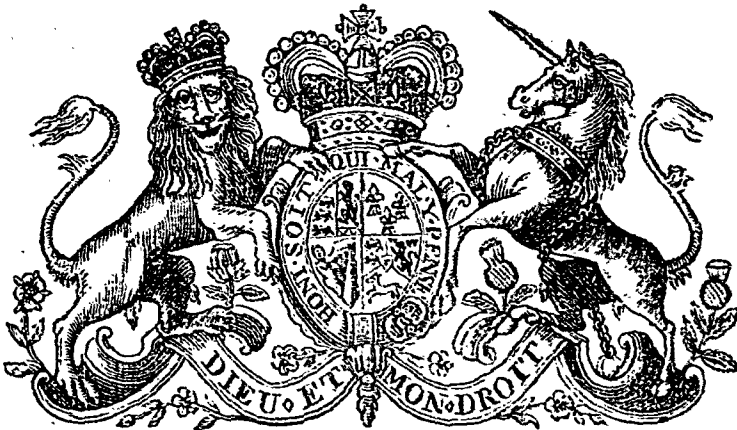
OF

HIS MAJESTY'S PROVINCE

OF

NEW-BRUNSWICK,

PASSED IN THE YEAR 1794.



BROOKVILLE:

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KING'S MOST EXCELLENT MAJESTY. 1794.

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A N N O R E G N I

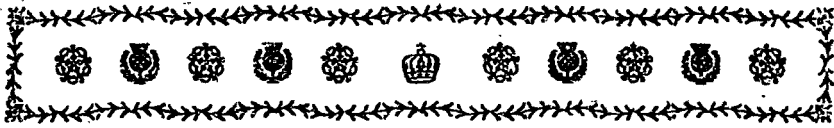
Georgii III. Regis

Magnæ Britannia, Franciæ & Hiberniæ,

T R I C E S I M O Q U A R T O.

AT the GENERAL ASSEMBLY of the Province of NEW-BRUNSWICK, begun and holden at FREDERICTON on the TWELFTH day of FEBRUARY, Anno Domini 1793, in the THIRTY-THIRD Year of the reign of our Sovereign Lord GEORGE the THIRD by the Grace of GOD, of Great Britain, France and Ireland, KING, Defender of the Faith, &c.

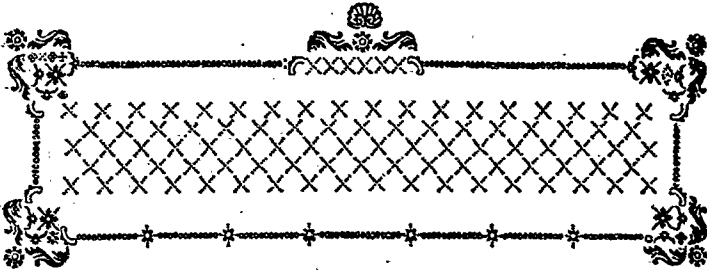
And from thence continued by several prorogations, to TUESDAY the FOURTH day of FEBRUARY 1794; being the SECOND Session of the SECOND GENERAL ASSEMBLY convened in the said Province.



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ANNO TRICESIMO QUARTO

Georgii III. Regis.



C A P. I.

An ACT for the better REGULATING the MILITIA in this Province.

WHEREAS a well regulated MILITIA, in this province, will, at all times, tend not only to the security and defence thereof, but to the honor and service of HIS MAJESTY: AND WHEREAS, in times of imminent danger either by invasion or sudden attack made or threatened to be made by HIS MAJESTY's enemies, on any of HIS MAJESTY's subjects within this province, it may become expedient and necessary that the Militia of the several and respective counties or a part thereof should be drawn out and embodied, and ordered into actual service, in which case it will become requisite, that due subordination should be observed: AND WHEREAS the law now in force is inadequate to these important purposes:

Preamble.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That an act made and passed in the thirty second year of His MAJESTY's reign, intituled, "An Act for continuing the Establishment of a Militia and for regulating the same," be and the same is hereby repealed.

Former Act for establishing and regulating a militia repealed.

A.

II.

All male white inhabitants or residents from 16 to 60 years of age to be inrolled, &c.

Extent of districts determin'd by the Colonels or Commanding Officers of counties.

Books or Registers of inrollment to be kept by Captains &c.

Written rolls of companies and regiments to be once at least in every year given to Commanding officers of regiments, and by them to the Commander in Chief.

Militia to be formed into regiments by counties, regimented companies not to consist of more than 60 nor independent companies more than 50 men rank and file.

Regiments to be called out by companies twice and by regiments or other detachments twice in every year.

Times and places of rendezvous to be appointed by Colonels or Officers commanding regiments.

Independent companies to be

II. *And be it further enacted*, That from and after the passing of this act, every male white inhabitant or resident within this province from *sixteen* to *sixty* years of age, shall be inrolled in some independent company, or in one of the regimented companies of foot in the district where he dwells or resides, the extent of which district shall be determined by the Colonel or Commanding Officer of the Militia of the county, and all Captains or Commanding Officers of Independent or other companies in the several towns or parishes within the province, are hereby required to take due care to inroll in a book or register to be kept by them respectively for that purpose, all male white inhabitants from *sixteen* to *sixty* years of age; and that once in every year and oftener if thereunto required each Captain or Commanding Officer of a company shall give to his Colonel or in his absence to the next Commanding Officer of the regiment, and such Colonel or next Commanding Officer of the regiment, and the Captains or Commanding Officers of Independent companies shall give to the Captain General or Commander in Chief for the time being, fair written rolls of their respective companies and regiments.

III. *And be it further enacted*, That the Militia shall be formed into regiments by counties; and that no Regimented or Artillery company shall consist of more than *sixty* men rank and file, and that no Independent company, shall consist of more than *fifty* men rank and file; and that the Captain and Commissioned Officers of each company shall be and they are hereby fully empowered to nominate and appoint proper persons to serve as Sergeants, Corporals, Drummers and Fifers in their respective companies, and to displace them and appoint others in their room as they shall see occasion.

IV. *And be it further enacted*, That every regiment shall be called out and rendezvous by companies *twice* in every year, and that every regiment shall also be called out and rendezvous *twice* in every year by regiments, or in such detachments as the Commanding Officers of the respective regiments, from local and other circumstances shall judge fit and direct, for the purpose or training, disciplining and improving in martial exercises; the time and place of rendezvous for the companies, regiments and detachments to be appointed by the Colonel or Commanding Officer of the regiment and arranged on different days, that the Field and Staff Officers may have an opportunity of attending the several companies, regiments and detachments exercised in detail, in order to introduce uniformity in the manœuvres and discipline of the regiment: And that every independent company shall

shall be called out and rendezvous for the like purposes *four* times in every year, at such time and place as the Captains or commanding Officers of such companies shall respectively direct and appoint—of all which several and respective days of rendezvous previous notice shall be given at least *ten* days.

called out *four* times in every year, at such times and places as Captains shall direct.

V. *And be it further enacted*, That there shall be an Adjutant appointed to each regiment in the province, whose duty it shall be to attend at the place of rendezvous of each company, regiment and detachment of the regiment when called out as aforesaid, then and there to inspect their arms, ammunition and accoutrements, to superintend their exercise and manœuvres and introduce a proper system of military discipline agreeable to such orders as he shall receive from time to time, from the Colonel or Commanding Officer of the regiment, and to do and perform such other duties and services suitable for an Adjutant, as the Colonel or Commanding Officer of the regiment shall from time to time order and direct; and that every such Adjutant shall be allowed as a full compensation for all the services he is required to perform by this act the sum of *six shillings and three pence* by the day, for every day he shall be actually employed as such, the number of days to be certified by the Colonel or Commanding Officer of the regiment, so as that no one Adjutant be allowed more than *twenty* pounds in any one year.

An Adjutant to be appointed to each regiment.

Adjutants to be allowed 6s. 3d. by the day; but so as not to exceed acl. to each in any one year.

VI. *And be it further enacted*, That every Captain or Officer commanding any Independent company, shall when thereunto requested, deliver a copy of his Muster Roll to the Colonel or Commanding Officer of the regiment or battalion of the county where such Independent company may be; and in case of the militia in such county or any part thereof being called out into actual service on account of any invasion or sudden attack made or threatened to be made by His MAJESTY'S enemies, every such Independent company, shall in the absence of the Captain General or Commander in Chief of the province, be under the immediate command and direction of the Colonel and in his absence of the next Commanding Officer of such regiment or battalion.

Officers commanding Independent companies to deliver on requisition muster rolls, &c.

In case of invasion or attack, not under command of the Colonel or Officers commanding in the respective counties.

VII. *And be it further enacted*, That every person, inrolled as aforesaid, shall at all times when called out under and by virtue of this act, appear with a good Musket, Bayonet and Belt, Cartridge-box containing *eighteen* rounds of suitable Ball-cartridges and *two* spare Flints; and for not appearing with such Musket shall for each and every wilful neglect, forfeit and pay

Every person inrolled when called out, shall appear with a good musket, &c.

Fine of 2s. for every wilful neglect in not ap-

the

appearing with such musket, & ss. for every wilful deficiency in the accoutrements, to be levied by distress &c. by warrant of Captain or Commanding Officer.

If no effects be found whereon to levy, the offender shall be sentenced to hard labour or imprisonment.

Every Commissioned Officer, when so called out, shall appear with a sword or hanger.

Every person inrolled who shall not appear as herein directed, or when under arms shall refuse to perform military duty, or depart without leave to forfeit 30s.

Persons exempted from being inrolled.

Provided that every person so exempted, except one Ferryman to each Ferry, shall be obliged to appear armed, (except Licensed Clergymen, Physicians and Surgeons who may appear unarmed) attached to some independent, regimented or separate company, at least 2 times in every year,

the sum of *twenty shillings*, and for not appearing with the other accoutrements herein before mentioned, shall forfeit and pay the sum of *five shillings* for each and every wilful deficiency; to be levied by distress and sale of the offenders goods by the Captains or Commanding Officers warrant directed to a Sergeant or Corporal of the company to which such offender belongs, who are respectively impowered to serve and execute the same, rendering the overplus, if any, after deducting the costs and charges of such distress and sale, to the offender, and if no effects shall be found whereon to levy the said fines, such offender shall be sentenced to hard labour or imprisonment, not exceeding *five* days: All which fines shall be applied to defray the contingent expenses of the regiment or independent company to which such offenders may respectively belong—And every Commissioned Officer when called out as aforesaid, shall appear with a Sword or Hanger.

VIII. *And be it further enacted*, That every person, inrolled as aforesaid, who shall refuse or neglect to appear agreeable to the provisions of this act when called upon, or appearing under arms, shall refuse or neglect to perform such military duty as shall be required of him, or shall, on the day of Muster or Training, depart from the company when under arms, without leave from the Commanding Officer, shall forfeit and pay for each and every offence the sum of *ten shillings* to be recovered and applied as aforesaid—PROVIDED ALWAYS, That the members of His MAJESTY'S Council, members of the Assembly, Justices of the Peace, High Sheriffs, Coroners, all persons who have held any commission civil or military, under His MAJESTY, the Surveyor General and the Treasurer of the Province, Officers of His MAJESTY'S Customs, Revenue and Naval Officers, Gentlemen of the Learned Professions, and one Ferryman to each Ferry, shall be free and exempted from being inrolled in the Militia in manner herein before mentioned: PROVIDED ALWAYS NEVERTHELESS, That each and every person so declared to be exempted, except one Ferryman to each Ferry, shall be required and obliged to appear in manner herein before directed, except Licensed Clergymen, Physicians and Surgeons, who may appear without such arms attached, to some Independent or Regimented company, or in a separate company composed of such persons so declared to be exempted as they and each of them shall choose, at least *four* times in each year, on *four* of the days that some company, detachment or regiment shall be called out and rendezvous as aforesaid, within the county where such persons so declared to be exempted respectively

reside

reside upon pain of forfeiting for every neglect the sum of *twenty shillings* to be recovered by warrant from the Colonel or Commanding Officer of the Militia within the county, directed to some Sergeant belonging to his regiment or battalion and levied in manner aforesaid, and applied to defray the contingent expenses of the regiment: All which fines shall be paid into the hands of the Colonel or Commanding Officer of the regiment, and if the said fines shall not be sufficient to provide Fifes and Drums for each company, the same shall be furnished by such Colonel or Commanding Officer at the expense of the province.

upon forfeiture of 20s. for every neglect.

IX. *Provided always and be it further enacted*, 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 he resides, a certificate signed by *two* or more of the principal people of such profession, that such person has been deemed and allowed one of the people called Quakers for the space of one whole year or more before the date of the certificate, such person so producing such certificate shall be, and hereby is exempted from the ordinary duties of training or mustering unless upon an invasion or sudden attack made or threatened by the enemy as herein after mentioned.

Quakers exempted from the ordinary duties of training or mustering, unless upon an invasion or sudden attack made or threatened by the enemy.

X. *And be it further enacted*, That in case of any invasion or sudden attack made or threatened to be made by the enemy in any county where the Commander in Chief cannot be immediately consulted, the Commanding Officer of the Militia in such county shall have power, if he in his discretion shall think it absolutely necessary or expedient, to call out the Militia of such county or any part thereof into real service, and in case of any such invasion or sudden attack being made or threatened to be made in any town, parish or district in any county where the Colonel or Commanding Officer of the Militia of such county cannot be immediately consulted, the Officer commanding the Militia in such town, parish or district shall have power, if he in his discretion shall think it absolutely necessary or expedient, to call out the Militia under his command, or any part thereof, into real service; and such Officer last mentioned, shall forthwith report his proceedings and the reasons and grounds thereof to the Colonel or Commanding Officer of the Militia of the county, who is hereby required in case he shall call out or continue in real service any part of the Militia under his command, forthwith to dispatch an express to the Captain General or Commander in Chief for the time being, notifying the danger and the strength and motions of the enemy; and the said Colonel or Commanding Officer is hereby impowered to impress boats, men and horses as the service may require.

In case of invasion where the C. in Chief cannot be immediately consulted, the Officer commanding the militia in such county may call out any part thereof into real service, and so may the Officer commanding in any town or district, call out the militia under his command where the Commanding Officer of the county cannot be consulted

And make report.

Colonel &c. may impress boats, men and horses.

Commander in Chief in case of invasion, &c. may call out the militia or any part thereof into real service.

XI. *And be it further enacted*, That the Captain General or Commander in Chief shall be, and he is hereby authorized and impowered in case of any invasion or sudden attack made or threatened as aforesaid, to call out the Militia of the several counties, or any part thereof, into real service, as he in his discretion shall think fit.

Militia, or any part thereof, may be ordered to march from one county or part of the province to another on any necessary service, &c.

XII. *And be it further enacted*, That the Militia or any part thereof, so called into real service by virtue of the provisions in this act, shall and may be ordered to march from one county or part of the province to another on any necessary service, occasioned by any such invasion or sudden attack made or threatened as aforesaid.

When the Commander in Chief shall direct any part of the militia to be called out, the part so called out, shall be draughted by ballot from each company, in proportion to their numbers then fit for duty, &c.

XIII. *And be it further enacted*, That when the Captain General or Commander in Chief, shall direct any part of the Militia of any or either of the counties to be called out as aforesaid into real service, the part so called out shall be draughted, by ballot, from each company in exact proportion according to their numbers then fit for duty, which shall be on the oath of the Captain or Commanding Officer to the best of his knowledge, if required, and on such occasions all the persons within the county in which any part of the Militia shall be called out as aforesaid, who are herein before declared to be exempted from being inrolled in the Militia in the manner herein before mentioned, except *one* Ferryman to each Ferry, who shall not have joined or formed themselves into any company as aforesaid, shall be formed into a company under the direction of the Colonel or Commanding Officer of the Militia in such county, and shall be liable to the same draught, by ballot, as any other company in such county in proportion to their numbers then fit for duty as aforesaid; and each and every person so draughted, shall go in his own proper person or find a good man in his room, and for his neglect or disobedience herein, he shall be confined by the Commanding Officer and shall pay a fine of *ten pounds* or remain in Gaol *three months*, and another man shall be draughted as aforesaid, to march in his place who shall have half of the said fine, if he shall not refuse or neglect to go or find a good man in his room as aforesaid; but if he shall so neglect or refuse, then he shall be subject to the like fine, and a further draught shall be made of another man, who shall have half of the fine last mentioned, if he shall not neglect or refuse to go or find a good man in his room as aforesaid,—and so as often as such case shall happen. PROVIDED ALWAYS, That in case any part of the Militia in any county shall be called out more than once, no person, who has been once draughted as aforesaid, shall

One Ferryman to each Ferry excepted.

Every person so draughted shall go in his own proper person, or find a good man in his room, under the penalty of a fine of 10*l.* or remain in Gaol 3 months.

No person to be again draughted until all others of the same com-

shall be again draughted until all the others belonging to the same company shall have been draughted.

XIV. *And be it further enacted*, That if any Officer, Non-commissioned Officer or Private of the Militia under arms for real service, on a march, or on guard, or that shall be ordered for any of the duties or services herein before mentioned, shall disobey orders, or neglect doing his duty, or shall shew any contemptuous behaviour towards his Superior Officer, if an Officer he shall, on conviction thereof before a General Court Martial to be constituted and appointed as herein after directed, be cashiered by the sentence of such Court Martial; if a Non-commissioned Officer or Private, he shall be confined by the Commanding Officer of the party or guard; and it shall be lawful for the Commanding Officer of the regiment, or of any party or command, not under the degree of a Captain, to order a Regimental Court Martial to be forthwith held, for the tryal of such offender, the said Court Martial to consist of *three* Commissioned Officers at least; but where they can be had, of *five*, who may give judgment by laying a fine on such offender, in any sum not exceeding *forty shillings*; which fine so ordered by the Court Martial if he neglect or refuse to pay, the said offender shall be sentenced, to imprisonment or hard labour for any time not exceeding *ten* days: PROVIDED NEVERTHELESS, That no sentence of a Regimental Court Martial shall be put into execution until approved of by the Officer ordering such Court Martial; and no Officer being the accuser shall sit as a member.

any shall have been draughted.

Any Officer, Non-commissioned Officer or Private of the Militia under arms for real service, on a march or on guard, &c. who shall disobey orders, neglect his duty or shew any contemptuous behavior towards his Superior Officer, if an Officer, shall on conviction before a General Court Martial, be cashiered; if a Non-commissioned Officer or Private, he shall be confined and bro't to trial before a Regimental Court Martial, who may fine such offender in any sum not exceeding 40s. &c.

XV. *And be it further enacted*, That if any Officer, Non-commissioned Officer or Private of the Militia, shall in the field, upon a march, or in quarters on actual service, desert the troop, company or command to which he belongs, or shall disobey orders, if a Commissioned Officer he shall be put under arrest by the Commanding Officer, if a Non-commissioned Officer or Private, he shall be sent to the next county Gaol, or other Gaol, as soon as convenient; and it shall and may be lawful for the Captain General or Commander in Chief of the Province to order a General Court Martial, by a warrant under his hand and seal, for the trial of such offender as speedily as the service will admit, which Court Martial shall not consist of a less number than *thirteen* Commissioned Officers of the Militia, and the President of such Court Martial shall not be under the degree of a Field Officer, and there shall be as many Captains as conveniently can be had, the eldest Subalterns to make up the number: And that such

Any Officer, Non-commissioned Officer or Private, who on actual service, shall desert the company or command to which he belongs or shall disobey orders, if a commissiond officer shall be put under arrest, if a Non-commissioned Officer or Private he shall be sent to gaol; and such offender shall be bro't to trial before a General Court Martial, which Court may punish by fine and imprisonment.

Court

All fines not herein disposed of, to be appropriated to military uses.

Court Martial shall have power to administer an oath to any witness in order to the examination or trial of such of the above offences as shall come before them, and shall also have power to punish by fine and imprisonment, the fine not to exceed *twenty pounds*, nor the imprisonment to be more than *six months*. All which fines, not herein before otherwise disposed of, shall be appropriated to such military uses as the Captain General or Commander in Chief of the province for the time being shall think fit.

XVI. *Provided always, and be it further enacted*, That in all trials by General Courts Martial, every Officer before any proceeding be had, shall take the following oath, and the Judge Advocate is hereby authorised to administer the same:

Oath to be taken by Officers on General Courts Martial.

“ **Y**OU shall well and truly try and determine according to “ Your evidence, in the matter now before You, between “ our Sovereign Lord the King’s Majesty, and the prisoner to be “ tried.”

Commander in Chief empowered to appoint a Judge Advocate who shall be allowed 10s. per day.

And the Captain General or Commander in Chief of the province shall have power to appoint any fit person to act as Judge Advocate at any such General Court Martial, who shall be allowed for his Services *ten shillings* per day during the time he shall be actually employed in such service.

No sentence to be put in execution till approved of.

XVII. *And be it further enacted*, That no sentence of any such General Court Martial, shall be put in execution, before the same be approved by the Captain General or Commander in Chief of the province for the time being.

Militia on real service to be paid so long as they remain on such service as follows viz. Commissioned Officers the same as those of the like rank in His Majesty’s troops; every Sergeant 1s. 6d. Corporal 1s. 3d. Drummer 1s. 3d. Private 1s. per day.

XVIII. *And be it further enacted*, That when any part of the Militia shall be ordered to march from one part of the province to another on real service as aforesaid, or shall be called out as aforesaid, to do actual duty on real service within any town or county in this province, there shall be allowed and paid to the Commissioned and Non-commissioned Officers, Drummers and Private Men, for so long time as they shall remain on such service, at and after the rates following, that is to say: To the Commissioned Officers at and after the same rate as Officers of the like rank in His MAJESTY’S troops; to every Sergeant *one shilling and six pence* per day; to every Corporal *one shilling and three pence* per day; to every Drummer *one shilling and three pence* per day; to every Private *one shilling* per day.

XIX.

XIX. *And be it further enacted,* That in any county of the province, exposed and subject to the attacks of an enemy by water, where the same shall be found absolutely necessary, it shall and may be lawful for the Colonel or Commanding Officer of the Militia in such county, to provide and furnish, at the expense of the province, such and so many armed boats, not exceeding *two* without the consent and approbation of the Captain General or Commander in Chief of the province, as shall be necessary for the protection and defence of the places so exposed: Which boats shall be under the conduct and direction of such Colonel or Commanding Officer of the Militia in such county.

In any county, exposed to attacks by water the Commanding Officer may provide armed boats, (not exceeding two, unless with the approbation of the Commander in Chief) for the protection of the places so exposed; which boats shall be under the direction of the Commanding Officer.

XX. *And be it further enacted,* That whenever the Colonel or Commanding Officer of the Militia in any county where such boats are provided, shall find it necessary to order the boats so provided to proceed in repelling the enemy, or to the assistance of any neighbouring district or place, the Militia of such county shall, on the orders of such Commanding Officer, proceed in such boats accordingly.

Commanding Officer may order the Militia of such county, to proceed in such boats to the assistance of any neighbouring district, &c.

XXI. *And be it further enacted,* That in all cases where it shall be found necessary on account of any invasion or sudden attack of the enemy made or threatened as aforesaid, to call into real service any part of the Militia in any county, it shall and may be lawful for the Colonel or Commanding Officer of the Militia in such county, to cause all the Free-male-blacks or People of Colour between *sixteen* and *fifty* years of age, to be formed into companies, as nearly as may be, of the same strength with the regimented companies in the county, and to appoint Non-commissioned Officers thereto; from which company or companies shall be draughted by ballot, as aforesaid, a proportion exactly according to their numbers then fit for duty; and that the persons so draughted shall serve as pioneers with the Militia so called out, and shall be intitled to the like pay.

When the Militia in any county are called into real service, the Commanding Officer may cause all Free-male-blacks or people of Colour between the ages of 16 and 50, to be formed into companies, who are to be draughted by ballot, as other companies, shall serve as Pioneers with the Militia, and be intitled to the like pay.

XXII. *And be it further enacted,* That if in case of any emergency, any arms or accoutrements shall be furnished to any person belonging to the Militia in this province, by Government, by reason that such person shall not have had it in his power before that time to have provided the same for himself, if in any such case any person so furnished with arms or accoutrements by Government shall sell or dispose of the same or any part thereof, or shall convey or

Any person furnished by Government, on any emergency, with arms or accoutrements, if he sell, or attempt to convey the same or any part thereof out of the province, shall for every such offence forfeit and pay the

sum of 10l. on conviction before any one Justice of the Peace—

cause the same or any part thereof to be conveyed out of the province, or shall convey or cause the same or any part thereof to be conveyed on board any boat, ship or vessel with intent to have the same carried out of the province, every person so offending, shall for each and every offence forfeit and pay the sum of *ten pounds*, to be recovered upon conviction before any *one* Justice of the Peace upon the oath of one or more credible witness or witnesses, and levied by warrant of distress and sale of the offenders goods rendering the overplus if any, after deducting the costs and charges of such distress and sale, to the offender, one half of which penalties shall be to the use of the Poor of the town or parish where the offence shall be committed, the other half to the person who shall prosecute for the same; and for want of effects whereon to levy such fine, such offender shall be imprisoned not exceeding *six* nor less than *three* months.

Half of the said penalty to be to the use of the Poor, and the other half to the Prosecutor.

Persons disabled to be provided for at the expense of the province.

XXIII. *And be it further enacted*, That if any person be wounded or disabled upon any invasion or attack of the enemy, he shall be taken care of and provided for at the expense of the province during the time of such disability.

Limitation of the act.

XXIV. *And be it further enacted*, That this act shall continue and be in force during the present war, and no longer.

C A P. II.

An ACT for apprehending Persons in ANY COUNTY or PLACE upon WARRANTS granted by JUSTICES of the PEACE of ANY OTHER COUNTY.

Preamble.

WHEREAS it frequently happens that persons, against whom warrants are granted by the Justices of the Peace for the several counties within this province, escape into other counties or places out of the jurisdiction

of the Justices of the Peace granting such warrants, and thereby avoid punishment for the offences wherewith they are charged; for the remedy whereof—

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That in case any person, against whom a legal warrant shall be issued by any Justice or Justices of the Peace of any city, or county, shall escape out of the jurisdiction of such Justice or Justices granting such warrant, it shall and may be lawful for any Justice or Justices of the Peace of the city or county, to which such person shall escape, go into, reside, or be, and such Justice or Justices is and are hereby required, upon proof being made upon oath of the hand writing of the Justice or Justices granting such warrant, to indorse his or their name or names on such warrant, which shall be a sufficient authority to the person or persons bringing such warrant, and to all other persons to whom such warrant was originally directed, to execute such warrant in such other city, or county, out of the jurisdiction of the Justice or Justices granting such warrant, as aforesaid, and to apprehend and carry such offender or offenders before the Justice or Justices who indorsed such warrant or some other Justice or Justices of such other city, or county, where such warrant was indorsed, in case the offence for which such offender shall be so apprehended in such other city, or county as aforesaid, shall be bailable in law, and such offender or offenders shall be willing and ready to give bail for his appearance at the next General Gaol Delivery or General Sessions of the Peace to be held in and for the said city or county where the offence was committed, such Justice or Justices of such other city or county before whom such offender or offenders shall be brought, shall and may take bail of such offender or offenders for his or their appearance at the next General Gaol Delivery or General Sessions of the Peace to be held in and for the city or county where such offence was committed, in the same manner as the Justices of the Peace of the city or county should or might have done in such proper city or county: And the Justice or Justices of such other city or county so taking bail as aforesaid, shall deliver the Recognizance together with the Examination or Confession of such offender or offenders and all other Proceedings relating thereto, to the Constable or other person or persons so apprehending such offender or offenders as aforesaid, who are hereby required to receive the same and to deliver over such Recognizance, Examination

Person being out of the jurisdiction of the Justice, who shall grant a warrant, the Justice where such person shall be, to indorse the warrant,

and the offender to be apprehended and brought before a Justice where the warrant was indorsed—

and the Justice to deliver the Recognizance &c. to the Constable to be delivered over—

Examination and other Proceedings to the Clerk of the Crown on the Circuits, or Clerk of the Peace of such city or county where such offender or offenders is or are required to appear by virtue of such Recognizance. And such Recognizance, Examination or Confession shall be as good and effectual in law to all intents and purposes, and of the same force and validity as if the same had been entered into, taken or acknowledged before any Justice or Justices of the Peace in and for the proper city or county where the offence was committed, and the same Proceedings shall be had thereon: And in case such Constable, or other person to whom such Recognizance, Examination, Confession or other Proceedings shall be so delivered as aforesaid, shall neglect or refuse to deliver the same to the Clerk of the Crown on the Circuits, or Clerk of the Peace of the city or county where such offender or offenders is or are required to appear by virtue of such Recognizance, such Constable or other person shall forfeit the sum of *ten pounds* to be recovered against him by bill, plaint, or information in any Court of Record proper to try the same, by any person or persons who will prosecute or sue for the same. And in case the offence for which such offender or offenders shall be apprehended and taken in any other city or county shall not be bailable in law, or such offender or offenders shall not give bail for his appearance at the next General Gaol Delivery or General Sessions of the Peace to be held in and for the said city or county where the offence was committed, to the satisfaction of the Justice before whom such offender or offenders shall be brought in such other city or county, then and in that case the Constable or other person or persons so apprehending such offender or offenders shall carry and convey such offender or offenders before *one* of His MAJESTY'S Justices of the Peace of the proper city or county where such offence was committed there to be dealt with according to law.

Penalty on the Constable for not delivering over.

If the offence be not bailable or offenders do not give bail—

The Constable to carry offenders before a Justice where the offence was committed.

The Justice indorsing the warrant not liable to an action.

The Justice granting the warrant may be prosecuted.

II. *And be it further enacted*, That, no Action of Trespass, False Imprisonment, Information or Indictment or other Action shall be brought, sued, commenced, or prosecuted by any person or persons whatsoever, against the Justice or Justices who shall indorse such warrant for or by reason of his or their indorsing such warrant.

III. *Provided nevertheless*, That such person or persons shall be at liberty to bring or prosecute his or their action

or suit against the Justice or Justices who originally granted such warrant in the same manner as such person or persons might or could have done in case this act had not been made.

C A P. III.

An ACT to EXPLAIN and AMEND an Act intituled "An ACT for regulating the FISHERIES in the different RIVERS, COVES and CREEKS of this Province."

vid: pa. 270.

WHEREAS, in and by an act made and passed in the ^{Preamble:} thirty third year of His MAJESTY's reign, intituled "An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province," it is enacted "That no net shall be set in the river Saint John below the Boarshead or in the harbour of Saint John more than twenty fathoms in length": AND WHEREAS, doubts have arisen whether under the said law more than one length of such nets may be set, for preventing such doubts in future—

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this act, only one length of the nets herein before described, shall be set in the same line running into the water in any part of the river Saint John below the Boarshead or in the harbour of Saint John, and if any person shall set any length of net running into the water in the same line with the net which is permitted to be set by the said herein before recited act, every person so-offending shall for every offence forfeit and pay the sum of ten pounds, to be recovered, paid and applied in the same manner, and to the same uses as the first penalty mentioned in the said herein before recited act can or may be recovered, paid and applied.— AND WHEREAS, in and by the said herein before recited act, it is enacted, "That no nets shall be placed within less than fifty feet of each other, measured upon a strait line running parallel, as near as may be, with the shore in any

Not more than one net to be set in the same line, below the Boarshead, or in the Harbour of St. John.

Under the Penalty of 10l. for every offence.

D.

of

“ of the places in the said act for that purpose particularly mentioned:” AND WHEREAS, doubts have arisen whether the distances between such nets may be marked and ascertained upon more than one such line parallel with the same shore—for preventing such doubts in future—

Distances between nets to be marked upon one line parallel with the shore.

II. *Be it enacted*, That the distances between such nets shall be marked and ascertained upon *one* such line, parallel with any part of the shore, in the river *Saint John* below the *Boarshhead* or in the harbour of *Saint John*.

Offenders may be committed to Prison for want of effects.

III. *And be it further enacted*, That where no goods or chattles can be found whereon to levy, by warrant of distress and sale of the offenders goods, the fines and penalties inflicted in this and the said herein before recited act, it shall and may be lawful for the Justice and Justices and the Court before whom or which the conviction may be, to commit the offender or offenders to the Public Gaol in the county, for any time not exceeding *thirty* nor less than *ten* days, as such Justice or Justices or Court shall respectively think fit.

IV. *And be it further enacted*, That the said herein before recited act, and every clause, matter and thing therein contained shall be and remain in full force, any thing herein before contained to the contrary notwithstanding.

C A P. IV.

An ACT for ALTERING the TIMES of holding the INFERIOR COURT of COMMON PLEAS and GENERAL SESSIONS of the PEACE in the County of CHARLOTTE.

Preamble.

WHEREAS, the times appointed for holding the Inferior Court of Common Pleas and General Sessions of the Peace in the county of *Charlotte* have been found inconvenient for remedy thereof—

I. *Be*

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly,* That the said Courts shall hereafter be holden on the *second Tuesday in April and third Tuesday in September* in every year, instead of the *first Tuesday in April and first Tuesday in September* as heretofore accustomed.

Courts to be held on the 2d Tuesday in April and 3d Tuesday in September.

II. *And be it further enacted,* That no writ or process whatsoever shall abate or be discontinued by reason of this alteration, but that all writs and processes which are or shall be returnable to the said respective Courts on the days and times heretofore established, shall be proceeded upon in the same manner as if they were made returnable on the days now established and appointed.

No Process to abate by reason of the alteration.

C A P. V.

An ACT to ALTER and AMEND an Act, intituled "An Act for regulating "INN-HOLDERS, TAVERN-KEEPERS and RETAILERS of SPIRITUOUS LIQUORS."

WHEREAS, in and by an act made and passed in the *twenty sixth* year of HIS MAJESTY'S reign intituled "*An Act for regulating Inn-holders, Tavern-keepers and Retailers of Spirituous Liquors*" it is enacted "That no Retailer, Inn-holder, Tavern or Ale-house-keeper who shall sell upon trust or credit any Wine, Strong-beer, Ale, Brandy, Rum or other Spirituous Liquors mixt or unmixt to any Soldier, Sailor, Servant or other Person whatsoever, to the amount of any sum exceeding the sum of *five shillings*, shall have any remedy to recover the same either at law or in equity, against any of the persons aforesaid, their Executors or Administrators."

Preamble.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly,* That nothing in the said recited act shall be construed to prevent any Retailer, not being an Ale-house-keeper, Tavern-keeper or Inn-holder, from selling on credit to any person or persons not being Soldiers, Sailors, or Servants, or shall debar such Retailer from a legal recovery, any thing in the said act to the contrary notwithstanding.

Retailers not being Tavern-keepers, may sell upon credit to persons not being Soldiers, Sailors or Servants.

C A P. VI.

An ACT to ALTER and AMEND an
Act, intituled "An Act for ascertain-
ing DAMAGES of PROTESTED
"BILLS of EXCHANGE."

Preamble.

WHEREAS, in and by an act made and passed in the
twenty sixth year of His MAJESTY's reign,
intituled "*An Act for ascertaining Damages on protested Bills
of Exchange*" it is enacted "That all Bills of Exchange
drawn by persons residing within this Province, on per-
sons in any part of America and the West Indies and
sent back protested, shall be subject to *five per cent* da-
mages, together with the accustomed charge of protest
and postage, and also *six per cent per annum* Interest on
the amount of principal, damages and charges, to com-
mence from the date of the protest for non-payment, and
continue 'till the same is paid". AND WHEREAS the
said damages are found in many such cases to be inade-
quate to the loss—

Protested Bills
of Exchange,
drawn upon per-
sons residing in
the West-Indies
subject to 10 per
cent damages,
and charges, and
6 per cent inter-
est,

I. *Be it enacted, by the Lieutenant Governor, Council
and Assembly,* That, from and after the *first* day of *June*
next, all Bills of Exchange drawn by persons residing within
this Province on persons residing in the West Indies and
sent back protested shall be subject to *ten per cent* dama-
ges, together with the accustomed charge of protest and
postage, and also *six per cent per annum* Interest, on the
amount of principal, damages and charges, to commence
from the date of the protest for non-payment and conti-
nue 'till the same is paid, any thing in the said herein be-
fore recited act to the contrary notwithstanding.

II. *And be it further enacted,* That the said herein be-
fore recited act and every clause matter and thing therein
contained, except wherein it is hereby altered and amended
shall be and remain in full force any thing herein before
contained to the contrary notwithstanding.

C A P. VII.

An ACT to continue an Act, intituled "An Act for RAISING a REVENUE in this Province."

I. **B**E IT ENACTED, by the Lieutenant Governor, Council and Assembly, That an act made and passed in the *thirty third* year of HIS MAJESTY'S reign, intituled "*An Act for raising a Revenue in this Province,*" be continued, and the same is hereby declared to be continued in full force until the *first* day of *April* which will be in the year of our LORD *one thousand seven hundred and ninety five*, and no longer; except for the recovery of any of the penalties inflicted in and by the *sixteenth* Section of the said act.

Act for raising a Revenue continued, to the 1st April 1795.

C A P. VIII.

An ACT in addition of an Act intituled "An Act for appointing COMMISSIONERS of SEWERS."

WHEREAS, in and by an act passed in the *twenty sixth* year of HIS MAJESTY'S reign, intituled "*An Act for appointing Commissioners of Sewers*" such Commissioners are authorized to exercise the powers given them by the said act upon the application of any proprietors of any Marsh, Low-lands or Meadow, which power may be exercised to the injury of other Proprietors, for remedy whereof—

Proviso.

I. *Be it enacted by the Lieutenant Governor, Council and Assembly,* That hereafter no Commissioners of Sewers already appointed or hereafter to be appointed by virtue of the said act, shall have power to proceed to dike in, or drain any body of Marsh, Low-lands or Meadow but upon the application or by consent and concurrence of the proprietors of at least one half of the quantity of such Marsh, Low-lands or Meadow.

Commissioners of Sewers not to dike in or drain any Marsh, &c. without the consent of the Proprietors of one half of such Marsh.

E.

II. *And*

Commissioners
to state accounts
of expenditures
& work done—

and to cause no-
tice thereof to
be given to each
Proprietor 30
days previous to
issuing a warrant.

II. *And be it further enacted*, That such commissioners upon making up any bill of assessment shall state an account of the expenditures and work done in diking or draining any such lands under their authority and direction, and shall cause notice of such stated account to be given to each proprietor or his agent at least *thirty* days previous to issuing any warrant to disfrain, to the intent that each proprietor may pay their respective quota previous to any such distress.

Persons aggrieved
by procedure
of Commissioners
may appeal
to the Supreme
Court, or Court
of *Nisi Prius*.

Provided 12 days
previous notice
be given.

III. AND WHEREAS, it is expedient that any grievance which may be suffered under the said act be redressed in the most easy and expeditious manner—*Be it therefore further enacted*, That whenever any person shall be aggrieved by any procedure had or made by such Commissioners or any others in pursuance of the said act, such person aggrieved may appeal therefrom to the Supreme Court or Court of *Nisi Prius*, which said courts, or either of them, may grant redress—PROVIDED notice of such appeal with the grounds thereof, be given to the adverse party, at least *twelve* days previous to such hearing by appeal.

IV. *And be it further enacted*, That the said herein before recited act and every clause thereof, except wherein it is hereby altered and amended shall be and remain in full force, any thing herein before contained to the contrary notwithstanding.

C A P. IX.

An ACT for PRESERVING the BANK of the River SAINT JOHN, in FRONT of the PARISHES of MAGER- VILLE, SHEFFIELD and WATERBOROUGH.

Preamble.

WHEREAS the annual overflow of the river *Saint John* washes away large portions of very valuable land on it's banks in front of the parishes of *Magerville* and *Sheffield* in *Sunbury* county, and the upper part of *Waterborough* parish

parish in *Queen's* county, and frequently obliges the inhabitants to remove their houses, fences, and other improvements to their great damage and inconvenience: AND WHEREAS the pasturing of cattle on the said banks contributes greatly to this alarming waste of land, and prevents grafs and bushes when planted from growing, binding and preserving the ground—

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly,* That no neat cattle, horses, sheep, swine or goats shall be suffered to go at large in the highway, or graze on the bank of the river *Saint John* in front of the parishes of *Magerville* and *Sheffield*, and the upper part of *Waterbercugh* parish as far as the upper line of *Benjamin Birdfall's* land, between the *tenth* day of *March* and the *tenth* day of *November* annually, and if any person or persons shall find any such cattle going at large or grazing as aforesaid, such persons are hereby authorized to take and drive the same to the nearest Pound and the Pound-keeper shall receive and detain the same until the owner or owners shall pay the penalty of *three shillings* for each neat cattle or horse, and *one shilling* for each sheep, swine or goat, and also *one shilling per day* to the Pound-keeper for feeding each neat cattle or horse, and *four pence per day* for feeding each sheep, swine or goat together with the usual charges for crying the same within *fourteen days* after they shall be so impounded, one half of which penalties shall be for the use of the Poor in such parish where the offence may be committed and the other half to the person or persons who shall impound the same; and may be sued for and recovered before any *one* of His M A J E S T Y 's Justices of the Peace.

II. *And be it further enacted,* That, in case the owner or owners of such neat cattle, horses, sheep, swine or goats so impounded shall neglect or refuse to pay the aforesaid penalties and charges, then the said Pound-keeper is hereby authorized to sell publicly so many of them as may be necessary for that purpose, and the overplus money arising from such sale, shall be paid by said Pound-keeper to the owner or owners thereof.

III. *And be it further enacted,* That, the Justices in their General Sessions within the respective counties where such parishes lie, are hereby authorized to cause to be erected and kept up across said highway from the said *tenth day* of *March* to the said *tenth day* of *November*, *two* strong Swing Gates of suitable width and a Water-fence adjoining to each Gate, one of which Gates, so to be kept up, to be erected at or near the upper

No neat cattle, horses, sheep, swine or goats to go at large on the bank of the river *St. John* in *Magerville*, *Sheffield* and *Waterbercugh*, between the *10th* of *March* and the *10th* *November*. Cattle going at large to be impounded, and the owners to pay 3s. for each horse or neat cattle and 1s. for each sheep, &c.

Also 1s. per day to the Pound-keeper for each neat cattle or horse, & 4d. for each sheep, &c.

One half of the penalties to the use of the Poor, the other half to the person impounding—and recovered before a Justice of the Peace.

Owners of cattle &c. impounded, neglecting to pay the penalties and charges.

Pound-keeper to sell as many as may be necessary

Justices in their General Sessions to cause Gates to be erected across the Highway—with Water-fences adjoining—

and Posts to be
fixed at each
Gate—

and to order an
Assessment of
the expence
thereof.

Persons leaving
open, pulling
down, or destroy-
ing Gates, &c.
to pay double
costs—

or suffer one
months impris-
onment.

Act not to ex-
tend to cattle
&c. travelling.

Limitation of
the Act.

upper line of the parish of *Magerville* and the other at or near the upper line of the lands of *Benjamin Birdfall* in the said parish of *Waterborough*; and the said Justices shall also cause *two* suitable Posts of wood, *one* on each side of each Gate, to be fixed firmly in the ground with notches cut into the said Posts for steps for the benefit of travellers; and the said Justices are hereby also authorised and required to order an Assessment of the expence of erecting the said Gates, Fences, and Posts to be made on the freeholders and inhabitants residing within the district of the parishes where such Gates, Fences, and Posts are hereby authorised to be set up; and if any person or persons shall wantonly leave open, pull down, or destroy such Gate or Gates, Water-fences or Posts, such offender or offenders upon conviction shall pay double costs or damage as may be awarded to any person or persons whatsoever, to be sued for and recovered in manner aforesaid—and in case of inability to pay the same shall suffer *one month*s imprisonment without Bail or Main-prize.

IV. PROVIDED ALWAYS, *and be it further enacted*, That this act shall not extend to any neat cattle, horses or other stock which may be travelling along said road from one part of this province to another.

V. *And be it further enacted*, That, this act shall be and remain in full force for and during the term of *two years* and no longer.

C A P. X.

An ACT for APPROPRIATING and DISPOSING of the PUBLIC MONIES.

Monies to be
paid out of the
Treasury.

To the Speaker
of the House of
Assembly.

To the members
of the House of
Assembly.

I. **B**E IT ENACTED, *by the Lieutenant Governor, Council and Assembly*, That their be allowed and paid out of the Treasury of this province, unto the several persons hereafter mentioned, the following sums to wit: To the *Speaker* of the *House of Assembly* as *Speaker*, the sum of *fifty pounds* and for his travelling charges going and returning the last Session *ten shillings per day*, reckoning *twenty miles* for each day's travel; To the other members of the *House of*

Assembly

Assembly for defraying their expences of travelling and actual attendance in the last Session, the days of such travel and attendance to be certified by the Speaker, *ten shillings per day*; To the Chaplain of the House of Assembly, *ten shillings per day* during the last session; To the Clerk of the Council in General Assembly, *forty pounds* for the same session; To the Clerk of the House of Assembly, *ten shillings per day* during the same session and for other services during the same session, *forty pounds*; To To the Sergeant at Arms attending the Council in General Assembly, *fifteen pounds and ten shillings* for the same session; To Godfrey Leydick, Sergeant at Arms attending the Assembly, *twelve pounds and ten shillings* and for his travelling charges *four pounds* during the last session; To William Anderson, Sergeant at Arms, attending the Assembly the last session, *three pounds*; To the Door-keeper of the Council, *five shillings per day* for the same session; To the Door-keeper of the House of Assembly, *five shillings per day* for the same session; To the Messenger, *three shillings per day* for the same session; To the Clerk of the Assembly, for House-rent for the accommodation of the General Assembly and Courts of Justice for *one year* ending the first day of February one thousand seven hundred and ninety four, *forty pounds*; To the Clerk of the House of Assembly *twenty one pounds one shilling and three pence* for fuel, stationary and other extra expences of the last session; To the Treasurer of the Province, *one hundred and eighty pounds* for his services as Treasurer, from the first day of March one thousand seven hundred and ninety two, to the first day of March, one thousand seven hundred and ninety three; To John Chaloner, for his services as Tide-Surveyor in the city of Saint John, under the Treasurer of the Province to the first day of March, *one thousand seven hundred and ninety three, forty pounds*; To John Chaloner, for gauging dutiable articles, *ten pounds and four shillings* and to Thomas Hanford for the same service, *fourteen pounds and six pence*; To Charles M^cPherson, for weighing dutiable articles in the city of Saint John, *eight pounds two shillings and eight pence*; To Colin Campbell, Esquire, for his past services as Clerk of the Crown Office, *fifty pounds*; To Ward Chipman, Esquire, for his past services as Clerk of the Crown upon the Circuit, *fifty pounds*; To the Surveyor General the ballance of his account attending the completion of the plan of the province, *fifty pounds*; To the Judges of the Court of Common Pleas in King's county, a sum expended by them in pursuance of a resolution of the House of Assembly of the seventh day of March one thousand seven hundred and ninety two, *fifteen pounds*; To John Ryan, Printer, for printing manifests and other

To the Chaplain of the House of Assembly—

To the Clerk of the Council—
To the Clerk of the House of Assembly—
To the Sergeant at Arms attending the Council—

To Godfrey Leydick—

To William Anderson—

To the Door-keepers.

To the Messenger—
To the Clerk of the Assembly for House-rent.

To the Clerk of the Assembly for expences.
To the Treasurer of the Province—

To John Chaloner as Tide Surveyor—

To John Chaloner & Thomas Hanford for gauging—

To Charles M^cPherson for weighing—

To Colin Campbell, Esqr.
To Ward Chipman Esqr.

To the Surveyor General—

To the Judges of the Common Pleas in King's county—

To John Ryan.

blanks for the use of the Treasurer of the Province and also for inserting certain advertisements for the same, *nine pounds twelve shillings and six pence*; To the Commissioners of the *Light House* a ballance due to them as by account delivered, *thirty one pound one shilling and eleven pence*; To *Alexander Cameron and Company*, for erecting a Malt-kiln in the city of *Saint John* pursuant to a resolution of the House of Assembly of the *twenty fourth day of October, one thousand seven hundred and eighty nine*, they first giving security according to the said resolution, *twenty five pounds*; To the Sheriffs of the different counties for their attendance and to defray the expences incurred by them at the late General Election, for themselves and clerks the sum of *ten pounds each*; To *Christopher Sower*, for printing the ACTS and JOURNALS of the last session, *sixty two pounds seventeen shillings and eight pence*; To His Excellency the Lieutenant Governor, for defraying the contingent expences of the past year, *forty two pounds six shillings and one penny*; To the Speaker of the House of Assembly, the sum of *fifty pounds* as Speaker, and for his travelling charges going and returning *ten shillings per day*, reckoning *twenty miles* for each days travel, for the present session; To the other members of the House of Assembly for defraying their expences of travelling and actual attendance this session, *ten shillings per day*; To the Chaplain of the House of Assembly, *ten shillings per day* during this session: To the Clerk of the Council in General Assembly, *forty pounds*; To the Clerk of the House of Assembly, *ten shillings per day* during this session and for other services, *forty pounds*; To the Sergeant at Arms attending the Council in General Assembly, *twelve pounds*; To the Sergeant at Arms attending the House of Assembly, *twelve pounds*; To the Door-keeper of the Council, *five shillings per day* during this session; To the Door-keeper of the Assembly, *five shillings per day* during this session; To the Messenger during the present session, *three shillings per day*; To the Clerk of the House of Assembly, for house-rent for the accommodation of the General Assembly and Courts of Justice for one year ending the first day of February, *one thousand seven hundred and ninety five, forty pounds*; To the Clerk of the House of Assembly, for fuel, stationary and other extra expences of the present session the sum of *twenty two pounds nineteen shillings and eight pence*; To the Treasurer of the Province, *one hundred and eighty pounds*, for his services for one year, ending the first day of March, *one thousand seven hundred and ninety four*; To *John Chaloner*, for his services as *Tide Surveyor* in the city of *Saint John* under the Treasurer

of

of the Province, *fifty pounds*; To *John Chaloner*, for gauging dutiable articles imported into the city of *Saint John*, *ten pounds and eighteen shillings*; To *Thomas Hanford*, for the like service *eleven pounds and one shilling*; To *Charles M'Pherson*, for weighing dutiable articles in the city of *Saint John*, *twelve pounds one shilling and seven pence*; To *John Chaloner*, for expences actually incurred by him as *Tide Surveyor* as aforesaid, *seven pounds fifteen shillings and six pence*; To *John Ryan*, Printer, for printing manifests and other blanks for the use of the Treasurer, *seven pounds five shillings and six pence*; To *William Sanford Oliver*, Esquire, for his services as *Sheriff* of the county of *Sunbury* previous to the erection of counties in this province, the sum of *seventy seven pounds* in full of all demands; To His Excellency the *Lieutenant Governor*, for the payment of the Adjutants of the several regiments of Militia in the province, the current year, a sum not exceeding *one hundred and sixty pounds*.

To John Chaloner and Thomas Hanford for gauging—

To Charles M'Pherson for weighing—

To John Chaloner for expences—

To John Ryan.

To W. S. Oliver Esq.

To His Excellency the Lieut. Governor—

II. *And be it further enacted*, That the sum by which the amount of the above sums herein before ordered to be allowed and paid to the several persons herein before mentioned, shall exceed the sum now remaining in the hands of the Treasurer unappropriated, be allowed and paid in the manner herein after mentioned, out of such monies as shall hereafter be in his hands arising from the collection of the Duties of *Impost*.

The sum by which the amount of the sums ordered to be paid shall exceed the money in the Treasury to be paid out of monies to be collected—

III. *And be it further enacted*, That all the aforesaid several sums of money shall be paid by the Treasurer by warrant issued by 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*, and the receipts of the several persons intitled to the said sums indorsed on the said warrants shall be to the Treasurer good vouchers and discharges for so much as shall thereby be acknowledged to be received.

Monies to be paid by Warrant from the Lieut Governor.

Receipts of persons intitled indorsed on the Warrants good vouchers to the Treasurer—

IV. *And be it further enacted*, That for answering the contingencies and expences that shall or may happen for the service of this province, to the *first* day of *April* which will be in the year of our LORD *one thousand seven hundred and ninety five*, warrants may issue on the Treasurer from time to time drawn by the *Lieutenant Governor or Commander in Chief* for the time being with the advice and consent of His MAJESTY'S *Council*, which the Treasurer is hereby ordered and directed to pay—P R O V I D E D, the amount of the said warrants do not exceed the sum of *ONE HUNDRED POUNDS* during that time.

Warrants may be drawn on the Treasurer for contingencies to the 1st. April 1795.

Not to exceed £100.