

ACTS  
OF THE *Geo. Westmore*  
GENERAL ASSEMBLY  
OF  
HIS MAJESTY'S PROVINCE  
OF  
*NEW-BRUNSWICK;*

PASSED IN THE YEAR 1813.

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SAINT JOHN:

PRINTED BY JACOB S. MOTT, PRINTER TO THE KING'S MOST  
EXCELLENT MAJESTY, AT THE SIGN OF THE BIBLE AND  
CROWN, PRINCE WILLIAM STREET—1813.

Rec. Aug. 14, 1906.

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# L A W S

OF THE

## PROVINCE OF NEW-BRUNSWICK.

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CAP. I.

An Act for regulating the Militia. Passed the 3d of March, 1813.

**W**HEREAS the establishment and organization of the Militia of the Province requires other and further provisions rules and regulations for the government thereof, than those already provided in and by an Act of the General Assembly of this Province, made and passed in the fiftieth year of his present Majesty's reign, intituled "An Act for better regulating the Militia in the Province." And another Act made and passed in the fifty-second year of his present Majesty's reign, intituled "An Act to amend and continue for a limited time," an Act, intituled "An Act for better regulating the Militia in this Province." Preamble.

I. *Be it enacted by the President, Council and Assembly,* Former Acts repealed, that the said herein before recited Acts be, and the same are hereby repealed, excepting the second Section of the said herein before first recited Act, which Section is to be and remain in full force unrepealed, and to be considered and taken as part and parcel of this Law, and is in the words following, viz: excepting 2d Section of the first Act.

*"And be it further enacted,* that every male white inhabitant or resident within this Province, from sixteen to sixty years of age (excepting such as are herein after excepted) shall be enrolled in and liable to serve in the Militia, and the Militia shall be formed into Regiments by Counties, and if any County shall be sufficiently populous to admit of the Regiment being subdivided into two or more Battalions, it shall be lawful for the Governor or Commander in Chief to subdivide such Regiment into Battalions, and to affix the limits of the districts composing such Battalions, and each Company in such regiment or Battalion shall consist of not more than sixty Rank and File and be Commanded by one Captain and two Subalterns; and the extent of the districts of the Companies shall be determined by the Commanding Officer for the time being of the Regiment or Battalion to which they belong, and all Captains or Commanding Officers of Companies are hereby required to take due care to enrol in a book to be by them kept for that purpose, the names of those persons who are liable to serve as aforesaid within their respective districts. Provided always, that in insular and remote Male white inhabitants residents from 16 to 60 years of age to be enrolled. Militia to be formed into regts. by Counties, and in Counties sufficiently populous may be subdivided into Battalions. Companies not to exceed 60 rank and file with one Captain and two Subalterns. Districts of Companies to be determined by the commanding officer of the regiment or battalion. Officers commanding companies to enrol persons liable to serve.

In insular and remote situations where the number of persons in the Island or neighborhood liable to serve in the Militia exceeds the number of sixty, but does not exceed the number of eighty the whole may be formed into one company.

Persons exempted from being enrolled.

Quakers producing a certificate exempted.

Fines imposed under former law to be recovered.

Saving such parts of former Law as may have been carried into execution.

And Provided also, that the Members of His Majesty's Council, Members of the Assembly, established Clergymen and licensed Ministers of the Gospel, all persons exercising Commissions, Civil or Military under His Majesty, Officers on half-pay, Supernumerary Militia Officers now in commission, Officers of His Majesty's Customs, Revenue and Naval Officers, Physicians and Surgeons, one Miller to each Grist Mill, and one Ferryman to each established Ferry, shall be exempted from being enrolled as aforesaid. And Provided also, that every person professing himself to be of the people called Quakers, and producing to the Commanding Officer of the Regiment or Battalion of the district in which he resides, a certificate signed by two people of that persuasion, that such person has been deemed and allowed to be one of the same persuasion, for at least one year before the date of such certificate, shall in like manner be exempted from being enrolled as aforesaid; and saving also the right of recovery of such fines and penalties as may have been incurred by such Acts, and saving and excepting also so much and such parts of the said recited Acts as may have been carried into execution, or acted upon by the Commander in Chief in calling into actual service any part or parts of the Militia under and by virtue of the same Acts, which part or parts of the Militia so called out shall be in all respects subject to the provisions of this Act in the same manner as any other part which may be called into real service under and by virtue hereof.

Captains when required to make returns of their companies, and of arms, &c. to the commanding officer of the regiment or battalion.

Commanding officers of Battalions to report to the commanding officers of regiments.

Commanding officers of regiments to make returns to the Commander in Chief.

Commanding officers of battalions to appoint Buglers, &c.

Officers commanding companies with consent of commanding officer of battalions to appoint sergeants and corporals.

II. *And be it further enacted*, that it shall be the duty of every Captain or Commanding Officer of a Company to furnish the Officer commanding the Battalion to which he may belong, at all times when ordered, a fair written Roll of his Company, and return of the state of their arms and accoutrements; and the Commanding Officers of Battalions shall furnish to the Commanding Officers of Regiments, or to the Commander in Chief, when ordered, such Rolls, Returns and Statements of their Battalions as may be required; and the Commanding Officers of Regiments shall when ordered furnish to the Commander in Chief, or to such other person as he shall appoint, such Rolls, Returns and Statements of their several Regiments as may be required.

III. *And be it further enacted*, that the Commanding Officer of each Battalion shall have power to appoint from time to time suitable persons as Drummers, Buglers and Fifers to his Battalion, and to displace them and appoint others in their stead, and that the Captain or Commanding Officer of a Company shall have power with the consent of the Commanding Officer of the Battalion to which he may belong, to nominate and appoint Sergeants and Corporals for the Company under his command, and if any person so to be appointed shall refuse to accept the office to which he shall

be

be appointed, or having accepted shall refuse or neglect to perform his duty, he shall for every offence forfeit and pay the sum of *twenty shillings*, to be recovered in the same manner as is provided for the recovery of fines in the fifth section of this Law; but there shall not be appointed more than three Serjeants and three Corporals to any one Company, except flank Companies which may have four Sergeants each.

Persons so appointed refusing to serve to forfeit 20s.

Three Serjeants three Corporals one Drummer one Fifer to each company except flank companies which may have four Serjeants.

IV. *And be it further enacted*, that if any Sergeant or Corporal shall be guilty of any misbehaviour in his office, he may be tried by a Regimental Court Martial to consist of not less than three commissioned Officers, and by the sentence of such Court if approved of by the Commanding Officer of the Battalion, be displaced from his office.

Serjeants or Corporals for misbehaviour may be tried by a Regimental Court Martial.

V. *And be it further enacted*, that for the purpose of disciplining and improving the Militia in Martial exercises the Commander in Chief may at such convenient season of the year as he may judge fit, interfering as little as possible with seed time, and harvest, order out and keep together each Battalion, together or in divisions, within their respective districts, those above fifty years of age excepted, for any time not exceeding three days in each year, and every non-commissioned Officer and Private wilfully neglecting to appear at the time and place specified in such order, or who during the said three days shall be absent from his Company without leave from his Commanding Officer, shall for each and every offence be liable to a fine of *twenty shillings*, to be recovered on complaint of the Officer commanding the Company before any one of His Majesty's Justices of the Peace of the County where such offence may be committed, and levied by distress and sale of the offenders goods and chattels, and for want of goods and chattels belonging to such offender whereon to levy the same, such offender to be committed to the County Gaol for a term not exceeding four days, for each day's delinquency, or until such fine or fines, together with the costs of prosecution are paid. Provided always, that no excuse shall be admitted for non-attendance, except sickness or lameness of the individual to prevent his attendance or extreme illness of some part of his family; or detention by unforeseen and unavoidable circumstances, to be manifest by legal proof given on the part of the delinquent. Provided also, that no person shall be required to travel more than thirty miles from his usual place of residence to attend the training of the Battalion or Division thereof to which he may belong. And Provided also, that persons who have been embodied and on actual service for the space of twenty days shall not be required to attend such drill during the same year in which they have performed such service.

Commander in Chief may call out and keep together the Militia those above 50 years excepted three days in each year.

Non-Commissioned officers and privates neglecting to appear or departing without leave to forfeit 20s.

To be recovered before a Justice of the Peace.

No excuse to be admitted but sickness or lameness or illness of delinquents family

Or detention by unforeseen and unavoidable circumstances.

No person to travel more than thirty miles from his usual place of residence to train.

Persons who have been embodied for 20 days excused from attending Drill during that year.

VI. *And be it further enacted*, that notice of the times and places appointed for the assembling of the several Battalions or Divisions thereof as aforesaid, shall be given in writing by the Captains or Officers commanding Companies, who shall cause such notices to be posted up by a Non-Commissioned Officer

Ten days notice in writing to be given of the times and places of assembling.

To be posted up by a non-commissioned officer,

Officer at least ten days before the respective times of meeting, in three of the most public and conspicuous places within the district of the several companies, which notification so given shall be deemed a sufficient warning. Provided always, that five days personal notice to the individual of the time and place of assembling shall in all cases be deemed sufficient without such notice in writing.

five days personal notice sufficient.

**VII.** *And be it further enacted,* that every person enrolled as aforesaid, when ordered out as aforesaid, shall appear with such arms, ammunition and accoutrements as have been or hereafter may be issued to him by Government (or if he shall so choose) with arms, ammunition and accoutrements of his own, equally good in complete order, and for appearing without such arms, ammunition and accoutrements, or appearing with a part and not the whole or with any of them which in the opinion of the commanding officer for the time being, at the place where such Militia are ordered to assemble, are not in good and serviceable order, such person shall forfeit and be ordered by the said commanding officer to pay a sum not less than *two*, nor more than *twenty shillings*, which if not paid within twenty-four hours after such person is dismissed from his then attendance, shall be by an order of the said commanding officer, directed to one of the non-commissioned officers of the Company to which such person shall belong, levied (with the like fees as constables may receive) upon the goods and chattels of such delinquent, and for want of goods and chattels whereon to levy the same, the said delinquent shall, by warrant under the hand and seal of such commanding officer, be committed to the County Gaol, there to remain not exceeding four days; and the keeper of any Gaol is hereby authorised to receive and keep such delinquent during the time specified in such warrant, and then to discharge him on payment of the customary gaol fees, together with such fees as the non-commissioned officer may be intituled to receive as herein before mentioned.

Persons called out to appear with arms ammunition and accoutrements in complete order,  
And for appearing without, or with only a part, or not in good order in the opinion of the commanding officer for the time being to forfeit not less than two nor more than 20s;

Which if not paid within twenty four hours after the delinquent is dismissed shall be levied by the commanding officer's order directed to a non-commissioned officer,

For want of goods delinquent to be imprisoned not exceeding four days.

Knapsacks, &c. to be provided at the expense of the province and delivered to the commanding officers of battalions who shall cause them to be lodged with the officers commanding companies.

After notice, each man to furnish himself with a sett, and pay for the same.

Money to be paid to the Quarter Masters and returned into the Treasury.

Indigent persons to be furnished gratis.

**VIII.** *And be it further enacted,* that painted canvas knapsacks, with proper straps and buckles, and straps for the purpose of carrying a blanket or great coat, and priming wires, and brushes for the muskets be provided by the Government, and paid for out of the Province Treasury, and delivered to the commanding officers of Battalions, who shall cause the same to be lodged with the commanding officers of Companies, and after notice given thereof, each person shall within six days furnish himself with a sett, and shall pay for the same to the said commanding officer a sum not exceeding *seven shillings* and *six pence*, to be recovered by such commanding officer upon refusal or neglect to pay the same, as small debts are recoverable by law, which money when received shall be paid to the respective Quarter-Masters of the Battalions, to be returned into the Province Treasury. Provided always, that every person who in the opinion of the commanding officer of the Company to which he may belong, and of the commanding officer of the Battalion, is indigent shall be furnished with a sett without paying for the same.

IX.



IX. *And be it further enacted*, that after the said knap-sacks, straps, priming wires, and brushes, shall have been provided as aforesaid and deposited with the commanding officers of Companies, and notice thereof given as herein before mentioned, every person who, when ordered out as herein before provided shall appear without having the same, and in good order, shall be liable to the same penalty to be inflicted and recovered in the same manner as the penalty for not appearing with arms and accoutrements as herein before directed.

X. *And be it further enacted*, that the commanding officer of any regiment or Battalion, shall and may once in the year, and oftener if he deems it necessary, order an inspection of arms, accoutrements, and equipments of such Regiment or Battalion, when the subaltern Officers of the Company (each taking such part as the Captain or Commanding Officer of the Company shall direct) shall call on each and every man of the Company at his usual place of abode, and then and there carefully inspect and examine such person's arms, accoutrements, and equipments, to see whether the same are all in good order, and shall make an exact report to the commanding officer of the Company of the state and condition in which the same were found; which report shall be made in writing and shall be sworn to by the person making it, before some one of His Majesty's Justices of the Peace of the County where such inspection may take place; which oath, such Justice is hereby authorised to administer, and shall certify without fee, and every person who shall refuse to submit to such inspection, or whose arms, accoutrements, or equipments shall be found in unserviceable condition, out of order, or deficient, shall forfeit and pay for each deficiency, the like sum as if such had been the case when ordered out as herein before mentioned, under this law, to be inflicted and recovered by the commanding officer of the Company by warrant under his hand directed to a non-commissioned officer, who is hereby authorised to levy the same as is directed in and by the seventh section of this Act. Provided always, that the commanding Officer of the Company may in all cases inspect the arms, accoutrements, and equipments himself, either with or without an order from the Commanding Officer of the Battalion, and proceed to fine for any deficiency or bad state of the arms, accoutrements and equipments, or any or either of them, and levy the same in the same manner as is herein before provided upon the report of the Subaltern Officers.

XI. *And be it further enacted*, that it shall be the duty of the Adjutants appointed, or to be appointed to the several Battalions, to attend their respective Battalions when the same or any part thereof shall be ordered out under this Act, and at such and all other times to do and perform and attend to such duty as is incumbent on and appertaining to the proper office of Adjutant, or as they may be ordered by the respective Commanding Officers of such Battalion, and such

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Adjutants

Adjutants shall be allowed each, as a full compensation for all the services, he is hereby ordered to perform (except when on actual service) *ten shillings* for each day he shall be actually employed, the number of days to be certified by the Commanding Officer of the Battalion, provided that no one Adjutant shall be allowed more than *fifteen pounds* in any one year.

days to be certified by the commanding officer of the batt.

pay not to exceed £15 per annum.

Non-Commissioned officers or privates guilty of drunkenness, or misbehaving during the time he shall be ordered out, may be put under guard and tried by a Court Martial, who may sentence him to pay a fine of not less than five nor more than 40s,

if the fine is not paid forthwith, the commanding officer may commit the offender to gaol for such time as the Court shall appoint, not to exceed four days,

delinquent when discharged from gaol to return to his battalion, if it shall not have been previously dismissed.

Persons wilfully interrupting any detachment of militia at exercise may be confined,

and shall forfeit 20s to be recovered before a Justice of the Peace.

Captains or Subalterns guilty of improper behaviour when ordered out, may be put in arrest by the commanding officer, and forthwith to be tried by a Court Martial to consist of two Captains and three Subalterns;

XII. *And be it further enacted*, that if any non-commissioned Officer or Private, shall be guilty of drunkenness, contemptuous or riotous behaviour, disobedience of orders, or shall otherwise misbehave himself during the time he shall be ordered out, as herein before provided, it shall and may be lawful for the Commanding Officer for the time being of the Battalion so ordered out, to order such person so offending to be confined under guard; and to be tried by a Court Martial to consist of not less than three Commissioned Officers who may, on conviction, sentence such offender to pay a fine of not less than *five*, nor more than *forty shillings*; and unless such fine is paid forthwith, it shall and may be lawful for the commanding officer of the said Battalion for the time being, by a written order to commit such offender to the County Gaol, for such time as such Court shall appoint not to exceed four days, and the keeper of such Gaol is hereby authorized to receive and to keep such delinquent during the time specified in such warrant, and then to discharge him on payment of the accustomed Gaol fees, together with such fees as the non-commissioned Officer may be entitled to receive. Provided always, that such person when so discharged from Gaol shall return again to his battalion, if the same shall not have been previously dismissed, or be considered as a defaulter in his appearance.

XIII. *And be it further enacted*, that if any person shall wilfully interrupt any body of Militia when ordered out under this Act, whilst on duty or at exercise, it shall and may be lawful for the commanding officer for the time being, to confine such person during the performance of such duty, or the continuance of such days exercise or muster (if he shall think necessary) to prevent the continuance of such insult or wilful interruption, and every person so offending shall forfeit and pay a sum not exceeding *twenty shillings*, for each and every offence, to be recovered with costs, on conviction before any Justice of the Peace where such offence may be committed, and levied by distress and sale of the offenders goods and chattels.

XIV. *And be it further enacted*, that if any Captain or Subaltern Officer of any Battalion, shall be guilty of contemptuous behaviour, disobedience of orders, or otherwise misbehave himself at any time when ordered out as herein before mentioned, it shall and may be lawful for the Commanding Officer for the time being, of such Battalion or Division thereof, to order such officer under arrest, and forthwith to try him by a Court Martial to consist of not less than

two Captains, and three Subalterns of the same Battalion, and in case such charge is proved, it shall be the duty of such Court Martial to report their proceedings to the Commanding Officer, who shall report to the Commander in Chief of the Province, and if approved of by him, such Officer so found guilty, shall be cashiered and dismissed.

and if the charge be proved, report to be made to the commander in chief, and if approved of by him, offender to be dismissed.

XV. *And be it further enacted*, that every Officer (at all times when ordered out under this Act) shall appear equipped with a sufficient sword and belt, under the penalty of *twenty shillings* for each offence, to be inflicted by the Commanding Officer for the time being, of the Battalion to which he may belong; and if not paid upon an order from the said Commanding Officer, the same shall be levied upon the goods and chattels of such offender by warrant under the hand and seal of such Commanding Officer, directed to the Adjutant of such Battalion, and paid into the hands of the Quarter-Master.

Officers to appear equipped with sufficient swords and belts under the penalty of 20s.

XVI. *And be it further enacted*, that the Commanding Officer of every Company shall immediately when required, furnish the Commanding Officer of the Battalion to which he may belong, with the name of every delinquent belonging to his Company who shall at any time neglect to appear when ordered out under this Act, or to perform any of the duties herein required, or in any other manner offend; and if any one is excused from any cause whatsoever, shall assign such excuse to the said Commanding Officer for his approbation; and if not admitted, such delinquent or offender shall be proceeded against according to Law.

Commanding officers of companies when required to furnish the commanding officer of the batt. with the names of delinquents who shall neglect to appear or perform their duty, and if any one is excused to assign the excuses for his approbation.

XVII. *And be it further enacted*, that it shall be the duty of the several officers commanding Regiments or Battalions, to order the commissioned officers under their respective commands, at reasonable times and places a part from their men, to be drilled and instructed in their several and respective duties; and if any officer shall refuse or neglect to attend such drills and instructions when so ordered, or shall be found imperfect in the opinion of the Commanding and Inspecting Field Officer at the end of six months from the passing of this law, it shall be the duty of such commanding officer, with the concurrence of the Inspecting Field Officer, and he is hereby authorised and required to report such commissioned officer so refusing or neglecting, or being found imperfect to the Commander in Chief, for disobedience of orders or imperfection as the case may be.

Commissioned Officers to be drilled, for refusal or neglect to attend the drills, or if found imperfect at the end of six months to be reported to the Commander in Chief.

XVIII. *And be it further enacted*, that it shall and may be lawful for the officer commanding any Battalion, to appoint a Sergeant-Major, a Quarter-Master-Sergeant, and Clerk for such Battalion, who are hereby made liable to be tried by a regimental Court Martial for disobedience of orders, or contemptuous and improper behaviour, which said Court Martial shall be constituted as herein before mentioned for the trial of any officer misbehaving when called out on duty, and shall

Sergeant Major, Qr. Mr. Sergeant, and Clerk to be appointed who are liable to be tried and punished by a Court Martial,

and are exempted from balloting for actual service.

shall have power to punish by fine, or imprisonment in the County gaol, such fine not exceeding *forty shillings*, or imprisonment ten days. Provided always, and be it further enacted, that no sentence of any Court Martial shall be put in execution until approved by the Commanding Officer of such Battalion, and the Sergeant-Major, Quarter-Master Sergeant, and Clerk, so appointed shall be exempted from all balloting for actual service.

Quarter Masters to give bond for the faithful discharge of their duty,

XIX. *And be it further enacted*, that the Quarter-Master of every Battalion shall, before he commences the duties of his office, under this Act, give bond to His Majesty with two sufficient sureties in the penal sum of *two hundred pounds* for the faithful discharge of such duties, and for his duly accounting for and applying all monies he may receive by virtue of this Act, and for all arms, and accoutrements, provisions and stores, he may receive as Quarter-Master of such Battalion, which bond shall be taken by the commanding officer of such Battalion, and lodged by him in the Secretary's Office of the Province; and that each Quarter-Master shall be allowed in his general account of monies ten per cent, for all sums received and paid over by him; this allowance to cease to be made to any Quarter-Master who may be on actual service, and in receipt of full pay.

allowed ten per cent for monies received.

Lists of exempts to be transmitted by officers commanding companies to the commanding officer of the regt. or batt. and entered by the Clerk in a book.

XX. *And be it further enacted*, that the Captains or Officers commanding Companies, shall on or before the first day of June in each year, make out and transmit to the officer commanding the Battalion, lists of all persons residing within the districts of their Companies respectively, who are by this Act exempted from being enrolled in the Militia, specifying the ages of such persons, and the causes of their respective exemptions, which lists shall be entered by the Clerk of the Battalion in a book to be by him kept for that purpose; and that all persons so exempted (one ferryman to each established ferry excepted) shall on or before the first day of September in each and every year pay to the Quarter-Master *twenty shillings*, and if not then paid the same to be forthwith recovered with costs, by and at the suit of such Quarter-Master, in the like manner as is provided by the fifth section of this Act. Provided always, and be it further enacted, that any person liable as aforesaid, to pay the said sum of *twenty shillings*, shall be excused from paying the same by enrolling himself in the Company of Militia of the district in which he resides; and that when such person has so enrolled himself, he shall be, and he is hereby made liable to do and perform all and singular the duties required of other men belonging to the Company, and under and subject to the same penalties and forfeitures in every respect.

Exempts to pay to the Quarter Master 20s. a year.


Exempts may excuse themselves from paying, by enrolling themselves.

Ferryman to convey militia men going on duty over their ferries free of expence.

XXI. *And be it further enacted*, that the ferryman excepted by the next preceding Section, shall upon all occasions when the Militia are called out by Battalions or Detachments for general training, carry over their respective ferries the said Militia, and each and every of them in going out and returning

returning home without any demand for ferryage whatever, under the penalty of *ten shillings*, for each and every offence, to be recovered by the party complaining before any one of His Majesty's Justices of the peace, upon the oath of one credible witness.

XXII. And whereas arms and accoutrements have been issued from His Majesty's Stores for the use of the Militia in several parts of this Province, and it is necessary to provide for the security of those arms and accoutrements, and such as may hereafter be issued, be it further enacted, that such arms so issued or which may hereafter be issued, shall be branded distinctly on the broad part of the butt with the letter *M* and the name of the County of the Militia of which they are issued, also with a capital letter to denote the Company to which they belong, and a number to distinguish each firelock to its owner, such brand to be provided by the commanding officer of the Battalion; and all Captains or other Officers commanding Companies, shall be and they are hereby made responsible (except in case of unavoidable accident) for the safe keeping and return (if called for) of such arms and accoutrements as were issued to the men in their respective Companies, or may hereafter be so issued; and such Captains or Officers commanding Companies are hereby empowered and required to take into their possession all such arms and accoutrements, except where the person to whom they have been, or shall be issued, shall give bond with sufficient surety to our sovereign Lord the King, in the penalty of *five pounds*, conditioned for the safe keeping, and the return of the said arms and accoutrements; which bonds so given, shall be lodged with the Clerks of the Peace in the respective Counties, who are hereby required to receive and file the same in their respective offices, which person so giving bond as aforesaid, shall be intitled to keep possession of such arms and accoutrements while he continues in the same Company, and in case of the removal of any such person from such Company, his arms and accoutrements, shall be returned to the Captain or other officer commanding the said Company, who shall give a receipt for the same to the person so delivering the said arms; and if any person having such arms and accoutrements, in his possession, shall vend, pledge, or exchange the same or any part thereof (without leave of the officer commanding the Company to which such person belongs) or shall convey, or cause the same, or any part thereof, to be conveyed out of the Province, or shall convey or cause the same to be conveyed on board any boat, ship, or vessel, with intent to have the same carried out of the Province, or if the master of such boat, ship, or vessel, shall wilfully receive into his boat, ship, or vessel, any such arms or accoutrements so intended to be conveyed out of the Province, or if any person shall purchase the said arms and accoutrements, 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 two Justices of the Peace, upon the oath of one or more credible witness, or witnesses, and levied

Arms to be marked,

Captains made responsible for arms, and empowered to take the same into their possession, unless the persons to whom they are issued will give bonds.

Penalty of £10, for selling, exchanging or conveying away any arms and accoutrements lent by government.

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 penalty shall be paid to the person who shall prosecute for the same, and the other half into the hands of the Quarter-Master of the Battalion to which such arms, and accoutrements belong; and for want of effects, whereupon to levy the said fine of *ten pounds*, such offender shall be imprisoned not ex-

In case the arms be called for, to be delivered into the king's stores; the deficiencies to be paid for by the Province.

ceeding six, nor less than three months; and in case the said arms and accoutrements, shall at any time be called for, to be delivered into His Majesty's Stores, all deficiencies, shall be paid for out of the Treasury of the Province excepting such arms, and accoutrements, as shall have been lost on actual service against an enemy. Provided always, and be it further enacted, that nothing herein contained shall be construed to render void the bonds heretofore given for any arms, and accoutrements under and by virtue of any act heretofore passed, but that the same bonds shall be and remain in full force and effect.

Bonds given for arms under any former act not to be avoided.

Arms lent by Government not to be used for any other purpose than that for which they may have been supplied.

XXIII. *And be it further enacted*, that no person who has been, or may hereafter be furnished with arms, accoutrements, and ammunition, by Government, shall use the same for any other purpose, than that for which they may have been supplied, under a penalty of *ten shillings* for each and every offence, to be recovered before any one Justice of the Peace, in the same manner as prescribed in the ~~next~~ preceding Section, and when recovered, to be paid to the person who shall prosecute for the same, and for want of effects whereon to levy the said fine of *ten shillings*, such offender shall be imprisoned two days.

Militia may be called out in case of invasion or imminent danger thereof,

XXIV. *And be it further enacted*, that the Governor or Commander in Chief, shall be and he is hereby authorized and empowered in case of any actual invasion, or imminent danger thereof, if he in his discretion shall think it necessary or expedient, to call out the Militia of the Province, and the exempts as described in the first Section of this Act, (established Clergymen, licensed Ministers of the Gospel, Millers and Ferry-men, excepted) or any part thereof, into actual service.

Where the commander in chief cannot be immediately consulted, the commanding officer of the regiment may call out the militia of the county.

XXV. *And be further enacted*, that in case of any actual invasion or imminent danger thereof, in any County or District, where the Commander in Chief cannot in time be consulted, the commanding officer of the Regiment or Battalion of Militia in such County, or District, shall have power (if he in his discretion shall think it necessary or expedient) to call out the Militia in such County or District, and the exempts as aforesaid, or any part thereof, into real service; and

Where the commanding officer of the regiment cannot be immediately consulted, inferior officers may call out the militia under their command, and report to the col.

in case of any such actual invasion, or imminent danger thereof, in any Town, Parish or Company District, where the commanding officer of the Regiment or Battalion cannot in time be consulted, the Officer Commanding the Militia in such Town, Parish or Company District, shall have power (if he in his discretion shall think it necessary or expedient) to call

call out the Militia under his command, and also the exempts as aforesaid, within the same, 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 officer commanding the Regiment or Battalion to which he belongs, who is hereby required in either case forthwith to despatch an express to the Governor or Commander in Chief, notifying the danger and the strength and motions of the enemy, and every person liable to be so called, who shall when called on refuse to go, shall pay the sum of *ten pounds*, or forthwith be committed to the County Gaol by a written order of the commanding officer of the Regiment, Battalion or Company to which he may belong, or if necessary for safe custody be sent to any other place of confinement at the discretion of such commanding officer, and such offender shall remain in imprisonment three months, or until such fine be paid; and all Gaolers are hereby ordered to receive and safely keep such person so to be committed during the time herein specified.

who is to send an express to the commander in Chief.

Persons refusing to go when so ordered to forfeit £10, or be imprisoned.

XXVI. *And be it further enacted*, that the Militia or any part thereof, and the exempts as aforesaid, so called out into real service by virtue of the provisions of this Act, ~~or which may have been called into real service under and by virtue of the said herein before recited Act~~, shall and may be ordered to march from one County or part of the Province to another, on any necessary service occasioned by such actual invasion or imminent danger thereof.

Militia on service to march to any part of the province.

XXVII. *And be it further enacted*, that when the Militia or any part thereof shall be upon real service, every officer or person so called into service, is hereby bound and required to yield obedience to all lawful commands of his superior Officers, for mounting guards, erecting works, and other Military services for repelling, resisting, or guarding against the attacks of the enemy, under the penalty of incurring the forfeitures appointed by this Act for disobedience of orders.

Militia on service to obey all lawful commands of superior officers.

XXVIII. *And be it further enacted*, that whenever the Governor or Commander in Chief shall direct any part of the Militia, or the exempts as aforesaid, of any or either of the Counties, to be called out as aforesaid, into real service, a draft by ballot shall be made from each company, in exact proportion according to the number then fit for duty, which shall be on the oath of the Captain or commanding officer of such company, to the best of his knowledge if required, of all persons from the age of eighteen to fifty years, which ballot shall take place, and be made in the presence of one or more of His Majesty's Justices of the Peace, or if no such Justice shall be resident near to the place where such ballot shall be made, then and in that case the same shall be made in presence of three or more respectable freeholders, who are exempted by age from being drafted themselves; and on such occasions all the persons within the County, in which any part of the Militia shall be called out as aforesaid, between eighteen and fifty years of age, who are herein before declared to

Militia to be drafted for service by ballot.

Exempts to be formed into a Company, and subject to be drafted.

be

be exempted from being enrolled in the Militia, in manner herein before mentioned (except established Clergymen, and licensed Ministers of the Gospel, one miller to each grist mill, and one ferryman to each established ferry) who shall not have joined any company, shall be formed into a company by and under the direction of the commanding officer of the Regiment or Battalion, and shall be liable to the same draft by ballot as any other company in such Regiment or Battalion, in proportion to their numbers then fit for duty as aforesaid, and each and every person so drafted, shall go in his own proper person, or find a good and sufficient man in his room; and for his neglect or disobedience herein, he shall be subjected to a fine of *ten pounds*, which if he neglect or refuse to pay, he shall be committed to the nearest County gaol, where he can be safely kept by warrant from the commanding officer of the Regiment or Battalion, or if necessary to his safe custody, be removed to any other gaol, at the discretion of the commanding officer, where he shall remain three months, or until he pays the said fine, and another man shall be drafted 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 and sufficient man in his room as aforesaid, but if he shall so neglect or refuse, then he shall be subjected to the like fine, and a further draft 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 and sufficient man as aforesaid, and so as often as such case shall happen. Provided al-

Persons drafted to serve in their own persons, or find good substitutes under the penalty of £10.

No person to be a second time drafted until all the others belonging to the same company shall have been drafted.

Firemen in St. John, not to do duty beyond the limits of the City.

Substitutes to be hired for Quakers, who are to pay the expence not exceeding £10.

Persons who have served in the embodied Militia exempted from draft till all the others of the same company shall have been drafted.

ways, that in case any part of the Militia or the exempts as aforesaid, shall be called out more than once, no person who has been once drafted as aforesaid, shall be again drafted until all the others belonging to the same company shall have been drafted. Provided also, that nothing in this Act shall be construed to extend to oblige the Firemen appointed by the Corporation of the City of St. John, to the two Engines in that City, or Firemen that may be appointed to any Engine that may be hereafter established in any other town in this Province, not exceeding fifteen men to each Engine, to duty beyond the limits of the said City and town respectively. And also further provided, that if any person called and duly certified to be a Quaker, shall upon being drafted refuse to serve, or procure a substitute as aforesaid, it shall and may be lawful for the Captain or Officer commanding the Company to which such Quaker belongs, to procure and hire a substitute for him and at his expence, not to exceed the sum of *ten pounds*, which if he shall refuse or neglect to pay, the same shall and may be recovered before any two of His Majesty's Justices of the Peace in a summary way, at the suit of the said Captain or commanding officer of the Company, and levied with costs, upon the goods and chattels of such delinquent, or for want thereof, such delinquent shall be committed to Gaol, there to remain for three months, or until he pays the same. Provided also, that those who have already served in the Embodied Militia, and those to be hereafter drafted shall not be liable to be again drafted until all the others belonging to the same Company shall have been drafted.



XXIX. *And be it further enacted*, that whenever the Governor or Commander in Chief for the time being, shall in consequence of any actual invasion, or imminent danger thereof as aforesaid, think it expedient to order a proportion of the Militia of any County, to march out of such County, on real service; volunteers who offer themselves for such service, being able of body in the opinion of the Field Officers of the Regiment or Battalion, to which such volunteer shall belong shall be accepted, and being so accepted, shall be subject to all the provisions of this Act, as though they had been drafted by ballot.

Volunteers may be accepted, and be on the same footing with drafted men.

XXX. *And be it further enacted*, that if any officer, non-commissioned officer, or private of the Militia, or exempts as aforesaid, 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 Battalion, 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 trial 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*, and in addition thereto, if a non-commissioned officer, reducing him to the ranks at the discretion of the Court, which fine, so ordered by the Court Martial, if he neglect or refuse to pay, shall be either stopped out of the pay of such offender, or such offender shall be imprisoned or subject to hard labor, for a term not exceeding ten days. Provided always, nevertheless, that no sentence of a Regimental Court Martial shall be put in execution until approved of by the officer ordering such Court Martial, and no officer being the accuser shall be a member.

Officers on service may be cashiered by a General Court Martial for disobedience or neglect of duty,

Non-Commissioned Officers and privates may be confined and tried by a Regimental Court Martial & fined,

finer may be stopped out of the pay,

no sentence to be put in execution till approved by the officer ordering the Court.

XXXI. *And be it further enacted*, that if any officer, non-commissioned officer, or private, shall in the field, upon a march, or in quarters, on actual service, begin, excite; or join any mutiny, or knowing of such mutiny begun or intended, shall not give information thereof to his commanding or other superior Officer, or shall not when thereunto ordered use his utmost endeavors to suppress such mutiny, or shall desert the Company or Command to which he belongs, or shall disobey orders; if a commissioned officer, he shall be put under arrest by any superior officer; if a non-commissioned officer, or private, he shall be committed to the next County or other Gaol, as soon as convenient, by order in writing under the hand of the Officer commanding the Regiment, Battalion,

Mutiny, desertion & disobedience of orders on actual service, to be tried before a General Court Martial to be appointed by warrant under the hand and seal of the Commander in Chief,

Battalion, Company, or Detachment, to which such person so offending, shall belong; and it shall and may be lawful for the Governor or Commander in Chief of the Province, for the time being, to order a General Court Martial, by warrant under his hand and seal, for the trial of such offenders, 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 rank of a Field Officer, and there shall be as many Captains as conveniently may be had, the eldest Subalterns to make up the number; and that such Court Martial shall have power to administer an oath to any witness, in order to the examination, or trial, of any of the above offences that shall come before them, and shall also have power to punish with death, or by fine and imprisonment, in proportion to the enormity of the offence, the fine not to exceed *fifty pounds*, nor imprisonment six months. Provided always, that no sentence of any Court Martial shall extend to death, unless for desertion to the enemy, for mutiny and sedition, for traitorous correspondence with, or traitorously delivering up to the enemy, any garrison, fortress, post, or guard, nor shall the sentence of any general Court Martial be carried into execution until it has been approved of by the Governor or Commander in Chief for the time being.

Court may administer oaths, and may punish with death or by fine and imprisonment not exceeding £50 and six months.

Members of a General Court Martial to be sworn.

XXXII. *And be it further enacted*, that in all trials by General Court Martial, the President and every member thereof, before any proceedings be had, shall take the following oath, and the Judge Advocate is hereby authorised to administer the same, to wit: "I (A. B.) do swear that I will duly administer justice according to the laws of this Province now in force for the better regulating the Militia, without partiality, favor or affection; and I do further swear that I will not divulge the sentence of this Court, until it shall be approved by the Commander in Chief of this Province; neither will I on any account at any time whatever, disclose or discover the vote or opinion of any particular member of the Court Martial unless required to give evidence thereof as a witness by a Court of Justice, in a due course of law: so help me God," and no sentence of death shall be given by any such General Court Martial, unless twelve Officers present shall concur therein; and the Governor or Commander in Chief 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 *fifteen shillings* per diem, during the time he shall actually be employed in such service; which Judge Advocate, so appointed, shall previous to any proceedings had on the trial of any prisoner, take the following oath to be administered by the President of the Court, to wit: "I (A. B.) do swear, that I will not upon any account, at any time whatever, disclose or discover the vote or opinion of any particular member of this Court Martial unless required to give evidence thereof as a witness by a Court of justice, in a due course of law: so help me God."

no sentence of death to be given unless twelve officers concur,

Judge Advocate to be appointed and sworn and allowed 15s per day.

XXXIII. *And be it further enacted*, that no person shall be put to death under the sentence of a General Court Martial, until a warrant under the hand and seal of the Governor or Commander in Chief, shall issue for the execution of such sentence, which warrant shall direct the time and place, when and where the person sentenced to death, shall be executed; and all sentences of death, shall be executed by either shooting or hanging the offender, as the same may be directed and ordered in the said warrant, which warrant shall be a sufficient justification to the Officer or Officers to whom the same shall be directed, and to all those lawfully employed under them in executing such sentence. Provided always, that previous to any person's being put to death pursuant to the sentence of a General Court Martial, such sentence and warrant for the execution thereof, shall be publicly read in the hearing of the bye standers, at the time and place appointed for such execution.

No sentence of death to be executed without a warrant under the hand and seal of the Commander in Chief,  
manner of executing to be by shooting or hanging,  
warrant to be read previous to execution.

XXXIV. *And be it further enacted*, that no Officer under the rank of Captain, shall sit upon a Court Martial for the trial of any Field Officer.

No officer under the rank of Captain to try a Field Officer.

XXXV. *And be it further enacted*, that whenever the whole or any part of the Militia of this Province shall be called out into actual service, the Officers, non-commissioned Officers, Drummers, Fifers, Buglers and Privates shall be entitled to the same pay and allowances as the Officers, non-commissioned Officers, Drummers, Fifers, Buglers and Privates of His Majesty's Regular troops respectively receive, to be reckoned from the day that they march from the rendezvous of their respective Companies, to go on actual service, until they shall be dismissed by order of the Governor or Commander in Chief; and at the time of their dismissal they shall be allowed respectively a number of day's pay to defray their expences to their usual places of residence, according to the distance, at the rate of fifteen miles per day, together with a bounty to each man of the non-commissioned Officers, Drummers, Fifers, Buglers and Privates who shall have served faithfully during the time or times they shall so have continued on actual service, at and after the rate of *thirty shillings* per month, for every calendar month which they shall respectively have been and remained on actual service, but not to exceed in the whole the sum of *five pounds* for each separate time, or occasion on which they shall so have respectively been called out into actual service as aforesaid; which bounty shall be provided for and paid out of the Province Treasury.

Militia on service to receive the same pay and allowances as the King's Troops.  
and also a Bounty to those who have served faithfully of 30s per month not to exceed in the whole £5.  
bounty to be paid out of the Province Treasury.

XXXVI. *And be it further enacted*, that every person who shall entice or encourage a Militia man when on service to desert, or aid, or assist, or harbour and conceal any deserter, knowing him to be such, shall forfeit and pay for every offence the sum of *ten pounds*, to be recovered on conviction before any one of His Majesty's Justices of the Peace for the County where such offence may be committed, upon the oath of any one or more credible witness or witnesses, or the confession

Persons enticing or aiding Militia men when on service to desert to forfeit £10 to be recovered before a Justice of the Peace.

and on failure of pay- fession of the party offending, and on the failure of the pay-  
ment to be commit- ment of such fine by the party offending; he shall be commit-  
ted to gaol for forty ted to the County gaol by warrant under the hand and seal  
days. of such Justice, there to remain for the space of forty days  
or until such fine is paid.

Male Blacks to be XXXVII. *And be it further enacted*, that all the male Blacks  
enrolled and formed and people of Colour, between sixteen and fifty years of age,  
into Companies, and within each and every of the Counties within this Province,  
to serve as Pioneers, shall be formed into one or more Companies as may be thought  
or as the Command- expedient, and attached to the several Battalions within the  
er in Chief may di- district in which they may respectively reside, and shall have  
rect, such officers to command them as the Governor or Comman-  
der in Chief for the time being may think fit to appoint, and  
shall be considered as the Pioneers of the Battalions to which  
they may respectively belong, or otherwise as the Comman-  
der in Chief may direct, and be subject to the same or the  
like drafts for actual service as the Militia in general are liable  
and be drafted for to in times of invasion or imminent danger thereof; and also  
service. be liable to perform the same duties and under the same pen-  
alties as required and appointed by the fifth section of this  
Act.

In case of invasion, XXXVIII. *And be it further enacted*, that it shall and may  
&c. the Commander be lawful for the Governor or Commander in Chief for the  
in Chief may direct time being, and he is hereby authorised in case of actual in-  
the building of boats. vasion or imminent danger thereof, to direct the building of  
such a number of boats as in his judgment and discretion  
may appear requisite, and on such a construction as he shall  
judge most proper for the purposes of transporting the Militia  
with greater facility to different parts of this Province, as well  
as for annoying the enemy; provided that the sum or sums  
to be expended in building such boats shall not exceed the  
sum of four hundred pounds.

Commander in Chief XXXIX. *And be it further enacted*, that it shall and may  
may in places where be lawful for the Governor or Commander in Chief for the  
he may judge it ne- time being, in any place or places where he may judge it to  
cessary, order com- be necessary or expedient, to cause one or more Company  
panies of Sea Fenci- or Companies of Sea Fencibles to be formed, (to be compo-  
bles to be formed of sed of the seafaring people and such as are principally em-  
the seafaring people ployed on the water,) to belong to and form a part of the  
and direct the mode Regiments or Battalions of Militia, respectively in the dis-  
of drilling and in- tricts in which the same may be formed, and to direct the  
structing them. mode of drilling and instructing the Officers and men, of the  
same Companies, provided that the time required of the Of-  
ficers and men thereof shall not exceed that required by this  
Act, of other persons belonging to the Militia, and for neglect  
or refusal on the part of either the Officers or men of either  
of the said Companies of Sea Fencibles to discharge the duty  
required of them, in compliance with such direction of the  
Commander in Chief, they shall severally incur the like pen-  
alty and penalties as other persons of the like rank in the Re-  
giments or Battalions to which they may belong, and to be  
recovered and applied in like manner as is herein provided.

**XL.** *And be it further enacted,* that whenever the **Com-** Militia and Sea Fen-  
**manding Officer** of the **Militia**, in any **County or District** where such boats are provided, shall find it necessary to order **ed to do duty in the**  
the boats so provided, or any other boats or vessels with which **boats.**  
he may be furnished, to proceed in repelling the enemy, or  
to the assistance of any neighbouring district or place, or to  
be stationed as a watch for the defence of any such place, the  
**Militia** of any such **County**, and particularly the **Sea Fencibles**, shall on the orders of such **Commanding Officer**, proceed in such boats accordingly.

**XLI.** *And be it further enacted,* that if any **Captain or Of-** Captains refusing to  
**ficer Commanding a Company**, shall refuse or neglect to **collect or neglecting**  
**lect** within six months after the commission of the offence for **to pay over fines, &c.**  
which the party shall have become liable, or refuse or neglect **made liable to an ac-**  
to pay into the hands of the **Quarter Master**, any fine or pen- **tion of debt at the**  
alty by him imposed, or any sum or sums by him received, **suit of the Quarter**  
it shall in any such case or cases, be the duty of the **Master.**  
**Commanding Officer** of the **Battalion** to which such **Officer** may  
belong, to order and direct such **Officer** to be prosecuted by  
the **Quarter Master**, as well for the money by him received,  
as that which he has neglected to collect, before any one of  
His Majesty's **Justices of the Peace**, provided the same shall  
not exceed the sum of *five pounds*; and when the same shall  
exceed the sum of *five pounds*; then before any two of His  
Majesty's **Justices of the Peace**, and that it shall be the duty  
of such **Quarter Master** forthwith to proceed for the recovery  
of the same.

**XLII.** *And be it further enacted,* that all fines not herein **Fines not before ap-**  
before particularly appropriated, shall be paid to the respec- **propriated to be paid**  
**tive Quarter Masters** of **Battalions**, for the purpose of defray- **to the Quarter Mas-**  
ing the contingent expences of such **Battalions**, and that it **ter for defraying**  
shall be the duty of the respective **Commanding Officers** of **contingencies under**  
such **Battalions** to see that the fines and sums to be collected **the direction of the**  
by this Act be laid out for the purposes herein provided for, **commanding officer**  
and that the **Commander** of every **Battalion**, render an ac- **who is to account**  
count to the **Commander in Chief** every six months of the ap- **every six months to**  
plication of such fines, and sums of money, and what may be **the Commander in**  
remaining in the hands of the **Quarter Master**, that the same **Chief.**  
may be paid into the **Province Treasury**, if the **Commander in**  
**Chief** shall so direct.

**XLIII.** *And be it further enacted,* that whenever the **Mili-** Commanding officers  
**tia**, or any part thereof shall be called into actual service, it **of Militia may im-**  
shall and may be lawful for the **Officer Commanding any Re-** **press boats, men &**  
**giment**, or **Battalion**, detachment, or party, to impress boats, **horses.**  
men, horses, and teams, as the service may require.

**XLIV.** *And be it further enacted,* that whenever it shall be **In case of attack on**  
rendered necessary by any attack, made or threatened sud- **any sea port or place**  
denly to be made in any sea port, **City, Town, or other place,** **where merchant ves-**  
at or in the harbour of which any **Merchant ships or vessels** **sels are lying, the of-**  
may be lying, the **Officer Commanding the Militia** is hereby **ficer commanding the**  
**authorised and fully empowered** to compel the persons be- **militia may compel**  
**longing to such ships or vessels to do duty on shore with the** **the persons belonging**  
**Militia** **to such vessels to do**  
**duty on shore or in**  
**any boat or vessel,**

Militia Artillery, if any such there be or in any boats or vessels, or with any part of the Militia where they can be the most usefully employed in resisting the attack of the enemy; and that in case of any great emergency which may render the service of Artillerymen necessary, the Officer Commanding any Battalion to which there may be an Artillery Company may require the service of the whole, or a part of such Artillery Company, as he may judge necessary although the numbers required may exceed the proportion of men wanted or required from the rest of the Regiment or Battalion, and so in like manner with any Company of Sea Fencibles or any or either of the flank Companies.

the whole of any Artillery, Sea Fencible or flank Company may be ordered for duty when necessary.

Militia Officers doing duty with His Majesty's regular forces to take rank as youngest of their degree.

XLV. *And be it further enacted*, that the Commissioned Officers of the Militia, when on actual service, and doing duty in garrison or in the field, with His Majesty's Regular or Fencible forces, shall rank with the Officers of such forces as the youngest of their degree, and that the said Officers of the Regular and Fencible forces in this Province, and the Officers of Militia, shall be entitled reciprocally to command, and be subject to be commanded in the same manner as is provided by the Laws of Great-Britain, and the Articles of War, for the Government of the Regular and Militia forces thereof, and subject to the like pains and penalties on the part of the Officers of Militia, as are herein before prescribed by the thirty first and thirty second sections of this Act.

Persons disabled to be provided for at the expence of the Province.

XLVI. *And be it further enacted*, that if any person be wounded or disabled when on actual service, he shall be taken care of and provided for at the expence of the Province during his disability.

Persons sued for any thing done in the execution of their duty under this Act may plead the general issue and give special matter in evidence.

no suit maintainable unless commenced within six months.

XLVII. *And be it further enacted*, that any person sued for any thing done in the execution of his duty under and by virtue of this Act, may plead the general issue, and under such be at liberty at the time of trial to give any special matter in evidence in like manner as if such matter had been fully and specially pleaded, and that no action whatever shall be maintainable against any such person for any such cause, unless commenced within six months from the time of the act done for which any such action may be brought.

Commander in chief may establish troops of Cavalry and such regulations as he may deem proper.

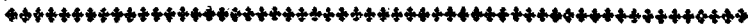
XLVIII. *And be it further enacted*, that the Governor or Commander in Chief, may at his pleasure constitute and establish one or more troops, or such a number of Cavalry as he may judge expedient for the good of the service, and under such regulations as he may deem proper to make, which regulations so made, and under which the persons shall voluntarily enrol themselves, shall be equally binding as if the same were inserted in this Act, and subject to the like pains and penalties for breach of the same as are herein before provided for others belonging to the Militia.

Clerks in the military offices exempted from militia service.

XLIX. *And be it further enacted*, that Clerks employed in the Military Offices who have been announced as such in General Orders, shall be altogether exempt from doing Militia duty, and also from the payment of the exempt money.

L. *And be it further enacted*, that no non-commissioned Officer or Private, shall be liable to be arrested upon any process or execution whatsoever (other than for some criminal matter) while attending any training of the Battalion or Division thereof, to which he may belong, or doing duty upon real service, or marching to or returning from the place appointed for such training or duty, except the original sum due for which he may be arrested, shall amount to the value of *twenty pounds*. Non-commissioned Officers and privates exempted from arrest while on militia duty unless for some criminal matter, or unless the sum due amounts to £20.

LI. *And be it further enacted*, that this Act shall continue and be in force until the end of the next Session of the General Assembly of this Province and no longer. Limitation.

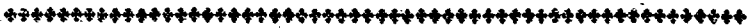


CAP. II.

An Act, to enlarge the limits of the Parish of Saint Stephen, in the County of Charlotte.--- Passed the 3d of March, 1813.

*Be it enacted by the President, Council and Assembly*, that all that tract of land in the County of Charlotte lying southward of the prolongation of the rear line of the Parish of St. David, to the Cheputnaticook River, and bounded northwardly by the said line, westwardly and by the Cheputnaticook and St. Croix Rivers, and northeastwardly and eastwardly by the line of the Parishes of St. David and St. Stephen, as described in the original formation of the same Parishes be, and the same is hereby annexed to, and made part and parcel of the said Parish of St. Stephen.

Boundaries described.



CAP. III.

An Act, in amendment of and in addition, to an Act, intituled " An Act for transferring to, and vesting in the Crown, such lands and tenements of any person or body politic on which it may be judged suitable and necessary to erect fortifications, or which may be wanted for other uses of war and defence, and for ascertaining the value thereof, and making compensation for the same to the former owners." Passed the 3d of March, 1813.

**W**HEREAS by the first Section of An Act, made and passed in the forty third year of His Majesty's Reign, intituled " An Act for transferring to, and vesting in the Crown, such lands and tenements of any person or body politic, on which it may be judged suitable and necessary to erect fortifications, or which may be wanted for other uses

Preamble.

“ uses of war and defence, and for ascertaining the value thereof, and making compensation for the same to the former owners.” It is enacted, “ that at any time or times hereafter, whenever the General or Commander in Chief of His Majesty’s forces, or Commanding Royal Engineer in this Province, shall judge it expedient for His Majesty’s service; and the better security and defence of this frontier territory; to erect fortifications or other Military works upon lands or tenements granted and belonging to any person or persons or body politic, or to hold, occupy and possess the same for any military uses and purposes whatsoever, and shall make a representation or suggestion thereof to this effect; to the Governor, Lieutenant Governor or Commander in Chief of the Province, for the time being, if to his wisdom and discretion it shall appear fit for His Majesty’s service, and the security of the Province, to order the Clerk of the Crown in Chancery to issue a writ or writs in His Majesty’s name, directed to the Sheriff of the County, in which such lands or tenements so required are situate, and thereby commanding him after advertising his intention two months in the Royal Gazette, by the oath of honest and lawful men, being freeholders of his Bailiwick, by whom the truth of the matter may be better known, diligently to enquire who is, or are the true and rightful owner or owners, occupant or occupants of such lands and tenements so required as aforesaid (if to the said jurors he or they may be known) and of every part and parcel thereof, and how much the same lands and tenements and every part and parcel thereof, are worth, according to a just and true valuation thereof, and of the estate and interest of the owner or owners thereof, and to what damage or what prejudice of the rightful owner or owners, occupant or occupants respectively it will be, if the said land and tenements be resumed by and vested in the King, his Heirs and Successors.” And whereas the delay occasioned by the notification of two months in the Royal Gazette, thereby required to be given by such Sheriff may in certain cases be productive of great injury to His Majesty’s service.

Sheriff to proceed forthwith according to the exigence of the Writ.

Inquisitions so made may be proceeded upon and shall have the like effect as if made under the former law.

Preamble.

*I. Be it therefore enacted by the President, Council and Assembly,* that any Sheriff, to whom any Writ or Writs in His Majesty’s name, shall be directed for the purposes in the said herein before recited Act specified, shall and may proceed and make enquiry according to the exigence of any such Writ or Writs, forthwith after the reception of the same by him, and that every inquisition made and returned under and by virtue of this Act, shall be proceeded upon and have the like force and effect in all respects as any inquisition made and returned under and by virtue of the said herein before recited Act, any thing in the said herein before recited Law, to the contrary notwithstanding. And whereas also certain fortifications and other military works have been erected within the limits of the City of Saint John, partly on that part of one of the Public Streets of the said City, called and known by the name of King-Street, which lies north of and adjoins to

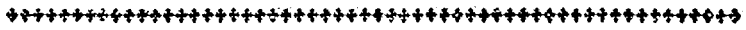
to



to the lots described on the plan of the said City, by the numbers four hundred and twenty eight, four hundred and twenty nine, four hundred and thirty, four hundred and thirty one, four hundred and thirty two, four hundred and thirty three, four hundred and thirty four, and four hundred thirty five, and partly on that part of another Street commonly called Wentworth-Street, which lies between the said Street, called King-Street, and another Street called Leinster-Street, which works are deemed necessary for the public defence.

II. *Be it further enacted*, that the part of the said Street so adjoining the said lots herein before particularly described, to the distance of fifty feet measuring from the south side thereof as well as that part of the said Street called Wentworth-Street, which lies as aforesaid between King-Street and Leinster-Street, shall cease to be part of the Public-Streets of the said City, and the same are hereby transferred to, and vested in, the King's Majesty, his Heirs and Successors for the purpose of fortifications, and other military works as aforesaid.

Part of King's Street and of Wentworth Street of the City of Saint John vested in His Majesty for military uses.



CAP. IV.

An Act to alter and extend the provisions of an Act, intituled "An Act to encourage the erection of a Passage Boat to be worked by Steam, for facilitating the communication between the City of Saint John and Fredericton," and to relieve the persons named in the same Act from the penalty of a bond given by them to His Majesty in pursuance of the provisions of the same Act. Passed the 3d of March, 1813.

**W**HEREAS in and by an Act of Assembly made and passed in the fifty second year of his present Majesty's Reign, intituled "An Act to encourage the erection of a Passage Boat to be worked by Steam, for facilitating the communication between the City of Saint John and Fredericton,—It was enacted that John Ward, Robert Smith, George D. Berton, and James C. F. Bremner, Esquires, and James Fraser and Lauchlan Donaldson, upon good and sufficient security being given to His Majesty, his Heirs and Successors, by bond from the said John Ward, Robert Smith, George D. Berton, and James C. F. Bremner, Esquires, and James Fraser and Lauchlan Donaldson, in the penal sum of five hundred pounds, conditioned to be void, on the erection of a good and sufficient and convenient Boat, to be worked by Steam, and competent to the accommodation of sixty passengers, within two years from the passing of the said Act; should so soon as such Boat should be compleated and finished have, possess and enjoy to themselves, their executors, administrators and assigns

“the sole right of carrying passengers, and transporting freight of different kinds in a Boat so to be worked by Steam upon the River St. John, between the said City of Saint John and Fredericton for the term of ten years, and that no other person or persons whomsoever, other than the said John Ward, Robert Smith, George D. Berton, and James C. F. Bremner, Esquires, and James Fraser and Lauchlan Donaldson, their executors, administrators, or assigns, should use or employ any Boat or Boats to be worked by Steam upon the said River Saint John, for any purpose whatsoever, during the said term of ten years.” And whereas the said John Ward, Robert Smith, George D. Berton and James C. F. Bremner, Esquires, and James Fraser and Lauchlan Donaldson, did give bond to His Majesty in the penal sum of *five hundred pounds*, conditioned as in and by the said herein before recited Act was provided. And whereas a petition has been presented to the General Assembly of this Province, from the said John Ward, Robert Smith, George D. Berton and James C. F. Bremner, Esquires, and James Fraser and Lauchlan Donaldson, stating that in consequence of the late Declaration of War, by the Government of the United States of America against Great-Britain, it has become impossible for them at present to comply with the condition of their said bond, and praying the relief in the premises.

Bond to be void on the erection of a sufficient boat within two years after peace with the U. States,

exclusive privilege of using such boat granted for ten years after the time when it shall be completed.

I. *Be it therefore enacted by the President, Council and Assembly*, that the said bond so given as aforesaid by the said John Ward, Robert Smith, George D. Berton, James C. F. Bremner, James Fraser and Lauchlan Donaldson, shall be void on the erection of a good sufficient and convenient Boat to be worked by Steam, agreeably to the provisions of the said herein before recited Act, within two years after Peace shall be restored between His Majesty and the said United States, and that the said John Ward, Robert Smith, George D. Berton, James C. F. Bremner, James Fraser and Lauchlan Donaldson, shall so soon as such Boat shall be completed and finished agreeably to the provisions of the said herein before recited Act, and of this Act, have possess and enjoy to themselves, their executors, administrators and assigns, the sole right of carrying passengers and transporting freight of different kinds in such Boat for the term of ten years; and that no other person or persons whosoever other than the said John Ward, Robert Smith, George D. Berton, James C. F. Bremner, James Fraser and Lauchlan Donaldson, their executors, administrators and assigns, shall use or employ any Boat or Boats to be worked by Steam upon the said river Saint John, for any purpose whatsoever during such term of ten years.

Formeract continued except wherein it is hereby altered.

II. *And be it further enacted*, that the said herein before recited Act, and every clause, matter and thing therein contained, except wherein the same is hereby altered and extended, shall be and remain in full force in every respect, any thing herein contained to the contrary thereof in any wise notwithstanding.

CAP. V.

An Act for laying additional duties on Certain Articles imported into this Province. Passed the 3d of March, 1813.

I. *Be it enacted by the President, Council and Assembly*, that from and after the passing of this Law, there be, and hereby is granted, to the King's most Excellent Majesty, his heirs, and Successors, for the use of this Province, and for the support of the Government thereof, in addition to the several Rates and duties already imposed by an Act, made and passed in the forty seventh year of His present Majesty's Reign, and now in force, intituled "An Act for raising a Revenue in "this Province," the several rates and duties, on the Articles herein after mentioned, which shall or may be brought or imported into any port or place within this Province, to be paid by the importer or importers thereof, that is to say; for every gallon of Rum, one penny halfpenny; for every gallon of Wine, three pence, and for every Gallon of Gin, Brandy and all other distilled spirituous liquors, six pence; and that the same shall be collected and received in the same manner, and under and subject to the same rules, regulations, penalties and forfeitures in all respects, as are prescribed and provided by the said herein before recited Act, and all other Acts made and passed in addition to or amendment thereof.

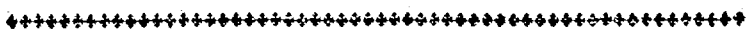
Additional duties granted.

Rum at 1<sup>1</sup>/<sub>2</sub>d Wine 3d Gin, Brandy, &c. 6d.

To be collected as prescribed by the revenue acts.

II. *And be it further enacted*, that this Act shall remain and be in force until the first day of April, which will be in the year of our Lord one thousand eight hundred and fourteen, and no longer.

Limitation.



CAP. VI.

An Act to provide for the accommodation and billeting of His Majesty's Troops and the Militia, when on their march. Passed the 3d of March, 1813.

*Be it enacted by the President, Council and Assembly*, that whenever any regiment or detachment of His Majesty's forces, or of the Militia forces, shall be ordered to march from one part of this Province, to another part thereof, it shall and may be lawful for any one of His Majesty's Justices of the Peace, inhabiting in or near any City, Town, Village or Place, at or through which such forces shall arrive, or pass, to quarter and billet the Officers and Soldiers of the forces so on their march as aforesaid, in taverns; and in places and situations where there may not be a sufficient number of taverns wherein to quarter and billet any regiment or detachment that may be on a march as aforesaid, it shall and may be lawful to billet a part of such regiment or detachment in other, dwelling houses,

Justices of the Peace to billet Officers and Soldiers on a march in taverns.

and where there is not a sufficient number of taverns in other dwelling houses.

houses, in the discretion of the Magistrate giving billets for the same.

Justices of the Peace upon the application of the Commanding Officer of the forces producing a route signed by the Commander in Chief of the Province to order horses, carts, &c. or vessels or boats, and to determine who shall furnish the same,

persons furnishing horses, &c. to receive such compensation as the Justice shall certify to be reasonable,

by whom to be paid

II. *And be it further enacted*, that it shall and may be lawful for any one or more of His Majesty's Justices of the Peace, for the County, where any march of His Majesty's forces is to commence, or for the County through or to which any such march is to be continued, upon the application of the Commanding Officer, of such forces producing a route signed by the Commander in Chief of the Province for the time being, to order a suitable number of horses, carts, waggons, sleds, or vessels or boats, of any description used in the navigable rivers in this Province, to be furnished for conveying upon such route, the baggage of such forces, and determine what person or persons shall furnish the same, and the person or persons respectively who shall furnish the same in pursuance of the order of such Justice or Justices, shall be intitled to receive for the same, after the service required, shall have been performed by him or them respectively, such compensation as the Justice or Justices who shall make the order for furnishing the same, shall deem and certify to be reasonable and proper, to be paid by the Commanding Officer on whose application such order of such Justice or Justices may have been made, or by the person or persons appointed by the Commander in Chief to make payment for the same.

Persons refusing to furnish horses, &c. without a reasonable excuse to forfeit £5,

to be recovered before a Justice of the Peace and levied by distress to the use of the poor.

III. *And be it further enacted*, that every person who shall refuse or neglect to furnish any horse, cart, waggon, sled, or vessel or boat of any description used in any of the navigable rivers of this Province, upon the order of any one or more of His Majesty's Justices of the Peace as herein before provided, without a reasonable excuse to be allowed by such Justice or Justices, shall forfeit and pay for each and every offence a sum not exceeding *five pounds* to be recovered before any one Justice of the peace, and levied by distress and sale of the offenders goods, which fine when recovered shall be applied to the use of the poor of the Parish where the same may be recovered.

officers forcing horses &c. to travel beyond the distance specified by the Justice or refusing to discharge the same, or overloading or forcing the same from the owner to forfeit £5 and be farther liable to damages,

IV. *And be it further enacted*, that if any officer commanding any detachment of His Majesty's forces as aforesaid, shall force or constrain any horse, cart, waggon, sled, or vessel or boat of any description ordered to be furnished as aforesaid, to travel or go to a greater distance than shall be pointed out by the Justice or Justices giving the order as aforesaid, or shall refuse to discharge the same in due time or shall overload or suffer the same to be overloaded, or shall force any horse, cart, waggon, sled, vessel or boat of any description from the owner or owners thereof, by himself, servants or soldiers, every such officer shall (over and above being liable in damages to the party injured) forfeit and pay a sum not exceeding *five pounds*, to be levied and applied as in the foregoing section.

V. *And be it further enacted*, that the ferrymen at all established ferries in the Province shall transport and convey the soldiers, officers and baggage of any of His Majesty's forces upon a march as aforesaid, over their respective ferries, for one half of the established rate of carriage at such ferry respectively. Ferry-men to transport soldiers, officers and baggage for half the usual rates.

VI. *And be it further enacted*, that this Act shall continue and be in force until the end of the next Session of the General Assembly and no longer. Limitation.

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CAP. VII.

An Act to appropriate the Public Money. Passed the 3d of March, 1813.

*Be it enacted by the President, 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, to wit:

To the Speaker of the House of Assembly the sum of *fifty pounds*. Speaker.

To the Members of the House of Assembly for defraying the expences of their attendance during the present session, and for travelling charges, reckoning twenty miles for each day's travel, *ten shillings* per diem, the number of days to be certified by the Speaker. Members.

To the Chaplain of the Council in General Assembly, the sum of *twenty pounds*. Chaplains.

To the Chaplain of the House of Assembly, the sum of *twenty pounds*, and a further sum of *five pounds* for travelling charges.

To the Clerk of the Council in General Assembly, the sum of *fifty pounds*, and *twenty shillings* per diem during the present Session. Clerk of the Council and Assembly.

To the Clerk of the House of Assembly, the sum of *fifty pounds*, and *twenty shillings* per diem during the present Session.

To the Serjeant at Arms attending the Council in General Assembly, *fifteen shillings* per diem, during the present Session. Serjeants at arms.

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

To the Door Keepers and Messengers attending the Council and Assembly, *seven shillings* and *sixpence* per diem each, during the present Session. Door keepers and messengers.

To the Treasurer of the Province for his services from the first day of March, one thousand eight hundred and twelve, to the first day of March, one thousand eight hundred and thirteen, the sum of *two hundred and fifty pounds*. Treasurer.

To the Tide Surveyor in the City of Saint John, for his services from the first day of March, one thousand eight hundred and twelve, to the first day of March, one thousand eight hundred and thirteen, the sum of *fifty pounds*. Tide Surveyor.

- Province Agent. To Edward Goldstone Lutwyche, Esq. agent for the Province, for his services, for the year one thousand eight hundred and twelve, the sum of *one hundred pounds* sterling.
- Provincial contingencies. To His Honor the President or Commander in Chief, on account of the War, for defraying the contingent expences of this Province, a sum not exceeding *one hundred and fifty pounds* in addition to the sum granted last Session.
- Stationary, &c. To the Clerk of the House of Assembly, the sum of *one hundred and seven pounds fourteen shillings and two pence* for Stationary, fuel and other expences of the present Session.
- For apprehending Deserters. To His Honor the President or Commander in Chief for the time being, for the year one thousand eight hundred and thirteen, a sum not exceeding *one hundred and fifty pounds* for rewarding such persons as shall apprehend deserters from His Majesty's service, according to a Law of this Province.
- Charles I. Peters. To Charles I. Peters, Esq. the sum of *fifty pounds*, for his attendance during the present Session, and preparing Bills under the direction of the House of Assembly, and also *ten shillings* per diem to defray his expences, the number of days to be certified by the Speaker.
- James Paul. To James Paul for services with his sloop between the port of Saint John and Saint Andrews, *twenty five pounds*.
- For relief of Indians. To His Honor the President the sum of *one hundred pounds* to be expended, by such persons as His Honor may be pleased to appoint, in procuring necessary articles of provision and clothing for the relief of the wants of the native Indians of the Milacit Tribe.
- Secretary of the Province. To the Secretary of the Province the sum of *nineteen pounds ten shillings* being the amount of his fees for Warrants on the Treasurer.
- Chair of State. To His Honor the President the sum of *nineteen pounds thirteen shillings and nine pence* to defray the balance due for procuring a Chair of State.
- Jacob S. Mott for Printing. To Jacob S. Mott the sum of *seventy nine pounds and six pence*, for printing and advertising Laws, and sundry public Advertisements, also the sum of *twenty one pounds fifteen shillings* the balance due for printing Journals, and a further sum of *ten pounds eight shillings and three pence*, for sundry Advertisements relating to the Militia.
- For building huts. To His Honor the President towards erecting huts for the accommodation of persons passing between Fredericton and the Lines the sum of *thirty pounds*.
- For printing Journals. The sum of *twenty five pounds* towards printing the Journals of the present, and the like sum of *twenty five pounds* towards printing the Laws of the present Session.
- Francis Kilburn. To Francis Kilburn the sum of *one hundred pounds* for the relief of himself and family, in consequence of the misfortunes stated in his petition.
- Extra Expences of the Militia. To His Honor the President the sum of *ninety seven pounds* to reimburse in part the extra expences of the Militia on their late march to Fredericton and Saint John, calculated at the rate of six pence per diem to each man, and also the additional sum of *one hundred and eight pounds*, further to reimburse the extra expence of the Militia from Northumberland on their late march, calculated at the rate of one shilling per diem to each man.

To His Honor the President or Commander in Chief, a sum <sup>Bounties to the Mi-  
litia.</sup> not exceeding *five thousand pounds* to be appropriated to the payment of such part of the bounties to the Militia as cannot be paid out of the sum of *ten thousand pounds* granted to His Majesty at the last Session of the Legislature.

II. *And be it further enacted*, that the sum of *two hundred and fifty pounds* heretofore granted for the purpose of assist- <sup>The money hereto-  
fore granted for e-  
recting a pier in the  
harbor of St. John  
re-appropriated.</sup> ing to erect a pier or break water near the Lot belonging to General Coffin, in the Harbor of Saint John be re-appropriated, and the said sum applied for erecting such pier or break water at battery point in said Harbour.

III. *And be it further enacted*, that all the before mention- <sup>Monies to be paid  
by warrant of the  
Commander in Chief  
with the advice of the  
Council.</sup> ed sums of money shall be paid by the Treasurer by Warrants of His Honor the President or Commander in Chief for the time being, by and with the advice of His Majesty's Council, out of the monies now in the Treasury, or as payments may be made at the same.



CAP. VIII.

An Act to explain an Act, intituled " An Act for regulating the Militia." Passed the 3d of March, 1813.

**W**HEREAS in and by the fifth section of an Act of the present Session of the General Assembly, intituled <sup>Preamble.</sup> " An Act for regulating the Militia," it is amongst other things enacted, " that the Commander in Chief may, at such convenient season of the year, as he may judge fit, interfering as little as possible with seed time and harvest, order out, and keep together each Battalion, together or in divisions, within their respective districts, those above fifty years of age excepted, for any time not exceeding three days in each year; and every non-commissioned officer and private, wilfully neglecting to appear at the time and place specified in such order, or who during the said three days shall be absent from his company, without leave from his commanding officer, shall for each and every offence be liable to a fine of *twenty shillings*:" and whereas doubts may arise upon the legal construction of the above recited part of the said Section; in order to prevent such doubts.

*Be it declared and enacted by the President, Council and Assembly*, that every non-commissioned officer and private, wilfully neglecting to appear when so ordered out, shall pay a fine of *twenty shillings* for each and every day he shall neglect to appear and attend at the place pointed out for assembling, to be recovered as fines are directed to be recovered in and by the said fifth section of the said recited Act, and applied as other fines are directed to be applied in and by the forty second section of the same Act; any thing in the same Act to the contrary notwithstanding. <sup>Persons neglecting  
to appear to be lia-  
ble to a fine of 20s  
for every day's de-  
linquency.</sup>





An Act, for the further Increase of the Revenue of this Province. Passed the 3d of March, 1813.

**W**HEREAS importations are made into this Province by persons non-resident therein, and whereas it is expedient to lay a duty on such importations for the purpose of increasing the Revenue. Preamble.

I. *Be it enacted by the President, Council and Assembly, that* from and after the passing of this Act, all goods of every description (fish and provisions of all kinds excepted) imported into this Province, by any non-resident or non-residents therein, or for his or their account, shall be subject to a duty of two and one half per cent on the prime cost, which duty shall be payable to the Treasurer or his Deputy, at the place where the same shall be imported or entered. *Provided always* that upon British Merchandize and Manufactures imported and entered for exportation to some other British Colony or Plantation, the duties shall be secured by Bond, to be cancelled upon proof of the exportation of the same (without breaking package) to such other British Colony or Plantation. Imported goods of every description (fish & provisions excepted) subject to a duty of 2½ per cent on the prime cost. Upon British goods intended for exportation to a British colony, duties to be secured by bond to be cancelled upon proof of exportation without breaking package.

II. *And be it further enacted, that it shall be the duty of* every person importing or bringing goods of any kind into this Province, or receiving the same, to report the same in writing to the Treasurer or his Deputy, at the port or place where the same shall be imported and entered, within twenty four hours after the arrival of the vessel in which the same shall be imported as aforesaid, and before the same or any part thereof shall be landed; to make oath whether any, and if any, what part of such goods belongs to any non-resident or non-residents, and all goods so imported brought or received respecting which the person importing, bringing or receiving the same, shall not make oath, that no non-resident has directly or indirectly any share or interest therein shall be subject to the said duty by this Act imposed; and the person or persons importing or bringing or receiving the same as Agent or Consignee shall pay, or secure to be paid, the aforesaid duty of two and one half per cent on the prime cost, which shall be ascertained by the oath of the person or persons importing, bringing or receiving such goods as aforesaid, to be made before the said Treasurer or his Deputy, at the port or place where the same shall be imported and entered; which oath as well as all other oaths required by this Law, the Treasurer, or his Deputy as aforesaid, is hereby empowered to administer: and in case any difference shall arise between the said Treasurer or his Deputy, and the owners or importers of any of the goods herein made liable to duty, as to the quantity, quality, or value thereof, such difference shall be settled by three Merchants on oath, to be chosen by the said Treasurer, or his Deputy, the decision of two of which Merchants shall be final. Importer or receiver to report to the Treasurer within twenty four hours, and before landing the goods and make oath whether any & what part belongs to a non-resident. All goods imported liable to duty unless oath made that no non-resident has any share therein. Importer or Receiver to pay or secure the duties. Amount of prime cost to be ascertained by oath of importer or receiver, to be made before the Treasurer. Differences respecting the quantity or quality of goods to be settled by three merchants on oath.

Importers & Receiv-  
ers neglecting or re-  
fusing to make the  
requisite oaths, lia-  
ble to the penalties  
in the 3d section of  
the act of 47, Geo. 3,  
for raising a Revenue  
in this Province.

III. *And be it further enacted*, that every person importing or bringing goods of any kind into the Province, or receiving the same as aforesaid, who shall neglect or refuse to report and make oath as herein before particularly provided, shall be subject to the like pains, penalties and forfeitures, as in and by the third Section of an Act made and passed in the forty seventh year of his present Majesty's Reign, intituled "An Act for raising a Revenue in this Province," are provided for masters of vessels not making report as therein directed, and the Treasurer, or his Deputy as aforesaid, is hereby invested with like authority of search and seizure, and all other powers incident thereto as are prescribed thereby.

Treasurer authorized  
to seize.

Treasurer to collect  
duties to take bonds  
as prescribed by the  
Laws for raising a  
Revenue.

IV. *And be it further enacted*, that it shall be the duty of the Treasurer, or his Deputy aforesaid, to demand, collect, and receive, the aforesaid duty, or take Bond and Security for the same in like manner, and under the same penalties, as are prescribed by the different Acts now in force, for raising a Revenue in this Province. *Provided always*, (and it is to be understood that no person shall be considered as, or taken to be a non-resident under this Law, who at the time any Goods may be Imported or brought into the Province or received as aforesaid, shall be a partner in any established Mercantile House, carrying on, transacting and doing business within the Province, or who shall in his own name have an established house, so carrying on, transacting and doing business.

Partners in mercan-  
tile houses or persons  
having an established  
house in their own  
name and doing bu-  
siness within the pro-  
vince not to be con-  
sidered as non-resi-  
dents.

Limitation.

V. *And be it further enacted*, that this Act shall be and remain in force until the first day of April, which will be in the year of our Lord one thousand eight hundred and sixteen and no longer. *Provided* that this Act shall not be in force until His Majesty's Royal approbation be thereunto had and declared.

—◆◆◆◆◆—

This Act was confirmed, finally enacted and ratified by an order of His Royal Highness the PRINCE REGENT in Council, in the name and on the behalf of His MAJESTY, dated at the Court at Carleton House, the 31st of July, 1813.