

Ch. 10. 1830. by Simpson

ACTS

OF THE

GENERAL ASSEMBLY

OF

HIS MAJESTY'S PROVINCE

OF

NEW BRUNSWICK,

Passed in the Year

1830.



John Simpson, Fredericton :

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY.

MDCCCXXX.

Rec. A. L. 2. 16, 1902.

TITLES OF THE ACTS.

In this Volume.

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ANNO REGNI

GEORGIIV.

BRITANNIARUM REGIS, DECIMO ET UNDECIMO.



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

THE
ACTS
OF THE
General Assembly, &c.

CAP. I.

An Act to continue an Act for the better Extinguishing of Fires that may happen within the City of Saint John, and to repeal all the Acts now in force relating to the same.

Passed 8th March, 1830.

BE it enacted by the President, Council and Assembly, That an Act made and passed in the seventh year of the Reign of His present Majesty King George the Fourth, intituled, "An Act for the better extinguishing of Fires, that may happen within the City of Saint John, and to repeal all the Acts now in force, relating to the same," be and the same is hereby continued for the term of five years.

7, Geo. 4, Cap. 8,
continued for five
years.

CAP.

CAP. II.

An Act further to continue an Act for the more effectual punishment of Persons who shall be guilty of the Trespasses therein mentioned in the City of Saint John.

Passed 8th March, 1830.

BE it enacted by the President, Council and Assembly, That an Act made and passed in the Fifty ninth year of the Reign of His late Majesty King George the Third, intituled, "An Act for the more effectual punishment of persons who shall be guilty of the Trespasses therein mentioned in the City of Saint John," be and the same is hereby continued for the term of Five years,

59, Geo. 3, c. 6,
continued for five
years.

CAP. III.

An Act to continue the Act now in force for regulating the assize of Bread in the Town of Fredericton.

Passed 8th March, 1830.

BE it enacted by the President, Council and Assembly, That an Act made and passed in the fifth year of His present Majesty's Reign, intituled, "An Act to repeal an Act, intituled, "An Act to authorise the Justices of the Peace for the Counties of York and Charlotte respectively to regulate the assize of Bread in the Towns of Fredericton and Saint Andrews so far as relates to the Town of Fredericton, and to make more effectual provisions for the same," be and the same is hereby continued and declared to be in force.

5, Geo. 4, c. 18,
continued.

CAP. IV.

An Act to regulate the assize of Bread in the Parish of Portland.

Passed 8th March, 1830.

BE it enacted by the President, Council and Assembly, That the assize of Bread, in the Town or Parish of Portland, shall, at all times, be the same as in the City of Saint John, and shall be published in one of the News Papers of the said City, in the same manner as the assize of Bread is published, for the said City of Saint John; and the Justices of the Peace for the City and County of Saint John, at any General Sessions, or at any Special Sessions, to be holden for that purpose, are hereby authorized and empowered to make such Rules and Regulations respecting the same; and the sale thereof, within the Town or Parish of Portland in the said County, as to them may be deemed just and expedient; and to enforce such Rules and Regulations, under such Fines and Forfeitures as they shall think fit. *Provided always*, that no fine or penalty, for any one offence, shall exceed the sum of *Forty Shillings*; which fine and penalty may be recovered by Information, before any Justice of the Peace for the said City and County, and levied by distress and sale of the offender's Goods and Chattels; and if there shall be an overplus of such distress and Sale, after paying Costs, the same shall be returned to the offender; and the fine so recovered shall be applied, one moiety thereof, to the Person complaining, and the other moiety towards the support of the Poor, of the said Town or Parish.

Assize of Bread in Portland, to be the same as in the City of Saint John, and to be published in the same manner.

Justices of the City and County to make regulations and enforce the same by penalties not exceeding 40s.

Mode of recovering and applying fines and penalties.

CAP. V.

An Act for Erecting and Maintaining a Boom on the River Kouchibouguasis, in the County of Kent.

Passed 8th March, 1830.

WHEREAS, it has been found necessary to erect a Boom over the River Kouchibouguasis, in the County of Kent, for the purpose of securing such Timber as may be hauled out and thrown into the same, in a general deposit, until it can be conveniently rafted, by the respective owners, to the different places of destination:—And whereas, it is necessary that proper regulations should be established to insure the safe delivery of the same to the owners.

Preamble.

Justices of Kent in General or Special Sessions, to make regulations respecting Booms, appoint Boom Masters, and establish their fees.

I. Be it therefore enacted by the President, Council and Assembly, That it shall and may be lawful for the Justices of the Peace in the County of Kent, in their General Sessions, or at any Special Sessions for that purpose holden, to make and establish such Rules and Regulations as to them may appear necessary, respecting such Booms as have been erected, or may hereafter be erected on the said river Kouchibouguasis, and to appoint Boom Masters from time to time, and to establish their fees for attending such booms, and superintending the safe delivery of the Lumber passing through the same: *Provided always,* that no Special Sessions shall be held unless five Justices are present.

Five Justices to constitute Special Sessions.

Penalty for violating rules.

Mode of recovery.

II. And be it further enacted, That any person or persons who may violate any of the rules so to be made as aforesaid, shall forfeit and pay the sum of four pounds, with costs for each and every offence, to be recovered upon conviction thereof, by the Oath of one or more credible Witness or Witnesses, before any one of His Majesty's Justices of the Peace for the County

of Kent, to be levied by warrant of distress and sale of the offender's Goods and Chattels, rendering the overplus, if any, to such offender; and for want of sufficient goods and chattels, whereon to levy, the said Justice is hereby required to commit such offender to the Common Jail of the County, there to remain for a term not less than five days, and not exceeding fifteen days.

III. *And be it further enacted*, That one moiety of all the penalties that may be recovered under and by virtue of any regulation which may be made by the said Justices, pursuant to the provisions of this Act, shall be paid to the person or persons who shall prosecute for the same, and the other moiety to the Overseers of the Poor of the Town or Parish where such offence shall be committed, to be applied to the use of the Poor of such Town or Parish.

Penalties how to be applied.

IV. *And be it further enacted*, That it shall not be lawful for the said Justices to grant permission for the erecting of any Boom or Booms that may operate to the injury of any trade or business carried on, on the said river.

No Booms to be erected tending to injure any trade or business.

V. *And be it further enacted*, That this Act shall continue and be in force for five years.

Limitation.

CAP. VI.

An Act for erecting a part of the Parish of Wakefield, in the County of York, into a separate and distinct Town or Parish.

Passed 8th March, 1830.

WHEREAS, the Boundaries of the Parish of Wakefield, from its great extent and by being on both sides of the River Saint John, have been found inconvenient—*And whereas*, it is expedient to erect a separate Parish within the same.

Preamble.

Parish of Brighton
erected.

I. *Be it therefore enacted, by the President, Council and Assembly,* That all that part of the said Parish of Wakefield that lies east of the Channel of the River Saint John, be erected into a new Town or Parish, to be called and known by the name of the Town or Parish of Brighton.

Parish Officers annually to be appointed.

II. *And be it further enacted,* That the Justices of the Peace for the said County, shall at their first General Sessions in each and every year, appoint Parish Officers for the said new Town or Parish of Brighton, in like manner as for the other Towns or Parishes in the said County, and until the next January Sessions, the Officers lately appointed, for the said Town or Parish of Wakefield, shall continue to perform the duties of their several offices in and throughout both of the said Parishes, as if this Act had not been made.

Parish Officers of Wakefield to execute the duties of both Parishes until next January Sessions.

CAP. VII.

An Act to continue an Act, intituled, "An Act to extend the Provisions of an Act, intituled, An Act to repeal the Laws now in force for appointing Firewards, and the better extinguishing of Fires, so far as the same relate to the Town of Fredericton, and to make regulations more suitable to the said Town, to the Towns of Newcastle and Chatham and their vicinities in the County of Northumberland."

Passed 8th March, 1830.

BE it enacted by the President, Council and Assembly, That an Act made and passed in the ninth year of His Majesty's Reign, intituled, "An Act to extend the provisions of an Act, intituled, An Act to repeal the Laws now in force for appointing Firewards and the better extinguishing of Fires, so far as the same relate to the Town of Fredericton, and to make regulations more suitable to the said Town, to

9, Geo. 4, c. 14,
continued till 1st
April, 1835.

“ to the Towns of Newcastle and Chatham and
 “ their vicinities, in the County of Northum-
 “ berland,” be and the same is hereby continu-
 ed, and declared to be in full force until the first
 day of April, which will be in the year of our
 Lord one thousand eight hundred and thirty-
 five.

CAP. VIII.

An Act to encourage the erection of an Oat Mill at Dorchester,
 in the County of Westmorland.

Passed 8th March, 1830.

WHEREAS, it is in contemplation to erect
 an Oat Mill in Dorchester, immediately
 below the Bridge over Keiller's Brook (so cal-
 led,) and adjoining the King's Highway; and
 whereas, for the purpose of driving said Mill,
 it will be necessary and convenient to convey
 the water to said Mill by troughs to be placed
 across the said Highway, and under the said
 Bridge; and whereas, the erection of said oat
 mill will be of great public utility.

Preamble.

*I: Be it therefore enacted by the President,
 Council and Assembly,* That it shall and may
 be lawful for the builder or owner of said Mill,
 to erect, keep up, and maintain such troughs
 across said highway, under said bridge, as may
 be found expedient and necessary. *Provided*
nevertheless, that the Supervisor or Commis-
 sioners of said highway for the time being, be at
 liberty to cause the removal of said troughs,
 when, and so often as it may be necessary to re-
 pair or rebuild the said bridge.

Troughs may be
 erected across the
 Highway.

Supervisor or Com-
 missioner of the
 Highway may cause
 their removal when
 necessary.

CAP. IX.

An Act to continue the Laws now in force for appointing Firewards, and for the better extinguishing Fires in the Town and Parish of Fredericton.

Passed 8th March, 1830.

BE it enacted by the President, Council and Assembly, That an Act made and passed in the fifth year of His present Majesty's reign, intituled, "An Act to repeal the Laws now in force for appointing Firewards, and the better extinguishing of Fires, so far as the same relate to the Town of Fredericton, and to make regulations more suitable to the said town."— And also another Act made and passed in the seventh year of His said Majesty's reign, intituled, "An Act to extend the power of the Firewards in the Parish of Fredericton, and to make further regulations for the better extinguishing of Fires that may happen in the said Parish," be, and the same are hereby continued and declared to be in force until the first day of April, which will be in the year of our Lord one thousand eight hundred and thirty-five.

5, Geo. 4. c. 5 and

7, Geo. 4. c. 11,
continued till 1st
April, 1835

CAP. X.

An Act to authorise the Justices of the Peace in the several Counties, in their General Sessions, to make regulations for Carmen, Waggoners and Truckmen; and to establish the rates and fares to be taken for the Cartage and Truckage of Goods, in the several Towns throughout the Province; and also to regulate the measurement of Coals and Salt.

Passed 8th March, 1830.

Justices may make regulations for Carmen, &c. and establish their fares,

L **B**E it enacted by the President, Council and Assembly, That from and after the passing of this Act, the Justices of the General Sessions of the peace for the several Counties within

within the Province, be, and are hereby authorized and empowered, from time to time, to make such Rules and Regulations for the government of all Carmen, Waggoners, and Truckinen, within their respective Towns, and for establishing and fixing the rates and fares to be taken for the Cartage and Truckage of any Goods, Wares and Merchandize, or other articles within the said Towns, as they or the major part of them in their General Sessions shall deem just and expedient; and to inforce such rules and regulations under such fines and penalties, as they or the major part of them shall think fit; *provided always*, that no fine for one Offence, shall exceed the sum of forty shillings.

Regulations to be enforced under penalties not exceeding 40s. for each offence.

II. *And be it further enacted*, That the several fines and penalties, to be imposed under and by virtue of this Act, shall be recovered upon Oath of one or more credible witness or witnesses, before any one of His Majesty's Justices of the Peace for the County where the offence shall be committed; and levied by distress and sale of the goods and Chattels of the offender, rendering the overplus, if any, after deducting the costs and charges of the prosecution and sale, to such offender, and be applied, one half to the person who shall sue for the same, and the other half to the use of the poor of the Parish, where the offence may be committed.

Mode of recovering and applying fines and penalties.

III. *And whereas*, the present mode of admeasuring Coals and Salt, is not uniform throughout the Province.

Be it therefore further enacted, That from and after the passing of this Act, Coals shall be admeasured in Tubs to hold four bushels each when struck, twelve of which shall be considered equal to one Chaldron: And that Salt, when delivered from Vessels, shall be measured in a Tub holding four bushels, each struck.

Rules for the measuring of Coals—and

Salt

Not to affect the rights of the Charter of Saint John.

IV. *Provided always, and be it further enacted,* That nothing in this Act contained shall apply, or be construed to apply, in any manner to affect the rights and powers given by the Charter to the Mayor, Aldermen, and Commonalty of the City of Saint John.

Limitation.

V. *And be it further enacted,* That this Act shall continue and be in force for and during the term of five years, and no longer.

CAP. XI.

An Act to authorize the Justices of the Peace for the County of Charlotte, to lease a certain piece of Common Land in the Parish of Saint Andrews, for the purpose of erecting thereon a suitable Building for an Hospital for sick and disabled Seamen.

Passed 8th March, 1830.

Preamble.

WHEREAS, from the increased Trade of the Port of Saint Andrews, it has become necessary, that an Hospital for sick and disabled Seamen should be built in or near to the Town of Saint Andrews.

And whereas, the Common Land to the eastward of the Town Plat of Saint Andrews are eligible and conveniently situated for that purpose.

Justices authorized to lease part of the Common Lands to the Eastward of Saint Andrews, for the use of an Hospital for sick and disabled Seamen.

I. *Be it therefore enacted by the President, Council and Assembly,* That the Justices of the Peace for the County of Charlotte be, and they are hereby authorized and empowered, by a good and sufficient Lease, to grant; and to farm let such part, not exceeding five acres, of the common lands, situated to the eastward of the Town Plat of Saint Andrews, as they in their discretion may think fit, for any term not exceeding twenty-one years, so long as said Land is occupied solely for the use and benefit of an Hospital

Hospital for sick and disabled Seamen, at the annual rent of five shillings per acre, if demanded.

CAP. XII.

An Act for the better and more effectual securing the Navigation of the River Saint Croix, in the County of Charlotte.

Passed 8th March, 1830.

WHEREAS, on the said River Saint Croix in the Parish of Saint Stephens, there are a number of machines for sawing Laths, Clap-boards, and other small lumber, the slabs and refuse of which are generally thrown into the said river filling up the channel and obstructing the navigation therefrom.

Preamble.

I. *Be it enacted by the President, Council and Assembly,* That all and every person or persons, owning of, or engaged in the manufacture of Laths, Clap-boards, or other small sawn lumber on the said river Saint Croix, in the Parish of Saint Stephen, who shall throw or cause to be thrown out of their, or any, or either of their Mills and machines, any slab or other waste lumber, that may tend to fill up the Channel of the said River, shall forfeit and be made liable to pay a fine not exceeding five pounds, nor less than one pound, to be recovered, with costs of suit, by plaint or information, had or made before any one of His Majesty's Justices of the Peace for the County of Charlotte, one half of which said sum shall be given to the informer, and the other half for the use of the Poor of the Parish, where the offence may be committed.

Owners or Manufacturers of Laths or Clap boards throwing into the Saint Croix, slabs or waste lumber, tending to fill up the channel, to be fined.

Mode of recovering and applying fines.

II. *And be it further enacted,* That this Act shall not go into operation until a Law, with similar provisions, be passed by the Legislature of the State of Maine in the United States, for the

Not to go into operation until a similar Law be passed by the Legislature of Maine.

more effectually securing the Navigation of the river Saint Croix within the said State of Maine.

Limitation.

III. *And be it further enacted*, That this Act shall not continue to be in force for a longer period than the first day of April, which will be in the year of our Lord one thousand eight hundred and thirty-three.

CAP. XIII.

An Act to authorize the Justices of the Peace for the County of Charlotte, to assess the Inhabitants, for erecting a Gaol in the said County,

Passed 8th March, 1830.

Justices in General Sessions may agree for building a Gaol.

BE it enacted by the President, Council and Assembly, That the Justices of the Peace

for the said County, at any General Sessions of the Peace hereafter to be holden, or the major part of them, be, and they are hereby authorized and impowered, to contract and agree with able and sufficient workmen for building a Gaol in the said County, and to agree for such sum or sums of money as to them may seem meet, in order to carry their object into effect; and the said Justices are hereby authorized and empowered to make a rate and assessment of any sum, not exceeding one thousand pounds, as they in their discretion may deem necessary, for the erecting and finishing a Gaol in the said County; the said sum or sums to be assessed, levied, collected and paid, in such proportion, and in the same manner as any other County rates, can or may be assessed, levied, collected and paid, under any Act or Acts in force in this Province, for assessing and levying and collecting of rates in this Province for public charges.

May assess not exceeding £1000.

To be levied as other County rates, but not more than £500 in one year.

Provided always, That no more than one half part of the said sum of one thousand pounds be assessed and levied in any one year.

CAP.

CAP. XIV.

An Act to repeal all the Acts now in force, relating to the Light House upon Partridge Island, and to make provision for the future support thereof, and of other Light-Houses, at the entrance of the Harbour of Saint John.

Passed 8th March, 1830,

I. **B**E it enacted by the President, Council, and Assembly, That so much of the Act made and passed in the Twenty-eighth year of the Reign of His late Majesty King George the Third, intituled, "An Act to provide for the support of a Light-House to be built upon Partridge Island," as is now in force: Also an Act made and passed in the Thirty-third year of the same Reign, intituled, "An Act to explain and amend an Act, intituled, An Act to provide for the support of a Light-House, to be built upon Partridge Island:" And an Act made and passed in the fourth year of His present Majesty's reign, intituled, "An Act to alter and amend an Act, intituled, An Act to provide for the support of a Light-House to be built upon Partridge Island," be, and the same are hereby severally repealed.

28, Geo. 3, c. 4. so far as in force.

33, Geo. 3, c. 4, &

4, Geo. 4, c. 26. repealed.

II. *And be it further enacted,* That from and after the passing of this Act, there be, and is hereby granted to His Majesty, his Heirs and Successors, for the support of the Light House upon Partridge Island, and such other Light-Houses as are now built, or may hereafter be built, at or near the entrance of the Harbour of Saint John, a duty of Three pence for each and every Ton which each and every registered Vessel (except Coasters and Fishing Vessels) shall measure, agreeably to their Registers, which may arrive in the said harbour: and upon the registered coasters and fishing vessels, under thirty-five tons, a duty of Ten shilling per annum; from thirty-five tons to fifty tons, Twenty Shillings

Duty of 3d. per ton imposed on all vessels arriving in Saint John harbour except coasters and fishing vessels.

Scale of duties to be paid by coasters and fishing vessels.

Duties to be paid to the Treasurer or his deputy upon the arrival of the vessel,

Upon neglect or refusal to pay, duty to be levied by warrant of distress upon the Boats, Tackle, &c.

What vessels shall be deemed coasters and fishing vessels.

Coasters and fishing vessels making a

shilling per annum; from fifty tons to seventy-five tons, Twenty five shillings per annum; and over seventy-five tons, Thirty shillings per annum: which duties shall be paid at the time of the arrival of such vessels in the said harbour, to the Treasurer of the Province, or to his Deputy, who are hereby authorized and required to demand and receive the same. And upon the neglect or refusal of the Master or person having charge of any vessel, so arriving as aforesaid, to pay the duties imposed by this Act, the same shall be recovered upon application to any one of His Majesty's Justices of the Peace, for the City and County of Saint John, and levied by Warrant of distress, and sale of the Guns, Boats, Tackle, Apparel, and Furniture of such Vessel, under the Hand and Seal of such Justice, directed to any Sheriff, Marshal, or Constable of the City or County of Saint John, and the overplus, if any, of such distress and sale, after deducting the costs, shall be paid to the Master or Person having charge of such vessel.

III. *And be it further enacted*, That all vessels which are wholly employed in the Bay of Fundy, on either side thereof as far Southerly as Cape Sable, and including Grand Manan, whether belonging to New-Brunswick or Nova-Scotia, shall be deemed to be Coasters within the meaning of this Act: And all vessels which are generally employed in fishing on any of the fishing grounds upon the Coasts of the British Provinces or Newfoundland, and when not so employed, shall be otherwise wholly employed within the said Bay of Fundy, and the limits above prescribed for Coasters, shall be deemed to be Fishing Vessels within the meaning of this Act.

Provided always, That all such vessels making a voyage to any Port or Place without the said

said Bay, and limits aforesaid, shall, upon their arrival in the Harbour of Saint John, from or after such voyage, be liable to the same duties as vessels which are not deemed to be coasters or fishing vessels.

voyage without the Bay of Fundy and limits prescribed to pay the same duty as other vessels.

IV. *And be it further enacted*, That Receipts given by the Treasurer, or his Deputy, for the annual duty upon any Coaster or Fishing Vessel, shall exempt such vessels from the payment of any further duty, (except when they shall have sailed beyond the limits prescribed for coasters or fishing vessels,) until the first day of January following, after which date, they shall be liable, upon their first arrival in the harbour of Saint John, to the payment of the annual duty imposed in and by the second section of this Act.

Annual duty upon coasters and fishing vessels to be paid upon their first arrival in each year.

V. *And be it further enacted*, That the Commissioners who may be appointed by the Lieutenant Governor or Commander in Chief for the time being, to maintain the Light House on Partridge Island, and other Light Houses in or near the entrance of the harbour of Saint John, shall make public contracts for furnishing all necessary supplies for such Light Houses, and for all necessary repairs, alterations, or erections that may be required, giving at least six weeks notice for public competition: and shall in all cases accept the lowest Tenders which are accompanied with proper Securities for the due performance of such contracts. And the said Commissioners so to be appointed as aforesaid, shall annually, before the twenty-fifth day of December, render to the Treasurer of the Province, an account in detail, duly attested, of all Contracts, and expences by them incurred; to be, by him transmitted to the Lieutenant-Governor or Commander-in-Chief for the time being, for the information of the General Assembly.

Commissioners of Light-houses to make public contracts for all supplies, repairs, &c. required, giving at least six weeks notice for competition.

Lowest tenders with proper security to be accepted.

An account of all contracts and expences to be rendered annually and transmitted through the Treasurer for the information of the General Assembly.

Monies collected to be applied towards the support of the Light-houses, and paid by warrant of the Governor or Commander in Chief.

VI. *And be it further enacted*, That all monies which shall or may be received, under and by virtue of this Act, together with the monies which have been received under and by virtue of the Acts which by the first section of this Act are repealed, and which now remain in the Treasury, unappropriated, shall agreeably to the provisions of the said Acts, be applied towards the support of the Light-House upon Partridge Island, and other Light-Houses in or near the entrance of the harbour of Saint John, and paid for that purpose, by Warrant of the Lieutenant-Governor or Commander-in-Chief for the time being, and any surplus of such monies after maintaining the said Light-Houses, shall be kept separate from the ordinary revenues of the Province, and disposed of by a special Act to be passed for that purpose.

Surplus to be kept separate and to be disposed of by a special Act.

VII, *And be it further enacted*, That in case of the death of any keeper or keepers of the Light-Houses under the superintendance of the said Commissioners, or in case of neglect of duty by any keeper or keepers, when a removal from his or their offices may be found necessary by the said Commissioners, full power and authority are hereby given to the said Commissioners to fill up any vacancy that may occur from any of the causes aforesaid, by the temporary appointment of other fit Person or Persons, in his or their stead, reporting the same to the Lieutenant-Governor or Commander in chief for the time being.

Commissioners may make temporary appointments of keepers of Light-houses when vacancies occur from death or misbehaviour.

CAP. XV.

An Act to alter the Boundary Lines of certain Parishes in the County of Northumberland, and to erect two new Parishes in said County.

Passed 8th March, 1830.

WHEREAS, the present line of division Preamble.
between the Parishes of Ludlow and Northesk includes within the last mentioned Parish, certain Settlements which should belong to the former.

And whereas, The Parish of Ludlow is already so extensive as to render the performance of the Parish duties inconvenient and difficult.

I. Be it therefore enacted by the President, Council and Assembly, That the said Parish of Ludlow shall be, and the same is hereby divided into three Parishes, and named and bounded in manner hereinafter described, any thing in the said Act contained to the contrary thereof notwithstanding, that is to say:—The said Parish of Ludlow to be bounded on the upper or westerly side by the County line, dividing the Counties of Northumberland and York : on the southerly side by the County line dividing the County of Northumberland from the Counties of York and Sunbury : on the lower or easterly side by a line running north and south from the mouth of Big Hole Brook : and on the northerly side by a line running south seventy three degrees west from Beobear's point. Parish of Ludlow divided into three Parishes.

The next Parish to be called, known and distinguished by the name of Blissfield ; to be bounded on the westerly side by the said Parish of Ludlow : on the southerly side by the County Line, dividing the County of Northumberland from the Counties of Sunbury and Queens : on the easterly side by a line running north and south from the mouth of Moore's brook ; and on Parish of Blissfield erected.
the

the northerly side by a line running south seven seventy three degrees west from Beobear's point aforesaid.

Parish of Blackville erected.

The third or lower Town or Parish to be called, known, and distinguished by the name of Blackville, to be bounded on the westerly side by the said Parish of Blissfield: on the southerly side by the County line, dividing the County of Northumberland from the Counties of Queens and Westmorland: on the easterly side by the westerly line of the Parish of Nelson and its prolongation; and on the north. by a line running south seventy-three degrees west from Beobear's point aforesaid.

Divisional line between the Parish of Northesk and the Parishes of Ludlow, Blissfield and Blackville.

II. *And be it further enacted*, That the divisional line between the Parish of Northesk and the Parishes of Ludlow, Blissfield, and Blackville, before mentioned, shall be formed by the prolongation of the westerly line of the Parish of Nelson, until it intersects a line running south seventy-three degrees west from Beobear's point aforesaid; and thence on a course along said line to the western boundary line of the County of Northumberland.

Justices in General Sessions, annually to appoint Parish Officers for the Parishes of Blissfield and Blackville.

III. *And be it further enacted*, That the Justices of the Peace for the said County, shall, and they are hereby empowered at their first General Sessions of the Peace held annually, to appoint Town or Parish Officers for the said Parishes of Blissfield and Blackville, in like manner as for other Towns or Parishes in said County.

CAP. XVI.

An Act to repeal an Act, intituled, "An Act for the better security of the Navigation of certain Harbours in the County of Northumberland;" and to make more effectual provision for the better security of the Harbours in the Counties of Northumberland, Kent, and Gloucester.

Passed 8th March, 1830.

WHEREAS, the Laws now in force for the better security of the Navigation of certain Harbours in the County of Northumberland, have been found ineffectual. Preamble.

And whereas, it is necessary, for the greater safety and conveniency of the Navigation of certain Bays and Harbours in the Counties of Northumberland, Kent, and Gloucester, that Buoy and Beacons, be erected in the said Bays and Harbours, and that provision be made for defraying such expences as may be incurred in erecting, repairing, and replacing such Buoy and Beacons.

I. *Be it therefore enacted, by the President, Council and Assembly,* That an Act made and passed in the fiftieth year of the reign of His late Majesty King George the Third, intituled, "An Act for the better security of the navigation of certain Harbours in the County of Northumberland;" and also, an Act made and passed in the Third year of the reign of His present Majesty King George the Fourth, intituled, "An Act to make perpetual an Act, intituled, "An Act for the better security of the navigation of certain Harbours in the County of Northumberland," be, and the same are hereby repealed.

50, Geo. 3. c. 5. and
3, Geo. 4. c. 4.—repealed.

II. *And be it further enacted,* That it shall and may be lawful for such Commissioners as His Honor the President or Commander in Chief for the time being, shall appoint, or which may be appointed, or the major part of them, Commissioners to cause such Buoy and Beacons to be erected as they shall think necessary.

to

to erect, build, rebuild, replace, and support, in the said Bays and Harbours, such a number of Buoys and Beacons as they or the major part of them, shall think necessary, for the safety and conveniency of the navigation of the same.

Duties imposed for the support of such Buoys and Beacons.

Rate payable at Miramichi,

Richibucto,

Buctouche and Cocagne,

Ristigonche, Bathurst, Caraquet and Shippegan.

Rate payable by coasting vessels.

What vessels shall be deemed coasters.

III. *And be it further enacted,* That there be and are hereby granted to His Majesty, his Heirs and Successors, for defraying such expences as may be incurred, in erecting, building, rebuilding, replacing, and supporting such Buoys or Beacons; that is to say:—On all Vessels entering the Bay or Harbour of Miramichi, in the County of Northumberland, the sum of One half-penny per Ton, for each and every ton such vessels admeasure per Register, entering the said Bay or Harbour of Miramichi: on all vessels entering the bay or harbour of Richibucto, in the County of Kent, the sum of One penny per ton, for each and every ton such vessel may admeasure per Register: on all vessels entering the harbours of Buctouche and Cocagne, in the County of Kent, the sum of One half-penny per Ton, for each and every ton such vessel may admeasure per Register: on all vessels entering the Bays and Harbours of Ristigonche, Bathurst, Caraquet, and Shippegan, in the County of Gloucester, the sum of One penny per Ton, for each and every ton such vessel may admeasure, per Register, for each and every time such vessel or vessels may arrive at any of the said harbours.

Provided always, That no Coasting vessel, under the Register of Sixty Tons, shall pay more than once in each year; and no coasting vessel between sixty and one hundred Tons shall pay more than twice in each year; and that all vessels clearing from any Ports in this Province, Canada, Prince Edward Island, Nova-Scotia, and Newfoundland, and vessels on a fishing voyage, shall be considered coasters under this Act.

IV.

IV. *And be it further enacted*, That the Tonnage duties herein imposed, shall be collected by the Deputy Treasurer of the District of the Port where such vessel may arrive, or such person or persons as he may appoint for that purpose; and that the said Commissioners shall have full power and authority to call upon the Deputy Treasurer of their respective Districts, and the persons to be by him appointed as aforesaid, for such sum and sums of money as they shall from time to time respectively have collected, an account of which sum so to be collected by the said Deputy Treasurer, or the persons appointed by them, shall respectively when called upon as aforesaid, render, upon Oath, to the said Commissioners of the District, deducting from the amount collected, ten per cent., which it shall be lawful for the Deputy Treasurers to retain for their trouble in collecting and paying the same.

Duties to be collected by the Deputy Treasurers or Persons appointed by them, and paid to the Commissioners, when called for.

Account of sum collected to be rendered on Oath to the Commissioners when required, deducting ten per cent. for collecting.

V. *And be it further enacted*, That every Master of such Ship or Vessel, who shall refuse or neglect to call upon the Deputy Province Treasurer of the District of the Port or place where such ship or vessel shall arrive, and pay to him, or the person authorized by him to receive the same, such Tonnage duties as are hereinbefore imposed, within twenty-four hours after his arrival, shall forfeit and pay for such neglect, the sum of three pounds, to be sued for by the said Deputy Treasurer of the District, or the person authorized by him to receive the same, and recovered before any one of His Majesty's Justices of the Peace, and applied for the purpose of erecting, repairing and replacing such Beacons and Buoys.

Masters of Vessels neglecting or refusing to call and pay duty to forfeit £3; to be recovered before a Justice of the Peace.

Application of fine.

VI. *And be it further enacted*, That the Deputy Treasurers shall annually make return of an account of the duties respectively by them received

Deputy Treasurers annually to render an account to the Province Treasurer, of the duties received

ed with vouchers for payment to Commissioners.

received for the District, to the Treasurer of the Province, with proper vouchers of the payment of the money to the Commissioners, already, or who may hereafter be, appointed by virtue of this Act.

Commissioners to render an account of monies received and expended, to the Treasurer to be transmitted to the Secretary's Office.

VII. *And be it further enacted,* That Commissioners already appointed, or who may be appointed in pursuance of this Act, shall, on the twentieth day of December, in each and every year, render an account, duly attested, of the monies from time to time received and expended by them in pursuance of this Act, to the Treasurer of the Province, to be by him transmitted, with his account, to the Secretary Office, and shall likewise render a copy of such account to the first Court of General Sessions in their Counties respectively, in each and every year; and the balance, (if any,) of the monies so received by them, in the hands of the Commissioners of the harbours respectively, to be applied by the said Commissioners, or the major part of them, for the purpose of further improving the navigation of the said Bays and Harbours.

Commissioners likewise to account annually at the first Court of General Sessions.

Balance of monies to be applied for further improving the Navigation.

Penalty for removing or injuring any Buoy or Beacon.

VIII. *And be it further enacted,* That if any person or persons, shall take away, destroy, deface, or remove any of the said Beacons or Buoys, such offender or offenders, shall, on due conviction thereof, by the oath of one or more credible Witness or Witnesses, before any one of His Majesty's Justices of the Peace, forfeit and pay a sum not exceeding Fifteen pounds, to be recovered and applied as aforesaid; and on failure of the payment, or want of goods and chattels whereon to levy; such offender or offenders shall be committed by such Justice or Justices, to the Common Gaol of the County, there to remain for a space of time not exceeding three months.

On failure of payment, offender to be committed to Gaol.

IX. *And be it further enacted*, That this Act ^{Limitation.} shall continue and be in force for ten years.

CAP. XVII.

An Act in addition to an Act, intituled "an Act to enable the Justices of the Peace for the several Counties in this Province for the time being, to receive for Public uses Grants of Lands lying in their respective Counties, and to regulate the Commons belonging to the several Townships or Parishes within the same."

Passed 8th March, 1830.

WHEREAS, by the second Section of an ^{Preamble.} Act made and passed in the Twenty-sixth year of the Reign of His late Majesty King George the Third, intituled, "An Act to enable the Justices of the Peace of the several Counties in this Province for the time being, to receive for public uses, Grants of Land lying in their respective Counties, and to regulate the Commons belonging to the several Townships or Parishes within the same," the Justices of the Peace for the several Counties within this Province, are only authorized to Lease for a term of Years, Lands granted to them or heretofore given for public uses.

And whereas, in the County of Northumberland, in consequence of the Town Plot of Newcastle being laid out through the County Lot granted for public uses to the Justices of the Peace of that County, it has been found extremely inconvenient and discouraging to the Inhabitants, and disadvantageous to the Town, that the Justices of the Peace are not authorized to give Freehold Titles to such parts of the said County lot as they have sold or may hereafter sell, inasmuch as it has been found to hinder and deter the settling and improvement of the

the said Town, and also to prevent purchasers from erecting stone and brick buildings thereon.

Justices of Northumberland may sell Land within the Town Plot of Newcastle, granted to them for public uses.

I. *Be it therefor enacted by the President, Council and Assembly,* That from and after the passing of this Act, the Justices of the Peace for the County of Northumberland in General Sessions convened, are hereby fully authorized and empowered to sell, and give fee simple Titles to so much of the County lot or land granted to them for public uses as aforesaid, as is contained in the Town Plot of the town of Newcastle, and as hereafter may be laid off for purchasers, in addition to those contained in the said town plot, to such person or persons as may feel inclined to purchase the same, or any part thereof.

And dispose of the reversion and remainder of Lots already leased.

And also to sell and give freehold titles to such person or persons as may purchase the reversion or reversions, remainder or remainders of such part or parts of the said County Lot so granted to them as aforesaid, as have been already leased by the said Justices of the Peace, under and by virtue of the said Act.

Money arising from such Sales to be vested in other Land within the County.

II. *And be it further enacted,* That the monies arising from the sales of the said land shall be vested by the Justices of the Peace in the purchase of other lands within the said County to be by them held in fee simple for public uses and for the benefit of the said County.

Value and situation of land to be purchased, to be settled by the Justices in General Sessions.

III. *And be it further enacted,* That the situation and value of the lands so to be purchased by the monies arising from the sales of the lands in the said Town Plot of Newcastle, shall be determined upon and settled by the Justices of the said County or the major part of them convened in any General Sessions of the Peace to be held for the said County.

CAP. XVIII:

An Act to grant John Aymar the privilege of supplying the Town of Saint Andrews with water by pipes.

Passed 8th March, 1880.

WHEREAS, the conveyance of water by pipes to the several Houses in the Town Plot of Saint Andrews, would be highly beneficial to the Public, and is a measure universally desired; and John Aymar, an Inhabitant of the said Town, is desirous to obtain the privilege of supplying the same by pipes as aforesaid.

Preamble.

I. *Be it enacted by the President, Council and Assembly,* That the privilege of carrying water to the houses of the Inhabitants of Saint Andrews in pipes, through the several Streets thereof, be, and the same is hereby granted to John Aymar, so long as he shall keep the same in operation and good repair.

Privilege of supplying the Town of Saint Andrews with water by Pipes granted to John Aymar.

Provided always, That the said John Aymar, shall, at his own cost and charge, and without unnecessary delay, repair and make good any and every injury or damage thereby done to said Streets, or any part thereof.

Any damage done to the Streets to be made good.

II. *And be it further enacted,* That the said John Aymar shall make and keep in good repair, proper openings and plugs (to be used only in case of fire) in all such places where his pipes extend, as the Firewards of the Town of Saint Andrews may direct or approve: the said Firewards to be accountable for the actual expense thereof.

Proper openings and plugs to be made where the Firewards shall direct, they being accountable for the expense.

III. *And be it further enacted,* That if the said John Aymar should neglect so to make and adjust proper plugs on the requisition of said Firewards, that it should be lawful for them the said Firewards, to cause the same to be done and completed accordingly.

On neglect to make such plugs, Firewards may cause the same to be done.

Limitation.

IV. *And be it further enacted*, That this Act shall continue and be in force for the term of Fifteen years, and no longer.

CAP. XIX.

An Act to provide for the conveyance of Criminals from County to County within the Province.

Passed 8th March, 1830.

Preamble.

WHEREAS, it is necessary to make some provision for the conveyance of Criminals from the County or place where found and arrested, to the Gaol of the County where the offence may have been committed.

Expense of removal of Criminals from one County to another, to be ordered and allowed by any two Justices of the County where the offence was committed.

I. *Be it therefore enacted, by the President, Council and Assembly*, That whenever it may become necessary, to convey any Criminal or person arrested, under any criminal charge, from the Gaol of any County or place where so arrested, to the Gaol of the County within which the offence may have been committed, it shall and may be lawful for any two Justices of the Peace, of the County, where the offence may have been committed, to agree upon, order, and allow, such reasonable sum or sums as may be considered sufficient for the charge and expense of the conveyance of such Criminal to the place of commitment; and such sum or sums so agreed upon, ordered, and allowed, the Treasurer of the County, to which such Criminal may be sent or conveyed, shall be, and is, hereby authorized and directed to pay upon the production of the order of such Justices, in favor of the person or persons therein named.

Upon production of the order the Treasurer of the County to which the Criminal may be sent to pay the same.

CAP. XX.

An Act to establish Houses of Correction within the Counties of York and Charlotte.

Passed 8th March, 1830.

WHEREAS, great inconvenience arises Preamble.
from the want of Houses of Correction within the Counties of York and Charlotte, wherein persons convicted of certain offences, and rogues and vagrants might be confined and kept at hard labor, instead of being imprisoned in the County Gaols :

And whereas, there are Alms Houses and Work Houses erected and built within the Parishes of Fredericton and Saint Andrews, parts of which might be beneficially appropriated as Houses of Correction.

I. Be it therefore enacted by the President, Council and Assembly, That the Justices of the Peace for the Counties of York and Charlotte, respectively, or the major part of them in General Sessions assembled, be, and they are hereby authorized and empowered, by and with the consent in writing of the Commissioners of the said Alms Houses and Work Houses for the time being, to establish Houses of Correction, at the said Alms Houses and Work Houses ; and the same, when so established, shall be deemed and taken to be the Houses of Correction in and for the said Counties of York and Charlotte respectively.

Justices of York and Charlotte, by consent in writing of the Commissioners may establish Houses of Correction at the Alms and Work Houses within the said Counties respectively.

CAP. XXI.

An Act to alter and amend an Act for the more speedy recovery of small debts.

Passed 8th March, 1830.

Preamble.

WHEREAS, in and by the first Section of an Act made and passed in the fiftieth year of the Reign of His late Majesty King George the Third, intituled, "An Act for the more easy and speedy recovery of small debts;" it is among other things provided and enacted, that the service of the Summons or Process therein mentioned, shall be by reading the same in the hearing of the debtor or debtors, or by leaving a true copy thereof at the usual place of abode of such debtor.

And whereas, The service of such process, by leaving a copy thereof at the usual place of abode, as aforesaid, has been productive of great injustice, by reason of such debtor being thereby deprived of any notice of a defence to such action.

I. Be it therefore enacted by the President, Council and Assembly, That so much of the said first section of said Act, as authorizes such service to be made, by leaving a copy of such process at the usual place of abode of such debtor, be, and the same is hereby repealed; and in lieu thereof; *be it further enacted,* that in all cases, the service, of any such process shall be made, either by reading the process to the debtor, or by serving him personally with a copy thereof.

So much of the 1st § of 50, Geo. 3. c. 17, as allows service of process by leaving a Copy at the debtor's place of abode, repealed.

Service of process to be by reading it to debtor or serving him with a Copy.

II. And whereas, by the fourth section of the said Act, Constables are directed to take bail for the Defendant's appearance at the time and place specified in the Writ, but does not direct in whose name the same shall be taken.

Be

Be it therefore further enacted, That the security so required shall be taken in the name of the Plaintiff in a sum, not to exceed five pounds, and if the Defendant does not appear agreeably to notice, it shall be the duty of the Justice, upon the due return of a *capias*, to proceed in the same way and manner as is provided in and by the second section of the before mentioned Act, and give judgment thereon as therein directed. And if upon issuing execution against the Defendant, he cannot be found, and there shall not be sufficient property whereon to levy, it then shall be lawful for the said Justice to issue his execution against the goods and chattels of the bail for the amount of such judgment; and the security to be in the form following, that is to say:—

I, A. B. do bind myself in the sum of _____ to be levied on my respective goods and chattels, without further notice, if G. C. shall make default in appearing before I. F. Magistrate, to answer to a cause depending between C. D. Plaintiff, and the said G. C. Defendant, on the _____ day of _____ next ensuing the date hereof.

III. *And be it further enacted,* That no person whomsoever, shall be permitted by any Justice, to prosecute, defend, plead or counsel, in any suit or action, to be tried by virtue of this Act, or the Act to which this is an amendment, to which such person is not a party unless such person so offering or appearing to prosecute, defend, plead, or give counsel as aforesaid, shall previously swear before such Justice, that he has not received or taken any fee or reward for the same, either directly or indirectly; nor any other person to or for his use; and that he will not, directly or indirectly, receive or take any fee or reward for the same, either by himself or by any other person to or for his use.

Security for Defendant's appearance to be taken in the name of the Plaintiff.

Defendant failing to appear, Justice upon due return of a *Capias* to proceed as directed by the 2d § of said Act.

If Defendant cannot be found, Justice to issue Execution against Goods and Chattels of the Bail.

Form of Bond to be given for defendant's appearance.

No person to be permitted to prosecute, defend, plead or counsel in any suit to which he is not a party, unless previously sworn that he does so without fee or reward.

IV. *And whereas,* it is necessary, in order to prevent a multiplicity of suits; that when any person is sued, pursuant to the directions of the said Acts, that he or she should be compelled to bring forward his or her set off, (if any they have,) against the Plaintiff at the trial.

Defendants not bringing forward their set off precluded for ever from suing for the same.

Be it therefore further enacted, That when any Defendant is proceeded against under the said Acts, shall refuse or neglect to bring forward his or her set off, (if any they have) against the Plaintiff at the time of such trial, that he or she shall ever after be precluded from suing for the same; and if any such suit be brought, it shall be a sufficient defence on the trial thereof, that the demand sued for, could have been, on a former trial, set off or recovered.

CAP. XXII.

An Act for the more summary punishment of Persons guilty of maliciously killing, maiming, disfiguring or otherwise injuring Cattle.

Passed 8th March, 1850.

L. *BE* it enacted by the President, Council, and Assembly, That if any Person or Persons, shall maliciously, unlawfully, and wilfully, kill, maim, wound, disfigure, or otherwise injure, any Horses, Neat Cattle, Swine, Sheep, or other Cattle, it shall be lawful for two Justices of the Peace in the County, where such offence may be committed; upon complaint of the party aggrieved, to hear and determine such offence, and the offender or offenders, upon conviction thereof, shall forfeit and pay to the party aggrieved, such damages as the said Justices shall assess under all the circumstances of the case, provided that the same do not exceed the sum of Ten Pounds, to be levied upon the offender

Persons maliciously killing or injuring Horses, &c. to forfeit to the party aggrieved such damage not exceeding £10, as two Justices shall award.

offender or offenders' goods and chattels, and for want of such goods and chattels to satisfy the same, that the said offender or offenders shall be committed to the Gaol of the County, there to remain for a space of time not less than thirty nor more than sixty days, unless such damage, with costs incurred, shall be sooner paid.

For want of sufficient distress offender to be imprisoned not less than 30 nor more than 60 days, unless damages and costs be sooner paid.

II. And for the more effectual prosecution of the offence punishable upon Summary Conviction by virtue of this Act. *Be it enacted*, that when any person or persons shall be charged before any Justice of the Peace with such offence, the Justice may summon the person or persons charged, to appear before any two Justices of the Peace, at a time and place to be named in such summons, and if he shall not appear, then upon proof of the due service of the summons upon such person or persons by delivering a Copy of the same to him, her or them, the Justices may proceed to hear the case, *ex-parte*, or issue their Warrants for apprehending such offender or offenders, and bring him, her or them before the said Justices; or if the Justice, before whom the charge is made, shall think fit, he may issue his Warrant in the first instance without any previous Summons.

Mode of prosecuting offences under this Act.

III. *Provided always, and be it further enacted*, That the prosecution for every offence punishable on Summary Conviction, by virtue of this Act, shall be commenced within six months after the commission of the offence, and not otherwise.

To be prosecuted within six months after commission of the offence.

CAP. XXIII.

An Act to provide for the maintenance of the Light House established upon the Island of Campo Bello, near Head Harbour, in the County of Charlotte.

Passed 8th March, 1830.

Preamble.

WHEREAS, it is highly expedient and necessary that suitable provision should be made for the support and maintenance of the Light House lately erected upon the East end of the Island Campo Bello, near Head Harbour, in the County of Charlotte.

I. *Be it therefore enacted by the President, Council and Assembly,* That from and after the passing of this Act, there be, and is hereby granted to His Majesty his Heirs and Successors for the support and maintenance of the Light House now established on the East end of the Island Campo Bello, near Head Harbour in the County of Charlotte, a duty of Two pence per Ton to be levied upon all registered Vessels agreeable to their Register, which shall arrive within the County of Charlotte, (Coasting and Fishing vessels excepted,) for each and every time they shall so arrive, and upon all Coasting or Fishing Vessels under the burthen of Thirty-five Tons, in lieu of tonnage the sum of Ten shillings per annum, and upon all vessels between the burthen of Thirty-five and Sixty Tons a duty of Twenty shillings per annum, and vessels from Sixty Tons and upwards twenty-five shillings.

Duty of 2d per ton imposed on Registered Vessels arriving within the County of Charlotte.

Scale of duty to be paid by coasting and fishing vessels.

Penalty of £5 imposed for neglect or refusal to pay duty.

II. *Be it further enacted,* That all Vessels so arriving within the County of Charlotte, shall be reported by the Master or Person having charge thereof to the nearest Deputy Treasurer within twenty-four hours after the arrival of such vessel, or before breaking bulk or taking in cargo, and upon neglect or refusal of any Master

ter or Person having charge of such vessel arriving as aforesaid to pay the duties hereby imposed within the time herein limited for the payment of such duties, such master or person having charge of said vessel shall forfeit and pay a fine of five pounds to be sued for by the said nearest Deputy Treasurer, and recovered with costs of suit before any of His Majesty's Justices of the Peace for the County of Charlotte, upon the requisition of such Deputy Treasurer; which penalty or fine when recovered to be applied to the same purposes for which the duties are granted by this Act.

How to be recovered and applied.

III. *Be it further enacted*, That all vessels that shall be wholly employed within the Bay of Fundy, on either side thereof, as far southerly as Cape Sable, and including the Island Grand Manan, whether belonging to New-Brunswick or Nova-Scotia, shall be deemed to be coasting Vessels within the meaning of this Act; and all vessels generally employed in Fishing on any of the fishing Grounds upon the coasts of the British Provinces or around the Island Newfoundland, and when not so employed shall be otherwise wholly employed within the said Bay of Fundy, and the limits above prescribed for coasting Vessels, shall be deemed to be fishing Vessels within the meaning of this Act. *Provided always*, that all such vessels which shall make a voyage to any port or place without the said Bay of Fundy and limits aforesaid, shall upon their arrival from and after such voyage in any Port or Harbour in the County of Charlotte, be liable to the same duties as vessels are which are not deemed to be coasting and fishing vessels. *And provided further*, that all coasting and fishing Vessels shall pay the rates or duties herein imposed upon their first arrival in any port or harbour aforesaid, after the first day of January, in each and every year,

What vessels shall be deemed coasting and fishing vessels.

Coasting or fishing vessels making a voyage without the Bay of Fundy and limits prescribed to pay the same duty as other vessels.

Duty payable on their first arrival in each year.

and in default thereof, shall be liable to the penalty hereinbefore imposed for neglect or refusal to pay the said duties.

Commissioners of the Light House to transmit annually for the information of the General Assembly an account of expences incurred.

IV. *Be it further enacted,* That the Commissioners to be appointed by the Lieutenant-Governor or Commander in Chief of the Province, for superintending and supplying the said Light House, shall annually before the first day of December, transmit a detailed account, duly attested, of all expences incurred by them in maintaining said Light-House, through the Treasurer of the Province, to the Lieutenant-Governor or Commander-in-Chief, for the information of the General Assembly.

Monies collected to be paid to the Commissioners by warrant from the Governor or Commander in Chief.

V. *Be it further enacted,* That all monies that may be received by virtue of this Act, shall be applied to the support and maintenance of said Light-House, which monies are to be paid to the said Commissioners by a warrant from the Lieutenant-Governor or Commander-in-Chief, at the request of a majority of said Commissioners.

CAP. XXIV.

An Act to authorize the Justices of the Peace for the County of York, to levy an assessment for the purpose of paying off the debt due on the County Court House.

Passed 8th March, 1830.

Preamble.

WHEREAS, the Justices of the General Sessions of the Peace for the County of York, have heretofore levied the whole sum which they were empowered to raise by assessment, for the purpose of paying the purchase money of a Court House for the said County.

And whereas, the same has not been sufficient to enable the said Justices to make such payment.

I. *Be it therefore enacted by the President, Council and Assembly,* That the said Justices of the Peace for the said County, at any General Sessions of the Peace hereafter to be holden, be, and they are hereby authorized and empowered, to make such further rate and assessment of any sum not exceeding Four hundred and fifty pounds, as they in their discretion may think necessary, for the purpose of paying off the balance due on the purchase money of the said Court House; the same to be assessed, levied, collected, and paid by virtue of an Act made and passed in the Twenty-sixth year of the Reign of His late Majesty King George the third, intituled, "An Act for assessing, collecting, and levying County Rates," or any other Act now or hereafter to be made for the like purpose.

Justices of York authorized to make an assessment not exceeding £450 for paying off a balance due on County Court House.

How to be levied.

CAP. XXV.

An Act further to continue certain Acts providing for the more effectually repairing the Streets and Bridges in the City and County of Saint John.

Passed 8th March, 1830.

I. *BE it enacted by the President, Council, and Assembly,* That an Act passed in the Fiftieth year of the Reign of His late Majesty King George the Third, intituled, "An Act to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John," also, an Act passed in the Fifty-eighth year of the Reign of His said late Majesty, intituled, "An Act further to continue and amend an Act to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John," and also a certain other Act passed in the Fifth year of the Reign of His present

50, Geo. 3. c. 16.

55, Geo. 3. c. 9.

5, Geo. 4. c. 25, and

The 3d Section of
9, Geo. 4. c. 5. con-
tinued till 1st April,
1832.

present Majesty King George the Fourth, intituled, "An Act further to continue and amend
"the Acts for the more effectually repairing
"the Streets and Bridges in the City and
"County of Saint John," and also the third
Section of an Act made and passed in the Ninth
year of the Reign of His said Majesty King
George the Fourth, intituled; "An Act to
"continue until the first day of April One
"thousand eight hundred and thirty, certain
"Acts providing for the more effectually re-
"pairing the Streets and Bridges in the City
"and County of Saint John, and to amend
"the same," be, and the same are hereby con-
tinued until the first day of April, which will be
in the year of our Lord One thousand eight
hundred and thirty two.

CAP. XXVI.

An Act to confirm a division made of certain Lands situated at Chamcook, in the Parish of Saint Andrews, granted to the Justices of the County of Charlotte, in trust for the use and benefit of the Rector or Minister, and Parish School of the same Parish.

Passed 8th March, 1830.

Preamble.

WHEREAS, by a certain grant, or Letters Patent, under the Great Seal of the Province of New-Brunswick, bearing date the Ninth day of November, in the year of our Lord One thousand seven hundred and eighty-seven, certain tracts of Land situated at Chamcook, in the Parish of Saint Andrews, in the County of Charlotte, were granted to the Justices of the Peace of the said County, in trust for the use, behoof and benefit of the Rector or Minister, and of the School of the said Parish of Saint Andrews.

*And whereas, at the General Sessions of the
Peace*

Peace for the said County, held in the month of April, in the year of our Lord One thousand eight hundred and twenty-one, the said Justices in General Sessions, at the joint request of the Rector of the said Parish, and of the Trustees for the Parish School, ordered, an equal division of the said tracts of Land so granted as aforesaid, to be made between the parties interested therein, under the trusts of the said Grant.

And whereas, an equal division has been made of the said tracts of Land, pursuant to the order of the said Justices in General Session; and the said Rector's share or division of the said Land, according to the division so made as aforesaid, is distinguished and described by the survey and plan of division made thereof by Colin Campbell, Esquire, Deputy Surveyor, as follows, to wit:—“The first First tract. Tract, letter C. beginning on the northern bank or shore of Passamaquoddy Bay, at the eastern boundary of a tract of Land granted to the first Minister of Saint Andrews; thence running along the eastern line of the said grant, and the extension thereof, north by the Magnet, thirteen degrees thirty minutes west eighty eight chains of four poles each; thence north, seventy-six degrees thirty minutes east Forty Chains; thence south thirteen degrees thirty minutes east One hundred and four chains; thence southeasterly across Kilmarnick Head to a Cove marked with a cross; thence following the several courses of Kilmarnick Head aforesaid in a southerly and northwesterly direction to the southeastern boundary of the said Tract, letter C.; thence westerly along the shore of Passamaquoddy Bay aforesaid, to the place of beginning.—The second Second tract. Tract, letter A. beginning at the southwestern angle of the first division of the Penobscot grant; thence running south seventy-six degrees thirty minutes west One

Third tract.

One hundred and twenty-two chains to the reserved Road which bounds the third division of the Penobscot grant aforesaid; thence along the said road north thirteen degrees thirty minutes west forty-three chains, to the southwestern angle of Lands granted to John Rigby and others; thence along the southern line of the said lands north seventy-six degrees thirty minutes east One hundred and forty-two chains to the western side line of the first division of the Penobscot Grant aforesaid; thence along the said line south thirty-eight degrees east twenty-six chains; thence along a small Stream to the place of beginning.—The third Tract, embracing Lots, letters B. and D. beginning at the Northeastern angle of a tract of Land granted to the first Minister of Saint Andrews; thence running along the northern line of the said grant, and of the grant to Thomas Wyer and others, south seventy-six degrees thirty minutes west One hundred and twenty-five chains, to the reserved Road which bounds the third division of the Penobscot grant aforesaid; thence along the said road north thirteen degrees thirty minutes west, forty eight chains; thence north seventy-six degrees thirty minutes east One hundred and twenty-two chains, to the southwestern angle of the first division of the Penobscot grant aforesaid, at the shore of Passamaquoddy Bay; thence southerly along the several courses of the said shore and of Kilmarnick Head aforesaid to the Cove marked with a cross as before mentioned; thence across Kilmarnick Head in a northwesterly direction to the southern Boundary of the said first tract; thence along the eastern line of the said first tract, north thirteen degrees thirty minutes west One hundred and four chains,; thence south seventy-six degrees thirty minutes west forty chains; thence

thence south thirteen degrees thirty minutes east fifteen chains to the place of beginning :” as by reference to the said plan, or certified copy thereof, remaining in the Office of the Registrar of Deeds and Wills for the County of Charlotte, will more fully and at large appear.

And whereas, it is deemed expedient that the said Division of the said Tracts of Land so made as aforesaid should be confirmed and made perpetual by Law.

I. *Be it therefore enacted by the President, Council and Assembly*, That the division of the before mentioned tracts of Land so made as in the Preamble of this Act is above mentioned, and therein particularly described, shall be, and the same is hereby confirmed and made perpetual.

Division of land as described in the Preamble confirmed.

II. *And be it further enacted*, That the said Justices of the Peace of the County of Charlotte, shall, and they are hereby authorized and empowered, to assign and convey unto the said Rector, Church-Wardens, and Vestry, of the Parish of Saint Andrews, by a good and sufficient Deed, the said third Tract herein before described, embracing Lots letters B. and D. as aforesaid : To have and to hold the same to the said Rector, Church-Wardens, and Vestry, and their Successors for ever, in trust for the use of the Rector for the time being, as a Glebe ; and that the Rector for the time being may have the use, benefit, and advantage of the said tract of Land, embracing Lots letters B. and D. as aforesaid, the same as any other land granted as a Glebe for the use of the Rector.

Justices to convey to the Rector, Church Wardens, and Vestry of the Parish of Saint Andrews, the third Tract.

Rector to have the use and benefit of said tract.

III. *And be it further enacted*, That so much of the said Tracts of Land as is by the division above mentioned allotted to the Trustees of the Parish School aforesaid, and described as Lots letters A. and C. in the said first and second Tract, shall be and remain vested in the Justices of the Peace of the said County of Charlotte,

Tracts allotted to the Trustees of the Parish School to remain vested in the Justices of Charlotte in trust.

in

in trust for the use, benefit, and behoof of the Parish School of Saint Andrews aforesaid.

Not to authorize the Justices to convey absolutely any part of the land so to be held by them in trust.

IV. *And be it further enacted*, That nothing in this Act contained shall extend or be construed to extend to authorize the said Justices of the Peace for the said County of Charlotte, to sell and convey absolutely and in fee simple, any part or the whole of the said shares or divisions of the said Tracts of Land in the Preamble of this Act mentioned, so by them to be held in trust for the said Parish School of Saint Andrews as aforesaid.

Rights reserved.

V. *And be it further enacted*, That nothing in this Act contained shall extend, or be construed to affect, or interfere with the right or title of the King's Majesty, His Heirs or Successors or any other person or persons, body politic or corporate, other than the said Justices, Trustees of the Parish School of Saint Andrews, and the Rector of the said Parish respectively.

To be deemed a public Act.

VI. *And be it further enacted*, That this Act shall be deemed and taken to be a public Act, any thing herein contained to the contrary thereof in any wise notwithstanding.

CAP. XXVII.

An Act to repeal all the Acts now in force relative to the importation and spreading of Infectious Distempers in the City of Saint John; and to make more effectual provision for preventing the same.

Passed 8th March, 1830.

Preamble.

WHEREAS, the Acts now in force relative to the importation and spreading of Infectious Distempers in the City of Saint John have been found ineffectual.

29, Geo. 3. c. 9,
and

I. *Be it enacted by the President, Council and Assembly*, That an Act made and passed in the Thirty-ninth year of the Reign of His late

late Majesty King George the Third, intituled, "An Act to repeal an Act made and passed in the Thirty-sixth year of His said Majesty's Reign, intituled, An Act to prevent bringing Infectious Distempers into the City of Saint John, and to make more effectual provision for preventing the importation and spreading of such contagious Distempers," and also an Act made and passed in the Seventh year of the Reign of His present Majesty, intituled, "An Act to amend the Act to prevent the bringing of Infectious Distempers into the City of Saint John," be, and the same are hereby repealed.

7, Geo. 4. c. 4. repealed.

II. *And be it further enacted*, That no Vessel arriving in the Harbour of Saint John, having on board the Small Pox, Yellow Fever, or other Pestilential or Contagious Distemper, or coming from any place infected with any such Distempers, or at which any such Distempers at the time of her departure were known or supposed to prevail, or on board of which said vessel, any person during the voyage had died, or been sick of any such Distemper, shall come, proceed or be navigated or conducted further or higher up into the Harbour of Saint John than a line running westwardly from Broad or Main Street to Sand Point in Carleton, until such vessel shall have been duly inspected and examined by the Physician or Physicians, to be for that purpose, as hereinafter mentioned, appointed, nor until the said Physician or Physicians shall signify his or their consent and permission, in writing, that such vessel may proceed without danger to the Inhabitants of the said City: and if, on such inspection, and examination as aforesaid, it shall be judged expedient, the said Physician or Physicians be authorized to direct, that the said vessel shall be brought to anchor within the line aforesaid, and remain there for a space of

Vessels having on board, or coming from any place infected with Pestilential or Contagious Distempers, or on board of which any person died on the voyage, not to proceed beyond a certain line until inspected by a Physician.

Physician may order the vessel to be brought to anchor and to remain there for three days unless

the Mayor, &c. shall order such vessel to perform Quarantine.

time not exceeding Three days, unless the Mayor, Aldermen, and Commonalty of the City of Saint John in Common Council convened, shall ordain and direct that such vessel shall perform Quarantine; in which case the Master or Commander of such vessel for the time being, shall forthwith cause the said vessel, with all the Persons, Goods, and Cargo on board thereof, to be removed to, and to anchor at such place, and for such length of time, (not exceeding Forty days,) as they, the said Mayor, Aldermen, and Commonalty, may think proper to direct and appoint. And during the time such vessel shall be performing such Quarantine, the Master or Commander thereof shall not permit or suffer any intercourse between the persons on board the said vessel, and the Shores on either side of the Harbour, or within the County of Saint John, or between the said vessel and any other vessel in the said Harbour, except under the direction of the said Physician or Physicians. And the Master or Commander of any such vessel, and all and every other person or persons belonging to, and being on board such vessel, who shall disobey any such orders and directions as aforesaid, or shall neglect to execute and perform the same, or who shall come on shore, or go on board of any other vessel within the said Harbour, or shall presume to bring or put, or aid and assist in bringing or putting on shore, or on board any other vessel as aforesaid, any Person or any Goods, from any such vessel so having come to anchor, or which shall be ordered to perform Quarantine as aforesaid, without the License and permission of the said Physician or Physicians, being for that purpose first obtained, shall for each and every offence severally forfeit and pay the sum of Two hundred pounds of current money of the Province, or be imprisoned

No intercourse allowed with the vessel performing Quarantine, except under direction of the Physician.

Penalty for disobeying orders, or having any intercourse with the shore or other vessels without permission.

imprisoned for a time not exceeding Twelve months.

III. *And be it further enacted,* That the Master or Commander of every Vessel having on board the Small Pox, Yellow Fever, or other Pestilential or Contagious Distempers, or coming from any place infected with any such Distempers, or at which any such Distempers, at the time of her departure, were known or supposed to prevail, or on board of which said vessel any person during the voyage had died, or been sick, of any such Distempers, immediately on coming abreast of Partridge Island, at the entrance of the Harbour of Saint John, shall cause the said vessel's Ensign, (or such other Colour as shall be on board,) to be hoisted in the Starboard Main Rigging; and shall continue the said Signal so hoisted, until the said vessel shall have been inspected and examined by the said Physician or Physicians, and a License be had from him or them to remove the same, under the penalty of Twenty pounds for each and every offence.

Signal to be made in infected vessels on coming abreast of Partridge Island, and continued until the vessel shall be inspected and License had to remove the same, under penalty of £20.

IV. *And be it further enacted,* That the several branch Pilots belonging to the City of Saint John, shall be furnished with printed Instructions, containing a Notice to the following effect, viz :—“ That no vessel having the Small
“ Pox, Yellow Fever, or other Pestilential or
“ Contagious Distemper on board, or having
“ come from any place infected with any such
“ Distempers, or at which any such Dis-
“ tempers were known or supposed to prevail
“ at the time of her departure, or on board
“ of which any person had died, or been sick of
“ any such Distempers during the voyage, shall
“ proceed or be navigated further or higher up
“ into the Harbour than a line running west-
“ wardly from Broad or Main Street to Sand
“ Point in Carleton; and that the Master and
Commander

Form of Notice to be contained in printed Instructions to be furnished to the Saint John Branch Pilots.

“ Commander of any such vessel shall not go,
 “ or put on shore, or on board any other vessel,
 “ or suffer any other person to go or put on
 “ shore or on board any other vessel, any Per-
 “ son or Goods, out of the said vessel, until such
 “ vessel shall have been inspected by the Phy-
 “ sician or Physicians, and his or their License
 “ for that purpose obtained, under the penal-
 “ ty of Two hundred pounds. And further,
 “ that the said Master or Commander shall
 “ cause the said vessel’s Ensign, (or such other
 “ Colour as shall be on board,) to be hoisted in
 “ the Starboard Main Rigging, so soon as the
 “ said vessel shall come abreast of Partridge Is-
 “ land, and shall continue the same, so hoisted,
 “ until leave be granted by the said Physician
 “ or Physicians to remove the same, under the
 “ penalty of Twenty pounds.” And it shall

To be read or pur-
 port, communicated
 by them to the Mas-
 ters of all vessels
 coming into the Har-
 bour.

Penalties for neglect
 of duty in this re-
 spect.

Persons landing un-
 less by direction of
 the Physician, may
 be apprehended and
 carried back to the
 vessel, or such place
 as shall be appoint-
 ed.

be the duty of the said Pilots on first boarding every vessel coming into the Harbour of Saint John, to read such notice to the Master or Commander of such vessel, or communicate to him the purport and effect of such notice ; and any Branch Pilot who shall neglect his duty in this respect, shall for the first offence, forfeit and pay the sum of Ten pounds ; and for the second offence, in addition to the penalty of Ten pounds, be prevented for ever after from holding a Branch. And if any person or persons shall come, or be put on shore from any such vessel, unless by the direction of the said Physician or Physicians, it shall and may be lawful for the Mayor or any one of the Aldermen of the said City, or of the Justices of the Peace for the City and County of Saint John, to cause such person or persons to be apprehended, and carried back to such vessel, or to such other place as may be appointed for the reception of persons under such circumstances so as to prevent the spreading of Infection.

V. *And be it further enacted*, That the Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council convened, be, and they are hereby authorized and required, at the usual time of appointing Charter Officers in every year, and oftener if need be, to nominate and appoint one or more Physician or Physicians who shall have power and authority, and whose duty it shall be to go on board, visit, inspect, and examine all vessels arriving in the Harbour of Saint John, and on board of which, such Signal shall have been so hoisted in the Starboard Main Rigging as aforesaid, or on board of any other vessel which may be suspected of having on board the said Small Pox, Yellow Fever or other Pestilential or Contagious Distemper, and to make full enquiry and examination into the state of the health of all persons on board any such Vessels, or who have been on board during any part of the Voyage, and whether the said vessel came from, or touched at any place infected with any of the Distempers aforesaid, or at which, at the time of her departure, any such Distempers were known or supposed to prevail. And if the said Physician or Physicians, on such inspection and examination, shall consider that no danger is likely to result to the inhabitants of the said City, from suffering such vessel to proceed into the Harbour, he or they shall give a License in writing to the Master or Commander of such vessel for that purpose, and thereupon such vessel may proceed. But if there should exist any doubts relative thereto, that the said physician or physicians do immediately require the Master or Commander of such vessel to bring the said vessel to anchor within the line herein before mentioned. And the said Physician or Physicians shall thereupon, forthwith, make a report thereof, in writing, to the Mayor or Recorder

Mayor, &c. annually to appoint visiting Physicians with power to make all necessary enquiries as to said distempers.

When no danger is likely to result to the inhabitants, Physician may give License for vessel to proceed.

Doubts existing vessel to be brought to anchor, and Physician to report to the Mayor or Recorder with his opinion and advice.

of the said City, with his or their opinion and advice relative thereto. And such Physician or Physicians, who shall go on board, visit, inspect, and examine any such vessels as aforesaid, shall for each and every such visit, inspection and examination, be entitled to demand and receive from the Master, Owner, or Consignee of such vessel so visited, inspected, and examined, according to the following Scale, to wit:—

Scale of fees to be received by the visiting Physician.

For vessels under One hundred Tons burthen, the sum of Seventeen shillings and six pence; for vessels of One hundred and under Two hundred Tons, Twenty shillings; of Two hundred and under Three hundred Tons, Twenty-five shillings; of Three hundred from that upwards, Thirty shillings: the said sums to be sued for and recovered in any Court, competent to take cognizance of the same. And the said Physician or Physicians who shall be guilty of any unnecessary delay in going on board, inspecting, and examining any such vessel as aforesaid, shall be displaced from Office.

Physicians guilty of unnecessary delay to be displaced from Office.

Physician to receive at the rate of one third of the above Scale for each visit after the first.

Provided always, That in case it shall be found necessary for the said Physician or Physicians to make more than one visit on board any such vessel or vessels, on board of which any Distemper or Contagion may actually exist as aforesaid, such Physician or Physicians shall be entitled to receive one third only of the aforesaid rates for every visit so made according to the size of the vessel.

No person other than visiting Physician to go on board of vessels having Signal hoisted under penalty of £20.

VI. *And be it further enacted,* That no person or persons whosoever, other than the Physician or Physicians appointed as aforesaid, shall go on board any vessel so arriving as aforesaid, which shall have such Signal so hoisted in the Starboard Main Rigging as aforesaid, or which having come to Anchor, shall continue to have such Signal so hoisted as aforesaid, under the penalty of Twenty pounds for each and every

every offence : and if any person or persons, other than the Physician or Physicians aforesaid, shall go on board any such vessel, then and in such case, the Master or Commander of such vessel for the time being, is hereby authorized and required to keep and detain such person or persons on board the said vessel, until such License as aforesaid be given for the said vessel to proceed, or until the expiration of such time as shall be directed and appointed for the said vessel to perform Quarantine as aforesaid, or permission in writing be had from the said Physician or Physicians, for him or them to depart. And if any such person or persons so having unlawfully gone on board any such vessel as aforesaid, shall go on shore, or depart from the said vessel, before such License as aforesaid shall be given, or before the expiration of the time appointed for the said vessel to perform Quarantine, or permission be given for him or them to depart as aforesaid, then, and in such case, every such person or persons so offending as aforesaid, and the Master or Commander of any such vessel, so permitting such person or persons to go on shore, or to depart from the said vessel, and every other person aiding and assisting therein, shall for each and every offence severally forfeit and pay the sum of Fifty pounds : and it shall and may be lawful for the Mayor, or any one of the Aldermen of the said City, or one of the Justices of the Peace for the said City and County, to cause such person or persons to be carried back to such vessel, or to such other place as may be appointed by the Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council convened, for the reception of persons under such circumstances, so as to prevent the Infection.

Persons going on board to be detained until License be granted, Quarantine performed or permission for them to depart, be had.

Penalty for allowing persons having unlawfully gone on board to depart from the vessel.

Such persons to be carried back or removed to such place as shall be appointed.

VII. *And be it further enacted,* That during the

Mayor, &c. may order passengers in vessels performing Quarantine to be landed and conveyed to Partridge Island or other appointed place.

the time any such vessel shall be ordered to perform Quarantine as aforesaid, it shall and may be lawful for the Mayor, Aldermen, and Commonalty of the City of Saint John, in Common Council convened, (if on the report of the Physician or Physicians aforesaid, it shall be judged expedient,) to order and direct that the Passengers on board such vessel may be landed therefrom, and conveyed to Partridge Island; or such other place or places as may be appointed for the reception of persons under such circumstances, in order to facilitate the recovery of those who are infected, and to prevent the spreading of the Disease among the other Passengers. And the persons so landed as aforesaid, shall remain at such place or places as shall be appointed therefor, until they are restored to health, their clothes thoroughly cleansed under the direction of the said Physician or Physicians, and his or their Certificate be obtained, that they may proceed to the City without danger to the Inhabitants thereof. And the said vessel from which the said Passengers shall be so landed, shall be thoroughly cleansed and purified under the direction of the said Physician or Physicians: and when so cleansed and purified, the said Physician or Physicians shall report the same to the Mayor, or in case of his absence, to one of the Aldermen of the said City: and the said Mayor or Alderman, shall thereupon give a License for the said vessel to depart from such Quarantine as aforesaid. And in case any person or persons shall depart from the place to which they may have been conveyed from the said vessel without the permission of the said Physician or Physicians, being for that purpose first obtained; it shall and may be lawful for the Mayor, or any one of the Aldermen of the said City, or one of the Justices of the Peace for the City and County,

There to remain until the Physician grants his certificate that they may proceed to the City.

When the vessel is cleansed, Physician to report and license to be granted for her to depart from Quarantine.

Persons departing without permission from the place to which they may have been conveyed to be carried back or otherwise disposed of so as to prevent Infection.

to cause such person or persons to be apprehended, and carried back to the place from whence he or they may have so departed, or to be otherwise disposed of, so as to prevent the Infection.

VIII. *And be it further enacted,* That all vessels which shall arrive in the Harbour of Saint John from any Port or place in the West Indies, South America, the United States of America, from Boston and the southward of Boston, Bermuda, Africa, or the Mediterranean; or having Passengers on board from any Port or place in any part of the world, (save and except in this Province, Canada, Nova-Scotia, Newfoundland, and the United States of America to the Northward of Boston,) between the first day of May and the first day of November in any year, shall hoist the said vessel's Ensign; or such other colour as may be on board; in the Starboard Main Rigging as aforesaid; and shall not proceed further or higher up into the said Harbour than a line running westwardly from Broad or Main Street to Sand Point in Carleton as aforesaid, until such vessel shall have been visited, inspected, and examined by the Physician or Physicians aforesaid, and his or their permission in writing first obtained for the said vessel to proceed. And the Master or Commander of any vessel which shall proceed further or higher up than the line aforesaid; until such permission shall be obtained as aforesaid, shall for each and every such offence forfeit and pay the sum of Twenty pounds.

What vessels shall hoist the Signal and remain without the specified line until visited by Physician and obtaining his permission to proceed.

Penalty for proceeding further up the Harbour than the specified line, without permission.

IX. *And be it further enacted,* That all the penalties and forfeitures in this Act mentioned, may be prosecuted, sued for, and recovered in the Supreme Court, by Action of Debt, Bill, Plaint or Information, or in the Inferior Court of Common Pleas for the said City and County, by any person who shall prosecute for the same,

Penalties how to be recovered and applied.

within twenty days after the commission of the offence; and, when recovered, shall be paid, one moiety to the person so suing and prosecuting; and the other moiety to be paid into the Treasury of the Province, for the use and support of the Government thereof; and if no person shall so sue and prosecute within Twenty days, then that the same penalties and forfeitures shall be sued for and recovered by information of His Majesty's Attorney General, in the said Supreme Court; and, when recovered, to be paid, after deducting the costs and charges of prosecution, into the said Treasury for the use as aforesaid.

CAP. XXVIII.

An Act to regulate the Inspection of Dry and Pickled Fish for Home Consumption and for Exportation.

Passed 8th March, 1830.

WHEREAS, the Acts now in force regulating the Inspection and Exportation of Pickled Fish, are found to be very defective; and it is deemed necessary to make more effectual regulations relative thereto.

I. Be it therefore enacted by the President, Council and Assembly, That an act made and passed in the Fifty-ninth year of His late Majesty's Reign, intituled, "An Act to regulate the Exportation of Fish, and to repeal the Laws now in force relating thereto;" and the Acts made and passed in the Fourth year of His present Majesty's Reign, intituled, "An Act in addition to an Act to regulate the Exportation of Fish;" and the Act made and passed in the Eighth year of His Majesty's Reign; intituled "An Act to continue and amend an Act for regulating the inspection of Fish to be consumed within this Province;" also an Act made

Preamble.

59, Geo. 3. c. 13.

4, Geo. 4. c. 6.

8 Geo. 4. c. 5.

made

made and passed in the ninth year of His Majesty's Reign, intituled, "An Act in amendment of the Acts regulating the Exportation of Fish;" also an Act made and passed in the ninth and tenth years of His Majesty's Reign, intituled, "An Act to extend the provisions of the several Acts regulating the Exportation of Fish to all Pickled Fish intended for Exportation," be, and the same are hereby repealed:

9, Geo. 4. c. 27—
and

9 and 10, Geo. 4.
c. 18—repealed.

II. *Be it further enacted*, That from and after the first day of June next, all Barrels, half Barrels, and Tierces in which pickled Fish, either for Exportation or Home Consumption, are packed, (for sale,) shall be made of sound, well seasoned timber, free from sap, and constructed of staves of the thickness of not less than half an inch in the thinnest part, if made of hard wood, and five eighths of an inch when made of soft wood; and shall have the bung stave made of hard wood, with heading well seasoned, and planed or shaved, and free from sap, and to be in all cases of split or rift wood. The barrels, half barrels, and tierces, to be full bound, or closely hooped for nine inches from each chimb on the barrels, and in proportion on half barrels and tierces. The barrel staves to be Twenty-eight inches in length, and the heads to be Seventeen inches between the chimbs, and to contain not less than Twenty-eight, nor over Twenty-nine Gallons; the half barrels to contain not less than Fourteen Gallons; and the tierces to contain not less than Forty-two, nor more than Forty-four Gallons.

Description and size
of barrels, half barrels,
and tierces.

III. *And be it further enacted*, That it shall and may be lawful for the Justices of the Peace in each County, at their first General Session Annually, or the Mayor, Aldermen, and Commonalty, of the City of Saint John, for the said City and County, to appoint fit and proper persons to be Inspectors of Fish in each County, Town,

Inspectors of Fish to
be appointed where
necessary.

Inspectors to give bonds and be sworn to the faithful discharge of their duty.

Town, and place, where such may be necessary. And such persons before they enter upon the duties of their office, shall respectively give Bonds, with two sufficient sureties, to His Majesty, his Heirs, and Successors, in such sum, not less than fifty pounds nor over one hundred pounds, as the said Justices in the several Counties in this Province, and the said Mayor, Aldermen, and Commonalty of the City of Saint John, may direct; which inspectors shall be sworn to the faithful discharge of their duty. And such persons shall continue in such office until other fit and proper persons are appointed and sworn in their stead. And each Inspector shall, and is hereby required to furnish himself with a copy of this Act, which he shall, when required, produce to any person or persons who shall employ him to inspect Fish under this Act.

To furnish themselves with a copy of this Act to be produced when required.

Duty of Inspectors.

IV. *And be it further enacted,* That it shall be the duty of the said several Inspectors, to see that Mackerel, Salmon, Shad, and all other kinds of split pickled Fish, or other pickled Fish for barreling or exportation, have been well struck with salt and pickle in the first instance, and preserved sweet, free from rust, taint, or damage. And such fish as are in good order, and of a good quality, shall be packed in tierces, barrels, or half barrels. The tierces shall contain Three hundred pounds, the barrels Two hundred pounds, and the half barrels, One hundred pounds of Fish each; and the same shall be packed with good and clean salt, suitable for the purpose; the said casks after being packed, and headed up with the Fish, and sufficient salt, not less than in the proportion of One peck and a half of coarse salt to the barrel, or fine salt in the same proportion, to preserve the same, shall be filled up with a clear strong pickle, and shall be branded Mackerel, Salmon, Shad,

Mode of packing fish and contents of the tierce, barrel and half barrel.

Shad, or as the case may be. Those of the best quality, to be most approved and free from damage, shall be branded, No. 1 : those of a second quality, after the best have been selected, being sweet, and free from taint, rust or damage, shall be branded No. 2 : And there shall be a third quality of Salmon and Mackerel, which shall consist of the thinnest and poorest of those Fish which are sweet and wholesome, that shall be branded No. 3.

Brands, descriptive of quality.

Provided always, That no Herring, commonly called Sprats or Frys, shall be deemed Merchantable.

Sprats or Frys not merchantable.

And the said Inspectors shall also brand, in plain and legible Letters, on the head of each and every cask in which Inspected Merchantable pickled Fish are packed or repacked, the Initials of his Christian name, with his Surname at large, the name of the Town for which he is appointed, the year in which they are inspected, and N. B. for New-Brunswick. And all fish so inspected for exportation shall have branded on the head of each Cask the Letters Ex. : and all Fish so inspected for Home Consumption shall also have branded in like manner, H. C. Each cask shall be filled with Fish of one and the same kind ; and if any person shall intermix, take out, or shift, any inspected Fish, which are packed and branded as aforesaid, or put in other Fish for sale or exportation, contrary to the true intent and meaning of this Act, he, or they shall forfeit and pay the sum of Ten pounds for each and every Tierce, Barrel, or half Barrel so altered.

Additional Brands.

Penalty for intermixing or shifting inspected Fish.

Provided always, That if any casualty should render it necessary to repack a cask of inspected Fish, it may in all cases be done by an Inspector of such Fish : and if any person shall sell or export, or cause to be sold or exported, within or from this Province, any tainted or damaged Fish

Fish may be repacked by an inspector when necessary.

Penalty for selling or exporting damaged Fish.

Fish, he shall forfeit and pay, not less than Five, nor more than Twenty shillings, for every hundred weight that shall be thus sold or exported.

Provided always, That it shall and may be lawful to export Herrings without pickle, if the same are in every other respect conformable to this Act.

Herrings may be exported without pickle.

Pickled Fish imported from Nova-Scotia, may be sold within, or exported from this Province without further inspection.

V. And be it further enacted, That all pickled Fish that may hereafter be imported into this Province from Nova-Scotia, which shall appear to have been duly inspected and branded, according to the Laws of the said Province, may be sold within this Province, or exported therefrom without any other inspection, unless the purchaser or purchasers of such Fish shall think proper to have the same again inspected, in which case it shall and may be lawful for the buyer, and the seller, (if he shall think fit,) to call an Inspector on behalf of each to reinspect such Fish; and on such reinspection, such Inspectors shall be governed by the provisions of this Act; which Inspectors shall be paid by the persons who shall respectively employ them.

If purchasers think proper to have them reinspected,

Inspector then to be governed by this Act and paid by the persons employing him.

Certificate of Inspector to be produced to the Collector or Comptroller of H. M. Customs, previous to exportation.

VI. And be it further enacted, That no pickled Fish shall be exported from this Province in casks by water, unless the Master or Owner shall produce to the Collector or Comptroller of His Majesty's Customs at the Port or place where the same shall be shipped, a Certificate from an Inspector, that the same has been inspected, packed, and branded according to the directions of this Act. And the certificate shall express the number of barrels, half barrels, and tierces thus shipped, the kind and quality of Fish they contain, with the name of the Master and Owner or Shipper, and the name of the vessel on board which such Fish are shipped for exportation. And every such Master, Owner

Contents of certificate.

ner, or Shipper, shall take and subscribe the following Oath, before the said Collector or Comptroller :—“ I, A. B. do swear, according to the best of my knowledge and belief, that the Certificate or Certificates hereunto annexed, contains the whole quantity of pickled Fish, shipped on board the ——— ; ——— Master, by or for me ; and that no Fish is shipped on board said vessel, for the Ship’s company, or on freight or cargo, but what is inspected and branded according to the Law of this Province,—So help me God.”

Form of oath to be taken and subscribed by the master, owner or shipper.

VII. *And be it further enacted*, That if the Master of any vessel or any other Person shall put or receive on board any vessel, or other carriage or conveyance, to transport the same from this Province, any pickled Fish packed in casks which are not inspected and branded in manner by this Act prescribed, he or they, on conviction, shall forfeit and pay a sum not exceeding Twenty shillings, nor less than Five shillings, for each hundred pounds of such uninspected Fish.

Penalty for transporting any pickled Fish not inspected and branded according to this Act.

VIII. *And be it further enacted*, That the said Inspectors shall respectively be paid for inspecting and branding each and every cask of Fish as directed by this Act at and after the following rates, viz :—For each barrel, when the quantity inspected for any individual at any one time, does not exceed one hundred barrels, the sum of Sixpence per barrel ; and for tierces and half tierces in the same proportion. And when the quantity inspected, for any individual at one time, shall exceed One hundred barrels, Five pence per barrel ; and for tierces and half tierces in the like proportion. The said charge for inspecting and branding to be paid by the person or persons who shall employ such inspector. And where any such Inspector shall be required to travel any

Fees to be received by Inspector.

Additional Fes for travelling.

any distance exceeding Two miles from his usual place of residence, for the purpose of inspecting any Fish, he shall be entitled to receive, in addition to the charge for inspection, Six pence per mile for every mile he shall so travel exceeding the said Two miles; the same to be paid by the person employing such Inspector.

Penalty for branding any cask, &c. not inspected, or for allowing any person to use the Brands in evasion of this Act.

IX. *And be it further enacted*, That if any Inspector shall brand any cask, the contents of which he has not inspected according to the true intent and meaning of this Act, or if he shall permit any other person or persons to use his brand or brands in violation or evasion thereof, he or they so offending, shall forfeit and pay for every cask so branded, not less than Five shillings nor more than Twenty shillings; and to be liable to be removed from office.

Inspectors may employ assistants, where not furnished by persons employing them and be entitled to charge extra.

X. *And be it further enacted*, That in all cases where the person or persons employing any Inspector, shall neglect or refuse to furnish such assistance as may be necessary to enable the said Inspector to weigh and pack at least Twenty barrels of Fish per day, it shall and may be lawful for the said Inspector to employ such persons as he may require to weigh and pack such Fish, for which he shall be entitled to receive from the person or persons who shall employ him, over and above the charge for inspection, the sum of Five pence per barrel for any quantity under One hundred barrels; and where the quantity shall exceed One hundred barrels, Four pence per barrel.

Rate of extra charges.

Justices of the Peace may issue warrant for seizing Fish about to be sold or exported contrary to this Act.

XI. *And be it further enacted*, That if any pickled Fish as aforesaid, shall be put on board any boat, vessel, or carriage of conveyance, with intent to sell or export the same, contrary to the provisions of this Act, it shall be lawful for any Justice of the Peace in the same County, or City and County, upon information given him, to issue his Warrant to the Sheriff or his Deputy,

or

or to any Constable of the Town in which such boat, vessel, or carriage may be requiring them respectively to seize and secure said Fish, and carry the same to the nearest Inspector; and such Inspector is hereby required to open and inspect, and to pack and brand the same as is before provided in this Act; and to detain the same until the expence and charges of Seizure, inspection, packing, and all other charges arising from such seizure, shall be paid. And it shall be the duty of every person when required, to give his necessary aid to the Officer having such Warrant, on pain of forfeiting Twenty shillings for his refusal.

Fish seized to be inspected and detained until all expences are paid.

Aid to be given to the officer executing the warrant under penalty of 20s.

XII. *And be it further enacted*, That all kinds of pickled Fish, which are packed in tierces, barrels, and half barrels that are offered for sale, for the consumption of the Province, shall be packed and put up in the way and manner aforesaid, except that the quantity of salt necessary to pack such Fish, shall be regulated by the persons inspecting such Fish. And all penalties and forfeitures imposed and arising by virtue of this Act, where the same shall not exceed the sum of Five pounds, shall be recovered before any Justice of the Peace; or where the same shall be more than Five pounds, and shall not exceed Fifteen pounds, before any two of His Majesty's Justices of the Peace, together with the costs of prosecution, on the oath of one or more credible witness or witnesses, and to be levied by Warrant of distress under the hand and seal of such Justice or Justices, and sale of the offender's goods and chattels. And for want of sufficient distress, such offender shall suffer not less than Five days nor more than Thirty days imprisonment. And in case such fine shall exceed Fifteen pounds, the same may be recovered in any of His Majesty's Courts of Record in this Province, by action of debt, together

Quantity of salt for fish, intended for Home Consumption, to be regulated by Inspector.

Mode of recovering penalties.

Application of penalties.

gether with costs of Suit; one half of all such penalties and forfeitures, to be paid to the person or persons who shall sue for the same, and the other half to be paid to the Overseers of the Poor of the Town or Parish where such offence shall be committed, for the benefit of the Poor of such Town or Parish.

Not to be construed to prevent uninspected fish being sold by Fishermen, bringing them to market.

XIII. *Provided always, and be it further enacted,* That nothing in this Act shall be construed so as to prevent uninspected Mackerel or other pickled Fish, from being sold at any of the Ports of this Province by the Fishermen, as they may bring them to market in casks, bulk, or otherwise, which may be wanted for immediate consumption, or be afterwards subject to inspection, and that nothing contained in this Act shall extend to Fish packed in kegs of less than ten gallons.

Nor to fish in kegs of less than 10 gallons.

If an inspection be unsatisfactory, other Inspectors may be called upon.

XIV. *And be it further enacted,* That if the Owner of any pickled Fish inspected as aforesaid, or Buyer or Seller of any such Fish, shall be dissatisfied with any such inspection, it shall and may be lawful for the said owner to call two other Inspectors, or the said buyer and seller to call one other Inspector each, to reinspect such Fish; and in case the said two Inspectors cannot agree; then they shall be at liberty to call in a third Inspector; and the determination of the said Inspectors, or any two of them, shall be final and conclusive. And in case the survey of the first Inspector shall not be confirmed, then the expence of such reinspection, shall be paid by the said first Inspector; and if the first inspection shall be confirmed, than each of the said Inspectors shall be paid by the persons who shall respectively employ them.

If first inspection be not confirmed the first Inspector to pay the expences of the second.

If confirmed, Inspectors to be paid by persons hiring them.

Inspector to be liable for damages, if the fish prove within four months to be of

XV. *And be it further enacted,* That if any Inspector shall brand and mark any Fish which shall remain in this Province, and which on examination within Four months after such inspection,

spection, shall prove to be of a quality inferior to the brand on such Fish, such Inspector shall be liable to the person or persons who shall own the said Fish, at the time of such examination, for all such damage as he or they may have sustained by reason of the said Fish proving inferior to the brand on such casks; and that such person or persons shall recover from such Inspector all such damage as he or they shall have sustained thereby, where the same does not exceed Five pounds, before one of His Majesty's Justices of the Peace, or if the same shall exceed the sum of Five pounds, and be less than Fifteen Pounds, then before two of His Majesty's Justices of the Peace; and in all cases where the damage shall exceed the sum of Fifteen pounds, by action of debt in any Court of Record in this Province, together with costs of Suit.

an inferior quality to the brand on the casks.

Mode of recovering such damages.

Provided always, That no Inspector shall be liable as aforesaid, unless he shall be duly notified of such claim within six months after he shall have inspected such Fish.

Inspector to be notified of the claim within six months after his inspection.

XVI. *Be it further enacted*, That there shall be three qualities of Dry-Cod Fish, viz:—The first or best to be called Merchantable, and to consist of smooth, well split, thoroughly dried, free from break, salt-burn, and not discoloured in curing or otherwise; and that no fish shall be deemed Merchantable, but such as are cured in catch; the second quality to be called Madeira, and to consist of the next best, being such as are not injured by being salt-burnt, broken, or much discoloured; and the third quality to be called West India, and to consist of such as may be inferior to the above, but in all respects sound, free from slime, and wholesome; and that Inspectors duly appointed under this Act, shall be allowed for their care, diligence, and trouble, Two pence per Quintal, payable half by the Seller, and half by the Buyer.

Dry fish to be of three qualities, viz—

Best to be called Merchantable.

Second,—Madeira.

Third,—West-India.

XVII.

Limitation.

XVII. *And be it further enacted*, That this Act shall continue in force until the expiration of Five years.

Not to extend to pickled fish caught and cured before 1st June next.

XVIII. *And be it further enacted*, That this Act shall not extend or be construed to extend to any pickled Fish which shall be caught and cured before the first day of June next.

CAP. XXIX.

An Act to repeal certain Acts relating to Commissioners of Sewers; and to make more effectual provisions in lieu thereof.

Passed 8th March, 1830.

Preamble.

WHEREAS the Laws now in force for the appointment of Commissioners of Sewers, have been found ineffectual for all the purposes intended.

And whereas, It is expedient to repeal the same, and to make further and more effectual provisions therefor.

26, Geo. 3. c. 45—
and—

I. *Be it therefore enacted by the President, Council and Assembly*, That an Act made and passed in the Twenty-sixth year of the Reign of His late Majesty King George the Third, intituled, “ An Act for appointing Commissioners of Sewers;” also an Act made and passed in the Thirty-fourth year of the Reign of His said late Majesty King George the Third, intituled, “ An Act in addition of an Act, intituled, An Act for appointing Commissioners of Sewers,” be, and the same are hereby respectively repealed.

34, Geo. 3. c. 8—
repealed.

Governor with advice of Council to appoint Commissioners of Sewers.

II. *And be it further enacted*, That upon application of any Proprietors of any marsh, Low-lands, Meadow, or other unreclaimed Lands, the Governor or Commander in Chief, with the advice of His Majesty's Council, may and is hereby authorized by commission to appoint such able discreet persons as to him shall seem meet, to be Commissioners

Commissioners of Sewers ; in which commission such Commissioners shall be authorized and empowered to convene and meet together from time to time, as occasion may require, to consult, consider, and devise means and methods for building, erecting, or repairing such Abou-deaux, Dikes and Wears, as are or may be necessary to prevent inundation, and for the draining or drowning of Marshes, Swamps, and other unreclaimed lands, either diked or undiked, and to employ Labourers and Workmen for such reasonable wages as may be agreed on for that purpose ; and to tax and assess all such persons from time to time as shall or may be owners of such Marshes, Meadows, Swamps, or unreclaimed Lands as aforesaid, for defraying the expence thereof, having regard to the quantity and quality of Land of each person, and benefits thereby to be received as equally as they can, according to their best judgment, and shall appoint a Clerk, by whom all Records, Entries, Notices, and other documents, shall be made and kept : Also to appoint and swear a Collector or Collectors for collecting such assessments, and paying the same to such persons as by said Commissioners shall be appointed, with powers to distrain all such persons as shall neglect or refuse to make payment of his, her, or their proportions assessed as aforesaid, in like manner as is usually done in other cases by distress. And such Collector appointed as aforesaid, shall be entitled to levy for his services, a sum over and above such assessment not exceeding seven and a half per cent. on the amount of such assessment; the said sum so to be allowed for collecting, to be first regulated by the Commissioners, having regard to the amount to be collected ; and to call before them such Collector or Collectors to account for his or their trusts in regard to the premises ; which said Commissioners

Their powers and authority.

Commissioners to be sworn, and to receive

a. reasonable com-
pensation for their
services.

sioners shall be sworn to a faithful discharge of their duty, and may receive, out of such Assessment, a reasonable compensation for their services: *Provided*, the same shall not exceed the rate of Ten Shillings per day, for each and every Commissioner.

Land of delinquent
proprietors to be let
or sold if no distress
can be found.

III. *And be it further enacted*, That if no person shall appear to pay the Quota or proportion of any delinquent proprietor in any assessment made as aforesaid, for the diking or draining such lands, and no sufficient distress shall be found to answer such assessment, the Commissioners of Sewers or major part of them shall, by advertisement during three months in the Royal Gazette, published by the King's Printer, and in the Office of the Register of Deeds and Wills in such County, cause notice to be given for letting out the lands of such delinquent proprietor; and if no person shall appear to hire the same, it shall and may be lawful for the said Commissioners, or the major part of them, by warrant under their hands and seals, to order the Sheriff to sell at Public Auction, to the highest bidder, so much of such delinquent's Land so diked in, and drained, as may be sufficient to pay such proportion or quota due as aforesaid, with the charges of such sale; and such Sheriff is hereby authorized and directed to execute a good and authenticated Deed to the purchaser or purchasers thereof, their Heirs and Assigns.

In all cases on 6
days notice, owners
of marsh land to at-
tend or send labour-
ers, with proper
tools to work where
ordered.

IV. *And be it further enacted*, That in all cases, either in erecting new Dikes or Aboideaux, or raising or repairing the same, or draining Marsh or low lands, the Commissioners of Sewers shall give at least six days previous notice of such repairs or draining as aforesaid by advertizing the same in three public places within the jurisdiction of such Commissioners. And upon such notice being given as aforesaid

aforesaid, it shall be the duty of the owner or occupier of such Marsh or low lands to attend, either themselves or by sufficient labourers as the case may require, with proper tools to work at such time and place as by the said Commissioners shall be appointed, agreeably to the rules and regulations which are or may be made for that purpose; and according to the quantity or proportion of land belonging to such owner or proprietor. Oxen or Carts may be employed. And where it may be necessary to employ oxen and carts, each and every owner or possessor of such lands who have them, shall in like manner be obliged to attend with such oxen and carts for such work, according to the discretion of said Commissioners, or shall forfeit and pay over and above his tax or assessment, the sum of Five shillings for every day's neglect; and so in proportion for oxen and carts; to be recovered in any Court proper to try the same. Penalty for neglect. And the monies arising from such fines, to be paid into the hands of the Commissioners, who are hereby authorized to sue for the said fines, to be appropriated for repairs of such Dikes.

V. *And be it further enacted*, That in case of any sudden breach in any Dike, or where the same is likely to be made, or inundation occasioned by high tides, storms or otherwise, each and every owner or possessor of land within such Dikes, shall immediately on notice given by one or more of the Commissioners, repair to the place directed with proper tools or teams, to labour and use their utmost endeavours to repair or prevent such breach, and shall continue to work from day to day so long as the Commissioners of Sewers shall judge necessary. In case of a sudden breach in any dike, owners of land within such dike, to repair immediately to the place, and work as long as necessary. or shall forfeit and pay over and above their tax or assessment, the sum of Ten shillings for each day's neglect; and so in proportion for oxen and carts, to be recovered in manner and applied to the uses aforesaid. Penalty for neglect.

VI.

Owner to be indemnified when his soil or sod are cut for diking, or his land washed away.

VI. *And be it further enacted*, That when the sod or soil shall have been cut off the lands of any proprietor or proprietors, in any track of Marsh, diked in common with any other proprietor or proprietors, for the purpose of diking in the same; or when the land of such proprietor or proprietors shall have been washed away by the tide or current of the River; or when by means of making new Dikes for securing the Marsh land so diked in common, such proprietor shall have lost the whole or part of his Lot, it shall and may be lawful for the Commissioners of Sewers to cause a just valuation to be made of such loss, by five disinterested Freeholders, who shall be sworn truly and impartially to value the same; which valuation shall be levied and collected in like manner as directed in and by the second Section of this Act.

Commissioners not to dike in any marsh &c. without the consent of the proprietors of one half of such marsh;

VII. *And be it further enacted*, That hereafter no Commissioners of Sewers already appointed or hereafter to be appointed by virtue of this Act, shall have power to proceed to dike in any body of Marsh, Low-lands, or Meadow, but upon the application or by consent and concurrence of the proprietors of at least one half of the quantity of such Marsh, Low-lands, or Meadow; or shall have power to drain any body of Marsh, Low-lands or Meadow, either diked or undiked, but upon the application of at least one half of the proprietors of the quantity of Marsh, Lowlands, or Meadow, to be benefited by any such Drain, so to be made.

Nor to drain but upon application of one half of the proprietors of the marsh to be benefited by such drain.

Commissioners to state an account of expenditure, and work done, to be left with the Clerk for inspection, and to give thirty days notice of such account to each proprietor, previous to

VIII. *And be it further enacted*, That such Commissioners, upon making up any Bill of Assessment shall state an Account of the Expenditures and Work done in diking or draining any such lands under their authority and direction; which Account shall be left with the Clerk, for the inspection of all persons concerned. And the said Commissioners shall also,

also cause notice of such stated Account to be given to each Proprietor or agent, who may at the time be resident within the Parish where such Commissioners are acting, at least thirty days previous to issuing any warrant to distrain, to the intent that each proprietor may pay their respective quota previous to any such distress: And where any owner of Lands as aforesaid shall reside without the Parish, it shall be the duty of the said Commissioners to cause a schedule of such Proprietors so residing without the Parish, signed by their Clerk, shewing the amount due from each person being so absent as aforesaid, and to be posted up, at least thirty days previous to their advertising for letting out the Lands of such delinquent Proprietors, at three public places in the said Parish, and also at the County Court House.

issuing warrant to
distrain.

Schedule of absent
Proprietors, shewing
amount due by each,
to be posted up 30
days previous to ad-
vertising their lands
for letting out.

IX. *And be it further enacted*, That in all cases where land shall be reclaimed and enclosed by Dikes or Aboideaux, erected without other Dikes or Aboideaux, and which shall be found to benefit the Proprietors of the Lands first diked as aforesaid, by securing more effectually such Lands, the Commissioners of Sewers now appointed, or to be hereafter appointed, under and by virtue of this Act, are hereby authorized and empowered to tax and assess all persons having Lands enclosed by any former Dikes or Aboideaux, and who are benefited by any such Dikes and Aboideaux, made without as aforesaid, according to the best discretion of such Commissioners, and such Assessment to be collected, paid and accounted for, in the same manner as other assessments are, in and by the second Section of this Act.

Owners of lands benefited by other lands being enclosed by dikes, erected without their dikes, to be assessed at the discretion of the Commissioners.

X. *And whereas*, it is expedient that any grievance which may be suffered under this Act be redressed in the most easy and expeditious manner:

Be

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

Provided, 12 days previous notice with grounds of appeal be given.

Be it therefore further enacted, That whenever any person shall be aggrieved by any procedure had or made by such Commissioners, or any others in pursuance of this Act, such person aggrieved may appeal therefrom to the Supreme Court or Court of Nisi Prius; which said Courts or either of them may grant redress. *Provided,* Notice of such appeal, with the grounds thereof, be given to the adverse party, at least twelve days previous to such hearing by Appeal.

CAP. XXX.

An Act to repeal all the Acts now in force for the support and relief of confined Debtors and to make other and more effectual provisions in lieu thereof.

Passed 8th March, 1830.

I. *BE it therefore enacted by the President, Council and Assembly,* That an Act made and passed in the Forty-first year of the Reign of His late Majesty King George the Third, intituled, "An Act for the support and relief of confined Debtors;" also, an Act made and passed in the Forty-seventh year of the same reign, intituled, "An Act for the further relief of Debtors, with respect to the imprisonment of the persons;" also an Act made and passed in the Fiftieth year of the same Reign, intituled, "An Act to revive and make perpetual an Act, intituled, An Act for the support and relief of confined Debtors, and further to extend the provisions of the same;" also an Act made and passed in the fifty ninth year of the same Reign, intituled "An Act in addition to, and in amendment of, an Act intituled, An Act for the support and relief of Confined Debtors, and the Act further to extend the provisions thereof;" also, an Act made and passed in the third year

of

41, Geo. 3. c. 5.

47, Geo. 3. c. 2.

50, Geo. 3. c. 30.

59, Geo. 3. c. 12.

3, Geo. 4. c. 15.

of the Reign of His present Majesty, King George the Fourth, intituled "An Act in amendment of the laws now in force for the support and relief of confined Debtors, and for the further relief of Debtors, with respect to the imprisonment of their persons;" also, an Act made and passed in the Fourth year of the present Reign, intituled "An Act in further amendment of the laws now in force for the support and relief of confined Debtors, and for the further relief of Debtors, with respect to the imprisonment of their persons;" also, an Act made and passed in the seventh year of the present Reign, intituled "An Act in further amendment of the laws in force for the support and relief of confined Debtors," be, and each and every of said Acts are hereby repealed.

4, Geo. 4. c. 10.—
and

7, Ges. 4. c. 13—
repealed.

II. *And be it further enacted*, That whenever any person may be confined within any Gaol, or the limits thereof, within this Province, for any debt, damages or costs, whether on mesne or final process, and such person so confined shall be unable to provide or obtain his or her necessary support, it shall and may be lawful for such person, after fourteen days confinement; to make application to any Judge of the Supreme Court of this Province, or any Justice of the Inferior Court of Common Pleas of the County where such person shall be confined, for a weekly support or maintenance, and such Judge or Justice (after fourteen days previous notice to the plaintiff, or person at whose suit such person may be confined; his or her attorney) shall examine on oath such person so confined, as to his or her ability to support him or herself; and if, on examination, to be taken in writing on oath as aforesaid; to be filed in the office of the Clerk of the Court, out of which such process may have issued, it shall appear to such Judge or Justice, that such person is ut-

Persons after 14 days confinement, and who are unable to support themselves, may apply to a Judge of Supreme Court, or a Justice of Common Pleas for maintenance.

Judge after notice to Creditor to examine Debtor, and if he be found unable to support himself, &c. to order Creditor to pay a weekly sum for his support.

terly unable to support him or herself, and has no property whatever, real or personal, of what nature or kind soever, (except necessary bedding, wearing apparel, kitchen utensils, and necessary tools of his trade or occupation, not exceeding in value in the whole fifteen pounds,) and that such confined person hath not at any time, since he or she was served with such process, or since he or she had notice thereof, made over, assigned, transferred, or put out of his or her possession or power any property whatsoever, whether real or personal, for the purpose of defrauding such plaintiff, or giving any undue preference to any other plaintiff or creditor, that then it shall be lawful for such Judge or Justice to make an order for the party, at whose suit such person may be confined, to pay a weekly sum, to be applied for the support of such person; which sum shall be paid weekly, and the first payment be made at the time such Judge or Justice may in such order direct; and from the first day of November until the last day of March, shall be five shillings per week, and the remainder of the year four shillings per week; and after such order made, it shall be the duty of such party, without any further notice, to pay such weekly support, agreeably to such order; and in case of failure thereof, it shall and may be lawful for any such Judge or Justice as aforesaid, on such failure being made known to him, to make an order under his hand, directed to the Sheriff or Gaoler, to discharge the said person out of confinement by reason of such suit: *Provided*, That nothing in this Act shall prevent any plaintiff from prosecuting his or her suit (if on mesne process) to final judgment, or from taking out fieri facias against the goods and chattels, lands and tenements of such defendant, in the same manner as if no application or order had been made in manner aforesaid.

Allowance to be 5s. per week in winter and 4s. in summer.

In default of payment, Debtor to be discharged.

Not to prevent Creditor from proceeding against the Debtor's Goods and Lands.

III. *And be it further enacted,* That each and every defendant committed to gaol in execution upon any judgment recovered before any Justice of the Peace in such Justice's Court, shall be entitled to the benefit of this Act, and such Justice, or any other Justice of the Peace of the County, in the gaol of which the defendant shall be confined, upon such application, notice and examination, as are prescribed in the cases mentioned in this Act, shall make the like orders for the relief of such defendant in every respect as if the execution against such defendant had issued out of either of the courts before mentioned in this Act.

To extend to Debtors in executions upon judgments recovered before a Justice of the Peace.

IV. *And be it further enacted,* That upon the application of any such person to any Judge or Justice as aforesaid, for such support such Judge or Justice is hereby authorized and required to make an order under his hand, directed to the Sheriff or Gaoler in whose custody such person may be confined, to bring up such person before him at the time and place in such order to be specified, for the purpose of being examined, as provided in the second section of this Act; and such Sheriff or Gaoler shall not be liable to any action for escape or other suit for or on account of obeying such order, according to the true intent and meaning of this Act.

Judge or Justice to issue order to Sheriff or Gaoler to bring Debtor before him.

Sheriff or Gaoler obeying order not to be liable for escape.

V. *And be it further enacted,* That in any case where it shall be made to appear to the satisfaction of any Judge or Justice who may have ordered support to any person, or to any other Judge or Justice of the Court out of which the process may have issued upon which such person may be confined, after such support ordered, that such person has the means of providing his other necessary support, whether from property possessed at the time or since obtained, or by any other means, in either such cases,

If it shall appear after order for support, that the Debtor has the means of supporting himself, the Judge or Justice may stop the weekly allowance.

upon

upon application made to him such Judge or Justice shall be and is hereby authorized and empowered, by order under his hand and seal, to suspend the payment of such support for a stated time, or until further order is given in that behalf by such Judge or Justice, or by the Court out of which the process shall have issued: *Provided always*, That in case the said Judge or Justice, shall direct the suspending or withholding support until further order from the Court is given in that behalf, it shall and may be lawful for such Court, at the next or any future sitting, to hear and determine upon the same, and make such order as to such Court may appear fit and proper: *Provided*, That such Court shall not direct the payment of any greater support than by this Act is authorized: And *further Provided*, that no order shall be made for suspending the payment of support without due notice being given to the confined person of the application for that purpose being made, in order that such person may attend, if he or she think proper; and any Judge or Justice as aforesaid may order and direct the Sheriff or Gaoler to cause such person to be brought before him for that purpose, in the same manner as directed in and by the fourth section of this Act.

VI. *And be it further enacted*, That if it shall at any time appear or be made out to the satisfaction of any such Judge or Justice as aforesaid, That the person so applying for or having support under this Act, (and having the benefit of the Gaol limits) can either by labour or otherwise earn or procure his or her necessary support and maintenance, such Judge or Justice shall and may refuse to make such order for support as aforesaid, or in case the same be made, to suspend the same in the manner as is provided in the fifth section of this Act.

VII. *And be it further enacted*, That any per-
son

If support be suspended until further order, the Court at any future sitting may hear and determine the same.

Court not to order any greater support than herein authorized.

No order for suspending support to be made without notice of the application being given to the debtor.

If debtor can by labour or otherwise earn his support, maintenance to be refused, or (if previously ordered) suspended.

son who may have received such weekly allowance for the space of one year, shall immediately thereafter be entitled to his or her discharge from confinement at the suit of the party who may have paid the same; and in such case the said Judge or Justice of the Peace, who made the order for such weekly support, or any other Judge or Justice of the Peace as aforesaid, is hereby authorized and required to discharge such person from custody at the suit of the party who may have paid the support. *Provided always*, That in case of such discharge the party shall be entitled to the same remedy, by proceeding to final judgment, or taking out execution against goods, chattels, lands and tenements, as is provided in the second section of this Act.

Debtors having received weekly allowance for one year to be discharged.

Creditor to be entitled to remedy by execution against goods, &c. as provided in 2 § of this Act.

VIII. *And be it further enacted*, That when any plaintiff or defendant shall have occasion to compel the attendance of any witness or witnesses to testify or give evidence before the Judge or Justice, to, or before whom, any application, examination or other proceeding may be had under this Act, it shall and may be lawful for such plaintiff or defendant to issue a *subpœna*, or if need be a *subpœna duces tecum*, out of the Court from which the process under which the person is confined may have issued, commanding and requiring the attendance of such witness, and the production of books and papers before such Judge or Justice at the time and place in such *subpœna* to be specified, which said *subpœna*, shall be served, and the witness paid or tendered his reasonable expences, in the same manner as if the *subpœna* had issued from such Court in the ordinary manner; and the witness, or the person served therewith, shall be subject to the same punishment by such Court, or liable to the like damages in all respects to the party injured, for wilfully

Attendance of witnesses and the production of books and papers to be enforced by subpœnas to be issued by Plaintiff or Defendant.

Witness to be served with the subpœna and paid his expences in the same manner as if the subpœna had issued in the ordinary course, and to be liable in damages for neglecting to obey.

fully refusing or neglecting to obey such *sub-pœna*, as in any other case he would be liable or subject to.

Debtor may assign his property real or personal to *bona fide* creditors, if the person at whose suit he is confined shall refuse to receive the same at a fair valuation, or the proceeds thereof, after it has been sold at public auction.

IX. *And be it further enacted*, That when any person so confined shall be possessed of money or debts at the time of his or her confinement or afterwards, and shall have offered to pay or assign the same to the party at whose suit such person may be confined, or in case there be several parties, to them respectively, in part payment of and in proportion to such demand or demands, or when such confined person shall be possessed of either real or personal property (excepting nevertheless wearing apparel, bedding and tools to the value of fifteen pounds as before excepted) and shall have offered to convey or assign the same to the party or parties, at whose suit or suits such person may be confined, at a fair price, to be agreed upon, in part payment and in proportion as aforesaid, and in case of disagreement as to the price or value of such property, shall have offered to pay in manner aforesaid, the proceeds arising from the sale of such property, which said property shall be sold at public auction by such confined person, after having first advertised the time and place of the sale thereof, for the space of fourteen days, and given the party or parties respectively, or their attornies, notice of such sale, and the said party or parties shall have refused to accept and receive the said payment or assignments, or the said proceeds arising from the sale of the said property as aforesaid, that then it shall and may be lawful for the said person, so confined, to assign or pay over the same to any other *bona fide* creditor or creditors.

After such assignment debtor to be entitled to the benefit of this Act.

X. *And be it further enacted*, That when such party or parties may have received such assignment or payment from such confined person, as aforesaid, or where the confined person,
in

in case of refusal by such party or parties, may have assigned or paid the same to other *bona fide* creditors as aforesaid, that then in either of such cases the said confined person shall be entitled to the benefit of this Act, in all respects, the same, as if such person had no such debt or property at the time of confinement or application.

XI. *And be it further enacted*, That the Justices of the Peace in the several and respective Counties shall, and they are hereby authorized and empowered, at any general or special sessions to be holden in the respective Counties; to designate certain limits round the several and respective Gaols in this Province, without any reference to Gaol Yards; which limits shall, in no case, be less than forty rods, nor exceed eighty rods from any Gaol: *Provided always*, That nothing in this section shall be construed to extend to prevent the Justices of the Peace for the County of Charlotte, in General Sessions, to extend the limits of the Gaol in that County, so as to allow persons confined therein to attend divine service on Sabbath days in the town plot of the town of Saint Andrews.

Justices to designate certain limits round the Gaols, to be not less than 40 rods nor more than 80 rods.

Limits in St. Andrews, may be extended so as to allow persons confined therein to attend divine service on Sundays.

XII. *And be it further enacted*, That the Act made and passed in the tenth year of the reign of His Majesty King George the Fourth, intituled "An Act to authorize the extension of "the Gaol limits in the City of Saint John," be and the same is hereby continued in full force and virtue during the continuance of this Act.

10, Geo. 4. c. 7, to be in force during the continuance of this Act.

XIII. *And be it further enacted*, That when any person is confined in any Gaol in this Province, either upon *mensē* process or execution, the Sheriff in whose custody such person may be, is hereby authorized and empowered to permit such person to go about and have his liberty within the limits designated for such Gaol, as provided in the eleventh section of this Act, upon a Bond being given to the Sheriff, by the

Sheriff may permit prisoners to have liberty within the limits, upon Bond being given to him by the name of his office.

name of his Office, by such person with two sufficient sureties, to the satisfaction of the Sheriff, in double the amount of the sum for which such person shall be in confinement, upon condition, thereunder written, that such defendant shall not go or be at large out of such limits, or escape at any time while he has the liberty of the same, as aforesaid, any law or custom to the contrary notwithstanding; and the Sheriff shall be entitled to demand, and receive for making such Bond five shillings and no more; and such Bond shall be in the form following, that is to say:—

Fees of Five shillings
allowed for Bond.

Form Bond.

Know all men by these presents, that we ——— are held and firmly bound to ——— Sheriff of the County (or City and County) of ——— in the sum of ——— lawful money of New-Brunswick, to be paid to the said Sheriff or to his certain Attorney, Executors, Administrators or Assigns; for which payment to be well and truly made, we bind ourselves and each of us by himself, for and in the whole, our and each and every of our Heirs, Executors and Administrators, firmly by these presents; sealed with our seals and dated this ——— day of ——— in the ——— year of the Reign of our Sovereign Lord ——— of the United Kingdom of Great Britain and Ireland, &c. &c. and in the year of our Lord one thousand eight hundred and ———.

Whereas the above named ——— Sheriff as aforesaid, hath given permission to the above bounden ———, a person confined in the Gaol of the County (or City and County) above mentioned, to go about and have his liberty within the limits of such Gaol, now the condition of this obligation is such, that if the said ——— shall not go or be at large out of the said limits of such Gaol, or escape at any time, while he has the liberty of the same as aforesaid,
then

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and delivered in presence of —

Which said Bond, the said Sheriff or his Deputy, at the request of the Plaintiff in such suit or his Attorney, shall assign to the said Plaintiff in such action, by endorsing the same, (and attesting to it) under his hand and seal, in the presence of two or more credible witnesses; and if the said Bond or Assignment be forfeited, the plaintiff in such action, after such assignment made, may bring an action and sue therefor in his own name, and the Court where the action is brought, may by rule or rules of the same Court, give such relief to the plaintiff and defendant in the original action, and to the obligors in the said Bond, as is agreeable to Justice and reason, and that said rule or rules of the said Court shall have the nature and effect of a defezance to such bond.

Bond to be assigned to the Plaintiff, and if forfeited, he may sue therefor in his own name.

XIV. *And be it further enacted*, That no Sheriff shall be liable to any action of escape or other suit or information for or on account of any liberty that may be granted to any confined debtor under the provisions and according to the true intent and meaning of this Act. *Provided always*, that if any confined person shall go or be at large in any manner, or by any means not authorized by this Act, the Sheriff shall then be liable to all intents and purposes, in the same manner as if this Act had not been made.

Sheriff not liable to action of escape or other suit on account of liberty given to debtors pursuant to this Act.

XV. *And whereas*, it is expedient that creditors may have power to discharge Debtors without losing the benefit of judgments obtained against such debtors, *Be it therefore further enacted*, that it shall and may be lawful for any creditor or creditors, at whose suit any debtor, or debtors, is, are, or shall be in prison, and taken or charged in execution for any sum of money,

Creditor may consent to the discharge of their debtors in custody on execution,

ney,

ney, by writing signed by such creditor or creditors, or by one of them, for and in behalf of himself or herself and the others of them (being complainants in the same action) to signify or declare his, her or their consent to the discharge of such debtor or debtors from the prison in which he, she or they, is, are or shall be confined in execution at the suit of such creditor or creditors, without losing the benefit of the judgment upon which such execution issued, except as hereinafter provided; and that notwithstanding the discharge of any debtor or debtors, in pursuance of such consent as aforesaid, the judgment upon which such debtor or debtors was or were taken or charged in execution, shall continue and remain in full force to all intents and purposes, except as hereinafter provided. And it shall be lawful for such creditor or creditors, at any time to take out execution on every such judgment against the lands, tenements, hereditaments, goods and chattels of such debtor or debtors, or any of them (other than, and except the necessary apparel and bedding of him, her or them, or his, her or their families, and the necessary tools of his, her or their trade or occupation, not exceeding the value of fifteen pounds in the whole) or to bring any action or actions on every such judgment, or to bring any action or use any remedy for the recovery of his, her or their demands against any other person or persons liable to satisfy the same, in such and the same manner as such creditor or creditors could or might have had or done in case such debtor or debtors had never been taken or charged in execution upon such judgment: *Provided always*, That no debtor or debtors, who shall be discharged in pursuance of this Act, shall at any time afterwards be taken or charged in execution, or convicted upon any judgment hereinbefore

Without losing the benefit of the judgment upon which the execution issued.

Execution may be taken out against the lands and goods of the debtor,

Or any remedy used for the recovery of the demand in the same manner as if the debtor had never been taken or charged in execution.

Debtors discharged in pursuance of this Act, not liable to be again taken on the same judgment.

before declared to continue and remain in full force, or in any action which may be brought on any such judgment, and that no proceeding by *feri facias*, action or otherwise, shall be had against any bail, in the action on which such judgment was obtained.

No proceedings to be had against the bail.

XVI. *And be it further enacted*, That the Executors and Administrators of any such creditor as aforesaid, shall and may consent to the discharge of any debtor or debtors to their testator or intestate, in such and the same manner, and with the same advantages and consequences in all respects, as such creditors if living might or could have done, in pursuance of this Act, and such Executors and Administrators respectively, shall not, by reason of any such discharge in pursuance of this Act, be deemed guilty of *devastavit*, or be chargeable with the debt due from the person or persons so discharged.

Executors or Administrators may consent to the discharge of debtors.

And not be thereby chargeable with the debt.

XVII. *And be it further enacted*, That every Sheriff, Gaoler or Keeper, in whose prison, gaol or custody any debtor or debtors, is, are or shall be confined or detained in execution, shall, and every of them is hereby required, within twenty-four hours next after such consent in writing of any creditor or creditors as hereinbefore mentioned, shall have been produced to, and left with such Sheriff, Gaoler or Keeper, or his deputy or agent, at such prison or gaol (the hand writing or mark of such creditor or creditors to such consent in writing being duly proved by affidavit of some credible person to be thereunto annexed, and to be sworn before one of the Judges of the Court out of which the execution against such debtor or debtors issued, or a commissioner duly authorized to take affidavits in the County where such debtor or debtors shall be confined) to discharge and set at liberty the debtor or debtors, to whose discharge such consent shall be signified or declared as aforesaid, if he,

Sheriff, Gaoler or Keeper, within 24 hours after consent in writing being produced and left with him,

And proved by an affidavit annexed thereto,

To set the debtor at liberty if detained only at the suit of the creditor consenting.

she or they are in custody only upon the execution issued at the suit of the creditor or creditors signifying and declaring such consent.

Sheriff or Officer executing a *feri facias*, not to levy upon the apparel, bedding or tools of the debtor or his family.

XVIII. *And be it further enacted*, That in all cases wherein a writ of *feri facias* shall be issued upon any judgment obtained, or to be obtained in any Court in the Province, it shall not be lawful for the Sheriff or other Officer executing such writ, to seize or levy upon the necessary apparel and bedding of the debtor or debtors against whom such judgment shall be obtained, or of his, her or their family or families, or the necessary tools of his, her or their trade or occupation in satisfaction of such judgment.

Apparel, &c. exempted, not to exceed £15 in value, to be ascertained by the oath of three Freeholders.

Provided always, that such apparel, bedding and tools so to be exempted from being seized or levied upon as aforesaid, shall not exceed the value of Fifteen pounds in the whole, to any one debtor, which value shall be ascertained by the oath of three disinterested freeholders, in the County, to be appointed by such Sheriff or other Officer to appraise the same; which oath the said Sheriff is hereby authorized and empowered to administer.

False swearing under this Act, made perjury.

XV. *And be it further enacted*, That every person who shall be convicted of making or taking a false oath to any of the matters herein before described, or required to be sworn to, shall be deemed guilty of perjury, and shall be liable to all the pains and penalties to which persons are liable for wilful and corrupt perjury.

All persons indemnified if debtor be discharged from weekly allowance not being paid, or after 12 months confinement.

XX. *And be it further enacted*, That in case any confined person may have been discharged in consequence of the weekly support ordered, agreeably to the provisions of this Act, not having been paid, or after a twelve months confinement agreeably to this Act, all persons whosoever shall be indemnified, and are hereby freed and discharged, against and from all suits, actions

tions, prosecutions, informations or judgment whatsoever, that may be had, moved, prosecuted or adjudged against them, or any of them, for, or by reason, or on account of such person having been discharged as aforesaid.

XXI. *And be it further enacted*, That any gaol limits already established in any County or City in this Province, by virtue of any Act or Acts now in force, shall continue and remain to all intents and purposes until others be established agreeably to this Act.

The present Gaol limits to be continued until others are established.

XXII. *And be it further enacted*, That this Act shall continue and be in force for two years and no longer.

Limitation.

CAP. XXXI.

An Act to continue the several Acts now in force, relating to Roads and Highways.

Passed 8th March, 1830.

BE it enacted by the President, Council and Assembly, That a certain Act made and passed in the Fiftieth year of the Reign of His late Majesty King George the Third, intituled, "An Act for regulating, laying out, and repairing Highways and Roads; and for appointing Commissioners and Surveyors of Highways within the several Towns and Parishes in this Province;" and also a certain other Act made and passed in the Fifty-eighth year of the Reign of His said Majesty, intituled, "An Act further to continue and amend an Act, intituled, An Act for regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns and Parishes in this Province;" and also a certain other Act made and passed in the Seventh year of the Reign of His present Majesty, intituled, "An Act

50, Geo. 3. c. 6.

58, Geo. 3. c. 3.

7. Geo. 4. c. 23—

and

Act

9, Geo. 4. c. 13,
so far as the same
are in force, con-
tinued till 1st April,
1832.

“ Act in amendment of an Act for regulating,
“ laying out, and repairing Highways and Roads,
“ and for appointing Commissioners and Survey-
“ ors of Highways within the several Towns and
“ Parishes within this Province ;” and also a cer-
tain other Act, made and passed in the Ninth
year of the Reign of His present Majesty, in-
titled “ An Act to continue and render more
effectual, certain Acts relative to Highways
and Roads within this Province ;” so far as the
said several Acts are now in force, continue
and be in force until the first day of April,
which will be in the year of our Lord one thou-
sand eight hundred and thirty-two.

CAP. XXXII.

An Act to repeal an Act to define and describe the Crime of
Petit Larceny, and to make provision for the punishment
of the same.

Repealed
1831

Passed 8th March, 1830.

Preamble.

WHEREAS, it is considered expedient to
repeal an Act made and passed in the
Thirty-first year of the Reign of His late Ma-
jesty King George the Third, intituled, “ An
“ Act to define and describe the crime of Petit
“ Larceny,” and to make other provision in lieu
thereof,

31, Geo. 3. c. 7.—
repealed.

*I. Be it therefore enacted by the President,
Council and Assembly, That the said Act be
and the same is hereby repealed.*

Persons stealing
goods, &c. to the
value of 40s. guilty
of Grand Larceny.

*II. And be it further enacted, That if any
person shall feloniously take and carry away any
Goods, Chattels, Money or effects to the value
of Forty shillings and be thereof duly convict-
ed, such offence shall be deemed, adjudged and
punished as Grand Larceny ; and if the value
shall be found by verdict on trial to be less than
Forty shillings, then such offence shall be deem-
ed adjudged and punished as Petit Larceny.*

III.

III. *And be it further enacted*, That if any person or persons shall hereafter be charged with any criminal offence, under the degree of Grand Larceny, and being committed to the Common Gaol, do not within forty-eight hours after such commitment, give sufficient surety for his, her, or their appearance at the next General Sessions of the Peace for the County where such offence shall have been committed, it shall and may be lawful for any three of His Majesty's Justices of the Peace in such County, and if in the City of Saint John, for the Mayor, Recorder and Aldermen, or any three of them, (the Mayor or Recorder always being one,) forthwith to hear and determine the offence committed by such offender or offenders as aforesaid, and on conviction either by confession or by the oath or oaths of one or more credible witness or witnesses, the said Magistrates are hereby authorized and empowered to punish the said offender or offenders by condemnation to imprisonment and hard labour, either within the House of Correction or Common Gaol, or otherwise as they in their discretion may think proper, for a term not exceeding Six months.

Provision made for the Summary Trial and punishment of persons guilty of Petit Larceny, where they do not within 24 hours after commitment give surety for their appearance at the next General Sessions.

CAP. XXXIII.

An Act for the relief of His Majesty's Roman Catholic Subjects in this Province.

Passed 8th March, 1830.

BE it enacted by the President, Council and Assembly, That an Act of the Imperial Parliament made and passed in the Tenth year of His present Majesty's Reign, intituled, "An Act for the relief of His Majesty's Roman Catholic Subjects," do, and be construed to extend, in all cases, and under all circumstances,

The Act 10 Geo. 4. c. 7, of the Imperial Parliament, to extend to this Province so far as applicable.

H

where

where the provisions of the said Imperial Act are applicable, to this Province.

CAP. XXXIV.

An Act to regulate the Law with regard to the Course of proceeding on indictments and informations, in the Supreme Court, in certain cases.

Passed 8th March, 1830.

I. **BE** it enacted by the President, Council and Assembly, That whenever any

Judges of the Supreme Court may issue warrant for persons charged with offences (not being treason or felony) which may be prosecuted by indictment or information in the Supreme Court.

person shall be charged with any offence for which he or she may be prosecuted by indictment or information in His Majesty's Supreme Court, not being Treason or Felony, and the same shall be made appear to any Judge of the same Court, by affidavit, or by certificate of an indictment or information being filed against such person in the said Court, for such offence, it shall and may be lawful for such Judge, to issue his warrant under his hand and seal, and thereby to cause such person to be apprehended, and brought before him, or some other Judge of the same Court, or before some one of His Majesty's Justices of the Peace, in order to his or her being bound to the King's Majesty, with two sufficient sureties, in such sum as in the said warrant shall be expressed, with condition to appear in the said Court, at the time mentioned in such warrant, and to answer to all and singular indictments or informations for any such offence; and in case any such person shall neglect or refuse to become bound as aforesaid, it shall be lawful for such Judge or Justice respectively, to commit such person to the Common Gaol of the County, City or place, where the offence shall have been committed, or where he or she shall have been apprehended, there to remain until he or she shall

In order to their being bound over to appear in Court and answer the same.

In case of refusal to become bound, Judge may commit them to gaol, until they shall become bound or be discharged by order of Court in term time, or of one of the Judges in vacation.

shall become bound as aforesaid, or shall be discharged by order of the said Court, in term time, or of one of the Judges of the said Court in vacation; and the recognizance to be thereupon taken, shall be returned and filed in the said court, and shall continue in force until such person shall have been acquitted of such offence, or in case of conviction, shall have received judgment for the same, unless sooner ordered by the said Court to be discharged.

Recognizance to remain in force until acquittal or judgment, unless sooner ordered to be discharged by the Court.

II. *And be it further enacted*, That this Act shall continue and be in force for the term of Five years. Limitation.

CAP. XXXV.

An Act in addition to and explanatory of "an Act to amend the Statute Law relative to offences against the person, and to provide for the more effectual punishment of such offences."

Passed 5th March, 1830.

WHEREAS, in and by an Act made and passed in the Ninth and Tenth years of the Reign of his present Majesty, intituled, "An Act to amend the Statute Law relative to offences against the person, and to provide for the more effectual punishment of such offences," the benefit of Clergy is not taken away by express words from the crimes there made capital; *And whereas*, doubts are entertained whether persons convicted of the said crimes would not for the first offence be entitled to the benefit of Clergy: for remedy whereof. Preamble.

I. *Be it therefore enacted by the President, Council and Assembly*, That in all cases where any crime or offence is made capital by the provisions of the before recited Act, and it is enacted that every person convicted of the same "shall suffer death as felon," that then and in all such cases every such person so convicted

Death as a felon to be suffered without the benefit of Clergy in all cases where the offence is made capital by 9 and 10, Geo. 4. c. 21.

victed shall suffer death as a felon without the benefit of Clergy, and the benefit thereof shall be abolished.

CAP. XXXVI.

An Act in addition to, and in amendment of an Act, intituled, "An Act relating to the punishment of persons convicted of Felony, within the benefit of Clergy."

Passed 8th March, 1880.

Preamble.

WHEREAS, in and by an Act made and passed in the Twenty-ninth year of the Reign of His late Majesty King George the Third, intituled, "An Act relating to the punishment of persons convicted of Felony, within the benefit of Clergy," it is among other things enacted, "that the Court before which any person shall be so convicted as aforesaid, of any of the Felonies aforesaid, or any Court holden for the same place, with the like authority, may also in its discretion, after such burning or marking, or after such whipping or fine as may by virtue of this Act be inflicted or imposed, instead thereof, award and give judgment that such offender as aforesaid, shall be committed to some House of Correction, or Public Work-house or Prison within the County, City or place where such conviction shall be, there to be, remain, and be kept, without bail or mainprize, for such time as such Court shall then judge and award, not less than six months, and not exceeding two years, to be accounted from such conviction; and an entry thereof shall be made of Record pursuant to such judgment and award; and such offender so judged and awarded, to remain and be kept in such House of Correction, Public Work-house or Prison, shall be there set at work
and

“and kept at hard labour, for and during such time as shall be judged and awarded.” *And whereas*, doubts have been entertained whether such persons so judged and awarded to remain and be kept in such House of correction, Public Work-house or Prison, can be so set to work without the limits of the same.

I. *Be it therefore enacted, by the President, Council and Assembly*, That any person who has heretofore been, or may hereafter be sentenced and adjudged to hard labour in any House of Correction, Public Work-house or Prison, under and by virtue of the Provisions of the hereinbefore in part recited Act, or under and by virtue of the provisions of any other Act or Acts now in force, or which may hereafter be in force in this Province, shall be liable to be set at work, and kept at hard labour, as well without, as within the limits of such House of Correction, Public Work-house or Prison, for and during the period of his imprisonment:

Persons sentenced to hard labour in any House of Correction, Public Work-house or Prison, may be kept at work as well without as within the same.

III. *And be it further enacted*, That the Justices of the Peace in the several Counties in this Province, shall at their General Sessions, or at any Special Session to be for that purpose holden, have full power and authority, and they are hereby authorized and empowered to make such rules and regulations as they in their discretion shall think necessary for the management, securing and government of all such persons as have before the passing of this Act been adjudged by any Court, or by any Justice of the Peace having competent jurisdiction, to hard labour in any House of Correction, Public Work-house or Prison in any County or City in this Province, and whose periods of imprisonment have not yet expired, or who shall or may in like manner be adjudged to hard labour under and by virtue of any Act or Acts now in force, or which may hereafter be in force

Justices to make regulations for the securing and government of such persons,

And to appoint the place where they shall work, and persons to oversee them.

in

in this Province; and also to have power and authority to fix and appoint the place where, and the manner in which such person shall be set to hard labour, as well within as without the limits of any House of Correction, Public Work-house or Prison, within the County, place, or City where such Person shall have been, or hereafter may be convicted, and also to appoint one or more suitable or fit person or persons to superintend and oversee all such persons so adjudged to hard labour.

Application of money arising from the labour.

III. *And be it further enacted*, That the proceeds arising from the work and labour of all such persons so adjudged to hard labour as aforesaid, shall in the first place be applied by the said Justices so convened as aforesaid, to the support and clothing of such persons, and the overplus, if any, to be paid over to the respective County Treasurers for the use and benefit of the County.

Justices in Sessions may order persons refusing to work or guilty of any misbehaviour to be whipped.

IV. *And be it further enacted*, That if any person so adjudged to hard labour as aforesaid, shall refuse to perform any labour authorized by this Act, or who shall be guilty of any misbehaviour, or disorderly conduct, it shall and may be lawful for the Justices of the Peace in the several Counties in this Province, at their General Sessions, or any Special Session to be for that purpose holden, to order such offender to be whipped, the said whipping not to exceed thirty-nine stripes.

CAP. XXXVII.

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

Passed 8th March, 1830.

I. **BE** it enacted by the President, Council and Assembly, That there be allowed and paid out of the Treasury of the Province
for

for the services hereinafter mentioned the following sums, to wit :—

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

To the Clerk of the Council, the sum of fifty Clerk of the Council. pounds; and twenty shillings *per diem*, during the present Session; and the further sum of twenty-five pounds for defraying the expences of an assistant during the present Session.

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

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

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

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

To the Door Keepers attending the Council and Assembly, the sum of twelve shillings and six pence *per diem*, each, during the present Session. Door Keepers.

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

To His Honor the President or Commander-in-Chief, a sum not exceeding two hundred Provincial Contingencies. pounds in the year one thousand eight hundred and thirty, for contingent expenses.

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

To the Commissioners of the Beacon Light in the Harbour of Saint John, a sum not exceeding Keeper of Beacon Light, St. John.

ceeding one hundred pounds, for the services of the Keeper from the first January, one thousand eight hundred and thirty, to the first January, one thousand eight hundred and thirty-one.

Brier Island, and

To His Honor the President or Commander-in-Chief, the sum of one hundred pounds to be applied towards the support of a Light-house on Brier Island in the Province of Nova-Scotia; and a further sum of one hundred and twenty pounds to be applied towards the support of a Light-house on Cranberry Island in said Province.

Cranberry Island
Light houses.

Province Treasurer,
and his Clerk.

To the Honorable Richard Simonds, Treasurer of the Province, the sum of six hundred pounds, for his services from the thirty-first December, one thousand eight hundred and twenty-eight, to the thirty-first December one thousand eight hundred and twenty-nine; and a further sum of one hundred pounds to pay a Clerk to assist him in the duties of his office, from the thirty-first December one thousand eight hundred and twenty-nine, to the thirty-first December one thousand eight hundred and thirty.

Clerk of the Crown.

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

Fisheries.

To His Honor the President or Commander-in-Chief, the sum of four thousand pounds for the encouragement of the Fisheries of the Province for the year one thousand eight hundred and thirty; and a sum not exceeding three thousand pounds for the encouragement of raising Grain on new Land, agreeably to the Acts of the General Assembly.

Grain on new Land.

Destruction of Bears.

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

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

Adjutant-General of Militia.

To the President or Commander-in-Chief, the sum of four hundred pounds as a provision for two Staff Officers to inspect and instruct the Militia for the year one thousand eight hundred and thirty.

Staff Officers.

To the President or Commander-in-Chief, the sum of one hundred and fifty pounds to enable the Treasurer to pay a Tide Waiter to the Treasury at the Port of Saint John, for his services for the year one thousand eight hundred and thirty.

Treasury Tide Waiter, at Saint John.

To the President or Commander-in-Chief, the sum of one hundred and fifty pounds for the services of a Tide Surveyor at the Port of Saint Andrews from the first April one thousand eight hundred and twenty-nine to the first April one thousand eight hundred and thirty.

Tide Surveyor at Saint Andrews.

To the President or Commander-in-Chief, the sum of one hundred and twenty pounds to pay the Keeper of the Light House on Campo Bello, near Head Harbour, for his services from the first January one thousand eight hundred and thirty, to the first January one thousand eight hundred and thirty one.

Keeper of Light House on Campo Bello.

To the President or Commander-in-Chief, the sum of seventy five pounds, for the services of a Tide Surveyor at Miramichi, for the year one thousand eight hundred and thirty.

Tide Surveyor at Miramichi.

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

Speaker and Members of Assembly.

Parish Schools.

To the President or Commander-in-Chief, a sum not exceeding three thousand pounds for the encouragement of Parish Schools, agreeably to a Law of the Province.

John Abrams.

To the President or Commander-in-Chief, the sum of ninety-one pounds five shillings to enable the Treasurer to pay John Abrams for his services as Tide Waiter at the Port of Saint John for the past year; and the like sum of ninety-one pounds five shillings for the year one thousand eight hundred and thirty.

Benjamin C. Chaloner.

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

Adjutants of Militia.

To the Adjutants of the Militia of the different Counties of this Province, a sum not exceeding three hundred and ninety pounds for their services for the year one thousand eight hundred and twenty-nine; and the like sum of three hundred and ninety pounds for the year one thousand eight hundred and thirty.

Sergeant-Majors of Militia.

To the President or Commander-in-Chief a sum not exceeding one hundred and ninety-five pounds to pay the Sergeant-Majors of Militia of this Province for the time being, who are actually employed: *Provided*, that each Sergeant-Major, who shall appear by a Certificate from his Commanding Officer to have faithfully performed his duty, shall receive a sum not exceeding seven pounds ten shillings in each year, for the year one thousand eight hundred and twenty-nine; and the like sum of one hundred and ninety-five pounds for the year one thousand eight hundred and thirty.

William F. Odell, Esquire.

To William F. Odell, Esquire, Secretary of the Province, the sum of seventy-five pounds for his services in issuing Warrants on the Treasury during the last year.

To

To the Chancellor, President and Scholars of King's College.
 King's College at Fredericton, for the endow-
 ment of said College and the support of Col-
 legiate Schools, the sum of eleven hundred
 pounds for the year one thousand eight hun-
 dred and thirty: *Provided*, that the annual
 sum of one thousand pounds sterling be granted
 by His Majesty out of His Majesty's Casual
 Revenue of this Province, or from such other
 branch of His Majesty's Royal Revenue as he
 may be pleased to appoint for that purpose,
 agreeably to a Law of this Province.

To the President or Commander-in-Chief, Grammar Schools.
 the sum of eight hundred and seventy pounds
 to enable His Honor to defray the expences of
 the several Grammar Schools in this Province
 for the year one thousand eight hundred and
 thirty, in the following proportions, viz:—

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

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

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

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

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

To the Grammar School in King's County, King's.
 the sum of one hundred pounds.

To the Grammar School in Queen's County, Queen's.
 the sum of one hundred pounds.

To the Grammer School in Kent, the sum of Kent.
 One hundred pounds.

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

CAP. XXXVIII.

An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province.

Passed 8th. March, 1830.

I. **BE** it enacted by the President, Council and Assembly, That there be allowed and paid out of the Treasury of this Province to such person or persons as His Honor the President or Commander-in-Chief for the time being, shall appoint in addition to the sums already granted, the following sums for the purposes hereinafter mentioned.

GREAT ROADS.

Fredericton to Saint John by the Nerepis

The sum of seven hundred and fifty pounds for the great road of communication between Fredericton and Saint John, by the Nerepis; a sum not exceeding ten pounds, part thereof to be applied, under the direction of the Supervisor, towards keeping the said road in a fit state for travelling during the winter season. The sum of sixty pounds six shillings and eleven pence to be paid to the Honorable Richard Simonds, being balance due to him as Supervisor of that road; and the sum of twenty-five pounds to be paid to Sarah Quinton, to remunerate her for damage sustained in consequence of an alteration made in the said road; the said sums to be paid out of the money hereby granted.

Hon. R. Simonds.

Sarah Quinton.

Fredericton to Newcastle.

The sum of seven hundred pounds for the great road from Fredericton to Newcastle.

Newcastle to Restigouche.

The sum of seven hundred pounds for the great road from Newcastle to Restigouche; two hundred pounds of the above sum to be expended in the County of Northumberland.

Saint John to Saint Andrews.

The sum of seven hundred and fifty pounds for the great road from Saint John to Saint Andrews; one third of this sum to be expended on the road between Magaguadavic and Saint Andrews.

The

The sum of eight hundred pounds for the great road from Saint John to the Nova-Scotia line.

Saint John to the Nova-Scotia line.

The sum of three hundred pounds for opening a new road through the great marsh in Saint John, and improving the same.

Through the Great Marsh in Saint John.

The sum of two hundred pounds for the improvement of the great marsh in Sackville.

Sackville Great Marsh.

The sum of one hundred and fifty pounds for the great road from Dorchester to Chediac.

Dorchester to Chediac.

The sum of seven hundred pounds for the great road from Chediac to Richibucto.

Chediac to Richibucto.

The sum of seven hundred pounds for the great road from Richibucto to Chatham; three hundred pounds of which to be expended on that part of the road that lies between the river Kouchebouguac and the river Richibucto.

Richibucto to Chatham.

The sum of three hundred pounds for the great road from Fredericton to the Canada line.

Fredericton to the Canada line.

The sum of two hundred and fifty pounds for the great road from Fredericton to Saint Andrews.

Fredericton to Saint Andrews.

The sum of fifty pounds for the great road from the bend to Chediac.

Bend to Chediac.

The sum of fifty pounds for the great road from Bellisle to Saint John.

Bellisle to Saint John.

The sum of fifty pounds for the great road from Fredericton to the Finger Board.

Fredericton to Finger Board.

Miscellaneous.

The sum of twenty-five pounds to compensate Robert Dingee for building a Bridge over Dingee's mill stream in the Parish of Gagetown.

Robert Dingee.

The sum of two hundred and fifty pounds towards widening the Aboideau near the City of Saint John: *Provided*, a like sum be given by the Proprietors of the Marsh for the same purpose.

Widening aboideau near Saint John.

The sum of one hundred pounds for the road from Gagetown to the Nerepis road in Queen's County.

Gagetown to the Nerepis road.

The

Hammond River to Hopewell.

The sum of two hundred pounds for the road leading from Hammond River to Hopewell; sixty pounds, part thereof to be expended in the repair of the bridge over Hopewell river.

Bridge across the Nackawickac.

The sum of two hundred pounds for the purpose of building a bridge across the Nackawickac in the County of York.

Bridge over the Tabusintac and Equidillock.

The sum of one hundred and fifty pounds towards building bridges over the rivers Tabusintac and Equidillock on the road between Newcastle and Bathurst.

Bridges on road from new Settlement on Fredericton Road to the 2d Falls of Magaguadavic.

The sum of fifty pounds towards erecting a new bridge, and repairing other bridges on the road leading from the new Settlement on the Fridericton road, (so called,) to the second Falls of the river Magaguadavic.

Beverly Robinson.

The sum of thirty pounds to be paid to Beverly Robinson to remunerate him for money expended in opening the road between the lower Falls of Magaguadavic and the main road leading to Saint John.

BYE ROADS.

Saint John County,
Bye Roads.

The sum of eighty-seven pounds four shillings and seven pence for the road from Frog Pond to the bridge at Loch Lomond; sixteen pounds six shillings and six pence of the above sum to be applied to payment of a debt due Gregory Vanhorne.

The sum of seventy pounds for the road from the bridge at Loch Lomond to Smith's farm at the head of the first Lake; forty-seven pounds ten shillings to be applied towards payment of a debt due the Corporation of Saint John, for building bridges carried away by freshet.

The sum of fifty pounds for opening and improving the road from the old Quaco road to the Milliken Settlement, and thence to Loch Lomond on the line lately explored under the direction of the Corporation of Saint John.

The sum of fifty pounds for the road from Vanhorne's farm to Quaco. The

The sum of ten pounds for the road from the Quaco road to Tynemouth. Saint John County,
Bye Roads, Con-
tinued.

The sum of twenty-five pounds for the road from little river to Anthony's farm.

The sum of twenty pounds for the road leading from Westmorland road through the Golden Grove Settlement along the north side of the lake.

The sum of fifteen pounds for the road leading to the Settlement eastward of Little River towards Loch Lomond.

The sum of twenty-two pounds fifteen shillings and five pence for the road from Little River to Black River, to be paid to George Mathew, Junior, being a balance due to him as a Commissioner for said road.

The sum of fifteen pounds for the road from Dipper Harbour to the main road.

The sum of twenty pounds for the road from Black river to Gardner's creek.

The sum of fifteen pounds for the road from the bridge at Cody's to the Bay Shore, through the Bloomsbury Settlement.

The sum of twenty pounds for the road from Horton to Cape Enrage, by David Oliver's.

The sum of ten pounds for the new road from Cape Enrage to German Town Lake. Westmorland, Bye
Roads.

The sum of twenty pounds towards repairing the Bridge over Hopewell River.

The sum of fifteen pounds for the road from Hopewell to the Caledonia Settlement.

The sum of ten pounds for the road from George Roger's to Woodworth Settlement.

The sum of twenty-five pounds for the road from Widow Hamilton's in Hopewell to the lower Settlement in Hillsborough.

The sum of fifteen pounds for the road from Woodworth to the Caledonia Settlement.

The sum of fifteen pounds for the road from Calhoun's to Steeves' mill stream.

The

Westmerland, Bye
Roads, *Continued.*

The sum of fifteen pounds for the road leading from the bend of Peticoodiac through the Irish-Town Settlement.

The sum of twenty-five pounds for the road leading from the bend of the Peticoodiac river to the Mountain Settlement.

The sum of twenty pounds for the road leading through Downing's Village in Dorchester.

The sum of ten pounds for the road from Bateman's to Shediac river.

The sum of ten pounds for the road from Job Steeves' to the back Settlement.

The sum of thirty pounds for the road from George Colpit's to McLatchy's bridge.

The sum of twenty pounds for the road from Shearman's to the North river.

The sum of fifteen pounds for the road from George Colpit's to John Parkins' mill.

The sum of fifteen pounds for the road from John Gildart, Junior's, to Thomas Colpit's mill.

The sum of ten pounds for the road from Daniel Wheaton's to John Jones' on the north river.

The sum of thirty-five pounds for the road from Beaujogin to Sackville.

The sum of ten pounds for the road from Great Chemogue to Tedish.

The sum of ten pounds for the road from David Crossman's to the Dorchester road.

The sum of twenty-five pounds for the road from Harris Tingley's to Bay Vert.

The sum of ten pounds from Bay Vert to Tignish.

The sum of twenty pounds for the bridge over Long Lake in Jolicour.

The sum of twenty pounds for the road from George Richardson's to David Crossman's.

The sum of ten pounds for the road from James Purdey's on Westcock Hill to William Cooks'.
The

The sum of ten pounds for the road from Westmorland, Bye Roads, Continued.
John Raworth's to the Emigrant road.

The sum of fifteen pounds for the road from
Trenholm's to Peacock's.

The sum of ten pounds for the road lead-
ing from the Beaujogin road to the North Lake.

The sum of thirty pounds for the road from
Thomas Estabrook's, Junior's to David Amour's
in the French Settlement.

The sum of twenty pounds for the road from
Gaspereau river to the Great Chemogue.

The sum of fifteen pounds for the road from
the main road on the Great Marsh in Sackville
to Point Migic.

The sum of sixty pounds for the road and
bridges from Bay Verte to George Dob-
son's.

The sum of twenty pounds for the road from Queens' County, Bye Roads.
Richard Currie's to the Highland upon Indian
Point.

The sum of twenty pounds for a Bridge
over the Thoroughfare.

The sum of ten pounds for the road from
Maguapit Lake to the Key Hole.

The sum of fifty pounds for the road from
the County Line on the North side of the Ma-
guapit Lake to Newcastle, including the Cross
Road.

The sum of forty pounds for the road from
James McDonald's to the Salmon River mills.

The sum of fifteen pounds for the road from
Cox's Point to Coal Creek.

The sum of fifty pounds for the road from
Youngs' Cove to the head of the Grand Lake.

The sum of fifteen pounds for the road from
Wiggins' mill to the New Settlement.

The sum of twenty pounds for the road from
George Smith's on Young's Cove to Wiggins'
mill.

The sum of twenty-five pounds for the road
K from

Queens' County.
Bye Roads, Con-
tinued.

from near Foster's mill to Washademoack Lake.

The sum of fifteen pounds for the road from William White's to Hanselpecker's in the New Settlement.

The sum of fifty pounds for the road from Purdey's to George Slip's : three pounds seventeen shillings and six pence of this sum to be paid to William Colwell for a balance due to him for building a bridge on Nevers' brook.

The sum of twenty pounds for the road from George Slip's to Ephraim Brigg's.

The sum of ten pounds for the road from Murdock's to Vanwart's mill.

The sum of twenty pounds for the road from William Little's to the English Settlement.

The sum of ten pounds for the road from Dingee's mill to Gerard Simpson's.

The sum of ten pounds for the road and building a bridge over Fanning's Mill Stream.

The sum of seventy-five pounds for a bridge over Hewlett's brook.

The sum of twenty pounds for the road from Mayes' to Merritt's.

The sum of twenty pounds for the road from Coot Hill to Nathaniel Inch's

The sum of ten pounds for the road from Nathaniel Inch's to Jones' mill.

The sum of twenty-five pounds for the road from Nathaniel Inch's in Jerusalem Settlement to the river near Isaac Clark's.

The sum of twenty pounds for building and repairing bridges on the road from Alexander Stewart's farm to Barteboog.

The sum of fifty pounds for opening a road from the New Settlement in rear of Douglas Town to the Settlement in rear of Moorfields.

The sum of forty pounds for opening a road from Newcastle on a straight line towards Chaplain's

Northumberland,
Bye Roads.

lain's Island, in the upper part of the Parish of Northesk, Northumberland, Bye Roads, Continued.

The sum of fifteen pounds for repairing bridges and improving the road from Caul's cove to the Ferry landing at Hutchinson's Point.

The sum of twenty pounds for opening a road from the Northwest Branch to Southwest Branch of Miramichi River through Williams Town Settlement.

The sum of fifty pounds for building bridges and improving the road from Moody's Point to Tabusintack.

The sum of twenty-five pounds for the road at Napan in the Parish of Chatham, from opposite McNight's mill to the distance of a mile above the Richibucto road.

The sum of fifteen pounds to assist in completing a bridge over Black Brook, and improving the road adjoining said bridge.

The sum of fifty pounds for the road from Horton's Creek near the mouth of Bay du Vin to Point Escuminac.

The sum of seventy pounds for the road from Thomas Hartt's mill to Solomon Tracey's. Sunbury, Bye Roads.

The sum of fifteen pounds for the road from Partelow's landing to Stephen Kinney's.

The sum of twenty-five pounds for the road from Richard Kembell's farm to Burpe's mill through the New Settlement in the rear of Burton.

The sum of fifty pounds to repair the Causeway near the residence of the Honorable S. D. Street.

The sum of ten pounds for the road from Wilmot's farm to the farm of the late Calvin Camp.

The sum of twenty pounds for the road from Joseph Hoyt's to Lawrence Mercereau's on the South Branch of the Oromocto.

The

Sunbury, Bye Roads.
Continued.

The sum of ten pounds to remove Windfalls and improve the road from James Till's to Ezekiel Sealy's.

York County, Bye Roads.

The sum of twenty-five pounds for the road between Tobique and Larlie's, and for building a Bridge over the Creek opposite James Murphey's.

The sum of twenty-five pounds for the road from William Hallet's to James Lloyd's.

The sum of fifteen pounds for the road from Murphey Giberson's to James McKissick's.

The sum of twenty-five pounds for the road from Thomas Carrol's to Charles McMullin's.

The sum of twenty pounds for the road from Daniel Shaw's to Charles Connel's.

The sum of thirty pounds for the road from Stockford's to the head of the Pekagomick Settlement.

The sum of fifteen pounds for the road from James Kenney's to Henry Sharp's.

The sum of twenty pounds for the road from William Jackson's to Benjamin Churchill's.

The sum of fifteen pounds for the road from Payson's mill to the Forks of the Maduxnakick.

The sum of ten pounds for the road from Charles Boyer's to the Little Presqu'île.

The sum of twenty-five pounds for the road from the Church Lot in Woodstock to the Scotch Settlement.

The sum of twenty pounds for the road from Samuel Raymond's on the Maduxnakick to the main road between Henry Sharp's and John Kearney's.

The sum of forty pounds for the road from Nicolas Cunliff's to R. Ray's farm on the road leading from Woodstock to the Richmond Settlement.

The sum of forty pounds for the road from R. Ray's farm to Samuel Park's, leading through the Richmond Settlement. The

The sum of ten pounds for the road from John Canter's to a back Settlement. York County, By
Roads, Continued.

The sum of twenty pounds for the road from Abraham Estey's to the Shugamock.

The sum of thirty pounds for the road from the Shugamock to the Pocquiock.

The sum of twenty-five pounds for the road from Abraham Estey's to the Howard Settlement.

The sum of twenty pounds for the road from the Pocquiock to the Church in Prince William.

The sum of twenty pounds for the road leading to Magundy Settlement ; to be expended between Humphrey Pickard's and William Henry's.

The sum of twenty pounds for the road between William Long's and Enoch Currie's.

The sum of Sixty pounds for the road leading from the lower Caverhill Settlement in Queensbury to the Keswick Ridge on the projected road surveyed by Deputy Fowlis, between the second and third tiers of Lots.

The sum of ten pounds for the road from the Mactuquack to Nehemiah Estey's.

The sum of fifteen pounds for the road from John Elliot's to George Stewart's on the Mactuquack Lake.

The sum of ten pound for the road from Mauseroll's to Isaac De Veber's.

The sum of twenty pounds for the road from Mauseroll's Creek to the lower line of the Parish of Queensbury.

The sum of thirty-five pounds for a bridge at the Fork Stream near Jones' mill on the Keswick.

The sum of fifteen pounds for the road from Mic Todd's to the Church on the Kiswick.

The sum of ten pounds for the road from Charles King's in the Dubeck Settlement to
James

York County, By
Roads, Continued:

James Bird's, a New Settlement in the Parish of Douglas.

The sum of fifteen pounds for the road from Aaron Estey's to the Cardigan Settlement.

The sum of ten pounds for the road from Jones' mill to the Cardigan Settlement.

The sum of ten pounds for the road from Jewett's mill to David Barr's.

The sum of thirty pounds to finish the bridge over the Creek at Jewitt's mill.

The Sum of twenty pounds for a bridge over the South Branch of the North Stream of the Rushagonish.

The sum of ten pounds for the road from Cardigan to the upper end of the Tay Creek Settlement.

The sum of ten pounds for the road from Jacob McKean's to Jewitt's mill.

Kings' County, By
Roads.

The sum of twenty pounds for the road from the Mountain Settlement to the old Guthrie road.

The sum of twenty pounds for the road from Charles Robinson's to Sideguish Lake.

The sum of fifteen pounds for the road from Crawford's Brook to Abel English's.

The sum of eight pounds for a bridge over Spragg Brook near the old Church Springfield.

The sum of fifteen pounds for the road leading from the main road through the Irish Settlement to Edward Maxwell's in the third tier of Lots.

The sum of fifteen pounds for the road from near Lewis Picket's to McCole's in the Western Scotch Settlement.

The sum of twenty-five pounds for the road from near the Burying Ground in Sussex to Duncan Campbell's on the Old Cumberland road.

The sum of twenty pounds for the road from Barnes' to Tweedall's Brook.

The sum of twenty pounds for the road from Tweedall's Brook to Deforest's Lake. The

The sum of fifteen pounds for the road from the Scotch Settlement on the Northeast side of Washademoak to William Cromwell's. Kings' County, Bye Roads, Continued.

The sum of fifteen pounds for the road from Abraham Demill's to land granted to Corey and others.

The sum of ten pounds for the road from the Old Cumberland road to Thomas Herrit's.

The sum of twenty-five pounds for the road from near Ketchum's to John Henigar's.

The sum of twenty pounds for the road from the late Spence's farm to the head of Pattacke.

The sum of ten pounds to be expended in the alteration of the road from Widow Smith's to Charles Robinson's.

The sum of twenty pounds for the road from James Gumong's to Gillie' in Springfield.

The sum of twenty pounds for the road from John Kierstead's to the English Settlement near John Kincade's and thence to the Mill Stream.

The sum of fifteen pounds for the road from John Snider's to the Mill Stream by the way of Morris Fraser's.

The sum of fifteen pounds for a bridge near James Ryan's Mill in Sussex.

The sum of twenty pounds for the road from Richard Roach's to William Beach's, Smith Creek.

The sum of twenty pounds for the road from the Mill Stream near J. Darling's to Bunnell's mill seat by the way of the McFarlan Settlement.

The sum of twenty pounds for the road from Benjamin Parlee's to the head of the Settlement on Trout Creek.

The sum of ten pounds for the road from John Jordan's to the Smith Creek road.

The sum of ten pounds for the road leading from the Old Cumberland road by the Meadow Cottage,

Kings' County Bye
Roads, Continued.

Cottage, thence to the Shepody road by Simon Mallery's.

The sum of fifteen pounds for the road from Henry Sharp's to Abraham Parlee's.

The sum of twenty-five pounds to build a bridge over the Brook on the late James Spence's farm.

The sum of twenty pounds for the road from Abel English's to Ezekiel Foster's.

The sum of ten pounds for the road from George Prince's to the road leading to the French Village.

The sum of twenty pounds for the road from Captain Baird's to Isaac Fowler's.

The sum of twelve pounds for the road from Joseph Baxter's to Daniel Campbell's.

The sum of ten pounds for the road from Elias Snider's to the head of the Settlement on Salmon River in Sussex.

The sum of five pounds to Samuel Adam's to compensate him for labour actually performed in one thousand eight hundred and twenty-eight.

The sum of ten pounds for the road from Alexander McLeod's to the Anigance by the way of John McLeod's.

The sum of ten pounds for the road from John Brown's to the main road near Jefferie's mill.

The sum of ten pounds for the road from Roach's to Mill Stream by way of George Ryans.

Charlotte County,
Bye Roads.

The sum of thirty pounds for the road from Chamcook Settlement to Leonard Bartlett's at Waveig.

The sum of twelve pounds ten shillings for the road from the Ferry at Joe's Point to Saint Andrews.

The sum of fifteen pounds for the road from McCulloch's grant towards the head of the Bay.

The

The sum of fifteen pounds for the road from Robert McLauchlan's to J. Dewolfe's mill. Charlotte County,
Bye Roads, Con-
tinued.

The sum of twenty pounds for the road from Lawrence William's to the New Settlement at the grant to Donald McCulloch and others.

The sum of twenty pounds for the road from the New Settlement called Turner's Ridge to the main road from Saint Andrews to Frederickton.

The sum of twenty-five pounds for the road from Mohannes in Saint James through the burnt land to John Leman's.

The sum of fifteen pounds for the road from the New Settlement on Le Tang river to the Maskareen road near Philo Seely's.

The sum of fifteen pounds to alter and amend the road near John Maxwell's, and to assist in bridging the Mohannes.

The sum of twenty pounds for the road from Donald McLean's farm to the Post Brook bridge on the West side of the Digdeguash river.

The sum of twenty pounds for the road from James Stewart, Senior's farm to the mouth of Magaguadavic river near James Mann's farm.

The sum of twenty-five pounds for the road from Peter Morrison's to the School House on the Eastern side of the Digdeguash river.

The sum of fifteen pounds in aid of Statute Labour towards rebuilding the bridge across Linton's mill stream.

The sum of fifteen pounds for the road from John Dick's farm to the Letete Marsh.

The sum of twenty pounds for the road from James Mann's to Benjamin Hanson's.

The sum of twenty-five pounds in aid of individual subscription and statute labour for opening a road from the New Settlement at the Grand Falls to communicate with the public road through the Glebe at Mill Town.

Charlotte County,
Bye Roads, Con-
tinued.

The sum of twenty pounds for the road lead-
ing through the Oak Hill Settlement.

The sum of fifteen pounds for the road be-
tween the Basswood ridge and Chiputnecti-
cook.

The sum of twenty pounds for the road from
Ham's to the main river, and repairing the
bridge over Meadow Brook in Saint James.

The sum of twenty-five pounds for Causeway-
ing the Long Marsh and repairing other parts
of the road leading from the Upper Settlement
on the Western side of the Magaguadavic river
to Isaac Young's farm.

The sum of twelve pounds ten shillings for
the road from Chamcook Bar to the great road
leading from Saint John to Saint Andrews.

Miscellaneous.

W. M. Hazen.

The sum of seven pounds to remunerate Wil-
liam M. Hazen for exploring a line for a road
from the Back Creek in the Parish of Burton
to the Nerepis road; the said service having
been performed in one thousand eight hundred
and twenty-eight.

Fredericton to the
Finger Board.

The sum of two hundred and fifty pounds in
addition to the sum of fifty pounds already
granted for the great road from Fredericton to
the Finger Board.

Settlement of Traca-
dy to great road from
Miramichi to Ba-
thurst.

The sum of fifty pounds to open a road along
the County Line in Gloucester from the Set-
tlement of Tracadly to the great road leading
from Miramichi to the Shire Town at Bathurst.

County Line of
Gloucester to Resti-
gouche.

The sum of one hundred pounds in addition
to the sum of five hundred pounds already
granted to be applied to the great road of com-
munication, leading from the County Line of
Gloucester to Restigouche.

Bartabog to Ba-
thurst.

The sum of twenty-five pounds (being the ba-
lance of a grant made in one thousand eight hun-
dred and twenty-eight, for defraying the expence
of a Courier from Newcastle to Bathurst,) to be
re-appointed

re-appointed and applied to the temporary repairs of roads and bridges on the line of great road from Bartabog river to Bathurst.

The sum of thirty pounds to enable the Commissioners of Light-Houses for the Bay of Fundy, to open a road from the Light-House at Head Harbour to the Settlement at Wilson's Beach, so called, on the Island of Campo Bello.

Light-House at head Harbour to Settlement at Wilson's Beach.

II. *And be it further enacted*, That the said several and respective sums of money and every part thereof shall be paid to the several and respective persons who shall actually work and labour in making, completing and repairing the said several roads and bridges, or in furnishing materials therefor, at the most reasonable rates that such labour and materials can be provided : and the several and respective persons who shall be entrusted with the expenditure of the said several and respective sums, shall keep an exact account of the expenditure thereof ; and shall produce receipts in writing from the several and respective persons to whom any part of the said money shall be paid, as vouchers for such payments ; and render an account thereof upon oath, (which oath any Justice of the Peace in the several and respective Counties is hereby authorized to administer,) to be transmitted to the auditor, to be examined and reported on by him to the General Assembly, at their next Session ; and such Commissioners or Persons entrusted with the expenditure of the several and respective sums of money, shall stand charged and chargeable with all sums entrusted to them and not accounted for as aforesaid, and shall repay the same into the Province Treasury.

Money to be paid to the persons who actually work, &c.

Duty of Commissioners with respect to sums entrusted to them.

III. *And be it further enacted*, That the said Commissioners or Persons entrusted with the expenditure of the said several and respective sums of money shall for their time and trouble be allowed to retain at and after the rate of five

Commissioners may retain five per cent. with a reasonable compensation for actual labour.

per

per centum out of the said sums so entrusted to them respectively, together with a reasonable compensation for actual work and labour performed by them on the said several roads and bridges.

Money to be paid by
warrant.

IV. *And be it further enacted,* That all the before mentioned several and respective sums of money shall be paid by the Treasurer by warrant of His Honor the President or Commander-in-Chief for the time being, by and with the advice and consent of His Majesty's Council, out of the monies now in the Treasury, or as payments may be made at the same, and not otherwise.

CAP. XXXIX.

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

Passed 8th March, 1830.

I. ***BE*** it enacted by His Honor the President, Council and Assembly, That there be allowed and paid out of the Treasury of this Province the following sums, to-wit:

Province Agents.

To John Bainbridge and Henry Bliss, Esquires, such sum as will procure bills on England for two hundred pounds sterling, each, for their services as agents for the Province for the year one thousand eight hundred and twenty-eight and one thousand eight hundred and twenty-nine.

Master in Chancery.

To the Master in Chancery appointed to carry messages from the Council to the House of Assembly, for the past and present Session, the sum of seventy-five pounds.

James Whitney and
others.

To James Whitney and others, the sum of one hundred and fifty pounds to enable them to run a good and sufficient Steam Boat between Annapolis,

Annapolis, Digby, and Saint John, for seven months, and a good and sufficient vessel for the remainder of the year : *Provided*, the said proprietors carry the Mail, if required, without any additional charge. The said sum of money to be drawn when it shall be proved to the satisfaction of His Honor the President or Commander-in-Chief that the service has been performed.

To the Governor and Trustees of the Madras Madras School. School in New-Brunswick, for the year one thousand eight hundred and thirty, the sum of four hundred pounds towards the support of that institution throughout the Province.

To His Honor the President or Commander-in-Chief, a sum not exceeding two hundred pounds for the purpose of assisting aged and distressed Aged and distressed Indians. Indians throughout the Province.

To His Honor the President or Commander-in-Chief the sum of one hundred and fifty-eight pounds five shillings and three pence to reimburse the Honorable Thomas Bailie, for assistance afforded to the sufferers at Madawaska. Hon. Thomas Bailie.

To His Honor the President or Commander-in-Chief the sum of forty-four pounds fifteen shillings and eight pence sterling, for Military Stores issued from the Ordnance Office for the use of the Revenue Cutter. Military Stores for the Revenue Cutter.

To His Honor the President or Commander-in-Chief the sum of one hundred pounds towards the expences of Printing the daily Journals of the present Session. Daily Journals.

To His Honor the President or Commander-in-Chief the sum of fifty pounds towards defraying the expence of printing the Laws of the present Session; and a further sum of ten pounds for the purpose of having a proper Printing Laws. Index printed to the Acts of the present Session. Index to Laws.

To His Honor the President or Commander- Journals.

in-Chief the sum of fifty pounds towards paying the expences of printing the Journals of the House of Assembly for the present Session.

Flora McRae.

To Flora McRae, widow of the late Alexander McRae, of His Majesty's late North Carolina Highlanders, the sum of twenty pounds to relieve her under her present distressed circumstances.

William Kennedy.

To William Kennedy of Saint Stephens, in the County of Charlotte; the sum of twenty pounds to assist him in the support of himself and family, he being very aged and indigent, and having served his country faithfully during the Revolutionary war.

William Watts.

To William Watts the sum of fifteen pounds for airing and taking care of the Province Hall during the year one thousand eight hundred and twenty-nine.

Corporation of Saint John.

To the Mayor, Aldermen and Commonalty of the City of Saint John, the sum of six hundred and seventy-two pounds three shillings and three pence being the amount advanced by them towards the erection of the Beacon Pier, and Light-House thereon, in the Harbour of Saint John, to be taken out of the Light-House funds.

Commissioners of Campo Bello Light-House.

To the Commissioners for building a Light-House on the Island of Campo Bello the sum of two hundred and fifty-six pounds two shillings and eleven pence being the balance due on the erection of said Light-House; and a further sum of one hundred and thirteen pounds four shillings and three pence to reimburse them for advances made in the purchase of oil and cotton wick; the same to be reimbursed from the Light-House fund.

Sylvanus Heaviland.

To Sylvanus Heaviland the sum of ten pounds to remunerate him for damages sustained by an alteration of the Great Road of communication from Fredericton to Saint John.

To

To Alexander Key, Surgeon, the sum of Alexander Key.
thirty-four pounds seven shillings and four
pence as compensation for services performed
in discharge of his duty as Health Officer
for the Port of Miramichi, in the year one thou-
sand eight hundred and twenty-seven.

To Edmond Bradley, a licensed School Mas- Edmond Bradley.
ter the sum of twenty pounds for teaching a
School in the Parish of Samaraz (now Bathurst)
from the fifth of October; one thousand eight
hundred and twenty-six, to the fifth of October
one thousand eight hundred and twenty-seven;
it being an interval in which the County of Glou-
cester was divided from Northumberland, and
the party left without the certificate of the Nor-
thumberland Sessions on account of said division.

To John P. Ford the sum of twenty-five John P. Ford.
pounds for compensation in having completed
an Cat Mill and Kiln in the Parish of Liverpool,
in the County of Kent, there being no Agricul-
ral Society in that County.

To Timothy H. Hartley, for teaching a School Timothy H. Hartley
at Mohannes District, Parish of Saint Stephens,
for the period of seven months; which School
was discontinued at the time by reason of a pre-
vailing sickness, the sum of eleven pounds thir-
teen shillings and four pence.

To Robert Porter the sum of twenty pounds Robert Porter.
for services performed by his son as teacher
of a School in the Parish of Norton, Kings'
County.

To John Smith a Licensed Teacher the sum John Smith.
of twenty pounds to remunerate him for teach-
ing School in the County or Northumberland,
it appearing that for the years one thousand
eight hundred and twenty-six, twenty-seven and
twenty-eight, only forty-five pounds were paid
by the Province, and for the past year nothing,
the Trustees of Schools not having reported him
to the Court of General Sessions for that County.

To

Samuel Chamberlain.

To Samuel Chamberlain the sum of twenty pounds to remunerate him for teaching a School in the Parish of Kingsclear; in the County of York.

Officers of 81st. Regiment.

To the Officers of His Majesty's Eighty-first Regiment, the sum of fifteen pounds drawback of duties paid by them, on wine imported into this Province, and afterwards exported to Bermuda.

Joseph Baxter.

To Joseph Baxter the sum of thirty-eight pounds being part of the sum of two hundred pounds received from the Treasury, to pay the accounts against the Revenue Cutter Elizabeth; which sum had been stolen from him as stated in his Petition.

John Wilson.

To John Wilson the sum of nine pounds ten shillings and six pence being the amount of duties twice paid by him on Brandy and Gin.

John Wilson.

To John Wilson the sum of ten pounds nineteen shillings and seven pence for articles furnished the Revenue Cutter Elizabeth, in one thousand eight hundred and twenty-seven.

Jedediah Slason, Esq.

To Jedediah Slason, Esquire, the sum of one hundred and twenty-seven pounds eight shillings and three pence half penny to remunerate him for interest paid by him in consequence of not receiving payments agreeably to the tenor of his contract for building Government House.

Edward McQuillan.

To Edward McQuillan, of Northumberland the sum of ten pounds fifteen shillings being return of duty on two puncheons of rum.

Sylvanus Appleby.

To Sylvanus Appleby, the sum eighteen pounds four shillings to reimburse him for that sum twice paid for duties on coffee in the year one thousand eight hundred and twenty-eight.

Edward B. Chandler, Esq.

To Edward B. Chandler, Clerk of the General Sessions of the Peace for the County of Westmorland, the sum of forty-nine pounds three shillings and seven pence to be paid over to certain claimants of Grain Bounty, for the year one thousand eight hundred and twenty-eight. To

To His Honor the President or Commander-in-Chief, such sum not exceeding fifty pounds, as may upon certificate of W. B. Phair, Esquire, be found due to Duncan McGregor, Courier, between Fredericton and Miramichi, for the year ending the fifth July, one thousand eight hundred and thirty.

Duncan McGrigor.

To John Brown the sum of fifteen pounds for removing wind falls and other obstructions on the road from Fredericton to Saint Andrews, last year.

John Brown.

To His Honor the President the sum of fifty pounds for the purpose of aiding the Milicite Tribe of Indians to maintain their Priest.

Milicite Tribe of Indians.

To Timothy R. Wetmore, Clerk of the Peace for Queens' County, the sum of four hundred and fifty-two pounds one shilling and five pence for the purpose of enabling him to pay the respective claimants of Grain Bounties for the years one thousand eight hundred and twenty-three, twenty-four, twenty-five and twenty-eight.

T. R. Wetmore, Esq.

To Rebecca Porter, a licensed Teacher, the sum of twenty pounds to compensate her for teaching a school one year in the Parish of Norton Kings' County.

Rebecca Porter.

To the Honorable Richard Simonds, Treasurer of the Province, the sum of twenty-five pounds to enable him to pay T. P. Marter, late a Tide Surveyor at the Port of Saint John, a Balance due him.

T. P. Marter.

To John Clarke, Esquire, of Miramichi the sum of seventy-nine pounds fifteen shillings and six pence, the same to be applied in the discharge of a Treasury Bond, in the office of the Deputy Treasurer there, signed by the said John Clarke, on account of David Gibson, for transient duty on goods imported in one thousand eight hundred and eighteen.

John Clarke, Esq.

To His Honor the President or Commander-

M

in

- William Ball. in-Chief the sum of sixty-eight pounds eight shillings and nine pence to enable the Treasurer to pay William Ball for his services as Tide-Waiter at the Port of Saint John, for nine months in the past year.
- Richard Hitchings and Edward Crowell. To His Honor the President or Commander-in-Chief a sum not exceeding twenty pounds in order to remunerate Richard Hitchings and Edward Crowell, residents at the Seal Islands, for expences they may be put to in relieving shipwrecked persons, and towards the support of their establishment for that purpose.
- Edmond Hogan. To Edmond Hogan the sum of twenty pounds to compensate him for teaching a School in the Village of Adair, in Queens' County, from the seventeenth day of October, one thousand eight hundred and twenty-eight, to October following.
- David Dufour. To David Dufour the sum of six pounds, being a bounty in killing eight Bears in the Madawaska Settlement.
- Courier between Hopewell and Bend of Peticodiac. To His Honor the President or Commander-in-Chief the sum of thirty pounds in aid of individual subscription to pay a Courier passing between Hopewell and the bend of Peticodiac river, in the County of Westmorland.
- Administrators of the late Joshua Weatherhead. To the Administrators of the late Joshua Weatherhead the sum of fifteen pounds for his services as Adjutant of the second Battalion of Westmorland Militia, for the year one thousand eight hundred and twenty; the usual certificate of the Commanding Officer having been given, but since lost or mislaid.
- Zachariah Lutes. To Zachariah Lutes the sum of twenty-five pounds to aid him in re-building an Oat Mill and Kila; which were destroyed by fire on the twenty-eighth day of November last.
- Anthony Lockwood, Junior. To Anthony Lockwood, Junior, the sum of fifty pounds as a gratuity for his voluntary services in preparing and publishing a map of Province.

To Commissioners to be appointed by His Honor the President the sum of fifty pounds for defraying the expences of a Courier between Bathurst and Restigouche, in the County of Gloucester. Courier between Bathurst and Restigouche.

To His Honor the President or Commander-in-Chief the sum of seventy-two pounds six shillings and eight pence for expences incurred by A. K. S. Wetmore, Esquire, in investigating the Exchequer business in the Counties of Northumberland and Kent in June and July last. At K. S. Wetmore, Esq.

To Benjamin Chaloner the sum of one hundred and thirty-one pounds eleven shillings and six pence being amount of his account for gauging and weighing for the Province for the year one thousand eight hundred and twenty-nine. Benjamin Chaloner.

To David W. Jack the sum of thirty-seven pounds twelve shillings and six pence being the amount of his account for gauging and weighing for the year one thousand eight hundred and twenty-nine. David W. Jack.

To George Henderson the sum of eight pounds being the amount of his account for gauging at Miramichi, between the first day of January and thirty-first day of December, one thousand eight hundred and twenty-nine. George Henderson.

To C. H. Jouett the sum of twenty-eight pounds sixteen shillings and six pence being the amount of his two accounts for gauging, from the twenty-fourth day of April, one thousand eight hundred and twenty-four, to the thirty-first day of December, one thousand eight hundred and twenty-nine. C. H. Jouett.

To the Commissioners having charge of Government House the sum of one hundred pounds towards providing the necessary fuel to preserve that building from being seriously injured by accumulation of damp air. Commissioners of Government House.

To William H. Lyon, a settler on the Nerepis road the sum of twenty pounds to remunerate William H. Lyon.
rate

rate him for assistance rendered to distressed emigrants and other indigent travellers during the year one thousand eight hundred and twenty-eight.

Commissioners of
Beacon Light Saint
John.

To the Commissioners for supplying the Beacon Light in the harbour of Saint John the sum of one hundred and twenty-one pounds seven shillings and six pence to reimburse them for supplies furnished.

William Bowman.

To William Bowman the sum of seventeen pounds one shilling and ten pence for articles supplied by the late firm of Bowman and Wheeler, to the Revenue Cutter Elizabeth.

Hon. George Shore.

To the Honorable George Shore the sum of six pounds thirteen shillings and nine pence to reimburse him for extra advances made in painting the Supreme Court Room.

Thomas Heaviside,
Esq.

To His Honor the President or Commander-in-Chief, to pay Thomas Heaviside, Esquire, the sum of one hundred and fifty pounds on account of his services in auditing the public Accounts.

Oat Mill in Emigrant
Settlement on road
from Hammond ri-
ver to Hopewell.

To His Honor the President or Commander-in-Chief the sum of twenty-five pounds for the purpose of encouraging the erection of an Oat Mill in a central part of the Emigrant Settlement, on the road leading from Hammond river to Hopewell.

Lawrence O'Flan-
nagan.

To the Trustees of Schools in the Parish of Portland the sum of ten pounds to pay Lawrence O'Flannagan, for teaching a School at Loch Lomond, in the said Parish, in the year one thousand eight hundred and twenty-seven.

Hon. R. Simonds.

To the Honorable Richard Simonds, Province Treasurer, the sum of ninety-two pounds sixteen shillings and eight pence for the contingent expences of his office for the year one thousand eight hundred and twenty-nine.

Government House

To Charles Drury and Allen Otty, Esquires, the

the sum of two hundred pounds to enable them in Saint John.
as Commissioners for the Government House in
Saint John, to discharge all claims upon the
Province for that establishment until the expi-
ration of the present lease.

To George K. Lugin the sum of one hun- George K. Lugin.
dred and fifty nine pounds eleven shillings and
nine pence in full for his two accounts.

To His Honor the President or Commander- Joseph Baxter.
in-Chief the sum of three hundred and three
pounds fifteen shillings and eleven pence to en-
able him to pay Joseph Baxter, master of the
Revenue Cutter Defiance, the balance due
him.

To His Honor the President or Commander- Sick and indigent
Emigrants and black
Refugees.
in-Chief the sum of one hundred pounds to en-
able His Honor to defray the expences incurred
for the relief of sick and indigent emigrants
and black refugees, in the several Parishes of
the Province, who may not be entitled to relief
from any Parish funds.

To His Honor the President or Commander- Expences of trial of
George Seely and
others.
in-Chief the sum of two hundred and ninety-
five pounds five shillings and two pence to en-
able him to defray the expences incurred in the
trial of George Seely and others, for piracy.

To His Honor the President the sum of three Enlarging Surveyor
General's Office.
hundred and thirty pounds for the purpose of
enlarging the ground floor of the office of the
Surveyor General. *Provided always*, that the
contract for this purpose shall be confined
strictly within the sum hereby granted.

To His Honor the President or Commander- Saint Paul's Island
Light House.
in-Chief a sum not exceeding one hundred
pounds to be applied towards building and
maintaining a Light House on Saint Paul's Is-
land; *Provided*, this grant is met by appro-
priations from Lower Canada, Nova-Scotia,
and Prince Edward's Island, in the propor-
tions adopted by the House of Assembly of this
Province the present Session. To

John Hooper.

To His Honor the President or Commander-in-Chief the sum of forty-one pounds three shillings to enable him to pay John Hooper the balance due him for binding the Laws of this Province.

Lt. Col. Allen.

To His Honor the President or Commander-in-Chief the sum of fifty pounds to enable him to pay Lieutenant Colonel Allen, one of the Inspecting Field Officers; *Provided*, that a similar sum shall be paid to Lieutenant Colonel Love, out of the casual revenue.

Light off the Old Proprietor or on the Gannet Rock.

To the Commissioners of Light Houses in the Bay of Fundy, a sum not exceeding one hundred pounds to be applied towards building, establishing and maintaining a Floating Light off the Old Proprietor, near the Island of Grand Manan, provided it may be found practicable to carry it into effect, and if not, the same sum to be applied towards building a Light House on the Gannet Rock.

Light House on Cape Sable Seal Island.

To Commissioners to be appointed by the Commander-in-Chief of this Province, a sum not exceeding five hundred pounds to be applied by them towards the building and maintaining a Light House on Cape Sable Seal Island; *Provided*, a similar grant be made by the Legislature of Nova Scotia towards the same object.

Commissioners of Government House.

To His Honor the President or Commander-in-Chief the sum of two hundred and forty-two pounds nineteen shillings to pay the expences incurred by the Commissioners having the care of Government House, for fitting and making the same tenantable.

Revenue Cutter Defiance.

To His Honor the President or Commander-in-Chief the sum of seven hundred and fifty pounds to defray the expences of the Cutter Defiance, for the protection of the revenue.

Doctor John Boyd.

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

nine, returns having been made that he has at all times been provided with fresh vaccine matter.

To the Agricultural and Emigrant Society the sum of three hundred pounds to be applied to the encouragement of Agriculture during the year one thousand eight hundred and thirty.

Encouragement of Agriculture.

To His Honor the President or Commander-in-Chief a sum not exceeding two hundred pounds sterling to enable him to pay to Messrs. Bainbridges and Brown, a balance due them on furniture sent out by them for the late Government House.

Messrs. Bainbridges and Brown.

To His Honor the President or Commander-in-Chief the sum of one hundred and ninety-seven pounds sixteen shillings and four pence remaining in the hands of the Commissioners of Government House, be re-appropriated for any necessary repairs to be made under the direction of the Commissioners having the care of the same.

Commissioners of Government House.

To His Honor the President or Commander-in-Chief, to enable him to pay the Proprietors of the Steam Boats plying between Quebec and Halifax the sum of two hundred pounds, to be paid upon their producing a certificate from the Collector and Comptroller of the Customs of the Port of Miramichi, that the said Boats had regularly entered and cleared from the said Port, each voyage, between the first day of May and the first day of November, one thousand eight hundred and thirty-one; and a further sum of one hundred pounds each year, for three succeeding years, on the like certificates being produced.

Steam Boats between Quebec and Halifax.

To Isaac Micheau, a settler at the Grand Falls the sum of ten pounds in consequence of relief extended to distressed emigrant travellers.

Isaac Micheau.

To Matthew Brannen, a Clerk in the Secretary's Office the sum of fifteen pounds as a mark of

Matthew Brannen.

of approbation of his uniform obliging conduct in attending to the duties of his office.

Acting Quarter
Master General of
Militia.

To His Honor the President or Commander-in-Chief the sum of fifty pounds to remunerate the Acting Quarter Master General of the Militia Forces, for his services in taking care of the Militia Arms during a part of the past and present year.

Contingencies of the
Session.

To the Clerk of the House of Assembly the sum of four hundred and twenty-six pounds seventeen shillings and three pence to defray the contingent expences of the present Session.

Money to be paid
by warrant.

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

ANNO REGNI

GEORGI IV.

BRITANNIARUM REGIS UNDECIMO.

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

Rec. Apr. 16, 1902.



CAP. I.

AN ACT FOR RAISING A REVENUE IN THE PROVINCE.

Passed 13th March, 1830.

WE, His Majesty's most dutiful and Loyal Subjects, the Assembly of New-Brunswick, in General Assembly convened, for raising the supplies necessary to defray the expences of His Majesty's Government of the Province, have freely and voluntarily resolved to give and grant unto the King's Most Excellent Majesty, the several rates and duties hereinafter-mentioned; and do therefore pray Your Honor that it may be enacted. *And be it enacted*, by His Honor the president, by and with the advice and consent of the Council and Assembly in General Assembly convened, and by the authority of the same, that from and after the first day of April next, there be granted to

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the King's Most Excellent Majesty, His Heirs and Successors, for the use of this Province, and for the support of the Government thereof, the several rates and duties hereinafter-mentioned, on the following articles, which may be imported or brought into this Province, either by sea, inland navigation, or by land, that is to say :—

Duties granted on
Rum and Whiskey,

For every gallon of Rum or Whiskey, one shilling, when the same is owned and imported by a resident of this Province, and an additional duty of two pence per gallon, when otherwise owned and imported.

Molasses,

For every gallon of Molasses, one penny.

Coffee,

For every pound of Coffee, one penny.

Shrub, &c.

For every gallon of Shrub, Santa, Cordials, Lime-Juice and Vinegar, six pence.

Sugar,

For every hundred weight of Brown or Muscovado Sugar, on the quantity mentioned in the original invoice, allowing twenty-five per cent. for tare and wastage, two shillings and six pence, when the same is owned and imported by a resident of this Province, and an additional duty of one shilling and six pence, for every hundred weight, when otherwise owned and imported; and in addition to the rates and duties already imposed by the means and power of any Act or Acts of the Imperial Parliament, or under and by virtue of this Act, the following rates and duties shall be granted as aforesaid, that is to say :—

Duties in addition to
those imposed by
Parliament,

Brandy and Gin,

For every gallon of Brandy, Hollands and Geneva, one shilling.

Wine,

For every gallon of Wine, in bottles, one shilling and three pence: and for every gallon of Wine not in bottles, one shilling and six pence.

Horned Cattle,

For every head of Foreign Horned Cattle, three pounds ten shillings: and for every hundred pounds of dead meats, of all kinds, six shillings and eight pence.

Dead Meats,

For

For every foreign Horse, five pounds; and where a duty on such Horse shall have been paid, or secured at the Custom House, by the means and powers of any Act or Acts of the Imperial Parliament, then the difference only between the amount so paid or secured at the Custom House, and the duty herein imposed shall be demanded and received: and, upon the following articles, not being of the manufacture of, and not imported from any part of the British Empire, in addition to the rates and duties already imposed, or which may be imposed by the means and powers of any Act or Acts of the Imperial Parliament, the following rates and duties upon every hundred pounds of the real value thereof, that is to say:—

Ad valorem duties on manufactured articles.

For Chairs, Clocks, Watches, and every description of Household Furniture, twenty-five pounds.

Clocks, Watches & Furniture.

For Soap and Candles, ten pounds.

Soap, Candles.

For Bread, ten pounds.

Bread.

For Manufactured Tobacco, fifteen pounds, and for all other such articles not herein enumerated, or otherwise charged with duty by this Act, ten pounds, excepting nevertheless, Liquors, Pitch, Tar, Turpentine and Lumber of every description, Grass Seed, Food and Books: and in all cases where the duties imposed by this section, are charged upon the real value of the articles imported, such value shall be ascertained by the oath of the importer or consignee of such articles, before the Treasurer of the Province, or any Deputy Treasurer, in manner and form following, that is to say:—

Tobacco.

Non enumerated articles.

Value of articles how ascertained.

“I, A. B. do swear that the articles mentioned in this entry, subject to Provincial duty, and contained in the several Packages therein particularly described, are of the value of _____, to the best of my knowledge and belief, and that

that the same were entered of the same value, at the Custom House.

(Signed)

A. B."

Which oath shall be endorsed on the Bill of Entry of such articles in the presence of the Treasurer or his Deputy: *Provided*, That if it shall appear to the Treasurer or his Deputy, that such articles have been invoiced below the true and real value thereof, at the place from whence the same were imported, or if the price is not known, the articles shall, in such case, be examined by two competent persons, to be nominated and appointed by the President or Commander in Chief of the Province; and such persons shall declare on oath, before the Treasurer or his Deputy, what is the true and real value of such articles; and the value so declared on the oaths of such persons, shall be deemed to be the true and real value thereof, and upon which the duties imposed by this Act shall be charged and paid.

Duties payable at the time of Importation when under £25.

II. *And be it further enacted*, That the rates and duties imposed by this Act, shall be paid at the time of importation of such articles as are liable to the same, to the Treasurer of the Province, or to any Deputy Treasurer, at the place where the same may be imported, unless such rates and duties on any one cargo or importation, as mentioned in the master's or the owner's or consignee's report, shall amount to upwards of twenty-five pounds; and when the said duties upon any one importation as aforesaid, shall exceed twenty-five pounds, and not amount to fifty pounds, it shall and may be lawful for the said Treasurer, or any Deputy Treasurer, to take a bond duly executed by the owner or consignee of such dutiable articles, with at least one good and sufficient surety, in double the amount of such duties, for the payment of the same in three months; and when the said duties

Bonds to be taken with security when the duties amount to £25 and upwards.

ties amount to fifty pounds, and are under one hundred pounds, then the bond shall be taken and duly executed in like manner aforesaid, for the payment of the same, one half in three months and one half in six months : And when the said duties amount to one hundred pounds and are under two hundred pounds, then the bonds shall be taken and duly executed in like manner as aforesaid, for the payment of the same, one third in four months, one third in eight months, and the remaining third in twelve months. And when the said duties shall amount to two hundred pounds and upwards, then the bond shall be taken and duly executed in like manner as aforesaid for the payment of the same, one third in six months, one third in twelve, and the remaining third in eighteen months. All which bonds shall be taken in His Majesty's name, and made payable to His said Majesty, His Heirs and Successors, and conditioned for the payment of the amount of the said duties respectively, at the time or times specified therein, to the Treasurer of the Province or to his Deputy, at the place where the same may be taken : *Provided always*, that in cases where, by the provisions of this Act, the importer or importers are entitled to have credit for payment of any duties, upon giving Bonds as aforesaid, the Treasurer or any Deputy Treasurer shall be, and they are hereby authorized to receive payment at the time of Entry, if required, and to allow a discount or abatement thereupon, at and after the rate of six per centum per annum, proportionable to the credit which the said importer or importers may be so entitled to have.

To be taken in the name of His Majesty.

A discount of 6 per cent. to be allowed for prompt pay.

III. *And be it further enacted*, That the Masters or persons having charge of all ships and vessels arriving in any Port or place in the Province, shall severally and respectively, within twenty

Masters within 24 hours to report on oath an exact account of the cargo, &c. under penalty of £100.

twenty four hours after their arrival, or sooner, if required by the Treasurer or any of his Deputies, make a report to the said Treasurer of the Province, or to one of his Deputies, at, or nearest the place of such arrival, under oath, and subscribed by them respectively, containing an exact account of the whole cargo of the ship or vessel under his command or charge, whether subject to duties or not, and shall in the same report state, upon oath as aforesaid, the name of each and every owner and consignee of such Cargo, and where the same is intended to be landed, and whether any, and what part thereof has been landed, and taken from such ship or vessel after arriving within the Province, and upon neglect or refusal of such Master or person having charge as aforesaid, to make such report, he shall forfeit and pay the sum of one hundred pounds, and in addition to the report of the master or person having charge of any ship or vessel, each and every owner, or each and every consignee of the Cargo, shall also make a report, in writing by him subscribed, upon oath, before the said Treasurer or Deputy, as the case may be, of all dutiable articles belonging to, or consigned to him, on board such ship or vessel. And any part of such cargo which shall be landed before such report of the master, or person having charge, and before the reports of the several and respective owners or consignees thereof, and a permit obtained from the said Treasurer or Deputy, as the case may be, for landing the same, shall, together with any dutiable articles which may be found on board such ship or vessel, or landed therefrom, and not included in the report of the master or person having charge, and the report of the said owners or consignees, be forfeited; and the master or person having charge of such ship or vessel, and every person concerned in conceal-

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Owners and Consignees also to report upon oath.

Articles landed before such reports being made and permit obtained, and dutiable articles on board, or landed and not included in the reports, to be forfeited, and all concerned to forfeit £100 each.

ing such articles on board, or in landing them without a permit for that purpose, shall each respectively forfeit and pay the sum of one hundred pounds: And it shall and may be lawful for the said Treasurer or any of his Deputies, at all times, to enter on board any ship or vessel, and to search the same for dutiable articles, and if any are found on board, not having been duly reported; and the duties paid or secured, to seize and take the same from such ship or vessel.—

And the said Treasurer, or any Deputy Treasurer, being authorized by writ of assistance, under the Seal of His Majesty's Supreme Court, or of the Inferior Court of Common Pleas, in the County in which such articles shall be found, (which writ the proper officers of such Courts respectively are hereby authorized and required to issue upon the allowance or fiat of one of the Justices of such Court,) shall and may take one or more constable or constables, and at all times in the day time, enter and go into any house, store, ware-house, out-house, or other building, and, if resisted, break open any door or doors, and search for dutiable articles, and if any such are found, having been imported and landed contrary to law, seize and carry the same away; and it shall be the duty of the said Treasurer or any Deputy Treasurer to cause the same articles forthwith to be appraised and valued by three respectable persons, and in all cases where the value of the articles shall not exceed the sum of twenty five pounds, they shall be prosecuted to condemnation in the name of the Treasurer or Deputy Treasurer making the seizure, in thirty days from the time of making such seizure, before any two of His Majesty's Justices of the Peace, residing near the place where the seizure shall have been made, who are hereby required and directed to keep a Book of Record, in which they shall fairly enter all causes tried before them

Powers and duty of Treasurer and his deputies with respect to seizing dutiable articles.

Mode of appraising and prosecuting seizures.

under this Act, together with all the evidence taken in the course of the investigation; and when the value of the articles so seized and taken as aforesaid shall exceed the sum of twenty-five pounds, they shall be prosecuted to condemnation as aforesaid in the name of the Treasurer or Deputy Treasurer making the seizure, or by information of His Majesty's Attorney or Solicitor General, or any of the King's Counsel learned in the law, in ninety days from the time of making such seizure, before His Majesty's Supreme Court, or before the Inferior Court of Common Pleas, in the County where the seizure shall have been made; and if any dispute shall arise whether any of the articles so seized as aforesaid were illegally imported, the proof in all cases shall be upon the owner or person claiming such articles.

The *onus probandi* to be upon the party claiming the goods seized.

Articles intended for exportation without being landed, to be specified in the reports and on proof of actual exportation, duties to be returned.

IV. *And be it further enacted*, That when any dutiable articles imported into the Province, are intended to be exported without being landed, the same shall be stated in the report and entry required to be made by this Act, and the articles intended to be exported particularly described and specified in such report, and such articles so reported for exportation, shall be actually exported in the same vessel in which they were imported, or re-shipped on board of any other ship or vessel without being landed, and shall actually be exported in such ship or vessel to any port or place without the limits of the Province, then and in either of these cases, any duties which may have been paid on any articles so exported, shall be repaid, and any bonds which may have been given for securing such duties shall be cancelled, after the requisite proofs of the actual landing of such articles without the Province, in either case shall have been produced at the Office, where the same were first reported for exportation. V.

V. *And be it further enacted*; That upon the following articles upon which the duties have been paid or secured, there shall be allowed when exported, after having been landed from the vessel in which they were imported; or imported by land or inland navigation, or which may have been purchased at any Custom House sale or sale of Government Stores, the following Drawbacks, to-wit: For every gallon of Rum and Whiskey, one shilling: For every gallon of Wine in bottles one shilling and three-pence: For every gallon of Wine not in bottles, one shilling and sixpence: For every gallon of Brandy, and other distilled Spirituous Liquors, one shilling: For every gallon of Shrub, Santa and Cordials, Lime Juice and Vinegar, six-pence: For every gallon of Molasses one penny: For every gross hundred weight of Brown Sugar, two shillings and sixpence: For every pound of Coffee, one penny: Upon every head of Foreign horned Cattle, sixty shillings: And when the long duties have been paid, upon the following articles, the drawbacks shall be as follow; to-wit: For every gallon of Rum and Whiskey one shilling and two-pence: For every gross hundred weight of Brown Sugar, four shillings: *Provided always*, That no drawbacks shall be allowed, unless the articles be exported within twelve months from the time of their importation, and in the same package or cask in which they were imported, and not in less quantity in any one ship or vessel, at any one time than fifty gallons or more of Wine, Brandy, Hollands and Geneva; five hundred gallons or more of Molasses; one hundred gallons or more of any other Liquors; ten hundred weight or more of Brown Sugar; and five hundred weight of Coffee; nor unless the requisite proofs of their having been landed without the Province, be produced at the Office within twelve months from

Drawbacks allowed on goods exported after having been landed.

Scale of drawbacks.

Cases in which no drawback shall be allowed.

from the time of exportation; and no drawback shall be allowed upon articles landed in any part of the United States, eastward of Machias Harbour. *And provided also*, that when satisfactory proof is lodged with the Treasurer or Deputy Treasurer, of the export of any article subject to duty, the said duty shall not be exacted within twelve months after the exportation of such articles.

Return of duties not to be exacted within twelve months after exportation of articles.

Evidence required of the exportation of dutiable articles in same bottom, without being landed.

VI. *And be it further enacted*, That the evidence to be required of the exportation of dutiable articles in the same bottom, shall be the oath of the master, and of the owner or consignee, before the Treasurer or one of his Deputies, and the oath of the master shall be as follows:—

“I, A. B. do swear that the following articles, to-wit, ———, are now actually on board the ———, whereof I am master, that the same were imported in the same vessel, and are the same that were mentioned in the entry and report of the said vessel and cargo at this office on the ——— day of ———, and that the said articles are now in the same state in which they were at the time of importation thereof, that no part of the same are to be landed within the Province to the best of my knowledge and belief, so help me God.”

And the owner or consignee of the same articles, shall at the same time and place make and subscribe an affidavit that he is the owner or consignee; of such articles, and that the contents of the affidavit made by the master are just and true, to the best of his knowledge and belief. And when articles are not exported in the same bottom in which they were imported, then the master of the vessel in which they were imported shall make and subscribe an affidavit as follows, to-wit:—

Evidence when not exported in the same bottom.

“I, A. B. do swear that the following articles

articles, to-wit, ———, were imported into the Province in the vessel called the ———, whereof I am master; and are the same mentioned and specified in the entry and report of the said vessel and cargo at this office, on the ——— day of ———, that they are now in the same state in which they were at the time of importation, that no part thereof has been landed since the said entry and report, and that the same have been actually shipped on board the vessel called the ———, in the harbour of ———, whereof ——— is master, so help me God.”

And the owner or consignee of the same articles shall at the same time and place make and subscribe an affidavit that he is the owner or consignee of such articles, and that the contents of the affidavits made by the said masters, are just and true, and that the said articles are not to be landed within the Province to the best of his knowledge and belief, and the master of the vessel on board of which such articles have been re-shipped, shall at the same time make and subscribe an affidavit that the articles mentioned in the affidavit of the master of the vessel in which they were imported are actually on board the ship or vessel of which he is master, and that the same or any part thereof are not to be again landed in the Province to the best of his knowledge and belief.

VII. *And be it further enacted*, That when any dutiable articles are exported for drawback, after having been landed in the Province, the evidence of such exportation shall be an affidavit made and subscribed by the owner or consignee of such articles, before the Treasurer, or Deputy Treasurer, as follows, to-wit :—

Evidence required of the exportation of dutiable articles after being landed.

“I A. B. do swear that the articles by me now shipped on board the ———, whereof ——— is master, were lawfully imported (or purchased at a Custom House sale, or sale of Government

Government Stores;) in the _____, whereof _____ was master, from _____, and that the duties thereon have been paid or secured to be paid by me, at this office, and that the same, or any part thereof, are not intended to be re-landed in the Province, to the best of my knowledge and belief, so help me God."

Also, an affidavit, made and subscribed by the master of the vessel, in which the articles are to be exported, as follows, to-wit:—

"I, A. B. do swear that the articles shipped by _____, as mentioned in his affidavit, are now actually on board the _____, whereof I am master, bound for _____, and that the same or any part thereof, are not to be re-landed within the Province, to the best of my knowledge and belief, so help me God."

Evidence required of the articles being landed without the Province, before the paying of drawbacks, or allowing remission of duties.

Provided always, That before any drawback shall be paid, or a remission of duties upon articles exported in the same bottom, or transhipped into another vessel, and exported without being landed, obtained, it shall be incumbent on the owner or consignee of such articles, to produce to the Treasurer or Deputy, to whom the duties shall have been paid or secured within one year from the time of exportation thereof, a certificate, under the hand and seal of the Collector, or principal Officer of the Customs or of the Revenue of the place to which the same were exported, that such articles have been there landed, and he shall at the same time make and subscribe the following oath, to-wit:—

"I, A. B. do swear that the articles exported by me in the _____, whereof _____ was master, a certificate of the landing of which is by me now exhibited, have been actually landed at _____, to the best of my knowledge and belief, so help me God."

How drawbacks are to be paid.

Provided also, That the drawbacks herein before allowed shall be paid out of the duties actually

tually paid on the same articles for which such drawbacks shall be claimed, and if such duties have been secured, then the said drawbacks shall be paid when those duties become due to the Treasury, and not before, that is to say a proportion of such drawbacks on each instalment of the bonds given for the duties as they severally become due.

VIII. *And be it further enacted*, That if all or any of the articles reported for exportation without being landed, or which having been landed, have been shipped for exportation, with a view to obtain a remission of the duties thereon, or to obtain the drawbacks allowed by this Act, have been landed or relanded contrary to the true intent and meaning of this Act, all such articles so landed or relanded, and such as may be on board at the time of discovering such intended fraud, shall be forfeited, and shall and may be seized and prosecuted to condemnation, and the proceeds of such forfeitures applied as hereinafter directed. And if it shall be discovered, within one year after the articles so reported for exportation, or which may have been shipped for exportation after having been landed, or after any drawbacks may have been paid or received, that the whole, or any part thereof, have been fraudulently relanded within the Province, the owner or consignee of such articles, and the master or owner of the ship or vessel from which the same were relanded, shall severally forfeit and pay the sum of one hundred pounds, to be recovered and applied as hereinafter directed.

Articles landed or relanded contrary to this Act and such as may be on board to be forfeited.

Penalty if a fraudulent relanding of articles be discovered within one year.

IX. *And be it further enacted*, That the evidence required to obtain any drawback on Horned Cattle exported from this Province, shall be a certificate of the Treasurer or Deputy Treasurer as the case may be, that the Cattle upon which the drawback is claimed were on the

Evidence required to obtain drawback on Horned Cattle.

the importation of such Cattle reported for exportation, also an affidavit shall be annexed, in manner and form as follows, to-wit :—

“ I, A. B. do swear that the following (*here state the number and description of Cattle*) now on board the ———, whereof ——— is master, bound for ———, and that they are the same as are mentioned in the annexed certificate, and were reported for exportation, and that the same are not intended to be relanded in this Province, to the best of my knowlege and belief—so help me God.”

And also the affidavit of the Master of the vessel mentioned in the owner's or consignee's affidavit, and subscribed by him in form following, to wit :—

“ I, A. B. do swear that the ——— shipped by ———, are now actually on board the ———, whereof I am master, bound for ———, and that the same are not to be relanded in this Province with my knowledge and consent, (unavoidable accident excepted) so help me God.”

Proviso respecting the allowing and paying of such drawbacks.

Which affidavits and certificate shall be filed in the office where taken : *Provided always*, that no drawbacks shall be allowed and paid in less than one month after the sailing of the vessel, in which the cattle, for which the same are claimed, were shipped ; nor unless the cattle reported for exportation, shall be actually exported within three months from the time of their importation. *Provided always*, that if any cattle shall be fraudulently relanded in this Province after shipment for Exportation as aforesaid, the same shall be forfeited, and may be sold forthwith without further process, by the Treasurer or nearest Deputy Treasurer, and the proceeds applied, one half to the informer, the residue to His Majesty, for the use of the Province ; and the owner or consignee of such cattle, and the master of the vessel from which they

Proviso respecting the fraudulent relanding of cattle.

they have been fraudulently reloaded, shall severally forfeit and pay a fine of one hundred pounds.

X. And for the more effectually securing the duties imposed on cattle and horses by this Act, *be it further enacted*, That it shall and may be lawful for the Treasurer of the Province to appoint fit and proper persons, in every such place and places within the Province, as he may judge meet and expedient, to be collectors of such duties; and every such person so appointed is hereby authorized to detain, and report to the Treasurer, or Deputy Treasurer, all such Cattle and Horses, as may be found on any road, place or places, and so imported and brought as aforesaid, unless the owner or owners, person or persons having charge of, and driving such Cattle and Horses, shall produce a certificate from the Treasurer or one of his deputies, that the duties have been paid or secured to be paid on such Cattle and Horses: And the said Collectors shall give Bonds to the Treasurer, in the sum of one hundred pounds, with two sufficient Sureties in the sum of fifty pounds each, for the faithful discharge of their trust, and shall be allowed one half of the commission, to be received by the Deputy Treasurer of the County, in which such Collectors shall reside, and also one half of the nett proceeds of the sale of all Cattle and Horses so detained and forfeited, under and by virtue of this Act.

Treasurer may appoint Collectors of duties on cattle and horses, who are to give security for their fidelity.

Their powers, and

allowances.

XI. *And be it further enacted*, That all articles which are subject to duties by the provisions of this Act, and which having been seized and sold by the Officers of His Majesty's Customs in any part of the Province for having been illegally imported or smuggled, shall be liable to the same rates and duties as if the same had been legally imported and entered at the Treasurer's or any Deputy Treasurer's Office, as required

Smuggled goods seized and sold by the officers of H. M. Customs, and articles sold from Government Stores to be reported and duties paid or secured.

by this Act, and the purchaser or purchasers of any such articles, sold as aforesaid, shall within twentyfour hours after such sale and purchase, and before any part of the articles so purchased shall be consumed, make report to the Treasurer or his Deputy, at the place nearest the sale, in writing, under oath, of the articles so purchased, and the duties arising thereon shall then be paid or secured to be paid in the same manner and subject to the same regulations, as duties arising on such articles when legally imported, and upon the exportation of any such articles so purchased, reported, and upon which the duties have been paid or secured as aforesaid, the purchaser shall be entitled to the like drawback as is herein before allowed, upon the exportation of the like articles, subject always to the like regulations, provisoes, and restrictions as are herein before made and provided: And if any dutiable articles, which may have been imported into the Province, or purchased from some resident Merchant or Trader, for the use of His Majesty's Army or Navy, and upon which no duties have been paid, or upon which the duties may have been re-paid, shall at any time be sold by order of Government, the purchaser or purchasers shall report the same, and pay, or secure to be paid, the same amount of duties as such articles are liable to, when imported into the Province, and shall be entitled to the same drawbacks upon the exportation thereof, subject to the same regulations, provisoes and restrictions as are herein before provided and made as aforesaid: And any purchaser of dutiable articles at any Custom House sale, or at the sale of Government Stores as aforesaid, who shall refuse or neglect to make report of such articles so purchased, and to pay or to secure the duties thereon, shall, if the same articles cannot be found, forfeit and pay the sum

Drawbacks allowed on such goods when exported.

Penalties and forfeitures, when purchasers at such sales neglect to report to the Treasurer.

sum of one hundred pounds, and if the whole of the same are found, then in lieu of such penalty the said articles shall be forfeited; and may be searched for, seized, taken away and prosecuted, by order of the Treasurer or any Deputy Treasurer, and the proceeds thereof applied in manner as herein-after directed.

XII. *And be it further enacted*, That any articles subject to duties by this Act, which may be imported expressly for the use of His Majesty's Army, Navy or Ordnance, and actually delivered to the Commissary or any authorized Officer of Government, shall be, and the same are hereby exempted from the duties herein before imposed upon the like articles, and any such articles which may be supplied by any resident merchant or trader for the uses aforesaid, and actually delivered to the Commissary or any other authorized officer of Government, shall also be exempt from the payment of any duties herein imposed; and if the duties thereon shall have been paid, then such resident merchant or trader shall receive back the amount of such duties, or if indebted to the Treasury shall have credit for the same, by deducting the amount from the gross amount of his Bond, the instalments of which shall be regularly paid upon the balance thereof: *Provided always*, that before any such dutiable articles shall be exempted from the payment of duties, and before any repayment of duties shall be made, or credit given therefor, the Commissary or other authorized officer of Government, shall, if the said articles have been imported, produce the Invoice or Bill of Lading of such articles to the Treasurer or his Deputy, at the place of importation, and shall make and subscribe an affidavit before the said Treasurer or Deputy as aforesaid, that the several articles contained in such Invoice or Bill of Lading are imported expressly for the use of

Articles imported or purchased from resident merchants for the use of the Navy, Army or Ordnance exempted from duty.

Evidence required to obtain the exemption or remission of duties.

His

His Majesty's Army, Navy, or Ordnance, and received into his charge for that purpose. And if any such articles shall be supplied for the like purpose by any resident merchant or trader, such merchant or trader shall report, and make and subscribe an affidavit before the Treasurer or his Deputy as aforesaid, that the articles mentioned in the report and affidavit, were actually delivered to the Commissary, or other authorized officer: And the said Commissary or other authorized officer, shall also make and subscribe an affidavit before the Treasurer or Deputy Treasurer, that the articles mentioned in the said report and affidavit of the merchant or trader, are actually delivered into his charge, for the uses aforesaid.

Manner of gauging
liquors and molasses.

XIII. *And be it further enacted,* That the quantity of all dutiable Liquors and Molasses shall be ascertained by Gunter's callipers, and shall be gauged by a sworn gauger or gaugers appointed by the President or Commander-in-Chief, which gaugers shall not gauge any dutiable articles in which they have any interest or property.

Deputy Treasurers
to be appointed, and
give security for the
faithful discharge of
their duties.

XIV. *And be it further enacted,* That it shall be the duty of the Treasurer of the Province, for the time being to appoint fit persons, to be approved of by the President or Commander-in-Chief, to be his Deputies in each port or place in the Province, where a deputy may be required for the due enforcement of this Act, or any other Act relating to the Revenue; which persons so appointed and approved of, shall give good and sufficient security by Bond to His Majesty, for the faithful discharge of their duties respectively as follows, that is to say:—The Deputy Treasurers of Saint Andrews and Miramichi respectively, in a sum not less than four thousand pounds; of Richibucto in the County of Kent, in a sum not less than two thousand pounds

pounds ; the Deputy Treasurer of West Isles in a sum of one thousand pounds ; and all other Deputies respectively, in a sum not less than five hundred pounds ; and all such Bonds shall also be executed by at least two good and sufficient sureties, to be approved of by the Treasurer, and shall be taken in the name of His Majesty, His Heirs and Successors : and the said Deputies respectively, shall be accountable to the said Treasurer, when thereunto required, for all sums to be received by them, by virtue of this or any other Act : And all such Deputies shall have the same powers to the fullest extent in every respect, to make seizures and proceed to condemnation and sale as are given to the Treasurer by virtue of this Act ; and each Deputy shall and may retain for his services, ten pounds for every hundred pounds which he shall receive or secure for duties imposed by this Act, over and above his proportion of the seizures and forfeitures, which he may make under and by virtue of this Act : *Provided always*, that the sum so retained as aforesaid, shall not in any one year exceed three hundred pounds for the services of any one deputy : And it shall and may be lawful for the said Treasurer, in case of sickness or necessary absence from the City and County of Saint John, to appoint a fit person to act as his Deputy there, for whose acts the said Treasurer shall be responsible ; which Deputy, during his continuance in office shall have the same power and authority in every respect as the Treasurer hath by the virtue of this Act, when personally executing the duties of his office, but shall receive no compensation or allowance from the public Treasury for his services, except his proportion of the proceeds of any seizures which he may make, or of any penalties and forfeitures which may be incurred by this Act during his continuance in office as aforesaid.

Their powers, and allowances.

Deputy at Saint John when to be appointed, his responsibility, powers and allowances.

Tide Surveyors,
waiters and others
Revenue Officers to
be under the control
of the Treasurer and
his deputies.

Their duties.

XV. *And be it further enacted,* That the Tide Surveyors and Waiters, and all other Revenue Officers who may be appointed by the President or Commander in Chief, for the Port of Saint John, or for any other port or place in the Province, shall in all respects be under the orders, directions and control of the Treasurer or his deputies respectively, for the places where such officers may be appointed. And the said Tide Surveyors and Waiters and other Revenue Officers, shall attend to the unloading of ships and vessels with dutiable articles, and shall not allow any such dutiable articles to be landed from any ship or vessel arriving at any port or place for which they are respectively appointed, without a permit from the Treasurer or Deputy Treasurer, as the case may be, which permit to land dutiable articles, shall be made by the said Treasurer or Deputy immediately upon the duties thereon being paid or secured, agreeably to the provisions of this Act. And if any Tide Surveyor or Waiter or other Revenue Officer, attending the unloading of any vessel with dutiable articles, shall discover any such articles on board which have not been entered and particularly mentioned in the master's report of the cargo of such vessel, or in the report of any of the owners or consignees of such articles; or if any such articles shall be by such officer found to have been landed from such ship or vessel, or otherwise imported contrary to the provisions of this act, it shall be the duty of such Tide Surveyors and Waiters, and other Revenue Officers respectively, and they are hereby required forthwith to take possession of such articles and detain the same, and make report thereof to the Treasurer or Deputy Treasurer, as the case may be; and the said Treasurer or Deputy Treasurer shall immediately seize the said articles, and proceed to dispose

dispose of the same, in the manner directed in and by the third section of this Act, and the proceeds of such seizure shall be applied, one moiety thereof to His Majesty, for the use of the Province, and the other moiety equally between the Treasurer or Deputy Treasurer prosecuting the same, and the officer first detaining such articles.

Application of the proceeds of seizure.

XVI. *And be it further enacted*, That for the recovery of all such duties, as are imposed by this Act, and shall not be paid at the several times limited for the payment thereof respectively as aforesaid, the said Treasurer or his Deputy of the port or place in which such bonds may have been taken, is hereby directed to transmit the same within thirty days, to His Majesty's Attorney General for prosecution; and His Majesty's Attorney General is hereby required forthwith to cause process to be issued against all and every person or persons so standing indebted, and to pursue the same to final judgment and execution, unless payment of the sum due, and costs be previously made; and in case the said bonds shall not be transmitted to be prosecuted within the said thirty days, the surety on such bond shall be discharged, and recourse only to be had against the principal to the same, or against the Treasurer or Deputy Treasurer, so neglecting to transmit the same for prosecution: *Provided always*, that all bonds entered into for the security of duties imposed by this Act shall be void, and may be cancelled or destroyed, unless such bonds shall be sued within one year from the time limited in such bonds, for the payment of such duties or the last instalment limited in the same; and if such bond shall not be prosecuted to final judgment and execution in three years from the time limited as aforesaid, then and in such case such bonds shall be void, and may be cancelled and destroyed.

Deputies of the Treasurer and Attorney General with respect to Bonds not paid at the time they fall due.

Surety in Bonds not transmitted within 30 days to be discharged.

Bonds to be void if not sued within one year or prosecuted to final judgment in three.

XVII.

Treasurer and his Deputies to transmit half yearly returns of bonds to the Secretary's Office, to be laid before the General Assembly, under penalty of £50.

XVII. *And be it further enacted*, That it shall be the duty of the Treasurer of the Province, and of the several Deputy Treasurers, to make half yearly returns to the office of the Provincial Secretary, of the bonds by them respectively taken for duties, and then remaining unpaid, stating the names of the obligors, the amount secured, the terms of payment, and date of such bonds, and the amount, if any, which has been paid thereon, and any other particulars which may be necessary, which returns shall be annually laid before the House of Assembly, with the Treasurer's accounts: and the Treasurer or any Deputy Treasurer who shall neglect to make such returns, for a longer period than two months, after the expiration of each and every period, shall severally forfeit and pay the sum of fifty pounds, to be applied to the use of the Province.

Monies to remain in the Treasury until disposed of by Law.

XVIII. *And be it therefore enacted* That all the monies received by virtue of this or any former Act for raising a revenue, shall remain in the Treasury, and the same shall be disposed of, or appropriated by an Act, or Acts of the General Assembly, to be for that purpose enacted.

Treasurer and Deputies authorized to administer oaths under this Act.

XIX. *And be it further enacted*, That the Treasurer of the Province and his Deputies respectively, are hereby authorized and empowered to administer all the oaths required to be made and taken for carrying the several provisions of this Act into effect; and every person who shall be convicted of taking a false oath to any of the particulars herein required to be sworn to, shall be deemed guilty of perjury, and shall be liable to all the pains and penalties to which persons are liable for wilful and corrupt perjury.

False swearing made perjury.

Mode of recovering penalties.

XX. *And be it further enacted*, That the several penalties and forfeitures incurred under the provisions of this Act may be recovered by

by information of the Treasurer of the Province, or any Deputy Treasurer, or of His Majesty's Attorney or Solicitor General, or any of the King's Counsel learned in the law, before any two of His Majesty's Justices of the Peace residing near the place where such penalties and forfeitures may be incurred; and the said Justices shall summon the party accused to appear before them; and if such party shall make default, they shall and may proceed, and upon due proof of one or more credible witness or witnesses, convict such accused party in the penalty incurred, and shall cause the same to be levied by warrant of distress and sale of such offender's goods and chattels; and for want of such distress whereon to levy the same, shall commit such offender to prison for a term not exceeding six months, unless such penalty or forfeiture, with costs, be sooner paid: *Provided always*, that in any case where the party accused shall upon such summons as aforesaid, appear to make defence, then the further prosecution for such penalty or forfeiture shall be had before the Inferior Court of Common Pleas for the County where such penalty or forfeiture shall have been incurred, or in the Supreme Court in this Province, and if in either of the said Courts the party accused shall be convicted, he shall be dealt with in the same manner as is in this section provided in cases of conviction or default.

XXI. *And be it further enacted*, That all Vessels and Boats of Fifteen Tons and under, and all Carriages, Horses and Cattle, which may be seized under this, or any other Act relating to the Revenue of the Province, may be prosecuted upon information of the Treasurer of the Province, or any Deputy Treasurer, or the Commander of any Revenue Vessel, in the same manner as is provided in and by the third section of this Act.

Mode of prosecuting Vessels of 15 tons and under, Carriages, Cattle, &c.

Bonds to be taken to secure the duty on, and depositing of Goods to be warehoused under Acts of Parliament.

XXII. *And be it further enacted,* That upon the entry of any goods, of Foreign growth or produce, subject to duties under this Act, and which are also subject to duties, and intended to be Warehoused, under the provision of any Act or Acts of the Imperial Parliament, the importers of such Goods, instead of paying or securing the Provincial Duty, as directed in and by this Act, shall give Bond, with at least one sufficient Surety, to be approved of by the Treasurer or Deputy Treasurer, in double the amount of Duties payable at the Treasury thereupon, with condition for safe depositing the Goods in the Warehouse, and for the payment of such duties before taking the same out of the Warehouse for home consumption, or for the exportation thereof; and with further condition, that if the Goods be not taken out of the Warehouse in two years, the duties shall, at the expiration of that period, be paid.

Conditions of such Bonds.

Goods taken out of the warehouse, except for exportation, without payment of duties, to be forfeited.

XXIII. *And be it further enacted,* That if any Goods, which shall have been so warehoused, shall be taken out of the Warehouse, except for exportation, without payment of the said duties so imposed by this Act, such goods shall be forfeited, and may be seized and disposed of in the manner directed in and by this Act.

Application of forfeitures and penalties.

XXIV. *And be it further enacted,* That all forfeitures and penalties incurred, and recovered under and by virtue of this Act, after deducting the costs and charges of prosecution, together with all charges that may have accrued, shall be paid as follows: That is to say, one half part to the Officer seizing and prosecuting the same articles to condemnation, or complaining against and prosecuting such offender or offenders, and the other half into the hands of the Treasurer of the Province for the use thereof.

Articles condemned under this Act to be

XXV. *And be it further enacted,* That all articles which shall have been seized, condemned and

and forfeited, under and by virtue of this act, shall (under the direction of the Treasurer or Deputy Treasurer at the Port or place where such articles shall have been so seized, condemned and forfeited) be sold by public auction to the highest bidder, and the proceeds of such sales disposed of as is provided in and by this Act.

sold by public auction.

XXVI. *Provided always, And be it further enacted,* That nothing in this Act shall extend or be construed to extend to prevent any person or persons considering himself or themselves aggrieved by the decision of any of the Justices of the Peace under the Provisions of this Act from the benefit of an appeal from such decision to the Supreme Court of the Province.

Right of appeal.

XXVII. *And be it further enacted,* That an Act made and passed in the eighth year of His Majesty's Reign intituled "An Act to repeal certain enactments relative to the Revenue of this Province, and also to make provision for the better security of the said Revenue", be, and the same is hereby repealed.

§ Geo. 4. C. 24, repealed.

XXVIII. *And be it further enacted,* That the right of recovery of any of the penalties and forfeitures incurred under and by virtue of the provisions of an Act made and passed in the Third Year of His Majesty's Reign, intituled "An Act for raising a Revenue in this Province," and of the several Acts made in amendment thereof, be, and the same is hereby saved.

Right of recovering penalties incurred under former Act reserved.

XXIX. *And be it further enacted,* That this Act shall continue and be in force from the first day of April next, until the first day of April, which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty One.

Limitation



ANNO DOMINI GEO. IV. REGIS.

CAP. XXXVI.

An Act further to amend the Act for regulating Elections of Representatives in General Assembly.

Passed 5th April, 1828.

WHEREAS, by the third Section of an Act passed in the thirty-first year of the Reign of His late Majesty King George the Third, intituled, "An Act for regulating Elections of Representatives in General Assembly; and for limiting the duration of Assemblies in this Province," it is enacted, that the person to be chosen a Member of Assembly shall be possessed of Real Estate of the value of two hundred pounds, within the County for which he shall be chosen; And it is thereby provided, that no person, who shall have mortgaged his Lands and remain in possession thereof, and receive the income therefrom, shall by reason of such mortgage be debarred from being so elected; *And whereas*

Preamble.

whereas it is considered advisable to limit and restrain the operation of the said proviso.

I. *Be it therefore enacted by the Lieutenant Governor, Council and Assembly.* That from and after the end of the present House of Assembly, every person to be chosen a Member shall be possessed of freehold estate within the County, for which he shall be chosen, the value whereof shall be two hundred pounds, free from, or over and above all incumbrances, and shall have possessed the same, and had his Title Deed registered six months before the teste of the Writ of Election.

Candidates to be possessed of Freehold Estate within the County, of £200 value, clear of all Incumbrances.

No Freeman allowed to vote in the City of Saint John, unless registered in the list of Freemen six months before teste of the Writ.

II. *And be it further enacted;* That in any future Election to be holden for the City of Saint John, no freeman shall be entitled to vote as such, unless his name shall have been duly registered in the List of Freemen, at least six months before the teste of the Writ of Election.

Voters at Elections for the City of Saint John to declare whether they vote as Freemen or Freeholders.

III. *And be it further enacted,* That every person coming to vote at any Election hereafter to be holden for the said City of Saint John, shall distinctly declare whether he claims to vote as a freeman or freeholder; and it shall be particularly specified on the Poll Book whether his vote was given as a freeman or freeholder; and every freeholder shall, if required by any Candidate, specify the ward in which his freehold is situate, which shall also be noted on the Poll Book.

To be so entered on the Poll Book.

Freeholders if required to specify the Ward in which his freehold is situate.

IV. *And be it further enacted,* That henceforth in the event of any vacancy by death or appointment to His Majesty's Council, in the present or any future Assembly, during any recess of the General Assembly, it shall be the duty of the Speaker, within ten days after the same shall be certified to him in writing by at least two members, one of whom to be a member of the County or City in which the vacancy may happen (or of the adjoining County of Northumberland,

In case of vacancy in the House of Assembly and certified by two Members, Speaker may issue his warrant for electing a Member.

Northumberland, in case the vacancy shall occur in the Counties of Kent or Gloucester) to send his warrant to the Clerk of the Crown in Chancery, to cause a writ to be issued for the Election of a member to fill such vacancy; and that the said Clerk of the Crown shall upon the receipt of such warrant issue out a writ for that purpose, with as much expedition as the same may be done; and in case such vacancy shall be occasioned by the death of the Speaker, or his appointment to a seat in His Majesty's Council during any recess as aforesaid, any four members, one of whom to be a member of the County or City for which such Speaker shall have been elected, may send their warrant to the said Clerk of the Crown, to cause a writ to be issued for the Election of a member, to fill the vacancy so made; and that the said Clerk of the Crown shall upon the receipt of such warrant, issue out a writ for that purpose, with as much expedition as the same may be done. *Provided always*, that if the Speaker shall have been a member for either of the Counties of Kent or Gloucester; then the warrant to the Clerk of the Crown may be made by any four members, one of whom to be a member for the County of Northumberland.

In case of death of the Speaker, or his removal to His Majesty's Council, four Members, one to be of the County for which the Speaker had been elected, may issue a warrant for a new election.

Clerk of the Crown to issue warrant.

If the Speaker was a Member for Kent or Gloucester, the warrant may be issued by four members, one of whom to be for Northumberland.

V. *And whereas* the first oath prescribed in the seventh section of the said hereinbefore recited Act, for the Elector to take, if required, at the time of polling, is not sufficiently explicit.

—*Be it therefore further enacted*, That in lieu of the said oath, every Elector, at the time of polling, shall, if required by any Candidate, first take the following oath, that is to say:— You shall swear that you are by law qualified to vote at this Election; and that you have not been before polled at this Election; and that you have not procured your qualification to give your voice at this Election, and that the place of your abode is at ———

Oath to be taken by Electors in lieu of the oath required by the 7th Sec. of 31, Geo 3, c. 17.

VI. *And be it further enacted*, That this Act shall not be in force until His Majesty's Royal Approbation be thereunto had and declared.

N. B. This Act was approved by His Majesty in Council, on the 7th day of December, 1829.

CAP. XXXVII.

An Act to regulate the Trials of controverted Elections, or, Returns of Members to serve in General Assembly.

Passed 5th April, 1828.

WHEREAS the present mode of decision upon Petitions complaining of undue Elections or Returns of Members to serve in General Assembly, obstructs public business, occasions much expense, trouble and delay to the Parties, is defective, for the want of those Sanctions and Solemnities, which are established by law in other Trials. For remedy thereof—

I. *Be it enacted by the Lieutenant Governor, Council and Assembly*, That after the next General Election, whenever a Petition complaining of an undue Election or Return of a Member or Members to serve in General Assembly, shall be presented to the House of Assembly, a day and hour shall be appointed by the said House for taking the same into consideration, and notice thereof in writing shall be forthwith given by the Speaker to the Petitioners; and the sitting Member or their respective Agents, accompanied with an Order to them to attend the House, at the time appointed, by themselves, their Counsel or Agents.

Provided always, That the House may alter the day and hour so appointed, and appoint some subsequent day and hour for the same, as occasion shall require; giving the like notice as aforesaid.

II.

A day and hour to be appointed for considering Petitions, and notice thereof in writing to be given by the Speaker to the Parties with an order to attend.

II. *And be it further enacted,* That at the time appointed for taking such Petition into consideration, and previous to reading the order of the day for that purpose, the Sergeant at Arms shall be directed to go and require the immediate attendance of the Members on the business of the House, and that after his return, the House shall be counted and if there be less than twenty members present, the order for taking such Petition into consideration shall be immediately adjourned to a particular hour on the next day to which the House shall adjourn; and on the said next day the House shall proceed in the same manner, and so from day to day till there be an attendance of twenty members at the reading of the Order of the Day to take such Petition into consideration.

Sergeant at Arms to require the attendance of Members.

House to be counted, and if less than twenty present, hearing of Petition postponed to a particular Hour next day.

Like proceedings from day to day till twenty members present.

III. *And be it further enacted,* That if after summoning the members and counting the House as aforesaid, twenty members shall be found to be present, the Petitioners by themselves, their Counsel or Agents, and the Counsel or Agents of the sitting members, shall be ordered to attend at the bar; and then the door of the House shall be locked; and no member shall be suffered to enter into or depart from the House, until the Petitioners, their Counsel or Agents and the Counsel or Agents of the sitting members shall be directed to withdraw. And when the door shall be locked as aforesaid, the order of the day shall be read, and the names of the members of the House written or printed on distinct pieces of parchment, or paper, being all as near as may be of equal size, and rolled up in the same manner, shall be put in equal numbers into two boxes or glasses to be placed on the table for that purpose, and shall be there shaken together; and then the Clerk or Clerk Assistant attending the House shall publicly draw out of the said two boxes or glasses alter-

Twenty Members being present, the Parties to attend at the Bar.

The Door to be locked and no Member to enter or depart till the parties be ordered to withdraw.

Eleven members to be drawn by ballot from those present.

nately the said pieces of parchment or paper, and deliver the same to the Speaker, to be by him read to the House, and so shall continue to do until eleven names of the members then present be drawn.

IV. Provided always, And be it further enacted, that if the name of any member who shall have given his vote at the Election so complained of as aforesaid, or who shall be a Petitioner complaining of an undue Election, or against whose return a Petition shall be then depending, shall be drawn, his name shall be set aside, with the names of those who are absent from the House.

A Member being drawn who had voted at the Election, or shall be a Petitioner to be set aside.

A Member having served on an Election Committee during the Session may be excused, unless the House deem his services necessary.

House may excuse Members for cause.

Other Members to be drawn in place of those set aside or excused.

Each Party to name a Member not drawn to be added to the list.

If eleven Members not set aside nor excused cannot be completed, the business to be adjourned.

Provided always, That if the name of any member who has served on an Election Committee during the same Session be drawn, he shall if he require it be excused from serving, unless the House should adjudge it necessary for him to serve; and the House may also excuse any other member or members from serving, if it should be made manifest that such service would be attended with great detriment to such member or members; and in case of members so set aside and excused, the names of other members shall be drawn, who may in like manner be set aside or excused, and others drawn to supply their places until the whole number of eleven members, not liable to be so set aside or excused, shall be complete, and the Petitioners or their Agents shall then name one, and the sitting members or their agents another, from among the members then present, whose names shall not have been drawn, to be added to those who shall have been so chosen by lot.

V. Provided always, and be it further enacted, That if at the time of drawing by lot the names of the members, the number of eleven members not set aside, nor excused, cannot be completed, the House shall proceed in the same manner as herein

herein

herein before directed in case of less than twenty members being present at the counting of the House, and so from day to day, as often as the case shall happen; *And provided also*, that either of the Members nominated as above shall or may be set aside for any of the same causes as those chosen by lot; or if he requires it, may be excused; and the party who so nominated the member set aside or excused, shall nominate another in his stead, and so continue to do as often as the case shall happen, until his nominee is admitted.

Members nominated by the Parties may be set aside for cause or excused, and others nominated.

VI. *And be it further enacted*, That as soon as the said eleven members shall have been so chosen by lot, and nominees appointed; the door of the House shall be opened and the House may proceed upon any other business; and the list of the eleven members so drawn by lot shall be reduced to five by the parties striking off alternately; and the reduced list, with the names of the nominees added thereto shall be delivered in to the House; and the said five members together with the two nominees shall be sworn at the table, well and truly to try the matters of the Petition referred to them and a true judgment to give according to the evidence; and shall be a Select Committee to try and determine the merits of the said Return or Election; and shall meet at a certain time and place to be fixed by the House for that purpose.

The eleven members drawn to be reduced to five by the parties striking off alternately, who, together with the nominees, to be sworn, and be a select Committee to try the question.

VII. *Provided always, and be it further enacted*, That if, upon the drawing out the name of any member by lot as aforesaid, the said Petitioner or sitting member or their agents shall declare that such member is intended to be one of the two nominees to be nominated by them respectively, and if such member shall consent to such nomination, the name of such member so drawn by lot shall be set aside, and unless objected to as aforesaid he shall serve as

A Member being drawn and declared to be intended as a nominee, may be set aside, and may serve as a nominee, and another to be drawn.

such

If either of the Parties omit to nominate, a Member to be drawn by lot to make up the number.

such nominee, and the name of another member shall be drawn to supply his place, to complete the number of eleven members to be drawn by lot; And if the said Petitioners or sitting members or their agents shall not respectively nominate a member then present who shall be admitted according to the directions of this Act, then the want of such nomination shall be supplied by drawing out instead thereof the name of one or two members as the case shall require; who shall be drawn by lot in the like manner, and subject to the like objections and excuses as the other members already drawn by lot, and shall be added thereto, and shall be liable to be struck off in the same manner, leaving always the number of seven members in the whole, and no more, as a Select Committee for the purposes aforesaid.

Select Committee to elect a Chairman.

In case of an equal division of votes, the Member first drawn to decide.

No Member of select Committee to be absent without leave of the House, or excuse, allowed and verified on oath.

Committee not to sit until all Members to whom leave was granted are met.

VIII. *And be it further enacted,* That the said Select Committee shall on their meeting elect a Chairman from among such of the members thereof as shall have been chosen by lot; and if in the election of a Chairman there be an equal number of voices, the member whose name was first drawn in the House shall have a casting voice: so, likewise, in case there should ever be occasion for electing a new Chairman on the death or necessary absence of the Chairman first elected; and no member of the Select Committee shall be allowed to absent himself from the same without leave of the House, or excuse allowed by the House, or special cause shewn and verified upon oath; and the Committee shall not sit until all members to whom such leave has not been granted or excuse allowed are met; and in case they shall not all meet within one hour after the time to which the said Select Committee shall have been adjourned, a further adjournment shall be made in the manner as before directed, and reported with the cause thereof to the House. IX.

IX. *And be it further enacted*, That the Chairman of the said Select Committee shall at the next meeting of the House always report the name of every member thereof who shall have been absent therefrom without such leave or excuse as aforesaid; and such member shall be directed to attend the House at the next sitting thereof, and shall then be ordered to be taken into the custody of the Sergeant at Arms for such neglect of his duty, and otherwise punished or censured at the discretion of the House, unless it shall appear to the House by facts specially stated and verified upon oath that such member was by sudden accident or by necessity prevented from attending the said Select Committee; and the Committee shall not sit if more than two members be absent, but shall adjourn in manner aforesaid, and so from time to time until five members are assembled.

Chairman to report to the House the names of Members absent without leave, who shall be taken into custody, and punished at the discretion of the House, unless prevented by sudden accident or necessity from attending.

Committee not to sit if more than two absent.

X. *And be it further enacted*, That the said Select Committee shall have power to send for persons, papers and records, and shall examine all the witnesses upon oath; which oath the Chairman or the Clerk (if any) attending such Committee are hereby severally empowered to administer, and shall try the merits of the Return or Election, or both; and shall determine by a majority of voices of the said Select Committee, whether the Petitioner, or sitting members, or either of them be duly returned or elected, or whether the election be void; which determination shall be final between the parties to all intents and purposes; and the House on being informed thereof by the Chairman of the said Select Committee, shall order the same to be entered in the Journals, and give the necessary directions for confirming or altering the return, or for the issuing a new writ for a new election, or for carrying the said determination into execution, as the case may require.

Committee empowered to send for persons, papers and records, and examine witnesses on oath.

To determine by a majority of voices.

Determination to be final, and to be entered on the Journals of the House, with the necessary order for carrying the same into effect.

In case of death, or any unavoidable reduction of the Committee to less than five, and continuing so for six days, a new Committee to be chosen.

XI. *And be it further enacted*, That in case the number of members able to attend the said Select Committee shall, by death or otherwise, be unavoidably reduced to less than five, and shall so continue for the space of six sitting days, the said Select Committee shall be dissolved and another chosen to try and determine the matter of such Petition in manner aforesaid; and all the proceedings of the said former Select Committee shall be void and of no effect.

If the Committee determine otherwise than beforementioned, report to be made to the House, who shall make order thereon.

XII. *And be it further enacted*, That if the said Select Committee shall come to any other resolution than the determination above-mentioned, they shall, if they think proper, report the same to the House for their opinion, at the same time that the Chairman of the said Select Committee shall inform the House of such determination; and the House may confirm or disagree with such Resolution, and make such orders thereon as to them shall seem proper.

Persons summoned, or witnesses misbehaving to be reported to the House.

XIII. *Provided always, and be it further enacted*, That if any person summoned by the said Select Committee shall disobey such summons, or if any witness before such Select Committee shall prevaricate, or shall otherwise misbehave, in giving or refusing to give evidence, the Chairman of the said Select Committee, by their direction, may, at any time during the course of their proceedings, report the same to the House for the interposition of their authority or censure, as the case shall require; and all persons who shall be guilty of wilful and corrupt perjury in any evidence which they shall give before the House or the said Select Committee, under the oath to be taken by virtue of this Act, shall on conviction thereof incur and suffer the like pains and penalties to which any other persons convicted of that offence are liable.

Penalty for wilful perjury.

XIV. *And be it further enacted*, That whenever

ever the said Select Committee shall think it necessary to deliberate among themselves upon any question which shall arise in the course of the trial or upon the determination thereof, or upon any resolution concerning the matter of the Petition referred to them as aforesaid, as soon as the said Select Committee shall have heard the evidence and the parties or counsel on both sides relative thereunto, the room or place wherein they shall sit shall be cleared, if they shall think proper, while the members of the said Select Committee consider thereof; and all such questions as well as such determinations, and all other resolutions, shall be by a majority of voices; and if the voices shall be equal, the Chairman shall have a casting voice.

Committee when they think it necessary may order the room to be cleared.

All questions and determinations to be by majority of voices.

Chairman to have a casting voice.

XV. *And be it further enacted*, That no proceedings shall be had upon any Petition complaining of an undue Election or Return, unless the person or persons subscribing the same, or some one or more of them shall, within ten days after the same shall have been presented, or such further time as shall be limited by the House, personally enter into a recognizance to our Sovereign Lord the King, according to the form hereunto annexed in the sum of two hundred pounds, with two sufficient sureties in the sum of one hundred pounds each, to appear before the House at such time or times as shall be fixed by the House for taking such Petition into consideration, and also to appear before any Select Committee which shall be appointed by the House for the trial of the same; and also for the payment of all costs, expences and fees which shall become due to any witness who shall have been summoned in behalf of the person or persons so subscribing such Petition, or to the party who shall appear before the House or Committee in opposition to such Petition, in case such person or persons shall fail to appear before

Petitioners to enter into recognizance in £200, with two Sureties, to appear before the House and before the Committee and for payment of costs.

If Recognizance not entered in ten days, Petition to be dismissed, unless upon sufficient cause shown, the House shall enlarge the time

before the House at such time or times as shall be fixed for taking such Petition into consideration; or in case the said Petition shall be withdrawn by the permission of the House; or in case such Committee shall report to the House that the said Petition appears to them frivolous or vexatious; and if at the expiration of the said ten days such recognizance shall not have been so entered into or shall not have been received by the Speaker, he shall report the same to the House, and the order for taking such Petition into consideration shall thereupon be discharged, unless upon matter specially stated and verified on oath to the satisfaction of the House, the House shall enlarge the time for entering into such recognizance; and whenever such time shall be so enlarged, the order for taking such Petition into consideration shall, if necessary, be postponed; so that no such Petition shall be so taken into consideration till after such recognizance shall have been entered into and received by the Speaker.

Recognizance to be entered into before the Speaker, or if twenty miles distant from Fredericton, before a Justice of the Peace.

XVI. *And be it further enacted,* That the said recognizance shall be entered into before the Speaker, who is hereby authorized and empowered to take the same; or if entered into twenty miles distant from Fredericton, then the said recognizance may be entered into before any of His Majesty's Justices of the Peace, which Justices are hereby empowered to take the same: And that the sureties shall in all cases severally justify before the said Speaker or Justice of the Peace, by affidavit, that they are severally worth double the sum for which they are respectively bound by such recognizance, after paying all their just debts; and that the said recognizance shall not be considered as entered into until such affidavit is made, unless the parties concerned should agree to dispense with the same.

Sureties to justify.

Recognizance not considered as entered into till justification.

XVII. And for the removal of any doubts which might arise as to the authority of Select Committee to examine as a witness any person who may have subscribed the Petition, to try and determine which such Committee shall have been appointed. *Be it hereby declared and enacted*, That it is and shall be lawful for any such Select Committee to examine any person although he may have subscribed such Petition, except it shall otherwise appear to such Committee that such person shall be an interested witness.

Committee may examine subscribers to Petition.

XVIII. *And be it further enacted*, That every such Select Committee, at the same time that they report to the House their final determination on the merits of the Petition which they were sworn to try, shall also report to the House whether such Petition did or did not appear to them to be frivolous or vexatious; and that they shall in like manner report with respect to every party or parties who shall have appeared before them in opposition to such Petition, whether the opposition of such party or parties respectively did or did not appear to them frivolous or vexatious, and that if no party shall have appeared before them in opposition to such Petition, they shall then report to the House whether such Election or Return, according as the case may be, did or did not appear to them to be vexatious or corrupt.

Committee to report if in their opinion petition is frivolous or vexatious.

Or if opposition to Petition frivolous or vexatious.

XIX. *And be it further enacted*, That whenever any such Committee shall report to the House with respect to any such Petition, that the same appeared to them to be frivolous or vexatious, the party or parties, if any, who shall have appeared before the Committee in opposition to such Petition, shall be entitled to recover from the person or persons, or any of them who shall have signed such Petition, the full costs and expences which such party or parties

Costs to be paid for frivolous or vexatious Petitions.

shall have incurred in opposing the same ; such costs and expences to be ascertained in the manner hereinafter directed.

Costs to be paid if opposition to Petition frivolous or vexatious.

XX. And be it further enacted, That whenever any such Committee shall report to the House with respect to the opposition made to such Petition by any party or parties who shall have appeared before them, that such opposition appeared to them to be frivolous or vexatious, the person or persons who shall have signed such Petition shall be entitled to recover from such party or parties, or any of them, with respect to whom such report shall be made, the full costs and expences which such Petitioner or Petitioners shall have respectively incurred in prosecuting their said Petition, such costs and expences to be ascertained in the manner hereinafter directed.

Costs to be taxed and certified by the Speaker, with the assistance of the Clerk of the House, or the Supreme Court, or a Master in Chancery.

XXI. And be it further enacted, That in the several cases herein before mentioned the costs and expences of prosecuting or opposing any such Petition shall be ascertained in manner following, that is to say:—That on application made to the Speaker, he shall examine and tax the same, calling to his assistance, if he should so think fit, the Clerk or Clerk Assistant of the House of Assembly ; the Clerk of the Supreme Court and Masters in Chancery ; or any one or more of such officers ; and after such costs and expences are allowed and taxed, the Speaker shall, on application, deliver to the party or parties a certificate signed by himself, expressing the amount of the costs and expences allowed and taxed : And it shall and may be lawful for the party or parties entitled to such costs and expences, or for his or their executors or administrators, to demand the whole amount thereof so certified as above, from any one or more of the persons respectively, who are herein before made liable for the payment thereof in the several

Party entitled may recover Costs by action of debt.

several cases herein before mentioned, and in case of non-payment thereof to recover the same by action of debt in any of his Majesty's Courts of Record having jurisdiction in the premises; in which action it shall be sufficient for the plaintiff or plaintiffs to declare that the defendant or defendants is or are indebted to him or them (in the sum to which the costs and expences ascertained in manner aforesaid shall amount) by virtue of this Act; and the Speaker's certificate under his signature of the amount of such costs and expences, together with an examined copy of the Entries in the Journals of the Assembly of the resolution or resolutions of the said Select Committee, shall be deemed full and sufficient evidence in support of such action of debt; in which action the party or parties in whose favour judgment shall be given, shall recover his or their costs.

Form of declaration.

Speaker's Certificate and Copy of Journals full evidence.

XXII. *And be it further enacted*, That in every case where the amount of such costs and expences shall have been so recovered from any person or persons, it shall and may be lawful for such person or persons to recover in like manner from the other persons or any of them, if such there shall be, who shall be liable for the payment of the said costs and expences, a proportionable share thereof according to the number of persons so liable.

Persons from whom costs shall have been recovered, may recover a proportionable share from other persons liable.

XXIII. *And be it further enacted*, That if the Petitioner or Petitioners who shall have entered into the aforementioned recognizance, shall in any manner fail in the performance of the conditions of the same, such person or persons shall be held to have made default in such recognizance; and the Speaker shall thereupon certify such recognizance into the Supreme Court, and shall also certify that such person or persons have made default therein, and such certificate shall be conclusive evidence of such default, and the

Recognizance if default made in the condition, shall be estreated into the Supreme Court, and delivered to the proper Officer.

the recognizance being so certified shall have the same effect as if the same were estreated from a Court of Law; *Provided always*, that such recognizance so certified shall be delivered by the Clerk or Clerk Assistant of the House of Assembly into the hands of the Chief Justice or one of the Judges of the said Supreme Court, or of such officer of the said Court as shall be appointed by the said Court to receive the same.

Select Committee not to be dissolved by a prorogation of the House, but to meet again at the next Session of the House.

XXIV. *And be it further enacted*, That whenever it shall happen that the General Assembly shall be prorogued while any select Committee shall be sitting, and before they have reported their determination to the House, such committee shall not be dissolved by such prorogation, but shall be thereby adjourned to twelve of the clock of the day immediately following that on which the Assembly shall again meet for the despatch of business (Sundays, Good Friday and Christmas day always excepted) and all former proceedings of the said Committee shall remain and continue to be of the same force and effect as if the Assembly had not been so prorogued.

If more than one Petition to be taken into consideration on the same day, another Committee may be selected.

XXV. *And be it further enacted*, That in case there are more than one petition complaining of undue election or return to be taken into consideration by the House on the same day, it shall and may be lawful for the House to draw by lot and complete in the manner before mentioned another list to form the Committee upon the second petition, according to the rules, directions and regulations of this Act, *Provided*, not less than twenty-five members are present.

Nominal lists of votes to be delivered in to the Clerk six days before hearing the Petition with heads of objections.

XXVI. *And be it further enacted*, That in all cases of controverted elections or returns, all the parties complaining of, or defending such elections or returns, shall, by themselves or their agents, deliver in to the Clerk of the House lists of the votes intended to be objected to; giving in his said lists the several heads of objections,

tions, and distinguishing the same against the name of the voters excepted to; such lists to be delivered in six days at least before the day appointed for the consideration of such petition; and that no evidence shall be adduced before the select Committee against the validity of any vote upon any head of objection to such voter other than one of the heads so specified and particularized; and if no evidence shall be produced to substantiate such objection, and if the committee shall be of opinion that such objection was frivolous or vexatious, the said Committee shall report the same to the House, together with their opinion on the other matters relating to the said petition, and the opposite party shall be entitled to recover from the party making such objection the costs and expenses incurred by reason of such objection; the same to be ascertained and recovered in the manner before-mentioned.

No evidence admitted but upon objection specified in list.

For want of evidence, or if objection frivolous or vexatious Committee to report to the House and Party made liable to costs.

XXVII. *And be it further enacted*, That all monies which may be recovered and received under and by virtue of any recognizance which may become forfeited under the directions of this Act, shall be paid into the treasury of the Province, and be applied in such manner as the General Assembly may direct,

Monies recovered by virtue of Recognizance to be paid into the Treasury.

XXVIII. *And be it further enacted*, That the oaths by this Act directed to be taken in the House, shall be administered by the Clerk or the Clerk Assistant of the House, who are hereby severally empowered to administer the same.

XXIX. *And be it further enacted*, That this Act shall not be in force until His Majesty's Royal Approbation be thereunto had and declared.

Form of the Recognizance referred to in this Act.

BE IT REMEMBERED, That on the _____ day of _____, in the year of our Lord _____, before me, A. B. (Speaker of the House of Assembly of the Province of New Brunswick)

Brunswick) or one of His Majesty's Justices of the Peace for the County or City and County of ———, came C. D. of ———, E. F. of ———, and G. H. of ———, and severally acknowledged themselves to owe to our Sovereign Lord the King the following sums, that is to say : the said C. D. the sum of two hundred pounds, and the said E. F. and G. H. the sum of one hundred pounds each, to be levied on their respective goods and chattels, lands and tenements, to the use of our said Sovereign Lord the King, his Heirs and Successors, in case the said C. D. shall fail in performing the condition hereunto annexed.

THE CONDITION of this recognizance is, that if the said C. D. shall duly appear before the House of Assembly at such time or times as shall be fixed by the said House for taking into consideration the petition signed by the said C. D. complaining of an undue election or return for the County (or city) of ——— and shall appear before any select Committee which shall be appointed by the House for the trial of the same, and shall also well and truly pay all costs, expenses and fees, which shall be due and payable from the said petitioner to any witness who shall be summoned to give evidence in his behalf ; and if the said C. D. shall also well and truly pay the costs and expences of the party who shall appear before the House in opposition to the said petition ; in case the said petitioner shall fail to appear before the House at the time or times fixed for taking such petition into consideration ; or in case the select committee appointed by the House to try the matter of the said petition, shall report to the House that the said Petition appears to them to be frivolous or vexatious. Then this recognizance to be void, otherwise to be of full force and effect.

N. B. This Act was approved by His Majesty in Council, on the 7th day of December, 1829.

[Copy of 10, Geo. 4. C. 7, of the Imperial Parliament, referred to in Cap. XXXIII. Page 51, of this Volume.]



ANNO DECIMO

GEORGH IV. REGIS.

CAP. VII.

An Act for the Relief of His Majesty's Roman Catholic Subjects.
18th April, 1829.

WHEREAS by various Acts of Parliament certain Restraints and Disabilities are imposed on the Roman Catholic Subjects of His Majesty, to which other Subjects of His Majesty are not liable: And whereas it is expedient that such Restraints and Disabilities shall be from henceforth discontinued: And whereas by various Acts certain Oaths and certain Declarations, commonly called the Declaration against Transubstantiation, and the Declaration against Transubstantiation, and the Invocation of Saints and the Sacrifice of the Mass, as practised in the Church of Rome, are or may be required to be taken, made, and subscribed

scribed by the Subjects of His Majesty, as Qualifications for sitting and voting in Parliament, and for the Enjoyment of certain Offices, Franchises, and Civil Rights : Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the commencement of this Act all such Parts of the said Acts as require the said Declarations, or either of them, to be made or subscribed by any of His Majesty's Subjects, as a Qualification for sitting and voting in Parliament, or for the Exercise or Enjoyment of any Office, Franchise, or Civil Right, be and the same are (save as herein-after provided and excepted) hereby repealed.

Acts relating to Declarations against Transubstantiation, repealed.

II. *And be it enacted.* That from and after the Commencement of this Act it shall be lawful for any Person professing the Roman Catholic Religion, being a Peer, or who shall after the Commencement of this Act be returned as a Member of the House of Commons, to sit and vote in either House of Parliament respectively, being in all other respects duly qualified to sit and vote therein, upon taking and subscribing the following Oath, instead of the Oaths of Allegiance, Supremacy, and Abjuration :

Roman Catholics may sit and vote in Parliament, on taking the following Oath.

‘ **I** *A. B.* do sincerely promise and swear, That
 ‘ I will be faithful and bear true Allegiance
 ‘ to His Majesty King *George* the Fourth, and
 ‘ will defend him to the utmost of my Power
 ‘ against all Conspiracies and Attempts what-
 ‘ ever, which shall be made against his Person,
 ‘ Crown, or Dignity ; and I will do my utmost
 ‘ Endeavour to disclose and make known to His
 ‘ Majesty, His Heirs and Successors, all Treasons
 ‘ and traitorous Conspiracies which may be
 ‘ formed against Him or Them : And I do faith-
 ‘ fully promise to maintain, support, and defend,

‘ to

to the utmost of my Power, the Succession of
 the Crown, which Succession, by an Act, in-
 titled *An Act for the further Limitation of the*
Crown, and better securing the Rights and Li-
berties of the Subject, is and stands limited to
 the Princess *Sophia*, Electress of *Hanover*, and
 the Heirs of her Body, being Protestants ;
 hereby utterly renouncing and abjuring any
 Obedience or Allegiance unto any other Per-
 son claiming or pretending a Right to the
 Crown of this Realm : And I do further de-
 clare That it is not an Article of my Faith,
 and that I do renounce, reject, and abjure the
 Opinion, that Princes excommunicated or de-
 prived by the Pope, or any other Authority of
 the See of *Rome*, may be deposed or mur-
 dered by their Subjects, or by any Person
 whatsoever : And I do declare, That I do not
 believe that the Pope of *Rome*, or any other
 Foreign Prince, Prelate, Person, State, or Po-
 tentate, hath or ought to have any Temporal
 or Civil Jurisdiction, Power, Superiority, or
 Pre-eminence, directly or indirectly, within
 this Realm. I do swear, That I will defend to
 the utmost of my Power the Settlement of Pro-
 perty within this Realm, as established by the
 Laws : And I do hereby disclaim, disavow,
 and solemnly abjure any Intention to subvert
 the present Church Establishment as settled
 by Law within this Realm : And I do solemn-
 ly swear, That I never will exercise any Privi-
 lege to which I am or may become entitled, to
 disturb or weaken the Protestant Religion or
 Protestant Government in the United King-
 dom : And I do solemnly, in the Presence of
 God, profess, testify, and declare, That I do
 make this Declaration, and every Part thereof,
 in the plain and ordinary Sense of the Words
 of this Oath, without any Evasion, Equivoca-
 tion, or mental Reservation whatsoever.

So help me GOD.

The name of the Sovereign for the time being to be used in the Oath.

III. *And be it further enacted*, That where-
ever, in the Oath hereby appointed and set forth,
the Name of His present Majesty is expressed
or referred to, the Name of the Sovereign of
this Kingdom for the Time being, by virtue of
the Act for the further limitation of the Crown
and better securing the Rights and Liberties of
the Subject, shall be substituted from Time to
Time, with proper Words of Reference thereto.

No Roman Catholics
capable of sitting or
voting until he has
taken the Oath.

IV. *Provided always, And be it further en-
acted*, That no Peer professing the Roman Ca-
tholic Religion, and no Person professing the
Roman Catholic Religion, who shall be return-
ed a Member of the House of Commons after
the Commencement of this Act, shall be capa-
ble of sitting or voting in either House of Par-
liament respectively, unless he shall first take
and subscribe the Oath herein-before appointed
and set forth, before the same Persons, at the
same Times and Places, and in the same Manner
as the Oaths and the Declaration now required
by Law are respectively directed to be taken,
made, and subscribed ; and that any such Per-
son professing the Roman Catholic Religion,
who shall sit or vote in either House of Parlia-
ment, without having first taken and subscribed,
in the manner aforesaid, the Oath in this Act
appointed and set forth, shall be subject to the
same Penalties, Forfeitures and Disabilities, and
the Offence of so sitting or voting shall be fol-
lowed and attended by and with the same Con-
sequences, as are by Law enacted and provided
in the case of Persons sitting or voting in either
House of Parliament respectively, without
the taking, making, and subscribing the Oaths
and the Declaration now required by Law.

Roman Catholics
may vote at Elec-
tions, and be elected
upon taking the Oath.

V. *And be it further enacted*, That it shall be
lawful for Persons professing the Roman Ca-
tholic Religion to vote at Elections of Members
to serve in Parliament for *England* and for *Ire-
land*

and, and also to vote at the Elections of Representative Peers of *Scotland* and of *Ireland*, and to be elected such Representative Peers, being in all other respects duly qualified, upon taking and subscribing the Oath herein-before appointed and set forth, instead of the Oaths of Allegiance, Supremacy and Abjuration; and instead of the Declaration now by law required, and instead also of such other Oath or Oaths as are now by Law required to be taken by any of His Majesty's Subjects professing the Roman Catholic Religion, and upon taking also such other Oath or Oaths as may now be lawfully tendered to any Persons offering to vote at such Elections.

VI. *And be it further enacted*, That the Oath herein-before appointed and set forth shall be administered to His Majesty's Subjects professing the Roman Catholic Religion, for the Purpose of enabling them to vote in any of the Cases aforesaid, in the same Manner, at the same Time, and by the same Officers or other Persons as the Oaths for which it is hereby substituted are or may be now by Law administered; and that in all Cases in which a Certificate of the taking, making, or subscribing of any of the Oaths or of the Declaration now required by Law is directed to be given, a like certificate of the taking or subscribing of the Oath hereby appointed and set forth shall be given by the same Officer or other Person, and in the same Manner as the Certificate now required by Law is directed to be given, and shall be of the like Force and Effect.

VII. *And be it further enacted*, That in all cases where the Persons now authorized by Law to administer the Oaths of Allegiance, Supremacy, and Abjuration to Persons voting at Elections, are themselves required to take an Oath previous to their administering such oaths, they shall, in addition to the oath now by them taken

Oath shall be administered in the same manner as former Oaths.

Persons administering Oaths at Elections to take an Oath duly to administer.

taken, take an Oath for the duly administering the Oath hereby appointed and set forth, and for the duly granting Certificates of the same.

So much of any Acts as require the Formula contained in 8 & 9 W. 3. c. 3. (S.) to be tendered or taken, repealed.

Roman Catholics may elect and be elected Members for Scotland.

VIII. And whereas in an Act of the Parliament of *Scotland* made in the Eighth and Ninth Session of the First Parliament of King *William* the Third, intituled *An Act for the preventing the growth of Popery*, a certain Declaration or Formula is therein contained, which it is expedient should no longer be required to be taken and subscribed: *Be it therefore enacted*, That such Parts of any Acts as authorize the said Declaration or Formula to be tendered, or require the same to be taken, sworn and subscribed, shall be and the same are hereby repealed, except as to such Offices, Places and Rights as are hereinafter excepted; and that from and after the Commencement of this Act it shall be lawful for Persons professing the Roman Catholic Religion to elect and be elected Members to serve in Parliament for *Scotland*, and to be enrolled as Freeholders in any Shire or Stewartry of *Scotland*, and to be chosen Commissioners or Delegates for choosing Burgesses to serve in Parliament for any Districts of Burghs in *Scotland*, being in all other respects duly qualified, such Persons always taking and subscribing the Oath herein-before appointed, and set forth, instead of the Oaths of Allegiance and Abjuration as now required by Law, at such Time as the said last mentioned Oaths, or either of them, are now required by Law to be taken.

No Roman Catholic Priest to sit in the House of Commons.

IX. *And be it further enacted*, That no person in Holy Orders in the Church of *Rome* shall be capable of being elected to serve in Parliament as a Member of the House of Commons; and if any such person shall be elected to serve in Parliament as aforesaid, such Election shall be void; and if any Person, being elected to serve in Parliament as a Member of the House

of Commons shall, after his Election, take or receive Holy Orders in the Church of *Rome*, the Seat of such Person shall immediately become void; and if any such Person shall, in any of the Cases aforesaid, presume to sit or vote as a Member of the House of Commons, he shall be subject to the same Penalties, Forfeitures, and Disabilities as are enacted by an Act passed in the Forty-first Year of the Reign of King *George* the Third, intituled *An Act to remove Doubts respecting the Eligibility of Persons in Holy Orders to sit in the House of Commons*; and proof of the Celebration of any Religious Service by such Person, according to the Rites of the Church of *Rome*, shall be deemed and taken to be *prima facie* Evidence of the Fact of such Person being in Holy Orders, within the intent and meaning of this Act.

X. *And be it enacted*, That it shall be lawful for any of His Majesty's Subjects professing the Roman Catholic Religion to hold, exercise, and enjoy all Civil and Military Offices and Places of Trust or Profit under His Majesty, His Heirs or Successors, and to exercise any other Franchise or Civil Right, except as herein-after excepted, upon taking and subscribing, at the Times and in the Manner herein-after mentioned, the Oath herein-before appointed and set forth, instead of the Oaths of Allegiance, Supremacy, and Abjuration, and instead of such other Oath or Oaths as are or may be now by Law required to be taken for the Purpose aforesaid by any of His Majesty's Subjects professing the Roman Catholic Religion.

Roman Catholics may hold Civil and Military Offices under His Majesty, with certain exceptions.

XI. *Provided always, And be it enacted*, That nothing herein contained shall be construed to exempt any Person professing the Roman Catholic Religion from the Necessity of taking any Oath or Oaths, or making any Declaration not herein-before mentioned, which are or may be by

Not to exempt Roman Catholics from taking any other Oaths required.

by Law required to be taken or subscribed by any Person on his Admission into any such Office or Place of Trust or Profit as aforesaid.

Officers withheld
from Roman Catho-
lics.

XII. *Provided also, And be it further enacted,* That nothing herein contained shall extend or be construed to extend to enable any Person or Persons professing the Roman Catholic Religion to hold or exercise the Office of Guardians and Justices of the United Kingdom, or of Regent of the United Kingdom, under whatever Name, Style, or Title such Office may be constituted; nor to enable any Person, otherwise than as he is now by Law enabled, to hold or enjoy the Office of Lord High Chancellor, Lord Keeper or Lord Commissioner of the Great Seal of *Great Britain or Ireland*; or the Office of Lord Lieutenant, or Lord Deputy, or other Chief Governor or Governors of *Ireland*; or His Majesty's High Commissioner to the General Assembly of the Church of *Scotland*.

Nothing herein to
repeal 7 G. 4 c. 72.

XIII. *Provided also, And be it further enacted,* That nothing herein contained shall be construed to affect or alter any of the Provisions of an Act passed in the Seventh Year of His Majesty's Reign, intituled *An Act to consolidate and amend the Laws which regulate the Levy and Application of Church Rates and Parish Cesses, and the Election of Churchwardens, and the Maintenance of Parish Clerks, in Ireland*.

Roman Catholics
may be Members of
Lay Corporations.

XIV. *And be it enacted,* That it shall be lawful for any of His Majesty's Subjects professing the Roman Catholic Religion to be a Member of any Lay Body Corporate, and to hold any Civil Office or Place of Trust or Profit therein, and to do any Corporate Act, or vote in any Corporate Election or other Proceeding, upon taking and subscribing the Oaths hereby appointed and set forth, instead of the Oath of Allegiance, Supremacy and Abjuration; and upon
taking

taking also such other Oath or Oaths as may now by Law be required to be taken by any Persons becoming Members of such Lay Body Corporate, or being admitted to hold any Office or Place of Trust or profit within the same.

XV. *Provided nevertheless, And be it further enacted,* That nothing herein contained shall extend to authorize or empower any of His Majesty's Subjects professing the Roman Catholic Religion, and being a Member of any Lay Body Corporate, to give any vote at, or in any manner to join in the Election, Presentation or Appointment of any Person to any Ecclesiastical Benefice whatsoever, or any Office or Place belonging to or connected with the United Church of *England and Ireland*, or the Church of *Scotland*, being in the Gift, Patronage, or Disposal of such Lay Corporate Body.

Such Members of Corporations not to vote in Ecclesiastical Appointments.

XVI. *Provided also, and be it enacted,* That nothing in this Act contained shall be construed to enable any Persons, otherwise than as they are now by Law enabled, to hold, enjoy, or exercise any Office, Place, or Dignity of, in, or belonging to the United Church of *England and Ireland*, or the Church of *Scotland*, or any Place or Office whatever of, in, or belonging to any of the Ecclesiastical Courts of Judicature of *England and Ireland* respectively, or any Court of Appeal from or Review of the Sentences of such Courts, or of, in or belonging to the Commissary Court of *Edinburgh*, or of, in or belonging to any Cathedral or Collegiate or Ecclesiastical Establishment or Foundation; or any Office or Place whatever of, in, or belonging to any of the Universities of this Realm; or any Office or Place whatever, and by whatever name the same may be called, of, in, or belonging to any of the Colleges or Halls of the said Universities, or the Colleges of *Eton, Westminster or Winchester*,

Not to extend to Offices, &c. in the established Church, or Ecclesiastical Courts, Universities, Colleges, or Schools;

or any College or School within this Realm; or to repeal, abrogate, or in any manner to interfere with any local Statute, Ordinance, or Rule, which is or shall be established by competent Authority within any University, College, Hall, or School, by which Roman Catholics shall be prevented from being admitted thereto, or from residing or taking Degrees therein: *Provided also*, that nothing herein contained shall extend or be construed to extend to enable any Person, otherwise than as he is now by Law enabled, to exercise any right of Presentation to any Ecclesiastical Benefice whatsoever; or to repeal, vary, or alter in any manner the Laws now in force in respect to the Right of Presentation to any Ecclesiastical Benefice.

nor to Presentations
to Benefices.

Proviso for Presenta-
tion to Benefices
connected with Of-
fices.

XVII. *Provided always, And be it enacted*, That where any Right of Presentation to any Ecclesiastical Benefice shall belong to any Office in the Gift or Appointment of His Majesty, His Heirs, or Successors, and such Office shall be held by a Person professing the Roman Catholic Religion, the Right of Presentation shall devolve upon and be exercised by the Archbishop of *Canterbury* for the Time being,

No Roman Catholic
to advise the Crown
in the appointment
to Offices in the
Established Church.

XVIII. *And be it enacted*, That it shall not be lawful for any Person professing the Roman Catholic Religion, directly or indirectly, to advise His Majesty, His Heirs or Successors, or any Person or Persons holding or exercising the Office of Guardians of the United Kingdom, or of Regent of the United Kingdom, under whatever Name, Style, or Title such Office may be constituted, or the Lord Lieutenant, or Lord Deputy, or other Chief Governor or Governors of *Ireland*, touching or concerning the Appointment to or Disposal of any Office or Preferment in the United Church of *England* and *Ireland*, or in the Church of *Scotland*; and if any such Person shall offend in the Premises, he shall

shall, being thereof convicted by due Course of Law, be deemed guilty of a high Misdemeanor, and disabled forever from holding any Office, Civil or Military, under the Crown.

XIX. *And be it enacted,* That every Person professing the Roman Catholic Religion, who shall after the Commencement of this Act be placed, elected, or chosen in or to the office of Mayor, Provost, Alderman, Recorder, Bailiff, Town Clerk, Magistrate, Councillor, or Common Councilman, or in or to any Office of Magistracy or Place of Trust or Employment, relating to the Government of any City, Corporation, Borough, Burgh, or District within the United Kingdom of *Great Britain and Ireland*, shall, within One Calendar Month next before or upon his Admission into any of the same respectively, take and subscribe the Oath hereinbefore appointed and set forth, in the Presence of such Person or Persons respectively as by the Charters or Usages of the said respective Cities, Corporations, Burghs, Boroughs, or Districts, ought to administer the Oath for due execution of the said Offices or Places respectively; and in Default of such, in the Presence of Two Justices of the Peace, Councillors or Magistrates of the said Cities, Corporations, Burghs, Boroughs or Districts, if such there be; or otherwise, in the Presence of two Justices of the Peace of the respective Counties, Ridings, Divisions, or Franchises wherein the said Cities, Corporations, Burghs, Boroughs or Districts are: which said Oath shall either be entered in a Book, Roll, or other Record to be kept for that Purpose, or shall be filed amongst the Records of the City, Corporation, Burgh, Borough, or District.

XX. *And be it enacted,* That every Person professing the Roman Catholic Religion, who shall after the Commencement of this Act be appointed to any Office or Place of Trust or

Time and manner of taking Oaths for Corporate Offices.

Time and manner of taking Oaths for other Offices.

Profit under His Majesty, His Heirs or Successors, shall within Three Calendar Months next before such appointment, or otherwise shall, before he presumes to exercise or enjoy or in any Manner to act in such Office or Place, take and subscribe the Oath herein-before appointed and set forth, either in His Majesty's High Court of Chancery, or in any of His Majesty's Courts of King's Bench, Common Pleas or Exchequer, at *Westminster* or *Dublin*; or before any Judge of Assize, or in any Court of General or Quarter Sessions of the Peace in *Great Britain* or *Ireland*, for the County or Place where the Person so taking and subscribing the Oath shall reside; or in any of His Majesty's Courts of Session, Justiciary, Exchequer, or Jury Court, or in any Sheriff or Stewart Court, or in any Burgh Court, or before the Magistrates and Councillors of any Royal Burgh in *Scotland*, between the Hours of Nine in the Morning and Four in the Afternoon; and the proper Officer of the Court in which such Oath shall be so taken and subscribed shall cause the same to be preserved amongst the Records of the Court; and such Officer shall make, sign, and deliver a Certificate of such Oath having been duly taken and subscribed, as often as the same shall be demanded of him, upon Payment of Two Shillings and Sixpence for the same; and such Certificate shall be sufficient Evidence of the Person therein named having duly taken and subscribed such Oath.

XXI. *And be it enacted*, That if any Person professing the Roman Catholic Religion shall enter upon the Exercise or Enjoyment of any Office or Place of Trust or Profit under His Majesty, or of any other Office or Franchise, not having in the Manner and at the Times aforesaid taken and subscribed the Oath herein-before

Penalty on acting in
Offices without tak-
ing the Oath.

fore appointed and set forth, then and in every such Case such Person shall forfeit to His Majesty the sum of Two hundred Pounds; and the Appointment of such Person to the Office, Place or Franchise so by him held, shall become altogether void, and the Office, Place, or Franchise shall be deemed and taken to be vacant to all Intents and Purposes whatsoever.

XXII. *Provided always*, That for and notwithstanding any thing in this Act contained, the Oath herein-before appointed and set forth shall be taken by the Officers in His Majesty's Land and Sea Service, professing the Roman Catholic Religion, at the same times and in the same manner as the Oaths and Declarations now required by Law are directed to be taken, and not otherwise.

Oaths by Military and Naval Officers.

XXIII. *And be it further enacted*, That from and after the passing of this Act no Oath or Oaths shall be tendered to or required to be taken by His Majesty's Subjects professing the Roman Catholic Religion, for enabling them to hold or enjoy any Real or Personal Property, other than such as may by Law be tendered to and required to be taken by His Majesty's other Subjects; and that the Oath herein appointed and set forth, being taken and subscribed in any of the Courts, or before any of the Persons above mentioned, shall be of the same Force and Effect, to all Intents and Purposes, as, and shall stand in the Place of, all Oaths and Declarations required or prescribed by any Law now in force for the Relief of His Majesty's Roman Catholic Subjects from any Disabilities, Incapacities, or Penalties; and the proper Officer of any of the Courts above-mentioned, in which any Person professing the Roman Catholic Religion shall demand to take and subscribe the Oath herein appointed and set forth, is hereby authorized and required to administer the said oath to such

No other Oaths necessary to be taken by Roman Catholics.

person

Person, and such Officer shall make, sign and deliver a Certificate of such Oath having been duly taken and subscribed, as often as the same shall be demanded of him, upon payment of One Shilling : and such Certificate shall be sufficient Evidence of the Person therein named having duly taken and subscribed such Oath.

Titles to Sees, &c. not to be assumed by Roman Catholics.

XXIV. *And whereas* the Protestant Episcopal Church of *England* and *Ireland*, and the Doctrine, Discipline, and Government thereof, and likewise the Protestant Presbyterian Church of *Scotland*, and the Doctrine, Discipline and Government thereof, are by the respective Acts of Union of *England* and *Scotland*, and of *Great Britain* and *Ireland*, established permanently and inviolably : *And whereas* the Right and Title of Archbishops to their respective Provinces, of Bishops to their Sees, and of Deans to their Deaneries, as well in *England* as in *Ireland*, have been settled and established by Law ; *Be it therefore enacted*, That if any Person, after the Commencement of this Act, other than the Person thereunto authorized by Law, shall assume or use the Name, Style, or Title of Archbishop of any Province, Bishop of any Bishoprick, or Dean of any Deanery, in *England* or *Ireland*, he shall for every such offence forfeit and pay the sum of One hundred Pounds.

Judicial or other Officers not to attend with Insignia of Office at any Place of Worship, other than Established Church.

XXV. *And be it further enacted*, That if any Person holding any Judicial or Civil Office, or any Mayor, Provost, Jurat, Bailiff, or other Corporate Officer, shall, after the Commencement of this Act, resort to or be present at any Place or public Meeting for Religious Worship in *England* or in *Ireland*, other than that of the United Church of *England* and *Ireland*, or in *Scotland*, other than that of the Church of *Scotland*, as by Law established, in the Robe, Gown, or other peculiar Habit of his Office, or attend with the Ensign or Insignia, or any Part there-

of, of or belonging to such his Office, such Person shall, being thereof convicted by due Course of Law, forfeit such Office, and pay for every such Offence the Sum of One hundred Pounds.

XXVI. *And be it further enacted*, That if any Roman Catholic Ecclesiastic, or any Member of any of the Orders, Communities, or Societies, herein-after mentioned, shall, after the Commencement of this Act, exercise any of the Rites or Ceremonies of the Roman Catholic Religion, or wear the Habits of his Order, save within the usual Places of Worship of the Roman Catholic Religion, or in private Houses, such Ecclesiastic or other Person shall, being thereof convicted by due Course of Law, forfeit for every such Offence the Sum of Fifty Pounds.

Penalty on Roman Catholic Ecclesiastics officiating, except in their usual Places of Worship.

XXVII. *Provided always, and be it enacted*, That nothing in this Act contained shall in any Manner repeal, alter, or affect any Provision of an Act made in the Fifth Year of His present Majesty's Reign, intituled *An Act to repeal so much of An Act passed in the Ninth Year of the Reign of King William the Third, as relates to Burials in suppressed Monasteries, Abbeys, or Convents in Ireland, and to make further Provision with respect to the Burial in Ireland of Persons dissenting from the Established Church.*

Not to repeal Statute 5 Geo. 1. c. 25.

XXVIII. *And whereas* Jesuits, and Members of other Religious Orders, Communities, or Societies of the Church of Rome, bound by Monastic or Religious Vows, are resident within the United Kingdom; and it is expedient to make Provision for the gradual Suppression and final Prohibition of the same therein; *Be it therefore enacted*, That every Jesuit, and every Member of any other Religious Order, Community, or Society of the Church of Rome, bound

For the Suppression of Jesuits and other Religious Orders of the Church of Rome.

bound by Monastic or Religious Vows, who at the Time of the Commencement of this Act shall be within the United Kingdom, shall, within Six Calendar Months after the Commencement of this Act, deliver to the Clerk of the Peace of the County or Place where such Person shall reside, or to his Deputy, a Notice or Statement, in the Form and containing the Particulars required to be set forth in the Schedule to this Act annexed; which Notice or Statement such Clerk of the Peace, or his Deputy, shall preserve and register amongst the Records of such County or Place, without any Fee, and shall forthwith transmit a Copy of such Notice or Statement to the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, if such Person shall reside in *Ireland*, or if in *Great Britain*, to One of His Majesty's Principal Secretaries of State; and in case any Person shall offend in the Premises, he shall forfeit and pay to His Majesty, for every Calendar Month during which he shall remain in the United Kingdom without having delivered such Notice or Statement as is herein-before required, the Sum of Fifty Pounds.

XXIX. *And be it further enacted*, That if any Jesuit, or Member of any such Religious Order, Community, or Society as aforesaid, shall, after the Commencement of this Act, come into this Realm, he shall be deemed and taken to be guilty of a Misdemeanor, and being thereof lawfully convicted, shall be sentenced and ordered to be banished from the United Kingdom for the Term of his natural Life.

XXX. *Provided always, And be it further enacted*, That in case any natural-born Subject of this Realm, being at the Time of the Commencement of this Act a Jesuit, or other Member of any such Religious Order, Community,

or

Jesuits, &c. coming into the Realm, to be banished.

Natural-born Subjects, being Jesuits, may return into the Kingdom and be registered.

or Society as aforesaid, shall, at the Time of the Commencement of this Act, be out of the Realm, it shall be lawful for such Person to return or to come into this Realm; and upon such his Return or coming into the Realm he is hereby required, within the Space of Six Calendar Months after his first returning or coming into the United Kingdom, to deliver such Notice or Statement to the Clerk of the Peace of the County or Place where he shall reside, or his Deputy, for the Purpose of being so registered and transmitted, as herein-before directed; and in case any such Person shall neglect or refuse so to do, he shall for such Offence forfeit and pay to His Majesty, for every Calendar Month during which he shall remain in the United Kingdom without having delivered such Notice or Statement, the Sum of Fifty Pounds.

XXXI. *Provided also, And be it further enacted,* That, notwithstanding any thing herein-before contained, it shall be lawful for any One of His Majesty's Principal Secretaries of State, being a Protestant, by a Licence in Writing, signed by him, to grant Permission to any Jesuit, or Member of any such Religious Order, Community, or Society as aforesaid, to come into the United Kingdom, and to remain therein for such Period as the said Secretary of State shall think proper, not exceeding in any Case the Space of Six Calendar Months; and it shall also be lawful for any of His Majesty's Principal Secretaries of State to revoke any Licence so granted before the Expiration of the Time mentioned therein, if he shall so think fit; and and if any such Person to whom such Licence shall have been granted shall not depart from the United Kingdom within Twenty Days after the Expiration of the Time mentioned in such Licence, or if such licence shall have been revoked, then

The Principal Secretaries of State may grant Licences to Jesuits, &c. to come into the Kingdom;

and may revoke the same.

then within twenty days after notice of such Revocation shall have been given to him, every Person so offending shall be deemed guilty of a Misdemeanor, and being thereof lawfully convicted shall be sentenced and ordered to be banished from the United Kingdom for the Term of his natural Life.

Accounts of Licences to be laid before Parliament.

XXXII. *And be it further enacted,* That there shall annually be laid before both Houses of Parliament an Account of all such Licences as shall have been granted for the Purpose herein-before mentioned within the Twelve Months then next preceding.

Admitting Persons as Members of such Religious Orders deemed a Misdemeanor.

XXXIII. *And be it further enacted,* That in case any Jesuit, or Member of any such Religious Order, Community, or Society as aforesaid, shall, after the Commencement of this Act, within any Part of the United Kingdom, admit any Person to become a Regular Ecclesiastic, or Brother or Member of any such Religious Order, Community, or Society, or be aiding or consenting thereto, or shall administer or cause to be administered, or be aiding or assisting in the administering or taking, any Oath, Vow, or Engagement purporting or intended to bind the Person taking the same to the Rules, Ordinances, or Ceremonies of such Religious Order, Community, or Society, every Person offending in the Premises in *England* or *Ireland* shall be deemed guilty of a Misdemeanor, and in *Scotland* shall be punished by Fine and Imprisonment.

Any Person so admitted a Member of a Religious Order to be banished.

XXXIV. *And be it further enacted,* That in case any Person shall, after the commencement of this Act, within any part of this United Kingdom, be admitted or become a Jesuit, or Brother or Member of any other such Religious Order, Community, or Society as aforesaid, such Person shall be deemed and taken to be guilty of a Misdemeanor, and being thereof lawfully

lawfully convicted shall be sentenced and ordered to be banished from the United Kingdom for the Term of his natural Life.

XXXV. *And be it further enacted*, That in case any Person sentenced and ordered to be banished under the Provisions of this Act shall not depart from the United Kingdom within Thirty Days after the pronouncing of such Sentence and Order, it shall be lawful for His Majesty to cause such Person to be conveyed to such place out of the United Kingdom as His Majesty, by the advice of His Privy Council, shall direct.

The Party offending may be banished by His Majesty ;

XXXVI. *And be it further enacted*, That if any Offender, who shall be so sentenced and ordered to be banished in manner aforesaid, shall, after the end of Three Calendar Months from the time such Sentence and Order hath been pronounced, be at large within any part of the United Kingdom, without some lawful Cause, every such Offender being so at large as aforesaid, on being thereof lawfully convicted, shall be transported to such Place as shall be appointed by His Majesty, for the Term of his natural Life.

and if at large after Three Months, may be transported for Life.

XXXVII. *Provided always, and be it enacted*, That nothing herein contained shall extend or be construed to extend in any Manner to affect any Religious Order, Community, or Establishment consisting of Females bound by Religious or Monastic Vows.

Not to extend to Female Societies.

XXXVIII. *And be it further enacted*, That all Penalties imposed by this Act shall and may be recovered as a Debt due to His Majesty, by Information to be filed in the Name of His Majesty's Attorney General for *England* or for *Ireland*, as the case may be, in the Courts of Exchequer in *England* or *Ireland* respectively, or in the Name of His Majesty's Advocate General in the Court of Exchequer in *Scotland*.

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XXXIX.

Act may be altered
this Session.

XXXIX. *And be it further enacted,* That this Act, or any Part thereof, may be repealed, altered, or varied at any Time within this present Session of Parliament.

Commencement of
Act.

XI. *And be it further enacted,* That this Act shall commence and take effect at the Expiration of Ten Days from and after the passing thereof.

SCHEDULE to which this Act refers.

Date of the Registry.	Name of the Party.	AGE.	Place of Birth.	Name of the Order, Community, or Society whereof he is a Member.	Name and usual Residence of the Superior of the Order, Community, or Society.	Usual Place of Residence of the Party.

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