

Be it further enacted, That for every other Port or Town within this Province, where no *Distilling-House* is erected, and where it may be necessary for a *Gauger* to be appointed, the said *Gauger* shall be intitled to receive the same *Fees*, as is herein before established for the Port of *Halifax*, with a further Allowance of *Six-Pence a Mile* for his Travel.

And be it further enacted, That if any *Gauger* to be appointed as aforesaid, shall neglect to attend upon due Notice given for the Gauging any Rum, or other distilled Spirituous Liquors imported into, or distilled within the Province, shall forfeit and pay for every such neglect the Sum of *Five Pounds* with *Costs*, upon Conviction thereof by the Oath of *One* credible Witness before any *Two* of His Majesty's Justices of the Peace, to be recovered by Warrant of Distress from under the Hand and Seal of said Justices, one Moiety whereof to be paid to the Person who shall Inform and Sue for the same, the other Moiety to the Overseers of the Poor, for the uses of the Poor of the Town where such Offence shall be committed.

Provided always, and it is hereby further enacted, That no *Fees* shall be demanded by the *Gaugers* as aforesaid, for Gauging any Stock of Rum, or other distilled Spirituous Liquors made up at the *Distilling-Houses* within this Province.



An Act for suppressing unlicensed Houses, and for granting to His Majesty a Duty on Persons hereafter to be Licensed.

BE it enacted by the Honourable the Commander in Chief, Council and Assembly, That if any Person or Persons whatsoever within this Province, shall sell any Rum, Brandy, Wine, Ale, Beer, Cyder, Perry, or other strong Liquors mixt or unmixt by whatsoever Name or Names, they are or may be called or distinguished, without Licence first had and obtained for that purpose, as shall hereafter be directed and appointed by the Governor, Lieutenant Governor, or Commander in Chief; or shall Hawk, Sell, or expose to Sale

Sale any such Liquors unmixt or mixt, by whatever Name or Names they are or may be called or distinguished, about the Streets, Wharves, Highways, Lanes, or Suburbs of the Town of *Halifax*, or any other Town or Place whatsoever within this Province, in any Wheelbarrow or Basket, or upon the Water in any Ship, Boat, or Vessel, or in any other manner whatsoever; or shall sell or expose the same to Sale on any Bulk or Bulks, Stall or Stalls, or in any Shed or Sheds, or on or in any other Place or Places, he she or they shall forfeit for every such Offence the Sum of *Ten Pounds* Currency of this Province; and it shall and may be lawful for any *One* Justice of the Peace for this Province, on his own View, or on Confession of the Party, or by Proof on the Oath of *One* credible Witness, to Convict any Person or Persons so offending; and the Person or Persons so convicted shall immediately on such and every other like Conviction, pay the Sum of *Ten Pounds* into the Hands of such Justice, and on such Offender or Offenders neglecting or refusing to pay said Sum, the Justice so Convicting, shall by Warrant under his Hand and Seal, commit the Offender or Offenders to His Majesty's Gaol within the County where the said Offence shall be committed, there to remain in close Confinement for the Space of *Two Months*, from the Day of said Commitment, and such Person or Persons shall not be discharged until he, she, or they shall have paid the said Sum of *Ten Pounds*, or until the full Expiration of the said *Two Months*; and all Monies arising from the Conviction of any Person or Persons as aforesaid, in case there be no Informer shall be wholly paid to the Treasurer of this Province and applied in manner as is hereinafter directed, but if there shall be an Informer, one Moiety of such Money shall be paid to the said Informer, and the other Moiety to the said Treasurer forthwith and to be applied as aforesaid.

And be it further enacted, That if any Person or Persons, not having obtained Licence as aforesaid, shall presume to hang out or suffer to remain, any Sign or any Intercription whatsoever, importing that Rum or other distilled Spirituous Liquors, Wine, Ale, Beer, Cyder, or Perry, are there sold, otherwise than by Wholesale; upon Proof thereof in manner and form herein before described, such Person shall be subject and liable to the like Penalties and Forfeitures, as Persons convicted of Selling Spirituous Liquors without Licence.

Provided That nothing in this Act contained shall extend or be construed to extend, to prevent or debar any Merchant, Shopkeeper, or other Person, not licenced to Retail Rum or other distilled Spirituous Liquors, Wine, Ale, Beer, Cyder, or Perry, from selling any Quantity of such Liquors, not less than five Gallons, delivered at one and the same Time.

And Whereas the opening a Communication through the Province, by the making Highways, Roads, and Bridges, and keeping the same in Repair, are highly necessary for His Majestys Service; We do therefore grant

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unto His most Excellent Majesty, His Heirs, and Successors, the several Duties hereafter specified, for the purposes hereinafter mentioned.

Be it therefore enacted, That from and after the Third Day of September 1761, there shall be paid in lieu of the former Duties of Excise, by every Person who shall have Licence to Retail Wine, Beer, Ale, Cyder, or Perry, Rum, or other distilled Spirituous Liquors, within the Peninsula of Halifax, to the Clerk of the Licences, (over and above his Customary Fees for making out Licences, and taking Bonds) the Sum of Ten Pounds per Annum, to be paid Quarterly Three Months in Advance; and that there shall be paid by every Person who shall obtain Licence as aforesaid in every other Town or Place within the Province, Five Pounds per Annum, to be paid Quarterly and in Advance as aforesaid.

And it is also further enacted, That every Person who shall obtain a Licence to Retail Beer, Ale, or Cyder only in the Peninsula of Halifax, shall pay the Sum of Four Pounds per Annum, to be paid to the Clerk of the Licences, Three Months in Advance as aforesaid.

And be it enacted, That before any Person or Persons shall be intitled to a Licence for retailing Wines, Beer, Rum, or other distilled Spirituous Liquors, they shall produce to the Clerk of the Licences at the Secretary's Office, a Certificate from the Quarter Sessions or from any two or more of His Majesty's Justices of the Peace for this Province, of their having taken the Oaths appointed to be taken instead of the Oaths of Supremacy and Allegiance, and that they have made and subscribed the Declaration.

And be it further enacted, That no Person shall presume to sell Liquors by any one Licence, in any Place other than at the House or Place, where he or she shall constantly reside.

And be it also further enacted, That the Money arising from the Duties to be paid by every Retailer of Wines, Beer, Rum, or other distilled Spirituous Liquors on their obtaining a Licence for that Purpose, shall be forthwith paid by the Clerk of the Licences, after deducting Five per Cent for his Trouble, into the Hands of the Treasurer of the Province, which Money is hereby appropriated to and for the making, opening, and repairing the Publick Roads through the Province; and that such making, opening, and repairing, shall be under the Direction of the Governor, Lieutenant Governor, or Commander in Chief of this Province.

And be it further enacted, That all Licences for retailing Liquors of any kind heretofore granted, be and are hereby declared to be null and void, from and after the said Third Day of September 1761, and the Person or Persons who shall neglect to pay due Obedience to this Act,
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and shall continue to Sell without Qualifying themselves, and taking out new Licences as hereinbefore directed, shall forfeit and pay the Sum of *Ten Pounds* for each Offence, to be appropriated as aforesaid.

And be it also further enacted, That this Act shall continue and remain in full force for and during the Space of *One Year* from and after the said *Third Day of September* 1761, and until the End of the first Session of the General Assembly then next following.



An Act in Addition to an Act intituled, *An Act in Addition to an Act intituled, An Act for preventing Trespasses.*

WHEREAS in and by an Act made and passed in the 33^d Year of His late Majesty's Reign, intituled, An Act in Addition to an Act intituled, An Act for preventing Trespasses, it is among other Things enacted, "That the Justices in their Quarter Sessions in all other Counties, (*Halifax Excepted*) within this Province, shall be impowered and are hereby directed to make Regulations for preventing Trespasses, by Horses, Swine, Sheep, Goats and Neat Cattle, in manner as shall be most agreeable to the Circumstances of such County, or Townships therein." But no Penalty is therein mentioned to be inflicted on such as shall transgress such Regulations made as aforesaid.

Be it therefore enacted by the Honourable the Commander in Chief, the Council, and Assembly, That any Person transgressing such Regulations so made by the Justices in the Sessions as aforesaid, for the preventing of Trespasses as aforesaid, shall be subject to a *Fine* not exceeding *Forty Shillings*; to be recovered, on Complaint or Information, before any *Two* of His Majesty's Justices of the Peace for the County wherein the Offence shall be committed, or before the Sessions in said County.