

CAP. III.

An ACT in addition to, and amendment of, an Act, entitled, an Act for the appointment of sworn Gaugers, ascertaining their Duty, granting them an Allowance, and establishing their Fees.

For Acts on this subject see note on 1st Geo. 3d. cap. 9.

WHEREAS inconveniences have arisen, from the Gaugers not doing a part of their duty, no penalty being annexed to the neglect thereof, in and by the said recited Act :

Preamble.

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That all casks containing rum, wine, and molasses, hereafter imported into this Province, shall be gauged, by the sworn and established Gauger, immediately after landing, and before removal from the wharf whereon it is landed; and the said Gaugers shall mark with a marking iron, the quantity of gallons each cask contains, on the stave, next the bung stave, or upon the head of each cask so gauged by them, with the two first letters of his name, on the left hand of the quantity, all which to be done in a fair legible manner, and in lieu of the present allowance for gauging, such Gauger shall receive for every cask exceeding ten, to be gauged by him at any one time and place, the following fees: for every puncheon, three pence; for every hoghead, or tierce, two pence; and for every barrel, one penny.

Casks containing Rum, &c to be gauged before removal.

Allowance for gauging.

And whereas, in and by the aforementioned Act, no fine or penalty is imposed on such Gauger, or Gaugers, who shall gauge in any other manner, than is directed in the said Act :

II. Be it further enacted, by the authority aforesaid, That if any Gauger or Gaugers, appointed as aforesaid, shall neglect or refuse to do the duty enjoined by this, and the above recited Act, he or they shall for each and every offence, forfeit and pay the sum of forty shillings, to be recovered before any one of His Majesty's Justices of the Peace, by any person or persons, who shall sue for the same, one moiety thereof to the person or persons who shall prosecute for the same, and the remaining moiety to the Overseers of the Poor for the use of the poor, of the township to which such Gauger or Gaugers belong.

Penalty for Gauger refusing to do his duty.

III. And be it further enacted, by the authority aforesaid, That any cask directed by this law to be gauged and marked, which shall be fraudulently removed or exposed to sale without the marks prescribed by this Act, shall be liable to be seized as forfeited, by the Collectors of Impost and Excise, or any other officer employed in the collection of the revenue of this Province; one half of the forfeiture, to be given to the informer, and the other half, to the use of His Majesty's Government in this Province. Provided always, That until persons can be found in the out ports, of this Province, capable of gauging with callipers, that it shall be lawful in such ports, to gauge with a rod, as also in the port of Halifax, when the parties consent.

Ungauged casks, removed or exposed to sale forfeited.

Manner of gauging at out-ports.

CAP. IV.

An ACT to revive, and amend, an Act for establishing the standard Weight of Grain, and for appointing proper Officers for measuring Grain Salt and Coals, and ascertaining the standard size of Bricks, and the quantity of Lime to be contained in a Hoghead.

The Act, of which this purports to be an amendment, was a temporary Act, and suffered to expire.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the grand jurors for the several counties in this Province at the Court of General Sessions of the Peace, which shall be holden for each county respectively next after the publication of this Act, and thereafter annually at the first sitting of the said Court in every year, shall nominate four fit persons in each

Appointment of persons as measurers of corn, salt, coals, lime and bricks.

each and every township within their respective counties, out of whom the said Court shall appoint two, for the purpose of measuring all species of corn or grain, salt, coals, and lime, and for inspecting all bricks, which shall be offered for sale, and sold, within their respective townships.

II. *And be it also enacted, by the authority aforesaid, That all grain exposed to sale, shall not be deemed merchantable, unless it be of the following standard weight, to say :*

Weight of grain.	Wheat shall weigh per bushel fifty eight pounds.	}	Avoirdupoise...
	Rye do. do. fifty six pounds.		
	Indian corn do. do. fifty eight pounds.		
	Barley shall weigh per bushel forty eight pounds.	}	Avoirdupoise.
	Oats do. do. thirty four pounds.		
Pease do. do. sixty pounds.			

Allowance for measuring.

And that all such grain, as may be imported, or brought to market for sale, shall be, on request of the purchaser, inspected and measured by the sworn inspectors of such town or port, where the same shall be brought for sale, and that the inspectors shall be allowed and paid, the one half by the purchaser, the other half by the seller, at, and after the rates hereafter mentioned, for his attention and trouble therein, to say, for measuring all grain, (oats excepted) two shillings per hundred bushels, and for oats, one shilling per hundred bushels.

Of exact weight and measurement of grain.

III. *And be it further enacted, by the authority aforesaid, That if any corn or grain, of any kind, shall be imported or brought for sale, within any port or place, within the Province, which shall not be merchantable, agreeable to the standard weight before appointed, for each species of grain to weigh respectively; that it shall and may be lawful, for the inspector, or person measuring the same, if required, either by the buyer or seller thereof, to add to each bushel, a quantity sufficient to make the same weigh, equal to the standard herein before regulated for each particular species, and if such corn or grain, shall weigh more than the standard weight herein before appointed, it shall in like manner be lawful to deduct from each bushel, so much as shall be sufficient to make the same weigh, agreeable to said standard.*

The Inspector, if grain is less than the standard weight, exported, shall make exporter pay rs. for every bushel, fine. Half to the informer, half to the poor.

IV. *And be it further enacted, by the authority aforesaid, That if any person or persons, whatsoever, shall export or send to any place whatsoever, out of the Province, any corn or grain, of any kind whatsoever, which shall weigh less than the standard weight herein before respectively appointed, or which shall not have been inspected, and measured, by the person or persons, to be appointed inspectors by this Act, previous to such exportation, the person or persons making such export, shall forfeit and pay the sum of one shilling, for every bushel, which he or they shall so export, the same to be recovered, on complaint, before any one of His Majesty's Justices of the Peace; one half of which penalty, shall belong to the informer, or person prosecuting for the same, and the other half to the poor of the township, from which such export shall have been made.*

Size of bricks; six score to the hundred.

V. *And be it further enacted, That no bricks to be made in this Province for sale, from and after the first day of November next, shall be less than eight inches in length, four inches in width, and two inches thick, and shall be sold at the rate of six score to the hundred.*

Allowance for measuring salt and coals, and for inspecting bricks and lime.

VI. *And be it further enacted, That all salt, coals and lime, exposed to sale in any part of this Province, shall be measured; and all bricks shall be inspected by the officers appointed for that purpose, and that they shall be allowed and paid by the seller for every hoghead of salt, one penny; for every chaldron of coals, three pence; and for every hoghead of lime, if required to be inspected, which it is hereby declared shall contain eight Winchester bushels, heaped, at the least, or ninety-six gallons, two pence; and for inspecting bricks, at the rate of two pence per thousand; and that the officers so appointed, shall be respectively sworn to the faithful discharge of their duty; and that upon refusal to accept of said offices, or being guilty of any neglect, or misbehaviour, in the execution of the duties thereof, they shall forfeit and pay, for*

Officers refusing to do their duty

the

the use of the poor in the town wherein they reside, a sum not exceeding three pounds, to be recovered before any two of His Majesty's Justices of the Peace, for the same county.

or negligent therein, shall pay 3l.

VII. *And be it further enacted,* That all grain, salt, coals and lime, imported into this Province, shall be subject to the foregoing regulations.

C A P. V.

An ACT to alter and amend an Act, passed in the Thirty-third year of His late Majesty's reign, entitled, an Act for regulating and maintaining an House of Correction, or Work-House, within the Town of Halifax, and binding out Poor Children, and to extend certain provisions therein, to the whole of the Province.

For Acts on this subject, see note on 33d. Geo. 1st. cap. 1.

WHEREAS it is necessary for preserving the peace and good order of society, that idle, and disorderly persons, should be restrained and punished, and that the establishment of work-houses, or houses of correction, in the several counties, where none are provided, would be highly conducive to this salutary purpose, and a measure of great public utility :

Preamble.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That it shall and may be lawful for the Justices of the Peace, and Grand Juries, of the several counties or districts, in their General Session, when they shall think necessary, to provide proper buildings, or to appropriate a certain part of the county or district jail, as a work-house, or house of correction; the expence of establishing which, and all other incidental charges, to be defrayed by the counties and districts, and raised in the usual mode of presentment and assessment on the Inhabitants.

Mode for Providing work houses or houses of correction.

II. *And be it further enacted,* That it shall and may be lawful for the said Justices in their Sessions, or for any one Justice out of Court; in any of the counties or districts in the Province, to commit to such work-houses, or houses of correction, all or any person or persons, of the description mentioned in the second clause of the Act hereby altered and amended, in the manner specified in the said clause, which is hereby extended to the whole Province.

Commitment of persons to the work-house.

III. *And be it further enacted,* That the said Justices are hereby impowered to agree with any suitable persons, on the best terms they can, to be masters, or keepers, of said houses of correction, or work-houses; and that any person, appointed by them for that purpose, shall have power and authority, to set all such persons as shall be duly sent, or committed to his or their custody, to work and labour if they be able, for such time as they shall continue or remain in said house.

Appointment of keeper of said house.

IV. *And be it further enacted,* That the keepers of the said house, when appointed as aforesaid, shall keep regular accounts of all expences attending the same, and of all earnings arising from the labour of the offenders, and render them upon oath to the Justices in their General Session, and that all expences of keeping such offenders, shall be defrayed out of the produce of their labour, if the same shall be found sufficient; any deficiency to be made good in manner as is herein after directed.

Keeper to keep regular accounts to be rendered on oath.

V. *And be it further enacted,* That when any person committed as above, shall be unable to labour, by reason of sickness, or otherwise, or that his or her earnings shall be found insufficient for his or her support; if such person shall have a legal settlement in any township within the county where such work house may be situated, the expence of keeping and maintaining such offender, or such part thereof, as may exceed the amount of his or her earnings, shall be defrayed by the township, to which such offender may belong, and shall be paid by the Overseers of the Poor of such township, on the certificate of the Clerk of the Peace, by order of the Justices in their Sessions, that such expence has been fairly incurred; and in case such offender shall

Defraying mode of the expence of maintaining persons unable to work in the work-house.

shall