

CAP. II.

An ACT to amend, and render more productive, an Act passed in the Thirty-first year of His present Majesty's reign, entitled, an Act to raise a Revenue, for the purpose of paying off all such Debts as are now due by the Province, or which shall become due before the first Day of July next, the funded Debt only excepted.

This Act expired

CAP. III.

An ACT to prevent obstructions of the Navigation in the Ports, Harbours, Rivers and Creeks, within this Province.

For Acts on this subject see note on 25th Geo. 3d. cap. 6.

WHEREAS much injury hath of late happened, by the practice of heaving ballast over the sides of ships, and other vessels, coming into the ports, harbours, rivers and creeks, within this Province; for remedy whereof:

Preamble.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, no ballast shall be unladen, or thrown overboard, from any ship, vessel, or boat, below high water mark, into any port, harbour, river or creek, within this Province, or at the entrance into the same; and that if any master or seamen, or other person on board any ship, vessel, or boat, shall unlade, or throw from on board any ship vessel or boat, any ballast, below high water mark, into any port, harbour, creek or river, or at the entrance of the same, such master, seaman, or other person, shall be obliged to remove such ballast or impediment, or in default thereof, shall forfeit and pay a sum not exceeding twenty five pounds, to be sued for and recovered, by information or complaint, before any two of His Majesty's Justices of the Peace, for the county wherein such offence shall be committed, one half of which penalty shall be to the use of the person or persons who shall sue for the same, the other half to the use of the poor of the township wherein the offence shall be committed, subject to an appeal to the Court of Common Pleas, in, and for the county where such offence shall be committed, upon security given, for prosecuting the same to effect.

No ballast to be thrown from any vessel, or boat, below high water mark, into any port, harbour, river, &c.

Penalty for such transgressions.

Recovery and application of penalty.

CAP. IV.

An ACT in addition to, and in amendment of, an Act, passed in the Thirty-fourth Year of the Reign of his late Majesty, entitled, an Act for appointing Commissioners of Sewers.

For Acts on this subject, see note on 34th Geo. 3d. cap. 7.

WHEREAS it is found by experience that the power by law vested in persons holding shares of, or rights in, marshes, meadows and low grounds, is frequently exercised to the injury of others; for remedy whereof:

Preamble

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly That from and after the publication of this Act it shall not be lawful for the Commissioners of Sewers now in being, or any Commissioners of Sewers hereafter to be appointed, by virtue of an Act, passed in the thirty-fourth year of the reign of His late Majesty, to meet and convene together from time to time, as occasion may require, to view, consider, consult and contrive, such ways and methods for building

Power of Commissioners of Sewers limited, respecting dykes, weirs, &c.

building and repairing such dikes and wears as are necessary to prevent inundations, and for the drowning and draining of swamps, and other unprofitable grounds; or to exercise any of the other powers and authorities given to them, the said Commissioners, in and by the said Act, otherwise than upon application from, and at the request of, such a number of the proprietors, whose rights and shares in such dyked land, marsh, swamp or other unprofitable ground, when added together will amount to more than the one half part of such dyked land, marsh, swamp or other unprofitable ground; any thing in the before mentioned Act to the contrary notwithstanding.

Not to extend to prevent the Commissioners from proceeding to drain, or repair breaches in, any lands now dyked.

II. *Provided always*, That nothing in this Act contained shall extend, or be construed to extend, to prevent the Commissioners of Sewers from proceeding to drain or repair breaches made in any lands now dyked in the manner directed and prescribed by the Act of which this is an amendment.

CAP. V.

For Acts on this subject, see note on 32d Geo. 2d. cap. 17.

An ACT to render and make valid, certain Marriages, heretofore solemnized before Magistrates, and other Lay Persons.

Preamble.

WHEREAS in some parts of this Province, owing to the remote situation of the inhabitants from any Clergyman, in the early settlement of the same, divers marriages have been heretofore irregularly solemnized, before Magistrates, and other Lay Persons, otherwise than as by law required:

Marriages before Magistrates and Lay Persons, made valid.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly, and it is hereby enacted*, That all marriages heretofore solemnized before Magistrates, and other Lay Persons, in the presence of one or more credible witness or witnesses, and where the parties so married, have co-habited together, shall be deemed, and taken, lawful, and of as much force and validity, as if the same had been solemnized before a Minister of the Church of England, with all the forms required by law.

Issue of such marriages made legitimate.

II. *And be it further enacted, by the authority aforesaid*, That the issue of such marriages, hereby made valid, shall be, and the same are hereby made, legitimate, to all intents and purposes whatsoever.

Magistrates, &c. who have solemnized such marriages, indemnified from penalty.

III. *And be it further enacted*, That all Magistrates, and other Lay Persons, who before the publication of this Act, shall have solemnized any of the marriages, which are hereby enacted to be valid, shall be, and they are, hereby indemnified against the penalties, to which they are otherwise by law subject.