

Justices to apprehend such as are suspected of being aliens, and commit them to jail; if requisite.

Supreme Court appointed to take cognizance under this Act.

Act continued to the 1st July, '97. Continued by subsequent Acts.

IX. *And be it further enacted*, That each and every Justice of the Peace, in the respective counties within this Province, are hereby authorized and required to summon, and, in case of non-appearance, to apprehend all and every person or persons suspected of being aliens as aforesaid: and if it shall appear to the said Justice, on due examination, that the person or persons so suspected, are aliens, and have not complied with the provisions of this Act, it shall and may be lawful for the said Justice to commit the said alien to the county goal, there to remain until he shall be discharged by due course of law.

X. *And be it further enacted*, That the Supreme Court, and Courts of Common Pleas, in their respective counties, shall respectively have cognizance of all crimes and offences against this Act, saving, and except, the crime of returning to this Province, after having been sent, or removed, therefrom, the cognizance whereof shall wholly, and only, appertain to the Supreme Court; and all penalties and forfeitures, recovered under this Act, shall be applied, the one half to the informer, and the remainder for the use of His Majesty's Government within this Province.

XI. *And be it further enacted*, That this Act shall continue in force for one year, and from thence until the end of the next Session of General Assembly.

## CAP II.

An ACT for regulating the exportation of Red, or Smoaked, Herrings, and in amendment of an Act, passed in the second year of His present Majesty's Reign, entitled, An Act for regulating the exportation of Fish, and the affize of Barrels, Hoops, Boards, and all other kinds of Lumber, and for appointing officers to survey the same.

Red or smoaked Herrings for exportation, to be put up in kegs or boxes, &c.

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That, from and after the publication hereof, red or smoaked herrings for exportation, shall not be put in any other package but kegs, or boxes, of the dimensions and kind herein after described; and that the said red or smoaked herrings shall be sweet, well faved and smoaked, and all that are in the said package shall, as near as may, be of the same size, close packed, and so stowed, as completely to fill the package.

Appointment of Inspectors of smoaked Herrings.

II. *And be it further enacted*, That the Grand Juries of the several counties in this Province, at the Court of General Sessions of the Peace for each county, shall annually, at the time of nominating other town officers, nominate out of every township in the said county, where the smoaking and preserving herrings is carried on, two or more fit persons; out of whom the said Court shall appoint one, or more, to be Inspector or Inspectors of red or smoaked herrings, for each respective township; which said person or persons, so appointed, shall be sworn to the faithful discharge of his or their duty, in manner as is prescribed by the laws of this Province, in the nomination and appointment of other town-officers; and in case of his or their refusal to serve, or neglect, or misbehaviour in the execution of his or their office, he or they shall be punished in like manner, as is provided in the like case for other town officers, in and by an Act, passed in the fifth year of His present Majesty's Reign, entitled, "An Act for the choice of town officers, and regulating of townships"; and in case of a vacancy or vacancies, in the said office of Inspector of red or smoaked herrings, between the times of the sitting of the said Courts of General Sessions of the Peace, for the county

Their refusal to serve.

Upon a vacancy happening, the same to be filled up by two Justices.

county where such vacancy shall happen ; the same may and shall be filled up by two Justices of the Peace of the said county, in like manner as other vacancies in the town offices are filled up by virtue of the said Act.

III. *And be it further enacted,* That if any red or smoaked herrings shall be shipped for exportation, before the same shall have been inspected, approved, and marked by the Inspector of red or smoaked herrings ; or if any red or smoaked herrings shall be sold, and delivered, in kegs or boxes, before the same shall have been inspected, approved, and marked in like manner, such red or smoaked herrings, shall, on information, and due proof thereof, before any one of His Majesty's Justices of the Peace, be seized, and sold by Warrant under the hand and seal of said Justice, and the nett proceeds arising from the sale, shall be paid to the Overseers of the Poor, for the use of the poor of the township, where such seizure shall be made.

Seizure of red or smoaked herrings shipped for exportation, before inspection.

IV. *And be it further enacted,* That if any master or commander of any ship or vessel, shall receive any red, or smoaked, herrings, to be carried, or exported, without the township wherein such herrings shall have been smoaked, or preserved, on board his ship, or vessel, at any port, or place, within this Province, before the same shall have been marked, as herein after directed, by an Inspector of red, or smoaked, herrings ; the said master or commander shall forfeit, and pay, the value of such herrings, not marked as aforesaid, according to the price of merchantable herring, and in case the value of the said herring shall exceed the sum of fifty pounds, such master or commander shall forfeit, and pay, the sum of fifty pounds, and no more ; to be recovered by bill, plaint or information, before any of His Majesty's Courts of Record within this Province, or before any one of His Majesty's Justices of the Peace, in case the sum sued for shall not exceed three pounds ; one half to the use of His Majesty, and the other for the benefit of the person who shall sue for the same.

Penalty for master of vessel, receiving on board uninspected red or smoaked herrings.

V. *And be it further enacted,* That the Inspector of red, or smoaked, herrings, shall mark each, and every such keg, or box, of red, or smoaked herrings, as he shall have inspected, and approved, with a brand, containing the initial letters of his christian and fir name, and name of the town, at full length, for which he is Inspector ; and if any person, or persons, shall counterfeit, or be concerned in counterfeiting, the said brand, or mark, of the said Inspector, or shall, without the licence of the said Inspector, make use of his said brand, in marking any keg, or box ; or shall, by shifting, put other fish into a keg, or box, previously marked by the said Inspector, in order to evade the intent, and meaning, of this Act ; such person, or persons, so offending, shall be prosecuted as, and for, a common cheat, and be punished as such by fine, or imprisonment, at the discretion of the Court before whom he, or they, shall be convicted, as aforesaid.

Inspector to mark every keg or box with a brand of his name, &c.

VI. *And be it further enacted,* That the said Inspector or Inspectors of red, or smoaked, herrings, shall not mark any keg, but such as shall be, at least, ten inches diameter at each head, measuring within the chime, and fourteen inches in length, from the inside of one head to the inside of the other ; nor any box, but such as shall measure, on the inside, eighteen inches in length, twelve inches in breadth, and six inches in depth ; nor either keg or box, unless the same shall be sufficiently seasoned, strong, and well made, close packed with good red, or smoaked, herrings of one size, and previously marked with the initial letters of the name of the owner, or packer, and with the size of the herrings, which, if of the largest size of merchantable herrings, shall be marked number one ; if of the second size, number two, and if of the smallest size, number three.

Inspector to mark no keg or box of less size than is named in the Act.

VII. *And be it further enacted,* That the Inspector, who shall inspect, and mark, any keg, or box, of red, or smoaked, herrings, shall receive, from the owner thereof, two pence, for each and every keg, or box, so inspected or marked ; the said Inspector to open, and sufficiently reclose, the same ; and, when it shall be found necessary, to cull and repack, he shall receive, in

Inspector's Fee.

like manner, for culling and repacking each keg, or box, the sum of three pence; making in the whole, for inspecting, opening, culling, repacking, reclosing and marking, one keg, or box, the sum of five pence, and four pence per mile for his travel.

Herrings rejected by the Inspector, to be publicly destroyed.

VIII. *And be it further enacted,* That all red, or smoaked, herrings, which shall be culled out, and rejected, by the Inspector, as not merchantable, shall be publicly destroyed by the said Inspector.

After the publication of this Act, pickled fish may be exported in half, quarter and eighths of barrels.

IX. *And be it further enacted,* That, from and after the publication of this Act, it shall and may be lawful to export pickled fish, in half-quarter and eighths of barrels, provided the same shall have been gauged, and surveyed, according to law; and provided the said barrel contain sixteen gallons, the quarter-barrel eight gallons, and the eighths of barrels, four gallons each.

In counties where Town Officers have been already named, two Justices to nominate Inspectors.

X. *And be it further enacted,* That in such counties where the nomination of town-officers has already taken place for the present year, it shall and may be lawful, for any two of His Majesty's Justices of the Peace, to nominate, and appoint, Inspectors, as aforesaid, for and during the remainder of the year, or until the Inspectors shall be appointed as herein before is directed, any thing herein contained to the contrary notwithstanding.

Act in force to 1st July, 1799. Continued by subsequent Acts.

XI. *And be it further enacted,* That this Act shall continue in force to the first day of July, which will be in the year of our Lord one thousand seven hundred and ninety-nine, and until the end of the next session of General Assembly, and no longer.

### CAP III.

An ACT to enable the Officers of His Majesty's Navy, to obtain a Drawback of the Duties on Wines by them taken out of this Province, and consumed without the limits thereof.

Preamble.

**WHEREAS,** by the provisions of the existing Revenue Laws of this Province, the officers of His Majesty's Navy cannot obtain a drawback of the duties on wines, by them exported out of the same, unless they produce certificates of the landing of such wines in some other country, although such wines may have been bona fide exported out of the Province, and actually consumed on board the ships of war, or elsewhere, without the limits of the said Province; for remedy whereof:

Governor empowered to grant a licence for the purchase of wines for the use of the officers of the navy, sufficient for a period not less than 3 months, and for allowing the drawback.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That, from and after the publication of this Act, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, on the application of the captain, or officer commanding any of His Majesty's ships of war, to grant a licence to purchase, for the use of the officers of such ships, so many gallons of wine, as shall be recommended by the Commissioners of the Revenue as a reasonable allowance for the use of the officers of such ship, about to leave this Province. *Provided* that the said allowance, so to be recommended by the Commissioners of the Revenue, shall not be for a period less than three months, mentioning in such licence the name or names of the person or persons from whom such wine may be purchased, and such person or persons shall be entitled to a drawback of such proportion of the duties which may have been paid or secured thereon, as is herein after mentioned; *provided* such wine shall be shipped under the inspection of the officers of the revenue, and *bona fide* carried out of the Province, and the person or persons selling the same shall make all the proofs, and perform all the requisites, which the Laws of this Province require to be made and performed at the time of exporting any article for a drawback of the duties; *and provided* that the officers, for whose use such wine may be purchased, shall certify, under their hands, that such wine was actually on board one of His Majesty's ships then ready for sea, and that no part thereof shall, with their knowledge,

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