

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Thursday the Sixth day of February, 1812, and continued by several Prorogations to Thursday the Eighth day of February, 1816, in the Fifty-sixth year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith &c. &c. being the Sixth Session of the Tenth General Assembly, convened in the said Province. From Henry H. Cogswell, The Statutes at Large passed in the General Assembly held in His Majesty's Province of Nova Scotia: from the Sixth Session of the Eighth General Assembly, to the Fifty-Sixth year of his Majesty's Reign. John Howe and Son, 1816.

56 George III – Chapter 10

An Act for the encouragement of the Trade of this Province, in Plaister of Paris, otherwise called Gypsum.

Be it enacted, by the Lieutenant-Governor, Council and Assembly, that, from and after the first day of May next, no plaister of Paris, otherwise called gypsum, which shall be laden or put on board any ship or vessel, at any port or place within the limits of this province, to be transported from thence to any other port or place within or without the same limits, shall directly or indirectly, be unladen or landed, or put on shore, at any other port or place within the limits of this province, except the harbours of Annapolis Royal, of Digby, of Yarmouth, of Halifax, of Shelburne, and of Liverpool; nor at any port or place in the United States of America eastward of Boston, in the state of Massachusetts, except the port of St. John, in New Brunswick, nor unladen or put on board any American ship, vessel, boat or shallop, of any description at any port or place eastward of Boston aforesaid, under the penalty of the forfeiture of every such ship or vessel, from which any such plaister of Paris or gypsum shall be unladen contrary to the provisions of this Act, together with her boars, tackle, apparel and furniture, to be seized and prosecuted in manner herein after mentioned.

II. And be it further enacted, that no plaister of Paris or gypsum, shall be laden on board any ship or vessel, at any port or place within the limits of this province, to be transported from thence to any other port or place within or without the same limits, until bond shall be given to his Majesty at the office of the collector of import and excise, at or nearest to the port or place where such plaister shall be intended to be so laden, by the owner or master of such ship or vessel, with one sufficient surety, in a sum double the amount of the value of the plaister so intended to be shipped, estimating each ton at twenty shillings, with a condition to render the same void, if the said plaister or gypsum so intended to be laden or put on board such ship or vessel shall not, directly or indirectly, be unladen or landed, or put on board such ship or vessel shall not, directly or indirectly, be unladen or landed, or put on shore at any other port or place within the limits of this province, except the harbours of Annapolis Royal, Digby, Yarmouth, Shelburne, Halifax, and Liverpool; nor at any port or place in the United States of America eastward of Boston, aforesaid, in the state of Massachusetts, nor unladen or put on board any ship, vessel, boat or shallop, of any description, at any port or place eastward of Boston, aforesaid, except the port of St. John, in New-Brunswick; and

the said collector of impost and excise shall forthwith, upon the execution of such bond, give to the master of such ship or vessel, a certificate that such bond as aforesaid, has been given; which certificate shall be kept by the said master to be produced by him as occasion may afterwards require; and if such plaister of Paris or gypsum shall be laden or put on board any ship or vessel, at any port or place, within the limits of this Province, to be transported from thence to any other port or place within or without the same limits, before such bond as aforesaid shall be given, every such ship or vessel, and the plaister so laden before such bond given as aforesaid, together with her boats, tackle, apparel and furniture, shall be forfeited, and shall and may be seized and prosecuted in manner hereinafter mentioned.

III. And be it further enacted, that if any ship or vessel, on board which any plaister or Paris or gypsum, shall be laden as aforesaid, at any port or place within the limits of this province, shall be afterwards found in any other place, not having such certificate as aforesaid of such bond as aforesaid having been given, every such ship or vessel, and the said plaister on board such ship or vessel, together with her boats, tackle, apparel and furniture, shall be forfeited, and shall and may be seized and prosecuted in manner hereinafter mentioned.

IV. And be it further enacted, that any bond given under and by virtue of this Act, shall and may be cancelled by the said collector of impost and excise, at any time within six calendar months next after giving the same, upon the production of a certificate from the collector of customs of the port, or from any British consul or vice-consul at or near such place, that such plaister was actually unladen from such ship or vessel at such port, or at Boston, or at a place to the westward of Boston aforesaid; and if the plaister mentioned in such bond shall have been unladen in wither of the harbours of Annapolis Royal, Digby, Yarmouth, Shelburne, Halifax, Liverpool, or the port of St. John, in New Brunswick, then and in such case upon the production of a certificate from the collector of impost and excise, or the treasurer at St. John, in New-Brunswick, that such plaister was actually unladen as last aforesaid. Provided always, that in case of the shipwreck, or loss at sea, proof of the same, to the satisfaction of the said collector of impost and excise, shall be equivalent to any such certificate as aforesaid.

V. And be it further enacted, that for every bond and certificate herein before required to be given as aforesaid, the collector of impost and excise shall be entitled to demand and receive the sum of five shillings, and no more.

VI. And be it further enacted, that it shall and may be lawful for the collectors of impost and excise within this province, or either of them, and they are hereby authorised and required, to seize and take, any ship, vessel, boat or shallop, and the plaister on board, which shall be liable to forfeiture under this act, and to detain and prosecute the same to final judgement.

VII. And be it further enacted, that any person or persons producing, or attempting to produce, or having at any time produced, any false or fraudulent certificate, paper or papers, vouch or vouchers, in order to cancel any bond required by this Act, or in any

manner to evade the true intent and meaning of this Act, such offender and offenders, shall each and every one of them forfeit and pay the sum of one hundred pounds.

VIII. And be it further enacted, that all fines, penalties and forfeitures, for any offence against this Act, shall be prosecuted, levied and recovered, by bill, plaint or information, in His Majesty's Supreme Court of this province: and one moiety of such fines, penalties and forfeitures, shall be to His Majesty, to be applied to the support of the government of this province; the other moiety to him or them who shall discover, inform, or sue for the same, together with full costs of suit; and that on all prosecutions for any fines, penalties and forfeitures, for any offence against this Act, the prosecutor and defendant shall be entitled to demand a special jury for the trial thereof, and to take depositions of witnesses, to be used in evidence at such trial, as is practiced and authorised by the laws and usages, of this province in civil actions.

IX. And be it further enacted, that in all cases of hardship which may arise in the continuation of, and in carrying into execution, the provisions of this Act, relief may be had by applying the Governor, Lieutenant-Governor, or Commander in Chief for the time being, who is hereby authorised, with the advice of His Majesty's Council, to direct the release of any seizure made, or to discontinue or stay any prosecutions for penalties which may have been, or may be intended to be, instituted, upon such terms as he may deem equitable.

X. And be it further enacted, that nothing in this Act shall be construed to extend to the carriage of plaister of Paris or gypsum, in any boat, lighter, drogher, or other vessel, employed within any river of this province, and not without the same, in transporting plaister of Paris or gypsum from the shores of such river to vessels lading at the mouth thereof, or from the shores of such river to any wharf or place of landing within such river.

XI. And be it further enacted, that this Act shall not be in force until an Act, passed in the province of New-Brunswick, on the eleventh day of March, in the year of our Lord one thousand eight hundred and sixteen, intituled "An Act for the Encouragement of the Trade of that Province, in Plaister of Paris, otherwise called Gypsum," shall be published, and made known by proclamation, from the Governor, Lieutenant-Governor, or Commander in Chief, of that Province, for the time being, agreeably to the ninth section of the said Act.

XII. And be it further enacted, that this Act shall continue and be in force five years, and thence to the end of the next session of the General Assembly, and no longer.

XIII. And be it further enacted, that this Act shall not be in force until His Majesty's Royal Approbation be thereunto had and declared.