

may raise dams  
half across the  
river.

gangaudavick, in any part thereof above the carrying-place or portage before-mentioned, shall have a power or privilege to erect a dam or dams, or to lay a boom or booms which shall not extend more than half way across said main river, the half distance to be estimated in the drought of summer or in the season when the water of this river shall be deemed at the lowest.

Dams &c. may  
be made across  
the river above  
the grand forks,  
leaving fairer-  
ways for boats,  
&c.

V. *Provided*, That above the grand forks, supposed about twenty-seven miles from the first falls, any person may have permission to throw a dam or boom across the river, provided there is left in said dam or booms, sufficient sluiceway or passage for conveying boats, rafts of boards, or other lumber through the same. And every person convicted of offending herein, on trial by indictment for a public nuisance, at the court of sessions held for the county, shall be fined at the discretion of the said court, not exceeding twenty pounds, who are hereby empowered on such conviction, to order the said nuisance to be abated.

Two justices  
may on view or  
der such booms  
removed.

VI. *And be it enacted*, That any two of his Majesty's justices of the peace upon their own view or upon the oath of two or more credible witnesses, have power, and they are hereby directed to order any such boom or booms to be removed.

### CAP. XXXV.

## An ACT to prevent the malicious killing or maiming of CATTLE.

*Be it enacted by the Governor, Council and Assembly,*

Persons mali-  
ciously killing  
horses, &c. shall  
forfeit treble  
damages to the  
owner.

**T**HAT if any person or persons shall maliciously, unlawfully and willingly kill, maim, wound or otherwise hurt any horses, neat cattle, swine, sheep or other cattle, every such offender or offenders shall forfeit and pay unto the party grieved, treble the damages which he or they shall sustain, to be recovered by action of trespass, or upon the case in any of his Majesty's courts of record in this province.

### CAP. XXXVI.

## An ACT for regulating Inn-holders, Tavern-keepers, and Retailers of Spirituous Liquors.

*I. Be it enacted by the Governor, Council and Assembly,*

Retailers &c.  
selling wine, &c.  
on trust to sel-

**T**HAT from and after the publication hereof, no retailer, inn-holder, tavern or ale-house keeper, who shall sell  
upon

upon trust or credit, any wine, strong beer, ale, brandy, rum or other spirituous liquors mixt or unmixt, to any soldier, sailor, servant, or other person whatsoever, to the amount of any sum exceeding the sum of five shillings, shall have any remedy to recover the same either at law, or in equity, against any of the persons aforesaid their executors or administrators.

diers, &c. for more than 5s. without remedy.

II. *And be it further enacted*, That in case any soldier, sailor, servant, apprentice, bound servant, or other person whatsoever, shall leave any pawn or pledge as a security for the payment of any sum exceeding five shillings contracted in such manner, such soldier, sailor, servant, apprentice, bound servant, or other person whatsoever, or the masters or mistresses of such servant, apprentice or bound servant, may complain to any justice of the peace, where such retailer, inn-holder, tavern, or ale-house keeper, or any other person whatsoever receiving such pawns or pledges usually resides; that such pawn or pledge is detained from him or her by such retailer, inn-holder, tavern or ale-house keeper, or any other person whatsoever, and having made proof thereof by the oath of one or more credible witnesses, or witnesses, such justice of the peace is required by warrant under his hand and seal to compel such retailer, inn-holder, tavern or ale-house keeper or other person whatsoever, by distress and sale of his goods to restore the aforesaid pawn or pledge to the party complaining or to make him or her satisfaction for the loss or abuse thereof and shall further be subject to a fine not exceeding five pounds for the use of the poor of the town or parish where such offence shall be committed.

Pawns &c. left for securing payment of any sum exceeding 5s. contracted as aforesaid, shall be restored by order of a justice and the offenders subject to a fine not exceeding 4s.

III. *And be it further enacted*, That no retailer or person whatsoever shall harbour, or suffer any apprentice or servant whatsoever, to sit drinking in his or her house, nor sell or give him, her or them, nor suffer to be sold or given him, her or them, any of the liquors aforesaid, without special order or allowance of their respective masters or mistresses on pain of forfeiting the sum of ten shillings for every such offence, together with the charges of prosecution to be recovered, upon conviction on the oath of one credible witness before any one of his Majesty's justices of the peace within the county where the offence shall be committed, or such other proof as shall be to the satisfaction of such justice, and to be levied by warrant of distress and sale of the offender's goods and chattels, under the hand and seal of the said justice, and for want of sufficient distress said justice shall and may commit such offender to his Majesty's gaol, there to remain for the space of one month, or until he shall have paid and satisfied the same. And such sum so levied shall, by the said justice be paid into the hands of the overseers of the poor of the town or parish where the offence shall be committed, to be by them applied to the use of the poor of such town or parish.

Retailers &c. harbouring or suffering apprentices to sit drinking in their houses or selling them spirituous liquors without order &c. shall forfeit 10s. for each offence.

This act not to extend to travellers, &c.

IV. *Provided always*, And nothing herein contained shall extend to debar any retailer, inn-holder, tavern or ale-house keeper, from furnishing any traveller, or boarder in his family with necessary refreshments on credit.

## CAP. XXXVII.

### An ACT for REGULATING SERVANTS.

Preamble.

**W**HEREAS damage and inconvenience may arise from apprentices and indented servants leaving the service of their masters without a proper discharge.

Indented servants or apprentices shall, at the expiration of their term of service, receive a discharge.

II. *Be it enacted by the Governor, Council and Assembly*, That from and after the publication of this act, all servants or apprentices bound by indenture, shall at the expiration of the term for which they are engaged, require and receive from their master or mistress a discharge or certificate of such servants having served his or her time.

Persons hiring or harbouring servants or apprentices, not producing a discharge, shall forfeit £5.

III. And if any person shall knowingly hire or harbour any indented servant or apprentice till he or she shall produce such certificate or discharge, such persons so offending and being thereof convicted before the general session of the peace, shall forfeit and pay five pounds to be levied by distress and sale of the offender's goods and chattels, by warrant from such general sessions, one half of which shall be to the prosecutor, and the other half for the benefit of the county where the same shall be recovered.

Indented servants and apprentices absenting themselves shall make satisfaction by service.

IV. And all indented servants and apprentices as aforesaid, who shall absent themselves from their service, shall be liable to make satisfaction by service after the time of their indenture is expired, double the time of service so neglected, and if their absence was in seed time or harvest, or the charge of recovering them be extraordinary, the court before whom complaint is made, shall adjudge a longer time of service proportionable to the damage the master shall make it appear he has sustained.

Justices of the peace may give discharges, where masters unreasonably refuse.

V. And in case any person shall refuse his or her servant a certificate or discharge as aforesaid, such servant may apply to one of his Majesty's justices of the peace in the county where said master or mistress does reside, who shall give notice to said master or mistress, and require the reasons for such refusal, and in case no regard is paid to such notice within five days, or the justice by a reply shall find no sufficient cause for such refusal, he shall without any fee, give such servant a certificate to that purpose, which shall be a sufficient discharge from said indenture. And

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