

fifty pounds with two sufficient sureties, and shall be sworn to the diligent and faithful discharge of their trust, and continue in said office till other proper persons be appointed in their stead.

VIII. *And be it further enacted*, That all fines or forfeitures arising by force or virtue of this act, shall be one half to him or them who shall sue for the same, and the other half for the benefit of the county where such fraud shall be committed. And if the same shall not exceed twenty shillings, it shall be recoverable before any one of his Majesty's justices of the peace, or where the same is more than twenty shillings and does not exceed three pounds, before any two of his Majesty's said justices, on the oath of one credible witness, by warrant of distress and sale of the offender's goods and chattels, under the hand and seal of said justice or justices, and for want of sufficient distress such offender to suffer not less than twenty nor more than sixty days imprisonment. And in case such fine or the value thereof shall exceed three pounds, the same may be recovered by him or them who shall sue for the same in any of his Majesty's courts of record in this province.

Forfeitures how recovered.

IX. *Provided always*, That all prosecutions by force of this act shall be commenced within six months after the time such offence was committed.

Prosecutions to be commenced within six Months.

X. *And be it further enacted*, That this act shall be read and published once every year at the opening of the first general quarter sessions of the peace for the several counties within this province.

To be read every year at the opening of the Sessions.

CAPIT.

An ACT to prevent FRAUDS in the SALE of DAMAGED GOODS imported into this province.

WHEREAS goods imported here, and insured in Great-Britain and elsewhere, are sometimes sold in this city or other port within this province for the account of the insurers; wherefore to prevent frauds in such sales.

Preamble.

I. *Be it enacted by the Governor, Council and Assembly*, That all damaged goods hereafter to be sold for account of the insurers shall be surveyed by the master, or one or more of the wardens of the port of Saint John for the time being, or other port within this province, at or upon the first unloading thereof, or as soon thereafter as the same are discovered to be damaged, which said master or wardens are to determine if the same has been properly

Damaged goods sold on account of insurers, to be surveyed by the master or warden of the port.

Sale to be public and in presence of the warden between the hours of eleven and three after advertising &c. and in separate parcels if most for the interest of the insurers.

The original invoice of the goods to be produced at the sale.

Vendue master and master or warden of the port to subscribe an account of the survey and proceedings and give a certificate &c.

Fees of the master and wardens.

Vendue master or master and warden offending against this act to forfeit &c.

No sales of damaged goods for the insurers, to be in other manner than herein provided, under forfeiture of double value. Penalties, &c. to be recovered in any court of record, one moiety to the informer the other to the province treasurer &c.

This act to continue in force until March 1786.

flowed; which sale shall be made in his or their presence at public vendue, in the most public and convenient place within the said city, between the hours of eleven in the morning and three in the afternoon first advertising the sale thereof at least twenty four hours; which said goods shall be only such as are really damaged in the judgment of such master or wardens, and the sale thereof shall be in such separate pieces or small parcels at a time as such master or warden shall think most for the interest of the insurers; and the person that shall order such damaged goods to be sold, shall at the time of the sale produce to the by-standers the original invoice of the sterling cost of such damaged goods, as he shall direct to be sold, for account of the insurers, unless such person do make oath that no such invoice is come to his hand.

II. *Be it enacted*, That of all sales of damaged goods for the account of the insurers, the vendue master or person acting as such, and master, or one or more of the wardens shall subscribe an account of every survey and the proceedings thereon, and the said master or wardens shall give a certificate to the end that the true damage may thereby appear.

III. *Be it also enacted*, That the master and warden or wardens, shall each receive seven shillings and six-pence a day for attending the services above-mentioned, to be paid by the persons at whose request the sale is made, and for every certificate five shillings. And that the vendue master or person acting as vendue master, and the master and wardens or either of them so offending against this act, shall for every offence forfeit the sum of twenty pounds; and that no person shall make any sale of goods for account of such insurers except in the manner above directed, nor make any demand for a loss without producing the account of sales and certificate above required, or a true copy thereof under the forfeiture of double the value of the amount of such sales; all and every of which said penalties and forfeitures may be recovered in any court of record in this province, by bill, plaint, or information, wherein no more than one imparlance shall be allowed, one moiety whereof shall be to any person suing for the same, and the other moiety to be paid to the treasurer of this province to be applied towards the support of government, in the manner hereafter to be directed.

IV. *And be it enacted*, That this act shall continue and be in force until the first day of March, one thousand seven hundred and eighty nine.