

in like manner as upon disobedience to any writ originally awarded by the said Court: Provided also, that if such writ shall be awarded by the said Supreme Court in term, but so late that in the judgment of the Court obedience thereto cannot be conveniently paid during such term, the same shall and may, at the discretion of the said Court, be made returnable at a day certain in the then next vacation, before any Justice of the same Court, who shall and may proceed thereupon in such manner as by this Act is directed concerning writs issuing in and made returnable during the vacation.

II. And be it further enacted, That although the return to any such writ of *Habeas Corpus* shall be good and sufficient in law, it shall be lawful for the Justice before whom such writ may be returnable to proceed to examine into the truth of the facts set forth in such return, and into the cause of such confinement or restraint, by affidavit or by affirmation (in cases where an affirmation is allowed by law), and to do therein as to justice shall appertain; and if such writ shall be returned before any one of the said Justices, and it shall appear doubtful to him on such examination, whether the material facts set forth in the said return, or any of them be true or not, in such case it shall and may be lawful for the said Justice to let to bail the said person so confined or restrained, upon his or her entering into a recognizance with one or more sureties, or in case of infancy or coverture, or other disability, upon security by recognizance in a reasonable sum, to appear in the said Supreme Court, upon a day certain in the term following, and so from day to day as the Court shall require, and to abide such order as the Court shall make in and concerning the premises; and such Justice shall transmit into the same Court the said writ and return, together with such recognizance, affidavits and affirmations; and thereupon it shall be lawful for the said Court to proceed to examine into the truth of the facts set forth in the return, either in a summary way by affidavit or affirmation (in cases where by law affirmation is allowed), or by directing one or more issues for the trial of the facts set forth in the said return or any of them, and to order and determine touching the discharging, bailing or remanding the party, as to justice shall appertain.

III. And be it further enacted; That the like proceeding may be had in the Court for controverting the truth of the return to any such writ of *Habeas Corpus* awarded as aforesaid, although such writ shall be awarded by the said Court itself or be returnable therein.

IV. And be it further enacted, That it shall and may be lawful for the Court or Justice proceeding on any such writ of *Habeas Corpus* to make such order in regard to the payment of the charges and expenses of bringing up the party so confined and restrained, and for carrying him or her back to his or her place of confinement in case of remanding, as to such Court or Justice shall upon examination thereof seem meet, and for non-payment thereof to award process of contempt, whereupon such proceedings shall be had as in other cases of contempt for non-payment of costs.

Justice may examine into the truth of the fact set forth in the return and cause of confinement.

Confined person may be let to bail if the truth of the facts stated in the return be doubtful.

Writ, &c. to be transmitted into the Court. Court to examine into the fact.

Like proceedings may be had although writ be awarded by the Court.

Court or justice may order payment of charges and expenses, and for nonpayment award process of contempt.

CAP. XXXVII.

An Act imposing duties upon certain articles imported into this Province for the purpose of Revenue.

Passed 16th March 1836.

WE, His Majesty's dutiful and loyal subjects, the Assembly of New Brunswick, in General Assembly convened, for raising the necessary supplies

‘supplies to defray the expenses of His Majesty’s Government within this Province, have freely and voluntarily resolved to give and grant to the King’s most excellent Majesty the several rates and duties hereinafter mentioned, and do therefore pray your Excellency that it may be enacted;’

Duties on imported articles granted to His Majesty, for the use of the Province and support of the Government.

I. And be it enacted by His Excellency the Lieutenant Governor, by and with the advice and consent of the Legislative Council and Assembly, and by the authority of the same, That on and after the first day of April which will be in this present year of our Lord one thousand eight hundred and thirty six, there be and are hereby granted to the King’s most excellent Majesty, his heirs and successors, for the use of this Province and for the support of the Government thereof; the several rates and duties hereinafter mentioned on the following articles, which may be imported or brought into this Province either by sea, by inland navigation or by land, from any part of the British Empire or from any Foreign port or place, or which may be saved from any wrecked or stranded ship or vessel, viz. :

Rum &c.

For and upon all rum, spirits, gin, hollands, geneva, whiskey and cordials, one shilling and sixpence per gallon;

Brandy.

For and upon brandy, two shillings per gallon;

Wines.

For and upon all wines, the sum of ninepence per gallon, and further twenty five *per cent.* upon the true and real value thereof at the place from whence they were imported;

Molasses.

For and upon all molasses, one penny per gallon;

Shrub, Santa or Lime Juice.

For and upon all shrub, santa or lime juice, sixpence per gallon;

Dried Fruits.

For and upon every hundred weight of dried fruits, five shillings;

Coffee, Sugars.

For and upon all coffee, loaf or refined sugar, one penny per pound;

For and upon all brown or Muscovado sugar, on the quantity mentioned in the original invoice, allowing twenty five *per cent.* for tare and wastage, two shillings and sixpence per hundred weight;

Horses.

For and upon every foreign horse, two pounds ten shillings;

Oxen.

For and upon every foreign ox, one pound;

Cows.

For and upon every foreign cow or other horned cattle, three pounds ten shillings;

Dead fresh meats.

For and upon every hundred pounds of foreign dead fresh meats of all kinds, six shillings and eight pence;

Foreign manufactured articles.

For and upon the following foreign manufactured articles when not imported from the United Kingdom, upon every hundred pounds of the real value thereof, the rates and duties following (that is to say) :

For and upon all chairs, clocks, clock cases, clock movements or machinery, watches, and upon every description of household furniture, pictures, mirrors or looking glasses, twenty five pounds;

For and upon all soap and candles, ten pounds;

For and upon all tobacco, five pounds;

Nonsenumerated articles.

And for and upon all other foreign articles manufactured or not manufactured, not hereinbefore enumerated or described, when not imported from the United Kingdom, upon every hundred pounds of the real value thereof, ten pounds; excepting nevertheless :

[Exceptions.]

Bees wax, bristles, books printed and pamphlets, beans, barley, bread, cotton wool, cordage, canvas, dye woods, felt, flour and meal of all kinds (buckwheat excepted), grass seeds and all other kind of seeds and plants, hides, horse hair, horns, hemp, indigo, iron, india rubber, indian corn, liquors otherwise charged with duty, lumber of all kinds, leaf tobacco, lignumvitæ, mahogany logs or boards; meats (dried or salted), mill saws, oats, pitch, peas, rosin, rice, rye, salt, tar, turpentine, tallow, tea, vinegar, wheat;

For

For and upon all articles of the manufacture of the United Kingdom, imported or brought into this Province, whether by sea or inland carriage or navigation, or which may be saved from any wrecked or stranded ship or vessel, for every hundred pounds of the real value thereof, the sum of two pounds ten shillings, excepting nevertheless :

British man-
ufactures.

 Anchors, barley (pot or pearl), beef, bacon, books (printed), bread, bunting, coals, copper (bolt and sheet), copper spikes and nails, canvas, coal tar, cordage, duck, felt patent, fishing nets, fishing hooks, fishing lines and twines, flour and meal of all kinds, iron (bolt, square, flat, pig or sheet), iron block bushes, loaf or refined sugar (otherwise charged with duty), lead (bar and sheet), mineral salt, malt, machinery for mills or steam boats, mathematical instruments of all kinds, maps, oakum, pork, printing paper, steel, salt, spikes and sheathing nails, ships tackle and apparel, sheathing paper, tin in sheets or block, zinc;

[Exceptions.]

For and upon all leather or any article made of leather, and on malt liquor, not being of foreign manufacture or the manufacture of the United Kingdom, imported or brought into this Province, five pounds for and upon every one hundred pounds of the value thereof at the place of the last shipment;

Colonial leath-
er, and malt
liquor.

And for and upon all articles manufactured of silk or cotton in the British East India possessions, upon pepper and all description of spices from whatever place imported, two pounds ten shillings upon every one hundred pounds of the value of the said articles at the place of the last shipment.

British East In-
dia Silk or Cot-
ton manufact-
ures, Pepper
and Spices.

All which duties shall be paid by the importer or importers of such articles respectively, notwithstanding any duties which are or may be imposed and collected under any Act or Acts of the Imperial Parliament, and shall be collected and secured by the means and under the regulations and penalties, and shall be drawn back on exportation or warehoused in the way and manner provided by an Act of the present Session of the General Assembly for collecting the revenue of the Province.

Duties to be
paid notwith-
standing duties
imposed under
Acts of Parlia-
ment.

II. And be it further enacted, That all goods which have been warehoused in this Province before this Act comes into operation, and which shall remain so warehoused after the operation thereof commences, and on which the provincial duties heretofore imposed have not been paid or secured by a subsisting or continuing security, shall in lieu of all former duties become liable to and be charged with the provincial duties hereby imposed on the like goods and merchandize.

Goods in ware-
house and on
which duties
have not been
secured, to be
liable to duties
imposed by this
Act.

III. And be it further enacted, That when any articles that shall have been warehoused or on which duties have been paid under this or any other or previous Act, shall be exported for the use of the deep sea or whale fisheries, the amount of such duties shall be repaid to the exporter by the Treasurer or deputy Treasurer, or the warehouse bond cancelled, on affidavit of the exporter of the same having been so exported for the use aforesaid.

Duties to be re-
paid or ware-
house bonds
cancelled as to
goods exported
for the deep sea
or whale fishery.

IV. And be it further enacted, That this Act shall continue and be in force until the first day of April which shall be in the year of our Lord one thousand eight hundred and thirty seven.

Limitation.

CAP. XXXVIII.

An Act to appropriate a part of the public revenue to the payment of the ordinary services of the Province.

Passed 16th March 1836.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, That there be allowed and paid out of the Treasury of the Province for the services hereinafter mentioned, the following sums, to wit: To