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*Repealed by 10/10/10  
C. 42*

CAP. XXXIII.

An Act in addition to the Registry Acts of this Province.

*Passed 19th March 1841.*

Preamble.

2 Vic. C. 43.

2 Vic. C. 43 repealed.

No Mortgage &c. to have priority by reason of being held with another Mortgage &c.

Registry of Memorial of Judgment to be void unless registered within five years before a subsequent deed.

**W**HEREAS it was the object and intention of an Act made and passed in the second year of the Reign of Her present Majesty, intituled "An Act to declare the priority of Registered Deeds and other incumbrances upon Land," to declare the Law as it stands under the Registry Acts of this Province with regard to tacking together mortgages and other incumbrances on Land: And whereas doubts are entertained whether the terms used in the said Act will not give it a more extensive operation than was intended; for remedy whereof;

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the said recited Act be and the same is hereby repealed: and in lieu thereof,

II. Be it declared and enacted, That no mortgage, judgment or other incumbrance on Land, shall have any priority or effect by reason of being held by or vested in the same person with another mortgage or incumbrance of prior date and registry, any law, usage or custom to the contrary notwithstanding.

III. And be it enacted, That from and after the first day of May which will be in the year of our Lord one thousand eight hundred and forty two, Judgments of the Supreme Court of this Province shall after the expiration of five years from the time of the registry of a Memorial thereof, as required in and by the provisions of an Act made and passed in the eighth year of the Reign of His late Majesty King George the Fourth, intituled "An Act to provide for the registering of Judgments and Recognizances which are intended to bind or affect real estate," be null and void against any Lands, Tenements or Hereditaments as to purchasers or mortgagees for valuable consideration, unless a like Memorial as was required in the first instance, is again registered within five years before the deed or instrument of conveyance to any such purchaser or mortgagee is duly registered: Provided always, that any bona fide sale of such Lands, Tenements or Hereditaments which may have taken place under execution issued on any such Judgment, before the registry of the deed or conveyance to such purchaser or Mortgagee shall in no wise be affected by this Act.

*Memorial  
57 Feb 41  
Proviso.*

CAP. XXXIV.

An Act imposing Duties for raising a Revenue.

*Passed 26th March 1841.*

**W**E, Her Majesty's dutiful and loyal Subjects, the Assembly of New Brunswick in General Assembly convened, for raising the necessary supplies to defray the expenses of Her Majesty's Government within this Province, have freely resolved to give and grant to the Queen's Most Excellent Majesty the several rates and duties in the Schedule hereinafter mentioned, and do therefore pray Your Excellency that it may be enacted;

Duties granted for the use of the Province and support of the Government on articles specified in the Schedule.

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 forty one, there be and are hereby granted to the Queen's Most Excellent Majesty, Her Heirs and Successors, for the use of this Province and for the support of the Government thereof,

the

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the several rates and duties inserted, described and set forth in figures in the Table of duties hereinafter contained, denominated "Schedule of Articles subject to duty and Articles exempted from duty," opposite to and against the respective Articles in the said Table or Schedule mentioned, described and enumerated, and according to the value, number or quantity of such Articles therein specified, whether 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.

II. And be it enacted, That the several duties hereinbefore imposed and in the said Table or Schedule mentioned, shall be paid by the importer or importers of such Articles respectively, and shall be held and taken to be in addition to and over and above any duties which are or may be imposed and collected by any Act or Acts of the Imperial Parliament, and shall be collected and secured by means and under the regulations and penalties, and shall be drawn back on exportation or warehoused in the way and manner provided by any Act or Acts of the General Assembly for collecting the Revenue of the Province.

To be in addition to any duties imposed by Acts of Parliament.

III. And be it enacted, That all goods which shall 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 Provincial duties hereby imposed on the like goods and merchandize, and shall be paid at the time of taking such goods and merchandize out of the warehouse.

Warehoused goods on which duties have not been secured to be liable to duties imposed by this Act.

IV. And be it enacted, That when any articles that shall have been warehoused, or on which duties shall have been paid under this or any other 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 repaid or Warehouse Bond cancelled as to goods exported for the deep Sea or Whale fishery.

V. And be it enacted, That the duties which may be paid upon any Articles seized by the Officers of Her Majesty's Customs, shall be paid by the Treasurer to the person or persons making such seizure, as a Bounty for such seizure.

Duties on seizures to be paid over as a bounty.

VI. And be it enacted, That all the duties by this Act imposed shall be collected, paid and received according to the weights and measures now in use in this Province; and that in all cases where the said Colonial duties are in this Act imposed according to any specific quantity or any specific value or number, the same shall be deemed to apply in the same proportion to any greater or less quantity, value or number.

Duties to be paid according to weights and measures in use, and in proportion for greater or less quantities.

VII. And be it enacted, That this Act shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty two.

Limitation.

*Schedule of Articles subject to Duty and Articles exempted from Duty.*

	£	s.	d.	Schedule of articles liable to duty and rate.
SPIRITS, <i>videlicet</i> ,				
Brandy, per gallon,	0	2	3	
Rum or Spirits, per gallon,	0	1	6	
And further, for and upon all Rum or Spirits stronger than of the proof of 26 by the bubble, for every bubble below 26, an additional, per gallon,	0	0	1	
Being of Foreign production, a further and additional, per gallon,	0	0	6	
Geneva, Gin, Hollands or Cordials, per gallon,	0	1	6	
Whiskey,				

Schedule of articles liable to duty and rate, continued.

Whiskey, per gallon,	0	2	0
Shrub, Santa, Lime Juice, per gallon,	0	0	6
<i>WINES, videlicet,</i>			
Hock, Constantia, Malmsey or Tokay, per gallon,	0	3	1
Champagne, Burgundy or Hermitage, per gallon,	0	2	10
Claret, called Lafitte, Latour, Margeaux, or Hautbrain, per gallon,	0	2	7
Madeira and Port, per gallon,	0	2	4
Sherry Wine, of which the first cost is £20 or upwards per pipe, per gallon,	0	2	1
Other Claret Wines:—Barsac, Sauterne, Vin de Grâve, Moselle and other French Wines, and Lisbon and German Wines, per gallon,	0	1	10
All other Sherry Wines, Teneriffe, Marsala, Sicilian, Malaga, Fayal, and all other Wines, per gallon,	0	1	3
All Wines the produce of the Cape of Good Hope, (except Constantia,) per gallon,	0	1	3
<i>SUGAR, videlicet,</i>			
Muscovado or Brown, per hundred weight,	0	2	6
And on Foreign Sugar, an additional, per hundred weight,	0	1	3
Loaf, Lump or Refined, per pound,	0	0	1
COFFEE, per pound,	0	0	1
DRIED FRUITS, per hundred weight,	0	5	0
MOLASSES, per gallon,	0	0	1
Being of Foreign production, an additional, per gallon,	0	0	1
<i>TOBACCO, videlicet,</i>			
Manufactured, (except Snuff and Cigars) per pound,	0	0	1
Snuff and Cigars, for every £100 of the true and real value thereof,	10	0	0
<i>CATTLE.</i>			
For and upon every Foreign Horse,	5	0	0
For and upon every Foreign Ox,	1	5	0
For and upon all other Foreign Horned Cattle,	1	5	0
For and upon all Foreign dead fresh Meats, per pound,	0	0	1
For and upon the following Foreign Manufactured Articles, when not imported from the United Kingdom, <i>videlicet,</i>			
Chairs, or prepared parts of or for chairs,	}	For every £100 of the true and real value thereof,	25 0 0
Clocks,			
Clock Cases,			
Clock Movements or Machinery,			
Watches,			
Household Furniture,			
Pictures,			
Mirrors,			
Looking Glasses,			
And for and upon all Soap and Candles, Indian Rubber Shoes, and all other Foreign Articles, manufactured or not manufactured, not otherwise charged with duty, nor hereinafter declared to be free of duty,	}	For every £100 of the true and real value thereof,	10 0 0
SILK, and for all Manufactures of which Silk shall form a component part,			
			and

Schedule of articles liable to duty and rate, continued.

And for and upon all Articles, 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, or not otherwise charged with duty, nor hereinafter declared to be free of duty; also all manufactures of Cotton, of the British East India possessions, Pepper, and all other description of Spices.

For every £100 of the true and real value thereof, 2 10 0

Colonial Leather, and Malt Liquor } For every £100 of the true and real value thereof, 5 0 0

For and upon all Foreign Wheat and Flour imported from Nova Scotia, for each and every Barrel of one hundred and ninety six pounds, 0 5 10

EXCEPTIONS

To all Foreign Articles, Manufactured or not Manufactured, videlicet,

- Agricultural Implements, (Axes excepted,)
- Barrilla Ashes,
- Bees Wax,
- Bristles,
- Books (Printed) and Pamphlets,
- Beans,
- Bricks,
- Bread,
- Cotton Wool,
- Cows,
- Cordage,
- Canvas,
- Dye Wood,
- Felt,
- Flour and Meal of all kinds, (Buckwheat Flour excepted,)
- Fresh and Green Fruits of all kinds,
- Grass Seed and all other kinds of Seeds and Plants,
- Grain of all kinds,
- Ground Gypsum,
- Hay,
- Hides,
- Horse Hair,
- Horns,
- Hemp,
- Hops,
- Indigo,
- Iron,
- India Rubber,
- Lumber of all kinds, (Cedar, Pine, Spruce and Hemlock Shingles excepted,)
- Leaf Tobacco,
- Lignumvite,
- Looking Glass Plates, and Picture and Plate Glass,
- Mahogany Logs, Boards and Veneers,
- Meats, Dried and Salted,
- Mill Saws,

Articles exempted from duty.

DUTY FREE.

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Articles exempted from duty, continued.

- Palm Oil,
- Pitch,
- Peas,
- Potashes,
- Rosin,
- Rice,
- Salt,
- Tar,
- Turpentine,
- Tallow,
- Vinegar,

DUTY FREE.

To all Articles the Manufacture of the United Kingdom, videlicet,

- Agricultural implements,
- Anchors,
- Barley, Pot or Pearl,
- Beef,
- Bacon,
- Books, (printed) and Pamphlets,
- Bread,
- Bunting,
- Bricks and Tiles,
- Coals,
- Copper, Bolt and Sheet,
- Copper, Spikes and Nails,
- Canvas,
- Coal Tar,
- Cordage,
- Duck,
- Felt, patent,
- Fishing Nets,
- Hooks, Lines and Twines,
- Flour and Meal of all kinds,
- Globes,
- Iron, bolt, bar, square, pig or sheet,
- Iron Block Bushes,
- Lead, bar and sheet,
- Mineral Salt, and Salt of all kinds,
- Malt,
- Machinery for Mills or Steam Boats,
- Mathematical and Musical Instruments of all kinds, and Philosophical and Chemical Apparatus,
- Hydraulic Engines,
- Maps,
- Oakum,
- Pork,
- Printing Paper,
- Steel,
- Spikes and Sheathing Nails,
- Ship Tackle and Apparel,
- Sheathing Paper,
- Tin in Sheets and Blocks,
- Zinc.

DUTY FREE.