

at liberty and have full right to come in and participate in any benefit to be derived by the other creditors, under the terms of such arrangement or agreement, in due proportion with the other creditors, by signifying his assent thereto at any time within one year after the making of any such arrangement or agreement, and that all and every the balance of any assets, property or effects that may be given up or assigned over by any such debtor or debtors for the benefit of his or their creditors under the terms of any such arrangement or agreement, which shall remain undivided and paid in due proportion among the creditors, after the expiration of one year from the making of such agreement, shall then be divided and paid in due proportion to and among the *bond fide* creditors who may then have come in and assented to such arrangement or agreement: Provided always, that if on such final division among the creditors who may come in within one year as aforesaid, there should be any surplus after paying the creditors who may then have come in, twenty shillings in the pound on the respective amounts of their debts, such surplus shall be paid back to such debtor or debtors, his Executors, Administrators or Assigns.

Proviso for the debtor after 20s. to the pound shall have been paid.

XVI. And be it enacted, That every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and every word importing the plural number shall extend and be applied to one person or thing as well as to several persons or things, and every word importing the masculine gender only shall extend and be applied to a female as well as a male: Provided always, that those words and expressions occurring in this clause to which more than one meaning is to be attached, shall not have the different meanings given to them by this clause in those cases in which there may be any thing in the subject or context repugnant to such construction, and in which such construction could not reasonably be supposed to have been intended.

Construction of Act.

Singular number.

Masculine gender.

CAP. XXXIII.

An Act to encourage the Fisheries of this Province.

Passed 13th April 1844.

‘**W**HEREAS the Shore and Deep Sea Fisheries present an inexhaustible source of wealth, and it is deemed expedient to grant certain Bounties for the encouragement thereof;’

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That there shall be a Bounty paid on the following species of Fish caught in the sea, by persons engaged in open boats or deck Vessels owned or registered in this Province, according to the following rates, namely:—

Bounties granted on Fish caught from boats or decked vessels owned in the Province.

On every quintal of dried Cod Fish of merchantable quality, provided the quantity whereon the Bounty is claimed is not less than five quintals, one shilling;

On every quintal of Scale Fish so caught and cured of like quality, and not less than the same quantity, six pence;

On every barrel of number one pickled Herrings, containing two hundred pounds of Fish, one shilling;

On every barrel of number one Mackerel, containing two hundred pounds of Fish, one shilling and six pence;

On every barrel of number two Mackerel, containing two hundred pounds of Fish, one shilling;

On every barrel of number one pickled Shad, two shillings.

II.

Bounty granted on decked vessels owned in this Province and employed in the Fisheries.

II. And be it enacted, That there shall be granted on all decked Vessels of the burthen of ten tons and upwards, according to the measurement for tonnage under the Act of the Imperial Parliament made and passed in the fifth and sixth years of the Reign of King William the Fourth, owned and registered in this Province, and employed in the Deep Sea or Shore Fisheries for a period of not less than four months, at any time between the first day of April and the first day of December following, (no Vessel being entitled to more than one Bounty in each year) a Bounty according to the following scale, that is to say:—

Vessels of ten tons and not exceeding fifty tons, ten shillings;

Vessels exceeding fifty tons and up to one hundred tons, twelve shillings and six pence for each and every ton thereof.

List of equipments and stores to be attached to the Custom House certificate.

III. And be it enacted, That all Vessels so to be employed as aforesaid shall at the time of clearing out at the Custom House or other office appointed for clearing such Vessel, be fully provided with furniture, equipments, stores and salt, necessary for carrying on the said Fisheries, and a complete list of all such furniture, equipments and stores shall either be attached to the Port Clearance or Custom House Certificate, or be embodied therein as shewn in the form Letter A in the Schedule to this Act annexed, and no claim for Bounty under this Act shall be admitted without the production of said Certificate; and the Master of the Vessel intending to claim Bounty, shall keep or cause to be kept a list in the Form C hereunto annexed, of the names, reputed ages and residence of all persons employed on board the said Vessel, and of the quantities and species of Fish caught by each person; and when claiming Bounty he shall produce and authenticate the said list and receipts from the said persons or other sufficient testimony that their claims on the Vessel, the owners or the catch, have been satisfied, or reasonable satisfaction tendered, which list he shall attach to the Custom House Certificate of entry at the Port where he may arrive after the completion of his voyage, in Form B.

Account of Fish caught, and list of Crew, and evidence of payment to be attached to the Custom's certificate.

Before Bounty be granted, Fish to be inspected.

IV. Be it enacted, That before any Bounty shall be granted on any Fish of any quantity or kind under this Act, the same shall be duly inspected and branded or marked by the Officer lawfully appointed by any Law now in force or hereafter to be made for that purpose, in the Parish or place where the said Fish may be offered for legal inspection; and should the said Inspector upon due examination of the same, be satisfied as to the quantity and species, he shall brand or mark the package containing the same with his initials or distinctive mark, and the mark $\begin{matrix} B \\ \wedge \end{matrix}$ burnt or painted black, and keep a correct list of all the lots or

Inspector to keep an account of Fish inspected by him.

Cod or Scale Fish to be marked before certificate for Bounty be granted.

package of Fish so inspected by him claiming Bounty, in Form D, in order to secure such returns of the state of the Fisheries and Bounties paid on them, as the Government or Legislature may at any time desire; and because in the case of Dried Cod or Scale Fish, not contained in any package, frauds may be practised unless the said Fish be marked in such manner as may be quite evident at sight, the Inspector of such unpacked Cod or Scale Fish shall not grant any Certificate for Bounty on such Fish until he shall have seen them marked by cutting off from one corner of the tail of each Fish a triangular piece not less than two inches long each way, nor shall he grant any Certificate on any Fish that may have been so marked before they were presented for his inspection; and the Inspector having so examined and marked the packages and Fish for which Bounty is claimed he shall grant the claimant a Certificate in the Form D.

Claim for Bounty on vessels, to whom to be preferred, and

V. Be it enacted, That the claims for Bounty shall be made before any Judge of the Common Pleas, or Justice of Peace of the County, or City and County, in which

which the same may be claimed, who shall in case of the claim being made for Bounty on a Vessel, cause the Register of the Vessel, the port clearance in Form A, and port entry in Form B, and the Master's account of the crew and catch in Form C, including the receipt of the parties for their share of the catch, or a satisfactory payment in consideration thereof, to be duly verified and authenticated by the testimony on oath of the Master and other person or persons of the crew of the said Vessel, and being satisfied as to the justice of the claim for Bounty under this Act, he shall certify the same in Form marked G in the Schedule hereunto annexed, and shall attach to the said certificate the aforesaid port clearance certificate of entry B, and Master's account of crew and catch C, under his seal, and deliver the same to the party or parties claiming the Bounty, and by virtue of which the Owners may draw a Bill as shewn in the Form G, on the Treasurer of the Province, which Bill shall be paid by him or any of his Deputies, and the said documents shall be his sufficient voucher for said payment.

how verified and drawn.

VI. Be it enacted, That in case of a claim for Bounty on Fish, the said claim shall be made before a Judge of Common Pleas, or Justice of Peace of the County, or City and County, wherein the same may be claimed, who shall cause the Inspector's Certificate in Form D to be verified and authenticated on the oath of the claimant, or other sufficient testimony, and the said Judge or Justice shall also satisfy himself by sufficient testimony on oath, that the said Fish was actually caught from the sea by persons residing within the Province, with their names and residences, and mode of catching, and such other testimony as shall satisfy him that the said Bounty is not claimed for or by persons residing in any other Province or State, and when so satisfied, he shall give the claimant a Certificate in Form H annexed to this Act, attaching thereto under his seal the Inspector's Certificate in Form D, and deliver the same to the party or parties claiming, whereupon he or they may draw a Bill for the amount so certified, on the Treasurer of the Province, as shewn in Form H, which shall be paid by the said Treasurer or any of his Deputies, and the said documents shall be his voucher for the same.

Claim for Bounty on Fish how to be presented, verified and drawn.

VII. Be it enacted, That a sum not exceeding three thousand pounds be paid out of the Provincial Treasury, to be applied to the purpose specified in this Act, and the same sum annually, so long as this Act be in force, and the Lieutenant Governor or Commander in Chief, by and with the advice of the Executive Council, shall issue his warrant for the said amount.

£3000 per annum appropriated for the purposes of this Act.

VIII. Be it enacted, That any person or persons who shall be guilty of false swearing or affirming, or of fabricating or producing any false documents for the purposes of this Act, with intent or design to defraud the Treasury, such person or persons so offending, shall be subject to all the pains and penalties of the Law for wilful and corrupt perjury, and shall be disqualified from ever after receiving any Bounty under the provisions of this Act.

False swearing made perjury.

IX. Be it enacted, That the Justices fees for services rendered under and by virtue of the provisions of this Act shall be the same as are provided for in other similar cases.

Fees of Justices.

X. Be it enacted, That every person who may intend to avail himself of the Bounty provided by this Act for the Shore Fisheries in open boats or Vessels of ten tons or under, shall upon engaging in the said Fisheries, enter at the Custom House his name and place of residence, with a description of the Boat or Boats he may intend to employ in the said Fisheries, and obtain a Certificate with a distinguishing number thereon, and shall paint on a conspicuous part of his Boat or Boats the said number.

Persons intending to prosecute the Shore Fisheries and claim the Bounty, to enter their names, &c. at the Custom House.

XI. And be it enacted, That this Act shall continue and be in force for two years.

Limitation.

Form

Form A annexed to the Act Vic. Cap. for encouraging Fisheries.

Outfit Certificate. Custom House Certificate of Outfit for Fishing Voyage.

Custom House at _____ in the Province of New Brunswick,
this _____ day of _____ 18 _____

This is to certify, that the _____ of _____ rigged, having been duly regis-
tered at _____ in this Province, burthen _____ tons new measurement,
whereof _____ is Master, and
owners thereof, was this day cleared out of this Office to proceed on a Fishing
Voyage; that at the time of the said clearance the said Vessel was _____ fur-
nished and equipped with the materials necessary for the said Voyage, being as
follows, namely:—

Affirmation of the Master, declared before me to be a true statement.

This is also to certify, that the Master of the said _____ declared his intention
to prosecute the said Fishing Voyage with effect, being encouraged thereto by the
Bounty, and meaning to claim the same under the Act _____ Victoria, Cap.

Form B appended to the Act seventh Victoria, Cap. for encouraging the Fisheries.

Certificate of entry
on return from
voyage.

Custom House Certificate of Entry on Return from Fishing Voyage after the
expiring of _____ days.

Custom House at _____ in the Province of New Brunswick,
this _____ day of _____ 184 _____

This is to certify, that the _____ of _____ rigged and registered at
in this Province, of _____ tons new measurement, whereof _____ is Master,
and
are owners, did this day enter at this Office, he the said Master declaring on
oath that the said Vessel with her Crew had been employed exclusively on a
Fishing Voyage _____ days as required by Law to entitle the owners to Bounty

*Form C of the List of Crew and Catch to be kept by the Master of Fishing Vessels
under the Act seventh Victoria.*

Register of Crew,
and Catch.

Name.	Date of		Age	Residence.	Proportion of Catch.				Signatures of the Parties that their claims have been satisfied, or of cre- dible witness to the a- mount tendered.
	Entry.	Discharge.			Cod	Scale	Herrings	Mackerel	

This is to certify, that the _____ of _____ whereof I am the Master, sailed
from _____ on _____ day of _____ 18 _____ on a Fishing Voyage, from which
we returned to _____ on _____ day of _____ 18 _____ voyage completed:
that the foregoing is a true List of the Persons who composed the Crew of the
same, and a true account of the proportion or share of the actual catch of Fish to
which each is entitled; the whole catch amounting to _____ Quintals of Cod and
Scale Fish, &c. &c.

(Signed)

Master.

Form

Form C continued.

Articles of Agreement between the Owners of _____ of _____ and the Master and Crew of the said Vessel.

Mens' Signature.	Witness' Signature.	Particulars of agreement between Owners and Crew.

I do certify that I have fully assented on the part of the Owners of the _____ of _____ to all the foregoing Articles of Agreement this _____ day of _____ 18 _____ for the Owners.

Form D prescribed by Act seventh Victoria, for encouraging Fisheries.

Certificate of Fish inspected by _____, Inspector of Fish for the Parish of _____ in the County of _____ Inspector's Certificate.

This is to certify that _____ residing at _____ hath produced to me _____ Quintal of dried Cod and Scale Fish, which I have duly marked as the Act directs; also _____ barrels of pickled Herrings and _____ barrels of pickled Mackerel, and _____ barrels pickled Shad, all which he affirms to have been cured and packed, and of which he has sufficient testimony, within this Province, at _____, and that I have marked each package as follows, viz :
No. (1 to _____) ^B ↑ and that the same is duly entered in my general account of Inspections H.

Given by me at _____ this _____ day of _____ 18 _____ Inspector.

Form E prescribed by Act seventh Victoria, for encouraging Fisheries.

Certificate of the Claimant for Bounty on Fish inspected by B. D., Inspector of Fish for the Parish of _____ in the County of _____ Certificate of claimant of Bounty.

This is to certify that I reside at _____ in the County of _____ and that B. D. has inspected the undermentioned quantities of dried and cured Fish at _____ in this Province, viz :—

- Quintals of dried Cod Fish.
- Ditto Scale Fish.
- Barrels of pickled Herrings.
- Ditto, ditto, Mackerel.
- Ditto, ditto, Shad.

All which is my property, and for which I claim the Bounty prescribed by the Act seventh Victoria.

Owner.

Witness.

Form

Form F prescribed by Act Vict. for encouraging Fisheries.

Inspector's account of Fish.

Account of the Inspections of Fish claiming Bounty by _____ of _____

18			Quintals of Dry Fish.		Barrels of Pickle			Name of Proprietor.	Residence.
No.	Month	Day	Cod.	Scale.	Herrings	Mackerel	Shad		

And I do certify that I did duly ascertain the quantities, and did cause the same to be duly marked according to the Act Vict. and that each package is marked with its distinctive No. and bears my mark thus, B. D. No **B** ↑

Form G prescribed by Act Victoria, for encouraging Fisheries.

Justice's Certificate for Bounty on Vessel.

SS.

It has been satisfactorily proved before me _____ one of Her Majesty's Justices of the Peace for the County of _____ that the _____ of _____ tons burthen, whereof _____ Owner sailed from _____ on the _____ day of _____ equipped, fitted and declared to be intended to prosecute a Fishing voyage, and that the said Vessel completed _____ days on the said voyage, exclusively so occupied, and therefore that _____ the said Owner, is entitled to _____ pounds and _____ shillings, Bounty under the Act Vic. _____ Given at _____ this _____ day of _____ 18 _____ Justice of Peace.

Bill for Bounty.

£ _____ day of _____ 18 _____
 Thirty days after sight, pay to _____ or order, the sum of _____ pounds shillings and _____ pence, due to me as above certified.
 _____ Owner of the _____ of _____
 To the Provincial Treasurer, New Brunswick.

Form H prescribed by Act Victoria, for encouraging Fisheries.

Justice's Certificate for Bounty on Fish.

SS.

It has been satisfactorily proved before me _____ one of Her Majesty's Justices of the _____ for the County of _____ that _____ proprietor of _____ Quintals of dried Cod or Scale Fish, _____ barrels of pickled Fish did cure the same within this Province, and that they were duly inspected by _____ at _____ as the Act directs; and therefore that the said _____ is entitled to _____ pounds _____ shillings and _____ pence for Bounty on the same.
 Given at _____ this _____ day of _____ 18 _____

J. Peace.

Bill

Bill for Bounty.

day of 18 .

£

Thirty days after sight, pay to or order, the sum of pounds
shillings pence due to me as above certified.
To the Provincial Treasurer, New Brunswick.

CAP. XXXIV.

An Act to incorporate the Fredericton Boom Company.

Passed 13th April 1844.

WHEREAS the erection of a Side Boom or Booms at or near the Short Ferry, so called, below Fredericton, will be a great benefit to persons engaged in the Lumber business by enabling them to secure Timber and Logs, Masts, Spars and other Lumber floating down the River Saint John, at a moderate expence; And whereas it is deemed expedient to incorporate a Company for that purpose;

Preamble.

Company incorpo-
rated.

Capital to be £2000.

First meeting how
and by whom to be
called.

Subscribers to Stock
to make a deposit
previous to the
election of Direc-
tors.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That John Glazier, Stephen Glazier, James Taylor, William J. Bedell, Spafford Barker, Jacob Mackeen, Isaac Kilburn, and Duncan Glazier and their Associates, Successors and Assigns, be and they are hereby declared to be a Body Corporate by the name of The Fredericton Boom Company, and shall have all the general powers made incident to a Corporation by Act of Assembly in this Province, for the purpose of erecting and maintaining a Side Boom or Booms and any other Works on the Shore connected therewith at or near the Short Ferry, so called, below Fredericton, for the more convenient collecting, picking up, securing and rafting Timber, Logs, Masts, Spars and other Lumber, floating down the River Saint John, and for carrying on and managing the same.

II. And be it enacted, That the Capital Stock of the said Corporation shall be two thousand pounds of current money of New Brunswick, and shall be divided into eighty shares of twenty five pounds each.

III. And be it enacted, That the first meeting of the said Corporation shall be called by James Taylor, Esquire, or in case of his death or refusal to act, by any two of the said Corporation, after ten days notice in a newspaper published in Fredericton, for the purpose of organizing the said Corporation, which meeting shall be held at the time and place mentioned in such notice.

IV. And be it enacted, That the Subscribers for Stock in the said Corporation shall previous to the first meeting of the said Corporation, pay into the hands of such person or persons as the persons incorporated by the first section of this Act, or the major part of them, or in case of the death of any of them, the major part of the survivors, such an instalment or deposit on the Capital Stock of the said Corporation they subscribe for, as the said persons incorporated, or the major part of them as aforesaid, may appoint and determine, due notice being given at the time of the notice calling the first meeting of the Members and Stockholders of the Corporation, of the time or several periods of time when, of the place and places where, and person and persons to whom the said instalment or deposit shall be paid, and the said instalment or deposit shall be taken and allowed to every Subscriber who shall pay it, as part of the Capital Stock required to be paid in under and by virtue of this Act, and every Subscriber who shall neglect or refuse to pay in the said deposit or instalment, shall be deemed a defaulter,

Amended 8th April 40
Amended
More exp
50