

*Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1817.* Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1817.

57 George III – Chapter 32 (1816)

**An Act for the encouragement of the Trade of this Province in Plaster of Paris, otherwise called Gypsum. Passed the 11th March 1816.**

Whereas the Trade in Plaster of Paris, otherwise called Gypsum, which abounds in several parts of the Sea-coast in the Bay of Fundy, within the limits of this Province, might, under proper regulations, be rendered beneficial to the inhabitants thereof and promote the maritime interests of the British empire, by the employment of the vessels and seamen requisite to carry on the same.

I. Be it enacted by the President, Council and Assembly, That from and after the first day of May next, no Plaster of Paris, otherwise called Gypsum, which shall be laden or put on board any ship or vessel at any port or place within the limits of this Province, to be transported from thence to any other port or place within or without the same limits, shall directly or indirectly be unladen or landed or put on shore at any other port or place within the limits of this Province, except the harbour of the City of Saint John, and the harbour of the Town of Saint Andrews, nor at any port or place in the United States of America eastward of Boston, in the State of Massachusetts, nor unladen or put on board any American Ship, Vessel, Boat or Shallop of any description, at any port or place eastward of Boston aforesaid, under the penalty of the forfeiture of every such Ship or Vessel from which any such Plaster of Paris or Gypsum shall be so unladen contrary to the provisions of this Act, together with her Boat, Tackle, Apparel and Furniture, to be seized and prosecuted in manner herein-after mentioned.

II. And be it further enacted, That no Plaster of Paris or Gypsum, shall be laden or put on board any Ship or Vessel at any port or place within the limits of this Province, to be transported from thence to any other port or place within or without the same limits, until Bond shall be given to His Majesty at the office of the Treasurer of this Province or of his Deputy, at or nearest to the port or place where such Plaster shall be intended to be so laden by the Owner or Master of such Ship or Vessel, with one sufficient surety in a sum double the amount of the value of the Plaster so intended to be shipped, estimating each Ton at twenty shillings, with a condition to render the same void if the said Plaster or Gypsum so intended to be laden or put on board such ship or vessel, shall not directly or indirectly be unladen or landed or put on shore at any other port or place within the limits of this Province, except the harbour of the City of Saint John, and the harbour of the Town of Saint Andrews, nor at any port or place in the United States of America, eastward of Boston aforesaid, in the State of Massachusetts, nor unladen or put on board any Ship, Vessel, Boat or Shallop of any description at any port or place eastward of Boston aforesaid; and the said Treasurer or his Deputy as aforesaid, shall forthwith upon the execution of such bond, give to the Master of such Ship or Vessel, a certificate that such Bond as aforesaid has been given, which certificate shall be kept by the said Master to be produced by him as occasion may afterwards require, and if any Plaster of Paris or Gypsum shall be laden or put on board any Ship or

Vessel at any port or place within the limits of this Province, to be transported from thence to any other port or place within or without the same limits, before such Bond as aforesaid shall be given, every such Ship or Vessel, and the said Plaster so laden before such Bond given as aforesaid, together with her Boat, tackle, apparel and furniture shall be forfeited, and shall and may be seized and prosecuted in manner herein-after mentioned.

III. And be it further enacted, That if any Ship or Vessel on board which any Plaster of Paris or Gypsum shall be laden as aforesaid, at any port or place within the limits of this Province, shall be afterwards found in any other place, not having such certificate as aforesaid of such Bond as aforesaid having been given, every such Ship or Vessel and the said Plaster on board such Ship or Vessel, together with her Boat, tackle, apparel and furniture, shall be forfeited and shall and may be seized and prosecuted in manner herein-after mentioned.

IV. And be it further enacted, That any Bond given under and by virtue of this Act, shall and may be cancelled by the said Treasurer or his Deputy as aforesaid, at any time within six calendar months next after giving the same, upon the production of a certificate from the Collector of the Customs of the port, or from any British Consul or Vice-Consul at or near such place, that such Plaster was actually unladen from such Ship or Vessel at such port or at a place to the westward of Boston aforesaid, and if the Plaster mentioned in such Bond shall have been unladen in the harbour of the City of Saint John, or in the harbour of the Town of Saint Andrews, then and in such case, upon the production of a certificate from the said Treasurer or his Deputy as aforesaid, that such Plaster was actually unladen as last aforesaid. Provided always, That in case of shipwreck or loss at sea, proof of the same to the satisfaction of the said Treasurer or his Deputy as aforesaid, shall be equivalent to any such certificate as aforesaid.

V. And be it further enacted, That for every Bond and certificate herein-before required to be given as aforesaid, the said Treasurer or his Deputy as aforesaid, shall be entitled to demand and receive the sum of ten shillings and no more.

VI. And be it further enacted, That it shall and may be lawful for the said Treasurer and his Deputies or either of them, and they are hereby authorised and required to seize and take any Ship or Vessel and the Plaster on board, which shall be liable to forfeiture under this Act and to detain the same, and that information shall and may be thereupon made by His Majesty's Attorney General in the Supreme Court of this Province, and proceedings had to condemnation and sale according to the course of the said Court, and upon such condemnation and sale thereof, shall be paid and applied as follows, that is to say, one moiety thereof after deducting, the costs and charges of prosecution to the officer who shall seize the same, or to the person who shall have given information in consequence of which such seizure shall have been made and prosecuted as the Court before which such prosecution may be had shall adjudge, and the other moiety to the Treasurer of the Province for the use of the same.

VII. And be it further enacted, That any person or persons producing or attempting to produce or having at any time produced any false or fraudulent Certificate, Paper or Papers, Voucher or Vouchers in order to cancel any Bond required by this Act, or in any manner to evade the true

intent and meaning of this Act, such offender or offenders shall each and every one of them forfeit and pay the sum of one hundred pounds, to be recovered and applied in the same manner as is provided in and by the third section of an Act made and passed in the forty-seventh year of the Reign of his present Majesty, intituled "An Act for raising a Revenue in this Province."

VIII. And be it further enacted, In all cases of hardship which may arise in the continuation of and in carrying into execution the provisions of this Act —relief may be had by applying to the Governor or Commander-in-Chief for the time being, who has hereby full power and authority, with the advice of His Majesty's Council, to direct the release of any seizure made or discontinue or stay any prosecutions for penalties which may have been or may be intended to be instituted upon such terms as he may deem equitable.

IX. And be it further enacted, That this Act shall not be in force until similar and corresponding provisions as near as may be in all material respects, shall be made and enacted by some Act of the General Assembly of the Province of Nova-Scotia, to be made and passed for that with regard to all Plaster of Paris or Gypsum, which shall be laden on board any Ship or Vessel within the limits of that Province, non until such Provisions shall be published and made known by Proclamation from the Governor or Commander-in-Chief of this Province for the time being, to be issued by and with the advice and consent of His Majesty's Council for that purpose.

X. And be it further enacted, That this Act shall continue and be in force five years, and thence to the end of the next Session of the General Assembly and no longer.

XI. And be it further enacted, That this Act shall not be in force until His Majesty's Royal approbation be hereunto had and declared.

BY HIS HONOR

Harris W. Hailes, Esquire,

President and Commander-in-Chief of the Province of New-Brunswick, &c. &c. &c.

H. W. HAILES.

A PROCLAMATION.

Whereas an Act was passed in the last Session of the General Assembly of this Province, intituled "An Act for the encouragement of the Trade of this Province in Plaster of Paris, otherwise called Gypsum," with a clause enacting that the said Act should not be in force until His Majesty's Royal approbation should be thereunto had and declared: And whereas His Majesty's Royal approbation has been thereunto had and declared: And whereas similar and corresponding provisions as near as may be in all material respects, have been enacted by an Act of the General Assembly of the Province of Nova-Scotia passed for that purpose: I do therefore, by and with the advice and consent of His Majesty's Council, publish this Proclamation, hereby declaring the said Act to be in force, whereof all Persons whom it may concern will take due notice and govern themselves accordingly.

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Given under my Hand and Seal at Fredericton, the thirty-first day of January, in the year of our Lord one thousand eight hundred and seventeen, and in the fifty-seventh year of His Majesty's Reign.

By His Honor's Command.  
Wm. F. Odell.