

THE NEW-BRUNSWICK ROYAL GAZETTE.

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An ACT authorizing the allowance of a drawback of part of the duties on certain articles imported into this Province, when such articles are exported.

Passed the 20th of March, 1821.

WHEREAS by an Act made and passed in the fifty-second year of the Reign of His late Majesty King George the Third, intituled "An Act to impose a duty on certain articles imported into this Province," and also another Act made and passed in the fifty-ninth year of the same Reign, "to explain and amend the above mentioned in part recited Act," a duty is laid on oxen, cows and horses, imported into this Province from the United States of America: And whereas it is deemed expedient to allow a drawback on such oxen, cows and horses, as shall be imported into the several ports of Saint John, Saint Andrews, and West Isles, in this Province, expressly for exportation, on the same being exported—

I. Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, That from and after the passing of this Act, whenever any oxen, cows or horses, imported into either of the ports of Saint John, Saint Andrews, or West Isles, from the United States of America, (and reported for exportation at the office of the Treasurer or his Deputy at either of such ports) shall be exported from and out of either of such ports to any port or place out of this Province, that then and in such case the monies which may have been paid for the duties arising thereon, shall be repaid, and any bond or bonds taken to secure such duties, so far as may relate to the ox or oxen, cow or cows, horse or horses, so exported, shall be cancelled and considered of no validity, saving and reserving for the use of the Province, ten shillings on each and every ox, five shillings on each and every cow, and forty shillings on each and every horse, so exported; which the Treasurer or his Deputy at either of the said ports, are hereby authorized and required to save and reserve. Provided always, that the evidence to be required of such exportation shall be a certificate of the Treasurer or his Deputy at such port or ports, of such articles being reported for exportation, also the following affidavit, to be sworn to before the Treasurer or his Deputy at either of such ports, who are hereby authorized to administer such oath, of the owner or consignee, to which such certificate shall be annexed, to wit:—

I do swear that the following are now on board whereof is master, bound for and that they are the same as are mentioned in the annexed certificate and reported for exportation, and that the same are not intended to be reloaded in any part of this Province, to the best of my knowledge and belief—So help me God. And provided also, that the master of the ship or vessel in which the same are to be exported, shall make and subscribe the following oath, to wit:—I do swear that the shipped by are now actually on board the whereof I am master, bound for and that the same or any part thereof are not again to be reloaded in any part of this Province, to the best of my knowledge and belief—So help me God. Which affidavit and certificate shall be filed at the office of the Treasurer or his Deputy at one of the ports, on such drawback being paid and allowed. And provided also, that no drawback shall be allowed on any horse or horses, cow or cows, ox or oxen, unless the same are exported within the space of three months from the day the same were reported at the office of the Treasurer or his Deputy at the respective ports herein before recited.

II. And be it further enacted, That any person or persons wilfully swearing

falsely in any affidavit to be made under and by virtue of the directions of this Act, shall be deemed and are hereby declared to be guilty of wilful and corrupt perjury, and are hereby declared to be subject to the Laws now in force against persons guilty of perjury, in any Court of Record in this Province, and may be proceeded against and punished accordingly.

III. And be it further enacted, That this Act shall be and continue in force for and during the continuation of the herein before in part recited Acts.

An ACT to increase the Revenue of this Province, by imposing a duty on certain merchandize.

Passed the 20th of March, 1821.

WHEREAS for the purpose of encouraging the inhabitants of this Province and of increasing the Revenue thereof, it is expedient to impose a duty on goods and merchandize imported by Foreigners and Aliens—

I. Be it enacted by the Lieutenant-Governor, Council, and Assembly, That all goods and merchandize of what nature or kind soever (excepting lumber of all kinds and live stock) belonging wholly or in part to any Foreigner or Alien, that may be imported or brought into this Province, shall be subject to a duty of five per cent. upon the prime cost thereof, to be ascertained by the oath of the person or persons importing, bringing, or receiving the same, to be made before the Treasurer or his Deputy at the port or place where the same shall be imported and entered, which oath, as well as all other oaths herein after required by this Law, the Treasurer or his Deputy as aforesaid is hereby empowered to administer.

II. And be it further enacted, That the several and respective duties herein before imposed shall be payable to the Treasurer or his Deputy at the port or place where the respective articles so made liable to duty shall be imported and entered, and that it shall be the duty of every person importing or bringing goods and merchandize of any kind into this Province, either by land or water, to report the same in writing to the Treasurer or his Deputy at the port or place where the same shall be imported or received, within twenty-four hours after arrival, and if brought by water, before the same or any part thereof shall be landed, and with regard to all goods and merchandize (excepting as in and by the first section of this Act is excepted) to make oath whether any, and if any, what part of such goods and merchandize belongs to any Foreigner or Alien, and all goods and merchandize (excepting as above excepted) respecting which the person importing, bringing, or receiving the same, shall not make oath that no Foreigner or Alien has directly or indirectly any share therein, shall be subject and liable to the duty imposed in and by this Act.

III. And be it further enacted, That it shall be the duty of the Treasurer or his Deputy as aforesaid, to demand, collect and receive the several and respective duties herein before imposed; and in cases where the amount of duties on any one cargo or entry shall exceed the sum of ten pounds, the said Treasurer or his Deputy shall take bonds and security for such duties, payable one half in three months, and the other half in six months, in like manner and under the same penalties as are prescribed by the Acts now in force for raising a Revenue in this Province; and in case any difference shall arise between the said Treasurer or his Deputy and the owner or importer of any of the goods or articles herein before made liable to duty, as to the quantity, quality or value thereof, such difference shall be settled by three merchants, on oath, to be chosen by the said Treasurer or his Deputy, the decision of two of which merchants shall be final.

IV. And be it further enacted, That

every person importing or bringing goods or merchandize of any kind into this Province, or receiving the same as aforesaid, either by land or water, who shall neglect or refuse to report and make oath as herein before particularly provided, shall be subject to the like pains and penalties as are prescribed in and by the third section of an Act made and passed in the fifty-eighth year of the Reign of His late Majesty King George the Third, intituled "An Act for raising a Revenue in this Province," for masters of vessels not making report as therein directed, and all goods not duly reported and entered, and for which the duties shall not have been duly paid or secured according to the true intent and meaning of this Act, are hereby declared to be forfeited, and the Treasurer or his Deputy is hereby invested with authority of search and seizure and all other powers incident thereto, and proceedings shall be had in all respects in like manner as provided in like cases in and by the said above in part recited Act, and every person who shall be convicted of making or taking a false oath, in any case where an oath is directed or required to be taken by this Act, shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons are by Law liable for wilful and corrupt perjury.

V. And be it further enacted, That the several and respective Collectors appointed or to be appointed by the Treasurer of the Province, under and by virtue of an Act made and passed in the fifty-ninth year of the Reign of His said late Majesty King George the Third, intituled "An Act to explain and amend an Act, intituled an Act to impose a duty upon certain articles imported into this Province," shall and may are hereby authorized and empowered to detain and report to the Treasurer or his Deputy, in like manner as provided in and by the said last recited Act, all goods and articles made liable to duty by this Act, which may be found on any road or roads, island or places in this Province, unless the owner or owners, person or persons, having possession or charge of such goods and articles, shall produce a certificate from the Treasurer or one of his Deputies, that the duties have been paid or secured to be paid thereon, and that in such cases such Collectors shall be entitled to the like allowance as are provided in the said last mentioned Act, in cases of detention under and by virtue of that Act.

VI. And be it further enacted, That this Act shall continue and be in force for one year, and from thence to the end of the next Session of the General Assembly, and no longer.

Provincial Secretary's Office,
4th June, 1821.

Military Allotments of Land.

SUCH of the Military Allotments of Land, as shall be found unoccupied or uncultivated by the Original Locatee on the 1st of May 1822, will be forfeited and revert to the Crown, and be open to application after the above period.

By Command,
GEO. SHORE, Depy. Sec'y.

NEW-BRUNSWICK,

In Chancery,

The tenth day of March, in the second year of the Reign of King George the Fourth, A.D. 1821.

Between } William Ledden, and } Plaintiff,
James Ledden, and }
James M. Clelland, Defendant.

FORASMUCH as the Court was this day informed by Mr. Peters, of Counsel for the Plaintiff, that the Plaintiff on the thirtieth day of May, A.D. 1818, filed his Bill in this Court against the Defendant, as by the certificate of the Clerk of the Court appears, and took out Process of Subpœna, returnable on the second Tuesday in July then next, requiring the said Defendant to appear to and answer the same; but that the said Defendant could not be found so as to be served with such Process, and is gone out of the Province or doth otherwise abscond to avoid being served therewith, as by affidavit appears; and the said certificate and affidavit being read, and the truth of the above allegation being made out to the satisfaction of the said Court,

It is ordered, that the Defendant do appear to the Plaintiff's Bill, on or before the first day of August next.

By the Court,

WM. F. ODELL, Register.

R. PARKER, Jun. Solicitor.

NEW-BRUNSWICK,

In Chancery,

The tenth day of March, in the second year of the Reign of King George the Fourth, A.D. 1821.

Between } David Hatfield, Plaintiff, and }
James Craft, Defendant.

FORASMUCH as the Court was this day informed by Mr. Peters, of Counsel for the Plaintiff, that the Plaintiff on the twenty-seventh day of October, A.D. 1819, filed his Bill in this Court against the Defendant, as by the certificate of the Clerk in Court appears, and took out Process of Subpœna, returnable on the third Tuesday in February then next, requiring the said Defendant to appear to and answer the same; but that the said Defendant could not be found so as to be served with such Process, and is gone out of this Province or doth otherwise abscond to avoid being served therewith, as by affidavit appears: And the said certificate and affidavit being read, and the truth of the above allegation being made out to the satisfaction of the said Court,

It is ordered, that the Defendant do appear to the Plaintiff's Bill, on or before the first day of August next.

By the Court,

WM. F. ODELL, Register.

R. PARKER, Jun. Solicitor.

By THOMAS WYER, Esquire, one of His Majesty's Justices of the Inferior Court of Common Pleas for the County of Charlotte.

To all whom it may concern Greeting:

NOTICE is hereby given, that upon the application of Robert Pagan, John Campbell, Thomas Wyer, jun. and David W. Jack, to me duly made according to the Act of Assembly in such case made and provided, I have directed all the estate as well real as personal, within the said County of Charlotte, of James Bracket, late of the Parish of Saint George, in the said County of Charlotte, (which said James Bracket is departed from and without the li-