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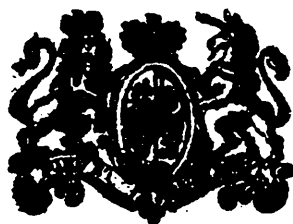
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THE  
A C T S  
OF THE  
GENERAL ASSEMBLY,  
OF  
HIS MAJESTY'S PROVINCE  
OF  
NEW-BRUNSWICK,  
From the TWENTY-SIXTH to the FORTY-FIFTH Year  
Of the REIGN of  
KING GEORGE the THIRD.

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With a COPIOUS INDEX.

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ST. JOHN:

PRINTED BY JOHN RYAN, PRINTER TO THE KING'S MOST  
EXCELLENT MAJESTY, AT HIS OFFICE, NO. 9, LONG-  
WHARF, SOUTH SIDE MARKET SLIP.

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THOMAS CARLETON, *Esquire*, the first Governor of the Province of New-Brunswick, was appointed Captain-General and Governor in Chief in and over the same on the 16th of August, in the year 1784, and continued so till the 20th of May, 1786; when SIR GUY CARLETON, now LORD DORCHESTER, having been appointed Governor of this and the adjacent Provinces of Nova-Scotia, Canada, &c. the said THOMAS CARLETON, *Esquire*, was appointed Lieutenant-Governor of New-Brunswick, and continued to administer the Government of the same till the 5th of October, 1803, when having obtained HIS MAJESTY'S most gracious leave of absence, he went to Great-Britain, and thereupon the administration of the Government devolved upon

GABRIEL G. LUDLOW, *Esquire*,

who now administers the same by the style of President of His Majesty's Council and Commander in Chief of the Province.

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A  
T A B L E  
OF THE  
ACTS OF THE GENERAL ASSEMBLY,  
CONTAINING  
The TITLES of the ACTS passed  
From the Twenty-Sixth to the Forty-Third Year of the  
Reign of GEORGE III. inclusive.

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*Anno 26 Georgii III.*

1. AN AËt for the better ascertaining and confirming the Boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes.
2. An AËt for the Registering of Letters Patent and Grants made under the Great Seal of the Province of *Nova-Scotia*, of Lands now situate within the limits of this Province.
3. An AËt for the Public Registering of all Deeds, Conveyances and Wills, and other Incumbrances which shall be made of, or that may affect, any Lands, Tenements or Hereditaments within this Province.
4. An AËt for Preserving the Church of England, as by Law established in this Province, and for securing Liberty of Conscience in matters of Religion.
5. An AËt against the Profanation of the LORD's Day, commonly called Sunday, and for the suppression of Immorality.
6. An AËt for Regulating Juries and declaring the Qualifications of Jurors.
7. An AËt to empower the Foreman of the Grand Juries to administer the usual Oaths to such Witnesses as are to be examined before them.
8. An

8. An Act for enabling the Justices of the Supreme Court to try all causes at *Nisi Prius*, and authorizing Attornies of the Supreme Court to practise in the Inferior Courts of Common Pleas within this Province.
9. An Act for limiting the Value of Actions to be brought in the Inferior Courts of Common Pleas in this Province, and for restraining the removal of Actions.
10. An Act for Regulating the Courts of Law established in the several Counties for the Trial of Causes to the value of Forty Shillings.
11. An Act relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates.
12. An Act subjecting Real Estates in the Province of *New-Brunswick* to the payment of Debts, and directing the Sheriff in his proceedings thereon.
13. An Act for Relief against Absconding Debtors.
14. An Act for Prevention of Frauds and Perjuries.
15. An Act for Regulating Weights and Measures.
16. An Act for Establishing a Tender in all Payments to be made in this Province.
17. An Act for Establishing the Rate of Interest.
18. An Act for Preventing the Multiplication of Law Suits.
19. An Act for Permitting Persons of the Profession of the People called Quakers, to make an Affirmation instead of an Oath.
20. An Act for admitting Depositions *De Bene Esse*, of Witneses aged, infirm, and otherwise unable to travel, and of Witneses departing from the Province.
21. An Act to prevent unnecessary Expence in Actions on the Case on Judgment by Default.
22. An Act for ascertaining Damages on Protested Bills of Exchange.
23. An Act for giving the like Remedy upon Promissory Notes as on Inland Bills of Exchange.
24. An Act to enable Creditors more easily to recover their Debts from Joint Partners.
25. An Act to prevent Frivolous and Vexatious Arrests.
26. An Act to prevent Gaming.
27. An Act for preventing Idleness and Disorders, and for punishing Rogues, Vagabonds and other idle and disorderly Persons.

28. An Act for the Appointment of Town or Parish Officers in the several Counties in this Province.
29. An Act for preventing Trespasses.
30. An Act to prevent the Burning Woods by carelessly or wantonly Firing the same.
31. An Act to prevent Nuisances by Hedges, Weirs, Seines and other Incumbrances obstructing the passage of Fish in the Rivers, Coves and Creeks of this Province.
32. An Act for laying out, repairing and amending Highways, Roads and Streets, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province.
33. An Act for regulating and facilitating the Navigation of the River *Saint John*, and other Rivers in this Province.
34. An Act for securing the Navigation of the River *Maggaugaudavic*.
35. An Act to prevent the malicious killing or maiming of Cattle.
36. An Act for regulating Inn-holders, Tavern-keepers and Retailers of Spirituous Liquors.
37. An Act for regulating Servants.
38. An Act to enable the Justices of the Peace of the several Counties in this Province for the time being, to receive for Public uses, Grants of Lands lying in their respective Counties, and to regulate the Commons belonging to the several Townships or Parishes within the same.
39. An Act for the Preservation of Moose.
40. An Act to oblige Absent Proprietors to pay a proportion of any Public charge and to repair Highways.
41. An Act to enable the Treasurers of the respective Counties in this Province to recover from such Person or Persons as have heretofore received any Monies or are otherwise indebted for the Sale of Mill-Privileges and Public Lots.
42. An Act for assessing, collecting and levying County Rates.
43. An Act to regulate and provide for the support of the Poor in this Province.
44. An Act to regulate the Sale of Goods sold at Public Auction or Out-cry.
45. An Act for appointing Commissioners of Sewers.
46. An Act for confirming unto the City of *Saint John* its Rights and Privileges.

47. An Act for the better extinguishing Fires that may happen within the City of *Saint John*.
48. An Act against Forestallers and Regraters.
49. An Act establishing the Rates to be taken for Wharfage and Cranage of Ships and other Vessels within the limits of this Province.
50. An Act for regulating the Exportation of Fish and Lumber, and for ascertaining the Quality of the same.
51. An Act to prevent Frauds in the Sale of Damaged Goods imported into this Province.
52. An Act for regulating Pilots.
53. An Act for the regulation of Seamen.
54. An Act to enable the Corporation of the City of *Saint John* to raise a sum of Money, not exceeding Three Hundred Pounds in the whole, nor more than One Hundred Pounds in any one Year, to pay off their Debts already incurred, and to defray the necessary contingent Expences arising within the said City.
55. An Act for raising a Revenue in this Province.
56. An Act to rectify the mistakes in an Act for raising a Revenue in this Province.
57. An Act to lay a Tax on Dogs.
58. An Act against Tumults and Disorders upon pretence of preparing or presenting Public Petitions or other Addresses to the Governor or General Assembly.
59. An Act for the speedy Punishment and Release of such Persons as shall commit Criminal offences under the degree of Grand Larceny.
60. An Act for the Conviction and Punishment of Criminals who shall refuse to plead when arraigned, and for the Trial of those who shall peremptorily challenge more than Twenty.
61. An Act for the Trial and Punishment of Criminals who shall Steal Bills of Exchange, Bonds, Warrants, Bills or Promissory Notes.

*Anno 27 Georgii III.*

1. AN Act for establishing a Militia in the Province of *New-Brunswick*, and for regulating the same.
2. An Act to authorize the respective Proprietors of certain Islands in the River *Saint John*, and other Rivers in this Province, to make rules and regulations for their better improvement and cultivation.

3. An Act for laying an Impost.
4. An Act for securing the Purchasers of Mortgaged Estates.
5. An Act in addition to *An Act for laying out, repairing and amending Highways, Roads and Streets, and for appointing Commissioners and Surveyors within the several Towns or Parishes in this Province.*
6. An Act to empower the Justices of the General Sessions of the Peace in the several Counties in this Province to grant Licences to Tavern-keepers and Retailers of Spirituous Liquors.
7. An Act in addition to *An Act for the better ascertaining and confirming the Boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes.*
8. An Act in addition to an Act, intituled, *An Act for assessing, collecting and levying County Rates.*
9. An Act for more effectually securing the Title of Purchasers of Real Estates against Claims of Dower.
10. An Act to enable the Justices of the Peace in the several Counties in this Province, wherein no sufficient Gaols are erected, to send Persons charged with Grand Larceny, and other offences of a higher nature, to the Gaol of the City and County of *Saint John.*
11. An Act in addition to an Act, intituled, *An Act for regulating the Exportation of Fish and Lumber, and for ascertaining the quality of the same.*
12. An Act for appropriating and disposing of the Public Monies.

## *Anno 28 Georgii III.*

1. AN Act for continuing and amending an Act, intituled, *An Act for laying an Impost.*
2. An Act in addition to an Act, intituled, *An Act for Relief against Absconding Debtors.*
3. An Act in addition to an Act, intituled, *An Act for the better extinguishing Fires that may happen within the City of Saint John.*
4. An Act to provide for the Support of a Light-House to be built upon *Partridge-Island.*
5. An Act to continue sundry Acts of the General Assembly which are near expiring.
6. An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province.



7. An Act in addition to an Act, intituled, *An Act for regulating Pilots.*
  8. An Act to empower the Justices of the Sessions in the several Counties in this Province to make such Regulations respecting Markets and Ferries within such Counties, as may be found necessary.
  9. An Act to amend an Act, intituled, *An Act for regulating the Exportation of Fish and Lumber and for ascertaining the quality of the same.*
  10. An Act for appropriating and disposing of the Public Monies.
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*Anno 29 Georgii III.*

1. AN Act for creating a Parish in the City of *Saint John*, and incorporating the Rectors, Church-Wardens and Vestries of the Church of *England*, in the several Parishes in this Province.
  2. An Act to repeal an Act, intituled, *An Act to empower the Foreman of the Grand Juries to administer the usual Oaths to such Witnesses as are to be examined before them.*
  3. An Act in amendment of an Act, intituled, *An Act for assessing, collecting and levying County Rates.*
  4. An Act to authorize the erection of Fences and Gates across certain Roads in the several Counties in this Province, where the same shall be found necessary.
  5. An Act to continue and amend an Act, intituled, *An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province.*
  6. An Act for laying an Impost.
  7. An Act relating to the Punishment of Persons convicted of Felony within the Benefit of Clergy.
  8. An Act for reviving and continuing and amending sundry Laws that have expired and are near expiring.
  9. An Act for appropriating and disposing of the Public Monies.
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*Anno 31 Georgii III.*

1. AN Act to continue an Act, intituled, *An Act to authorize the erection of Fences and Gates across certain Roads in the several Counties in this Province, where the same shall be found necessary.*
2. An Act to declare that no Law passed in the General Assembly of the Province of *Nova-Scotia* before the erection of the Province of *New-Brunswick*, shall be of force in this Province.

3. An Act in addition to and in amendment of an Act, intituled, *An Act for laying out, repairing and amending Highways, Roads and Streets, and for appointing Commissioners and Surveyors of Highways within the severall Towns or Parishes of this Province.*
  4. An Act for the Recovery of Small Debts.
  5. An Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery and Fornication.
  6. An Act in addition to an Act, intituled, *An Act for regulating Juries and declaring the Qualification of Jurors.*
  7. An Act to define and describe the Crime of *Petit Larceny.*
  8. An Act for fixing permanently the Boundary Lines between the different Grants in this Province.
  9. An Act for altering the Times of holding the Court of General Sessions of the Peace, and Inferior Court of Common Pleas in the Counties therein mentioned.
  10. An Act to enable the Justices of the Supreme Court to issue Commissions for the examining of Witnesses out of the Province.
  11. An Act for the security and protection of certain Islands in the River Saint John.
  12. An Act to continue an Act, intituled, *An Act for laying an Impost.*
  13. An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province.
  14. An Act for the support and relief of Confined Debtors.
  15. An Act for laying an Impost.
  16. An Act for appropriating and disposing of the Public Monies.
  17. An Act for regulating Elections of Representatives in General Assembly, and for limiting the duration of Assemblies in this Province.
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*Anno 32 Georgii III.*

1. AN Act for continuing the establishment of a Militia, and for regulating the same.
2. An Act in amendment of an Act, intituled, *An Act for more effectually securing the Title of Purchasers of Real Estates against Claims of Dower, and also to enable Femes Covert more easily to convey any Real Estate they may hold in their own right.*
3. An Act to provide for the Maintenance of Bastard Children.

4. An Act for altering the Times of holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas in the County of Northumberland.
  5. An Act to encourage the destroying of Wolves.
  6. An Act to prevent the destruction of Sheep by Dogs.
  7. An Act to continue an Act, intituled, *An Act to prevent Frauds in the Sale of Damaged Goods imported into this Province.*
  8. An Act to enable the Justices of the Court of General Sessions of the Peace and Inferior Court of Common Pleas in King's County to hold the same Courts for the present Year, at the time therein mentioned.
  9. An Act to restrain all Persons that may be concerned in the Collection of Impost Duties from owning any Vessel, or trading or dealing in Dutiable Articles.
  10. An Act for raising a Revenue in this Province.
  11. An Act to defray the Expences incurred, and to be incurred in the Public Service therein mentioned.
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*Anno 33 Georgii III.*

1. AN Act to continue sundry Acts of the General Assembly which have expired or are near expiring.
2. An Act to prevent the encumbering or filling up of Harbours.
3. An Act for apprehending Deserters from His Majesty's Service and for punishing unlawful Dealings with Soldiers or Deserters.
4. An Act to explain and amend an Act, intituled, *An Act to provide for the support of a Light-House to be built upon Partridge Island.*
5. An Act in amendment of an Act, intituled, *An Act for more effectually securing the Title of Purchasers of Real Estates against Claims of Dower.*
6. An Act in amendment of an Act, intituled, *An Act to regulate and provide for the support of the Poor in this Province.*
7. An Act for regulating the Size and Contents of Lime Hogsheads within this Province.
8. An Act to levy an Assessment on the Proprietors of the Township of *Sackville*, for defraying the Expences of a Survey and Plan of said Township.
9. An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province.
10. An Act for raising a Revenue in this Province.

*Anno 34 Georgii III.*

1. AN Act for the better regulating the Militia in this Province.
  2. An Act for apprehending Persons in any County or Place upon Warrants granted by Justices of the Peace of any other County.
  3. An Act to explain and amend an Act, intituled, *An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province.*
  4. An Act for altering the Times of holding the Inferior Court of Common Pleas and General Sessions of the Peace in the County of *Charlotte.*
  5. An Act to alter and amend an Act, intituled, *An Act for regulating Inn-holders, Tavern-keepers and Retailers of Spirituous Liquors.*
  6. An Act to alter and amend an Act, intituled, *An Act for ascertaining Damages on Protested Bills of Exchange.*
  7. An Act to continue an Act, intituled, *An Act for raising a Revenue in this Province.*
  8. An Act in addition to an Act, intituled, *An Act for appointing Commissioners of Sewers.*
  9. An Act for preserving the Bank of the River *Saint John*, in front of the Parishes of *Magerville, Sheffield* and *Waterborough.*
  10. An Act for appropriating and disposing of the Public Monies.
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*Anno 35 Georgii III.*

1. AN Act for the more easy and speedy Recovery of Small Debts.
2. An Act to regulate the Terms of the Sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the Jurisdiction of the same, and for the Summary Trial of certain Actions.
3. An Act in addition to an Act, intituled, *An Act for the better ascertaining and confirming the Boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes.*
4. An Act for preserving the Bank of the River *Saint John*, in front of the Parish of *Lincoln*, in the County of *Sunbury.*
5. An Act to continue several Acts that are near expiring.
6. An Act to provide for the support of Beacons to be erected for better securing the Navigation of *Passamaquoddy Bay*, and building a Slip in the Harbour of *Saint Andrews.*
7. An Act further to continue an Act, intituled, *An Act for raising a Revenue in this Province.*

x The TITLES of the ACTS.

Anno 36 Georgii III.

1. AN Act to prevent Acts of the General Assembly from taking effect from a time prior to the passing thereof.
  2. An Act for reviving and continuing an Act, intituled, *An Act for the support and relief of Confined Debtors.*
  3. An Act to revive and continue an Act, intituled, *An Act for preserving the Bank of the River Saint John, in front of the Parishes of Magerville, Sheffield, and Waterborough.*
  4. An Act for preventing unnecessary expence and delay in the process of Barring Entails, and for establishing a plain and easy Form of conveying and assuring Estates-Tail.
  5. An Act to prevent bringing Infectious Distempers into the City of *Saint John.*
  6. An Act to amend an Act, intituled, *An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province,* so far as the same respects the Fisheries in that part of the County of *Northumberland,* which is within the Bay and River *Miramichi* and its Branches.
  7. An Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province, and for suspending for a limited time all the Laws now in force relating to the same.
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Anno 37 Georgii III.

1. AN Act to continue an Act, intituled, *An Act for the more easy and speedy Recovery of Small Debts.*
2. An Act to alter and amend an Act passed in the Twenty-sixth year of His Majesty's reign, intituled, *An Act for preventing Trespasses.*
3. An Act to authorize the erection of Fences and Gates across certain Roads in the several Counties in this Province, where the same shall be found necessary.
4. An Act for regulating the Exportation of Fish and Lumber, and for repealing the Laws now in force regulating the same.
5. An Act to prevent the growth of Thistles.
6. An Act to alter and amend an Act, intituled, *An Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province, and for suspending for a limited time all the Laws now in force relating to the same.*

## *Anno 38 Georgii III.*

1. AN Act to continue sundry Acts of the General Assembly that are near expiring.
  2. An Act in addition to and in amendment of an Act, intituled, *An Act for the Regulation of Seamen.*
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## *Anno 39 Georgii III.*

1. AN Act for raising a Revenue in this Province.
  2. An Act to provide for payment of sundry Debts of the Province for the year One thousand Seven hundred and Ninety-five.
  3. An Act for defraying the Ordinary Services of the year One thousand Seven hundred and Ninety-five.
  4. An Act to provide for payment of the Services therein mentioned.
  5. An Act for regulating the Fisheries in the County of *Northumberland*.
  6. An Act in amendment of an Act made and passed in the Thirty-first year of His Majesty's reign, intituled, *An Act for the support and relief of Confined Debtors.*
  7. An Act to authorize the Justices of the Sessions in the several Counties in this Province, to make regulations for the weighing of Hay, within such Counties where it may be found necessary to erect Machines for that purpose.
  8. An Act to prevent the Importation or spreading of Infectious Distempers within this Province.
  9. An Act to repeal an Act made and passed in the Thirty-sixth year of His Majesty's reign, intituled, *An Act to prevent bringing Infectious Distempers into the City of Saint John*, and to make more effectual provision for preventing the Importation and spreading of such contagious Distempers.
  10. An Act for defraying the Ordinary Services of the Province, for the years One thousand Seven hundred and Ninety-six, One thousand Seven hundred and Ninety-seven, One thousand Seven hundred and Ninety-eight, and One thousand Seven hundred and Ninety-nine.
  11. An Act for raising a Revenue and for appropriating the same towards re-imbursing the Members attending in General Assembly.
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## *Anno 41 Georgii III.*

1. AN Act for raising a Revenue in this Province.
2. An Act for the rendering Justices of the Peace more safe in the execution of their Office; and for indemnifying Constables and others acting in obedience to their warrants.

3. An Act to repeal all the Acts now in force relating to Trespasses, and for making new Regulations to prevent the same.
4. An Act for the better securing the Navigation of *Passamaquoddy Bay* within *Deer Island*.
5. An Act for the support and relief of Confined Debtors.
6. An Act for erecting a Court-House and Gaol in the County of *Westmorland*, and for altering the Shire Town of the said County.
7. An Act to continue an Act made and passed in the Thirty-sixth year of His Majesty's reign, intituled, *An Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province, and for suspending for a limited time all the Laws now in force relating to the same.*
8. An Act for the further and better support of the Poor in the City of *Saint John*.
9. An Act for preserving the Bank of the River *Saint John*, in front of the Parish of *Lincoln*, in the County of *Sunbury*.
10. An Act to continue an Act, intituled, *An Act for preserving the Bank of the River Saint John, in front of the Parishes of Magerville, Sheffield and Waterborough.*
11. An Act to empower the Justices of the Peace for the County of *York*, to make such Regulations respecting the Winter Roads in that County as may be found necessary.
12. An Act for appropriating certain Monies for defraying the Expences of the Province.
13. An Act for granting certain Sums for repairing and laying out Roads.

*Anno 42 Georgii III.*

1. AN Act for regulating the Militia.
2. An Act for altering the Times of holding the Inferior Court of Common Pleas and General Sessions of the Peace for the County of *King's*.
3. An Act for altering the Times of holding the Courts of General Sessions of the Peace and Common Pleas in the County of *Westmorland*.
4. An Act to render Persons convicted of Petty Larceny competent Witnesses.
5. An Act for the easy and speedy Recovery of Small Debts, and for regulating the proceedings thereon.

6. An Act for aiding and encouraging Parish Schools.
  7. An Act in addition to an Act, "*To regulate the Terms of the Sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the Jurisdiction of the same, and for the Summary trial of Actions.*"
  8. An Act for raising a Revenue in this Province, and for appropriating the same, together with the Monies now in the Treasury.
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*Anno 43 Georgii III.*

1. AN Act for transferring to and vesting in the Crown such Lands and Tenements of any person or body politic, on which it may be judged suitable and necessary to erect Fortifications, or which may be wanted for other uses of War and defence, and for ascertaining the value thereof and making compensation for the same to the former owners.
2. An Act to enable the Justices of the General Sessions of the Peace and Inferior Court of Common Pleas in the County of *Northumberland*, to hold the same for the present Year at the times therein mentioned.
3. An Act for altering the Divisions of Four of the Wards in the City of *Saint John*, and for changing the mode of Elections within the two other Wards of the said City.
4. An Act in addition to an Act, intituled, "*An Act for the better ascertaining and confirming the Boundaries of the several Counties within this Province, and for subdividing them into Towns and Parishes.*"
5. An Act for erecting the Upper part of the County of *York* into a distinct Town and Parish.
6. An Act for regulating the Exportation of Butter.
7. An Act to explain and amend an Act, intituled, "*An Act for regulating the Exportation of Fish and Lumber, and repealing the Laws now in force regulating the same.*"
8. An Act to continue sundry Acts of the General Assembly that are near expiring.
9. An Act for raising a Revenue in this Province.
10. An Act for appropriating certain Monies for defraying the Expences of the Province.
11. An Act for granting certain Sums for repairing and laying out Roads.



Anno 45 Georgii III.


1. AN Act for the better regulating the Militia in this Province.
2. An Act to alter one of the Terms of holding the Inferior Court of Common Pleas for the County of *York*.
3. An Act to prevent the Importation and Sale of Goods by Persons not His Majesty's Subjects.
4. An Act for the better regulating the Weight and Rates at which Gold Coin shall pass current in this Province.
5. An Act to continue an Act, intituled, "*An Act for the better securing the Navigation of Passamaquoddy Bay, within Deer-Island.*"
6. An Act for the more effectual prevention of Desertion from His Majesty's Forces.
7. An Act to alter and amend an Act, intituled, "*An Act for securing the Navigation of the River Magaguadavic.*"
8. An Act to regulate the Winter Roads in the Counties of *York* and *Sunbury*.
9. An Act in addition to an Act, intituled, "*An Act for regulating Juries and declaring the Qualification of Jurors.*"
10. An Act for altering one of the Terms of holding the Inferior Court of Common Pleas in the County of *Sunbury*.
11. An Act to provide for punctuality of payment at the Treasury, by issuing Notes to the amount of the Public appropriations.
12. An Act for encouraging and extending Literature in this Province.
13. An Act to enable the Commissioners of Highways in the Parishes of *Magerville*, *Sheffield* and *Waterborough*, to lay out Highways and to appropriate part of the Statute labor for securing the Bank of the River in front of those Parishes.
14. An Act for the regulation of Booms for securing Masts, Logs and Lumber, in the County of *Charlotte*.
15. An Act for granting aid in support of the College of *New-Brunswick*, incorporated by Charter and established at *Frederickton*.
16. An Act to continue an Act made and passed in the Thirty-sixth year of His Majesty's reign, intituled, "*An Act for regulating, laying out, and repairing Highways.*"
17. An Act to continue an Act made and passed in the Forty-third year of His Majesty's reign, intituled, "*An Act for raising a Revenue in this Province.*"

18. An Act for erecting the Eastern part of the County of *Westmorland* into a distinct Town or Parish.
19. An Act to continue sundry Acts of the General Assembly that are near expiring.
20. An Act to amend "*An Act for regulating the Exportation of Butter.*"
21. An Act to appropriate the Public Revenue.



ERRATUM in the TABLE.

Page 1, line 7, for *Forty-third*, read *Forty-fifth*.



# THE ACTS

OF THE

## GENERAL ASSEMBLY,

&c.



Anno Regni GEORGII III. Regis  
Vicesimo Sexto.

*AT the General Assembly of the Province of New-Brunswick, begun and holden at the City of Saint John, on the third day of January, in the year of our Lord one thousand seven hundred and eighty-six, and in the twenty-sixth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of Great-Britain, France and Ireland, King, Defender of the Faith, and so forth; being the first Session of the first Assembly convened in the said Province.*

### CAP. I.

An ACT for the better ascertaining and confirming the Boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes.

**W**HEREAS his most gracious Majesty, by his Royal Letters Patent under the Great Seal of this Province, bearing date the 18th day of May, 1785, was pleased to erect and constitute into one distinct and separate County, all that tract or district of Land situate in this Province, bounded southerly on the *Bay of Fundy*, easterly by *Hopewell Town-ship*,

Preamble describing the several Counties in the Province, viz.

*Saint John.*

ship, and a line running from the north-west corner of said Township, due north into the Country, northerly by a line running east-north-east, and west-south-west, from the southern-most point of the *Kennebeckacis* Island, lying at the mouth of the river *Kennebeckacis*, where it joins the river *Saint John*, and westerly by a due north line from point *Le Proc*, in the *Bay of Fundy* aforesaid. And did thereby ordain, establish and declare that all and singular the Lands and Waters comprised within the limits aforesaid, should forever thereafter be, continue and remain a distinct and separate County, and including the City of *Saint John*, should be called, known and distinguished by the name of the City and County of *Saint John*.

*Westmorland.*

And whereas by like Letters Patent since passed, his Majesty was further pleased to erect and constitute into one distinct and separate County, all that tract or district of Land situate in this Province, bounded easterly by the Province of *Nova-Scotia*, and the *Gulf of St. Lawrence*, northerly by a due west line running into the Country from the northernmost point of the large Island in the mouth or entrance of *Chediac* bay or harbour, westerly by a line beginning at a point in the north boundary line of *Saint John's* county, due north from *Quaco Head* in the *Bay of Fundy*, and running north into the Country until it meets said west line, and southerly by the County of *Saint John* aforesaid, and the *Bay of Chignecto*, and did thereby ordain, establish and declare, that all and singular the Lands and Waters comprised within the limits aforesaid, should forever thereafter be, continue and remain a distinct and separate County, to be called, known and distinguished by the name of the County of *Westmorland*.

*Charlotte.*

And whereas by like Letters Patent since passed, his Majesty was pleased to erect and constitute into one distinct and separate County, another tract or district of Land, situate in the western part of this Province, bounded on the south by the *Bay of Fundy*,

on

on the west by the river *Scudiac* or *St. Croix*, and the western shore of the *Bay of Passamaquoddy*, including the Island of *Grand Manan*, on the east by a due north line from point *Le Proe* in said *Bay of Fundy*, running into the Country, and on the north by a due west line commencing in the said north line thirty miles distant from point *Le Proe* aforesaid. And did thereby ordain, establish and declare that all and singular the Lands and Waters comprised within the limits aforesaid, should forever thereafter be, continue and remain a distinct and separate County, to be called, known and distinguished by the name of the County of *Charlotte*.

And whereas by like Letters Patent since passed, another tract or district of Land lying within this Province, bounded southerly by the County of *Westmorland*, easterly by the *Gulf of St. Lawrence*, and the *Baie des Chaleurs*, northerly by the said Bay and the southern boundary of the Province of *Quebec*, and westerly by a continuation of the western boundary line of the said County of *Westmorland*, was also erected into one distinct and separate County, to be called and known by the name of the County of *Northumberland*.

*Northumberland.*

And whereas by like Letters Patent in like manner since passed, another tract or district of Land, lying within this Province, on both sides the river *Saint John*, bounded on the south by the County of *Saint John*, on the west by *Charlotte* County, on the east by the Counties of *Westmorland* and *Northumberland*, and on the north by a line running south-west and north-east from the south point of *Spoon-Island*, lying in *Saint John's* river, was also erected into one distinct and separate County, to be called and known by the name of *King's* County.

*King's* County.

And whereas by like Letters Patent in like manner since passed, another tract or district of Land, lying within this Province, on both sides the river *Saint John*, bounded on the south-east by *King's* County, on the south-west by *Charlotte* County, on the north-

*Queen's* County

north-east by the County of *Northumberland*, and on the north-west by the south boundary line of *Burton* Township, and by a continuation of the said line to the north-east and south-west until it meets the Counties of *Northumberland* and *Charlotte* respectively; was also erected into one distinct and separate County, to be called and known by the name of *Queen's* County.

*York.*

And whereas by like Letters Patent, in like manner since passed, another tract or district of Land, lying within this Province on both sides the river *Saint John*, bounded on the south-west by *Charlotte* County, on the north-east by the County of *Northumberland*, on the north-west by the Province of *Quebec*, and on the south-east by the north boundary line of the Township of *Maugerville*, and by the said line continued to the north-east till it meets the western bounds of *Northumberland* County, and south-west to the eastern bounds of the County of *Charlotte*, was also erected into one distinct and separate County, to be called and known by the name of the County of *York*.

*Sunbury.*

And whereas by like Letters Patent, in like manner since passed, the County of *Sunbury* was limited and bounded on the north-west by the County of *York*, on the north-east by the County of *Northumberland*, on the south-east by *Queen's* County, and on the south-west by the County of *Charlotte*.

Court-Houses &  
Gaols to be erected  
as follows,  
viz.—

At the City of  
*Saint John*;  
At *Westmorland*;  
At *St. Andrews*;  
At *Kingston*;  
At *Gagetown*;  
At *Fredericton*.

And whereas his Majesty did further grant and declare in the said Letters Patent respectively, that his loving subjects then residing and who thereafter should inhabit within the said Counties respectively, might at their own charge erect a Court-House and Gaol in each of the said Counties, viz. at the City of *Saint John*, in the County of *Saint John*; at *Westmorland*, in the County of *Westmorland*; at *Saint Andrews*, in the County of *Charlotte*; at *Kingston*, in *King's* County; at *Gagetown*, in *Queen's* County; and at *Fredericton*, in the County of *York*; which said several Towns were thereby declared to be

be the county Towns of the said Counties respectively.

And whereas the said several lines limiting and bounding the said respective Counties, cannot in the present condition of the Province be surveyed and finally ascertained, notwithstanding which it is at present necessary that the said several Counties be subdivided into Towns or Parishes, for the more convenient and orderly distributions of the respective Inhabitants, to enable them in their respective districts to fulfil the several duties incumbent on them, and for the better administration of Justice through the same.

Counties subdivided into Towns or Parishes.

I. *Be it therefore enacted by the Governor, Council and Assembly*, That the said several Counties so bounded and limited as aforesaid, shall be, continue and for ever remain distinct and separate Counties, to be called, known and distinguished by their respective names as aforesaid, and that they shall be, and are hereby respectively subdivided into Towns or Parishes as follows, viz.—

II. The said County called the County of *Saint John*, exclusive of the City of *Saint John*, shall be divided into three Towns or Parishes, as follows, viz. the first Town or Parish to be called, known and distinguished by the name of *Portland*, bounded on the south by the *Bay of Fundy*, the eastern shore of the harbour of *Saint John*, and the several northern bounds and limits of the said City of *Saint John*, on the east by the eastern boundary line of Lot No. 1, granted to *Samuel Hughes*, continued to the northern boundary line of the County, said eastern boundary line running from the shore of the *Bay of Fundy*—north fifteen degrees west—on the north by the northern boundary line of said County, and on the west by the eastern shore of the river *Saint John*, to the limits of the said City.—The second Town or Parish to be called, known and distinguished by the name of *Saint Martin's*, bounded on the south by the *Bay of Fundy*, on the east by the eastern

Names and description of Towns or Parishes in the County of *St. John*, viz.

*Portland.*

*St. Martin's.*

tern boundary line of the County, on the north by the northern boundary line of the County, and on the west by the eastern boundary line of the said Town or Parish of *Portland*.—The third Town or Parish to be called, known and distinguished by the name of *Lancaster*, bounded on the south by the *Bay of Fundy*, on the east by the western limits of the said City of *Saint John* and the western shore of the river *Saint John*, on the north by the northern boundary line of the County, and on the west by the western boundary line of the same.

*Lancaster.*

Towns or Parishes in the County of *Westmorland*, viz.—

*Westmorland,*  
*Sackville,*  
*Hopewell,*  
*Hillsborough,*  
*Moncton.*

III. The said County called the County of *Westmorland*, shall be divided into five Towns or Parishes; to be called, known and distinguished by the following names, viz. the Town or Parish of *Westmorland*, the Town or Parish of *Sackville*, the Town or Parish of *Hopewell*, the Town or Parish of *Hillsborough*, and the Town or Parish of *Moncton*; the same Towns or Parishes to be bounded as in and by the several Letters Patent or Grants of the said Towns, under the Great Seal of the Province of *Nova-Scotia*, the said Towns are bounded and described, which bounds and descriptions are hereby ratified and confirmed as fully and effectually as if the same were in this Act particularly repeated and expressed,

Towns or Parishes in *Charlotte* County, viz.—  
*St. Stephen.*

IV. The said County called *Charlotte* County, shall be divided into seven Towns or Parishes, as follows, viz. the first Town or Parish to be called, known and distinguished by the name of *St. Stephen*, beginning at the southerly bounds of Lot number one hundred and thirteen, on the west side of *Oak Point Bay*, thence bounded northerly and easterly by the southerly line of the said Lot, and of Lot number one in the back location, the easterly lines of the grant to *Nehemiah Marks* and others, to the most northerly angle of said grant, and by the continuation of the northerly line of said grant to the river *St. Croix*, thence westerly and southerly by the bank or shore of said river, and the westerly shore of *Oak Point Bay*, to the first bounds—the second  
Town



Town or Parish to be called, known and distinguished by the name of *St. David*, bounded westerly by the said Town of *St. Stephen*, and the westerly lines of a grant to the *Cape Ann Association*, northerly and easterly by the lines of said grant, and the back line of the Lots laid out on the east side of *Oak Point Bay*, and the continuation of that line 'till it meets the southerly line of the *Cape Ann Association*, southerly by the west side of the *Waughweig*, from the back line of Lot number eighty-two, and round *Oak Point* to the beginning of said Town of *St. Stephen*.

*St. David.*

The third Town or Parish to be called, known and distinguished by the name of *St. Andrews*, bounded westerly by the back line of Lots on the east side of *Oak Point Bay*, (from whence its continuation meets the southerly line of the *Cape Ann Association* and the *Waughweig*) and by the shores of *Waughweig* and *St. Croix Bay*, including *St. Andrew's Island*, southerly by the shores of *Passamaquoddy Bay*, to the division line between Lot number twenty and Lands reserved for a Glebe, Minister and School, including *Champcook Island*, easterly by a line running from the rear line of said Lot number twenty, to the southerly line of the *Cape Ann Association*, the said line dividing in its extent two ranges of Lots laid out in the back location, and northerly by a part of the southerly line of *Cape Ann Association*.

*St. Andrews.*

The fourth Town or Parish to be called, known and distinguished by the name of *St. Patrick*, bounded westerly by the said Town of *St. Andrews*, northerly by the southerly line of the *Cape Ann Association*, and the continuation thereof until it meets the line bounding the surveys, allotments and grants, on the western side the *Maggaugaudavick*, to the rear or westward, easterly by the continuation of the last described line, following its several courses until it meets the Bay of *Passamaquoddy*, there forming the western bounds of Land granted *Philip Bailey* and others, southerly by the shores of *Passamaquoddy*

*St. Patrick.*

*quoddy* Bay, from the last bounds to the eastern bounds of said Town of *St. Andrews*, including all the Islands within two miles of the shore in this extent.

*St. George.*

The fifth Town or Parish to be called, known and distinguished by the name of *St. George*, bounded westerly by the said Town of *St. Patrick*, northerly by the continuation of the northerly line of the same Town of *St. Patrick*, crossing the *Maggaugaudavick*, to the rear or easterly line of the surveys, allotments and grants on the east side of that river, easterly by the said line and by the northerly and easterly lines of Capt. *Clinch's* grant to *Etang* river, thence by the easterly shore of that river and the southerly shore of the coast to the Bay of *Passamaquoddy*, and by the easterly shore of that Bay crossing the mouth of the *Maggaugaudavick*, and running by the said easterly shore to the eastern limits of the said Town of *St. Patrick*, including all Islands within two miles of the shore.

*Pennfield.*

The sixth Town or Parish to be called, known and distinguished by the name of *Pennfield*, bounded westerly by the said Town of *St. George*, and the easterly shore of *Etang* river, southerly by the shore of the *Bay of Fundy* from *Etang* river to point *Le Proe*, easterly by the County line, northerly by the continuation of the northerly line of the said Town of *St. George*, until it meets the County line including *Wolf Islands*, and the Islands in *Maise's* Bay.

*West-Isles.*

The seventh Town or Parish to be called, known and distinguished by the name of *West-Isles*, to contain *Deer Island*, *Campo-Bello Island*, *Grand Manan Island*, *Moose Island*, *Frederick Island* and *Dudley Island*, with all the lesser Islands contiguous to them, not included in the Towns before-mentioned.

Towns or Parishes in *King's* County, viz.—  
*Westfield.*

V. The said County called *King's* County, shall be divided into four Towns or Parishes, as follows, viz. the first Town or Parish to be called, known and distinguished by the name of *Westfield*, bounded by a line running from the mouth of a Creek which discharges into the *Long Reach* at *Devil's Head*; north-

north-west to the County line, and south-east to the north-west shore of *Kennebeckacis* Bay, and thence crossing the said Bay to the point where the County line strikes the south-east shore of said Bay.

The second Town or Parish to be called, known and distinguished by the name of *Sussex*, beginning at the point where the County line strikes the south-east shore of *Kennebeckacis* Bay, and continuing along the same to the lower boundary line of a grant to *Studholme*, *Baxter*, and others, thence north to the north-west angle of the said grant, and thence north sixty-five degrees east, to the boundary line of the County.

The third Town or Parish to be called, known and distinguished by the name of *Springfield*, beginning on the County line six miles north-east from its commencement at the lower point of *Spoon Island*, and running thence to the rear of the Lots laid out on the north-east side of *Belisle* Bay, at the division line between numbers nineteen and twenty, thence crossing the Bay to a designed Road between numbers one and eight of the Lots on the south-east side of said Bay, thence along said Road and the rear of the same Lots to the division line between numbers sixteen and seventeen in the back Settlements, and along that line to the rear of the *Kingston* Lots, and along the rear of the *Kingston* Lots to the Town of *Sussex*.

The fourth Town or Parish to be called, known and distinguished by the name of *Kingston*, beginning at the point where the first described line of the Town of *Westfield* strikes the north-west shore of *Kennebeckacis* Bay, and bounded on the south-west by said line, on the north-west by the upper line of the County, to the commencement of the Town of *Springfield*, thence along the boundary of the same Town till it strikes the line of the Town of *Sussex*, at the said grant to *Studholme*, *Baxter*, and others, and thence along the boundary line of

the same Town of *Sussex*, to the place of beginning, including *Darling's Island*, and *Long Island*.

Towns or Parishes in *Queen's County*, viz.  
*Wickham*.

VI. The said County called *Queen's County*, shall be divided into four Towns or Parishes, as follows, to wit: the first Town or Parish to be called, known and distinguished by the name of *Wickham*, on the east side the river *Saint John*, bounded southerly by the lower County line, westerly by the river *Saint John*, to the lower bounds of Lieut. Col. *Spry's* Lands, northerly by a line running from the said lower bounds of said Land north fifty-four degrees east, thirty miles, easterly by a line running from said extent south, thirty degrees east, until it strikes the lower County line, including the lower *Musquash Island*.

*Waterborough*.

The second Town or Parish to be called, known and distinguished by the name of *Waterborough*, on the east side the river *Saint John*, bounded southerly by the said Town of *Wickham*, easterly by the continuation of the back line of the same Town of *Wickham*, north thirty degrees west, until it strikes the upper County line, northerly by said County line, and westerly by the river *Saint John*.

*Hampstead*.

The third Town or Parish to be called, known and distinguished by the name of *Hampstead*, on the west side the river *Saint John*, bounded southerly by the lower County line, easterly by the river *Saint John*, to the division line between *Nathaniel Jarvis's* Lot number thirty-eight, and *George Sweet's* Lot number thirty-seven in the *Gage-Town* grant, northerly by said division line to the rear of said Lots, thence by a line running south fifty-two degrees west to the easterly line of *Charlotte County*, and westerly by *Charlotte County*, including *Long Island*, *Upper Musquash Island*, and *Spoon Island*.

*Gagetown*.

The fourth Town or Parish to be called, known and distinguished by the name of *Gage-Town*, on the west side the river *Saint John*, bounded southerly by the said Town of *Hampstead*, easterly by the river *Saint John*, northerly by the upper County line,

line, and westerly by *Charlotte County*, including *Grimross Island*.

VII. The said County called the County of *Sunbury*, shall be divided into four Towns or Parishes as follows, to wit : the first Town or Parish to be called, known and distinguished by the name of *Burton*, on the west side the river *Saint John*, bounded southerly by the lower County line, easterly by the river *Saint John* to the *Oromocto*, northerly by a line running up said River along the middle of its channel to the point of Land at its forks in *Shearman's* grant, thence by a line running south fifty-five degrees west, to the easterly line of *Charlotte County*, and westerly by *Charlotte County*, including *Mager's* and *Ox Islands*.

Towns or Parishes in *Sunbury*, viz.

*Burton*.

The second Town or Parish to be called, known and distinguished by the name of *Lincoln*, on the west side the river *Saint John*, bounded southerly by the said Town of *Burton*, easterly by the river *Saint John*, to the lower line of *York County*, northerly by said County line, and westerly by *Charlotte County*.

*Lincoln*.

The third Town or Parish to be called, known and distinguished by the name of *Sheffield*, on the east side the river *Saint John*, bounded southerly by the lower County line, westerly by the river *Saint John* to the lower line of *Nathaniel Underhill's* Lot, northerly by said line of said Lot, and its continuation twenty-five miles easterly from the river *Saint John*, easterly by a line running from the extent of the last line south forty-five degrees east, until it meets the lower County line, including *Middle Island*.

*Sheffield*.

The fourth Town or Parish to be called, known and distinguished by the name of *Magerville*, on the east side the river *Saint John*, bounded southerly by said Town of *Sheffield*, westerly by the river *Saint John*, to the lower line of *York County*, northerly by said County line until it meets the continuation of the easterly line of the said Town of *Sheffield*,

*Magerville*.

*Sheffield*, running north forty-five degrees west, twenty-five miles from the river *Saint John*, on the continuation of *Nathaniel Underhill's* Lot, and easterly by the said continuation of the easterly line of the said Town of *Sheffield*, including *Oromocto* Island.

Towns or Parishes in *York* County, viz.

*Fredericton.*

VIII. The said County called *York County*, shall be divided into seven Towns or Parishes, as follows, to wit: the first Town or Parish to be called, known and distinguished by the name of *Fredericton*, bounded on the south-east by the lower line of the County of *York*, on the north-west by the lower line of the grant to *Col. Isaac Allen* and others, to its south angle, on the south-west by a line running from that angle south-east to the lower line of the County, on the north-east by the shore of the river *Saint John*.

*Kingsclear.*

The second Town or Parish to be called, known and distinguished by the name of *Kingsclear*, bounded on the south-east by the Town of *Fredericton* and the lower line of the County, on the north-west by the lower line of the Town of *Prince William*, and a continuation thereof, twelve miles into the Country, on the south-west by a line running from thence south-east to the lower line of the County, and on the north-east by the shore of the river *Saint John*, including the Islands in front.

*Prince William.*

The third Town or Parish to be called, known and distinguished by the name of *Prince William*, bounded on the south-east by the upper boundary line of the Town of *Kingsclear*, on the north-west by the lower line of block number four, on the upper boundary line of a grant to *Edward Winslow*, Esq. and by a continuation of the same south-west into the Country, on the south-west by a continuation of the south-west boundary line of the Town of *Kingsclear*, and on the north-east by the shore of the river *Saint John*, including the Islands in front.

The fourth Town or Parish to be called known and

and distinguished by the name of *Woodstock*, bounded on the south-east by the northwest boundary line of the Town of *Prince William*, extended twelve miles into the Country, on the north by the upper boundary line of a grant to the second battalion of *Delancey's*, and a continuation thereof west into the Country twelve miles from the River, westerly and southerly by a line running from thence 'till it strikes the continuation of the upper boundary line of a grant to *John Munroe*, twelve miles from its commencement on the shore of the river *Saint John*, thence running south-easterly 'till it strikes the upper corner of the south-east boundary line, and easterly by the shore of the river *Saint John*, including all the Islands in front.

*Woodstock.*

The fifth Town or Parish to be called, known and distinguished by the name of *St. Mary's*, bounded on the south-east by the lower line of the County running thereon thirty miles, westerly and north-westerly by the river *Madam Keswick*, to the upper boundary line of Lands laid out for the *New-York Volunteers*, and by a continuation of the said line north-east into the Country, on the north-east by a line running from the upper corner of the south-east boundary line north-west, 'till it meets the north-west boundary line.

*St. Mary's.*

The sixth Town or Parish to be called, known and distinguished by the name of *Queensbury*, bounded by the river *Madam Keswick*, 'till it comes opposite the upper line of Lands laid out for the *New-York Volunteers*, thence by a line running west 'till it meets the continuation of the lower boundary line of a tract of Land laid out to Capt. *Cunliffe* and others, at the entrance of the *Narcawegack* Creek, thence by that line to the shore of the River and by the shore of the river *Saint John* to the *Madam Keswick*.

*Queensbury.*

The seventh Town or Parish to be called, known and distinguished by the name of *Northampton*, bounded on the south-east by the north-west boundary

*Northampton.*

dary line of the Town of *Queensbury*, extended twelve miles into the Country, on the north-east by a line running from thence north-westerly to the mouth of a River which discharges into the river *Saint John*, at the upper boundary of block number seven, about two miles and a quarter above the upper end of *Pine Island*, on the north-west and south-west by the shore of the river *Saint John*.

Towns or Parishes in *Northumberland*, viz.  
*New-Castle*.

IX. The said *County of Northumberland*, shall be divided into two Towns or Parishes as follows, viz. the first Town or Parish to be called, known and distinguished by the name of *New-Castle*, bounded southerly by the north boundary line of the County of *Westmorland*, easterly by the sea-coast, including the Islands in front to the northernmost point of *Waltham Island*, northerly by a due west line from said point extended 'till it meets a north line drawn from *Okean* river, a branch of the river *Miramichi*.

*Alnwick*.

The second Town or Parish to be called, known and distinguished by the name of *Alnwick*, bounded southerly by the north line of said Town of *New-Castle*, easterly by the sea-shore, including the Islands in front, to the north side of the mouth of *Trachady* river, northerly by a due west line from the said north side of the mouth of said river 'till it meets the continuation of the western line of the said Town of *New-Castle*. All which said lines of the said Towns in the respective Counties herein before mentioned are intended and to be considered as lines run by the magnet and not otherwise.

Lines of Towns run by the magnet.

Shire or County Towns, viz.  
*Westmorland*.  
*St. Andrews*.  
*Kingston*.

*Gagetown*.

*Burton*.

*Fredericton*.

*New-Castle*.

X. *And be it further enacted*, That the said Town of *Westmorland* in the County of *Westmorland*, the said Town of *St. Andrews* in the County of *Charlotte*, the said Town of *Kingston* in *King's County*, the said Town of *Gage-Town* in *Queen's County*, the said Town of *Burton* in the County of *Sunbury*, the said Town of *Fredericton* in the County of *York*, and the said Town of *New-Castle* in the County of *Northumberland*, shall be for ever hereafter the Shire or County Towns of the said Counties respectively.



spectively. *Provided*, That in the County of *Sunbury* the Courts may be held in the Town of *Magerville*, until such time as a convenient Court-House and Gaol shall be erected in the said Town of *Burton*.

In *Sunbury* the Courts to be held at *Magerville*, until a Court-house and Gaol be erected at *Burton*.

## CAP. II.

An ACT for the Registering of Letters Patent and Grants made under the Great Seal of the Province of *Nova-Scotia*, of Lands now situate within the limits of this Province.

WHEREAS it is necessary as well for ascertaining the Rights of the Crown as for ascertaining and securing the Rights and Estates of his Majesty's subjects in this Province, that all Grants of Lands should be publicly registered.

Preamble.

I. *Be it enacted, by the Governor, Council and Assembly*, That all Letters Patent and Grants heretofore made and passed under the Great Seal of the Province of *Nova-Scotia*, of Lands, Tenements, Hereditaments, now situate, lying and being within this Province, shall and may be registered at full length by the several Grantees therein named, their several and respective heirs and assigns in the office of the Secretary and Register of the Records of this Province, within the space of one year.

Letters Patent & Grants under the Great Seal of *Nova-Scotia*, of Lands, &c. in this Province, to be registered in the office of the Secretary and register of this Province, within one year.

II. *And be it further enacted*, That the said several Grantees, their several and respective heirs and assigns, may within the said term of one year, produce to the Secretary and Register, to be by him entered and registered as aforesaid, any and all such Letters Patent and Grants so made and passed as aforesaid, under the Great Seal of the said Province of *Nova-Scotia*, or a copy and copies of the same, duly attested and authenticated by and under the hand of the Register of the said Province of *Nova-Scotia*, or exemplified under the Great Seal of the same Province. And the said Secretary and Register of the

Records

Secretary & Register of this Province required to register Letters Patent & Grants under the Great Seal of *Nova-Scotia*, or copies duly attested, &c.

Records of this Province is hereby authorised and required to register at full length among the Records of Letters Patent and Grants of Lands made and passed under the Great Seal of this Province, all such Letters Patent and Grants made under the Great Seal of the said Province of *Nova-Scotia*, and such copy or copies thereof so duly attested, authenticated and exemplified as aforesaid.

Letters Patent & Grants under the Great Seal of *Nova-Scotia*, not registered in this Province within one year, to be void and of no effect against any Grant under the Great Seal of this Province.

III. *And be it further enacted*, That if any Grantee or Grantees, their several and respective heirs and assigns, shall neglect to register in manner as is herein provided, any Letter Patent, Grant or Grants, made and passed under the Great Seal of the Province of *Nova-Scotia*, of Lands, Tenements and Hereditaments, now situate, lying and being within this Province, for a longer term than the said space of one year, such Grantee and Grantees, their several and respective heirs and assigns, shall be forever after precluded and barred, of and from all rights, title and claim, in and to such Lands, Tenements and Hereditaments, in any such Letters Patent or Grants contained, and all such Letters Patent and Grants not registered as aforesaid, within the term aforesaid, shall be vacated and cancelled, and are hereby declared to be null and void, and of no effect in Law against the King's Majesty, his heirs and successors, or against any Grantee under the Great Seal of this Province.

### CAP. III.

An ACT for the Public Registering of all Deeds, Conveyances and Wills, and other incumbrances which shall be made of or that may affect any Lands, Tenements, or Hereditaments, within this Province.

Preamble.

WHEREAS by the different and secret ways of transferring, conveying and incumbering Lands, Tenements and Hereditaments, such as are ill-disposed have it in their power to commit frauds, whereby persons who purchase Lands, or lend Monies

nies on Land security, are liable to be injured in their purchases and Mortgages, and to be utterly ruined by prior and secret conveyances and fraudulent incumbrances; for preventing whereof,

I. *Be it enacted by the Governor, Council and Assembly,* That all Deeds and Conveyances which shall hereafter be made and executed, and all Wills and Devises in writing, made or to be made and published, where the Devisor or Testatrix shall hereafter die of or concerning; and whereby any Lands, Tenements or Hereditaments in this Province, may be any way affected in Law or Equity, may be registered at full length in such manner as is herein after directed; and that every such Deed and Conveyance, that shall any time hereafter be made and executed, shall be adjudged fraudulent and void, against any subsequent Purchaser or Mortgagee for valuable consideration, unless such Deed and Conveyances be registered as by this Act is directed, before the registering of the Deeds or Conveyances under which such subsequent Purchaser or Mortgagee shall claim; and that every such Devise by Will shall be adjudged fraudulent and void against any subsequent Purchaser or Mortgagee for valuable consideration, unless such Will be registered at such times and in such manner as is herein after directed.

Deeds, Conveyances and Wills, may be registered.

Adjudged fraudulent and void against subsequent purchaser, unless registered.

II. And for the better settling and establishing a certain method, with proper rules and directions for registering such Deeds, Conveyances and Wills as aforesaid, *Be it further enacted,* That in each and every County in this Province, there shall be erected and established one Public office for registering such Deeds, Conveyances and Wills, of and concerning any Lands, Tenements, and Hereditaments, that are situate, lying and being within such County and Counties respectively; to be managed and executed by such fit and able person and persons as shall thereto be nominated and appointed by the Governor or the Commander in Chief of this Province.

Registry Office erected in each County.

Registers to be appointed by the Governor or Commander in Chief.

Registers to be sworn.

III. *And be it further enacted*, That all and every such Register and Registers, shall before he or they enter upon the execution of the said office, be sworn before two of His Majesty's Justices of the Peace *quorum unus*, in the County where such Registers are respectively appointed, or before one of His Majesty's Justices of the Supreme Court of Judicature, well, truly and faithfully to execute the same office, which oath such Justices are severally empowered and required to administer.

Guilty of neglect & c. to pay treble damages & colls.

IV. *And be it further enacted*, That if any such person or persons so appointed Register or Registers as aforesaid, shall be guilty of any neglect, misdemeanor, or fraudulent practice in the execution of the said office and offices respectively, such Register or Registers so guilty as aforesaid, and being lawfully convicted thereof, shall be liable to pay treble damages with full costs of suit, to every person that shall be injured thereby, to be recovered by action of debt, bill, plaint or information, in any of His Majesty's Courts of Record in this Province.

Deeds, &c. produced to the Register, shall indorse a Certificate,

V. *And be it further enacted*, That every such Deed, Conveyance and Will, or Probate of the same, which is so to be registered as aforesaid, shall be produced to the said Register and Registers at the time of entering and registering the same, who shall indorse a Certificate on every such Deed, Conveyance and Will, or Probate thereof, and therein mention the certain day on which such Deed, Conveyance or Will is so entered or registered, expressing also, in what book, page and number, the same is entered and registered, and shall sign the said Certificate when so indorsed; which Certificate shall be taken and allowed as evidence of such respective Registers in all Courts of Record whatsoever; and every page of such Register books, and every Deed, Conveyance and Will, which shall be entered and transcribed therein, shall be numbered, and the year and day of the month when every such Deed, Conveyance and Will are received, entered and registered,

which shall be allowed as evidence.

Every page of the Register books to be numbered and time of receiving and entering to be mentioned.

ed, shall be entered in the said Register books; and every Register shall duly enter and register all Deeds, Conveyances and Wills, or Probate of the same, in the same order that they shall respectively come to his hands.

VI. *And be it further enacted,* That the due execution of all such Deeds and Conveyances so to be entered and registered, shall be made evident by the attestation of one or more of the subscribing witnesses thereto, who shall upon oath, or being a Quaker, on solemn affirmation, before the Register or before the Supreme Court of Judicature, or before any one of the Justices of the same Court, or before some of the Inferior Courts of Common Pleas in this Province, prove the signing, sealing and delivery of such Deeds and Conveyances; or else the Grantor and Grantors, and persons so signing, sealing, and delivering such Deeds and Conveyances, shall before the said Register or before one of his Majesty's Justices of the Courts aforesaid, or before one of his Majesty's Justices of the Peace, acknowledge his or their signing, sealing and delivering such Deeds and Conveyances; and in case of Wills the same shall be proved by the attestation of one or more of the subscribing witnesses, upon oath, or being a Quaker, upon solemn affirmation, in manner aforesaid, or by due and legal probate of the same: and the said Registers respectively, and the several Courts and Justices aforesaid, are hereby empowered to administer such oaths and affirmations aforesaid, and to take the said acknowledgments as aforesaid, and shall enter a memorandum of the administering and taking the same oaths, affirmations, and acknowledgments respectively, signed with their hands respectively, upon the said Deeds, Conveyances and Wills, with the time when the same was so taken or administered. And no Deed or Conveyance, or Will, shall be entered or registered, or Certificate thereof made as aforesaid, by any Register, before such oath, affirmation

Deeds, &c. to be entered in the order of time as received.

The execution of Deeds to be proved by oath of one or more of the subscribing witnesses,

or by the acknowledgment of Grantor, &c.

Wills to be proved by one or more subscribing witness or by the Probate thereof.

Registers, Courts and Justices, to administer oaths, take acknowledgments & enter the same on the Deeds, &c.

No Deeds, &c. to be entered or registered before proved or acknowledged.

Copies of entries and enrollments where the originals are destroyed to be allowed good and sufficient evidence.

or acknowledgment, or probate as aforesaid, thereof duly administered and taken as aforesaid, and a memorandum thereof so entered on the same respectively as aforesaid. And all copies of such entries and enrollments of such Deeds, Conveyances and Wills, so registered at full length, and which copies shall be signed by such Register or Registers respectively, shall be allowed in all Courts of Record to be good and sufficient evidence of such Deeds, Conveyances and Wills so registered, in case the same shall be destroyed by fire or other accident.

Wills registered within the times limited as in this section, valid against subsequent purchasers.

VII. *And be it further enacted*, That all Wills that shall be registered in manner as aforesaid, within the space of six months after the death of every respective Devisor or Testatrix, dying within this Province, or within the space of three years after the death of every respective Devisor or Testatrix, dying upon or in parts beyond the Seas, or within the space of one year after the death of every respective Devisor or Testatrix in any other parts out of the limits of this Province, shall be as valid and effectual against subsequent purchasers, as if the same had been registered immediately after the death of such respective Devisor or Testatrix; any thing herein contained to the contrary notwithstanding.

Proviso where Wills being contested or by other inevitable difficulty not registered within the limited times.

VIII. *Provided always*, That in case the Devisee, or person or persons interested in the Lands, Tenements or Hereditaments, devised by any such Will as aforesaid, by reason of the contesting of such Will or other inevitable difficulty, without his, her, or their wilful neglect or default, shall be disabled to exhibit the same, or a Probate thereof, for Registry, within the respective times herein before limited, and that a Memorial shall be entered in the said Register office or offices, of such contest or impediment, within the space of six months after the decease of such Devisor or Testatrix, who shall die within this Province, or within the space of three years next after the decease of such person who shall die upon or beyond the seas, or within the

the space of one year after the death of every respective Devisor or Testatrix, in any other parts out of the limits of this Province; then and in such case the Registry of such Will within the space of six months next after his, her, or their attainment of such Will, or a Probate thereof, or removal of the impediment, whereby he, she or they were so disabled or hindred as aforesaid, shall be a sufficient Registry, within the meaning of this Act; any thing herein contained to the contrary thereof in anywise notwithstanding.

IX. *Provided nevertheless*, That in case of any concealment or suppression of any Will or Devise, no purchaser or purchasers, for valuable consideration, shall be defeated or disturbed in his or their purchase, by any title made or devised by any such Will, unless the Will be actually registered within three years after the death of the Devisor or Testatrix.

Wills concealed or suppressed, not good against subsequent purchasers, unless registered within three years.

X. *And be it further enacted*, That all bargains and sales of any Lands, Tenements, and Hereditaments, by Deed indented, or Deed poll, and all Grants and Conveyances whatsoever, made by writing and duly signed, sealed and delivered, and acknowledged by the Grantor or Grantors, Bargainor or Bargainors, in such Grants, Sales and Conveyances, before one or more Justice or Justices of the Peace, (who are hereby empowered to take and enter on such Deeds, Bargains and Sales, and Conveyances, all such acknowledgments according to the intent of this Act) which shall be entered and registered at full length, by the said Register or Registers, in the Public office in and by this Act erected in the County and Counties where such Lands, Tenements, and Hereditaments are situate, lying and being, shall be good, effectual, and available, to all intents and purposes whatsoever, for the passing and transferring such Lands, Tenements, and Hereditaments, and the Estate and possession thereof, to the Bargainee and Bargainees, Grantee and Grantees therein named, according to the intents

Bargains & Sale of Lands, &c. acknowledged & registered as by this Act is provided, shall be good and sufficient to pass the Estate without livery of seisin.

tents and uses, and purposes in such Deeds and Conveyances expressed without livery of seisin, or any other Act, or Deed, or form, or ceremony whatever.

Deeds so registered, and copies thereof, good and sufficient.

XI. *And be it further enacted*, That all Deeds of bargain and sale, and all other Grants and Conveyances whatsoever, so executed, acknowledged, and registered in the said public or Register office and offices as aforesaid, which shall appear to be so acknowledged and registered by Indorsement or Certificate thereon, in form aforesaid, and all copies of the Registries thereof, remaining in the said Register's office or offices, duly attested and certified by the several Registers, shall be allowed in all Courts where such Deeds and Conveyances, or copies, shall be produced, to be as good and sufficient evidence as any bargains and sales inrolled in any of the Courts of *Westminster*, and the copies of the inrollments thereof are, in any Court of *Great-Britain*.

Mode of proof and how registered where the Grantor lives out of the Province or dies before acknowledgment.

XII. *And be it further enacted*, That if the Grantor or Grantors, Bargainor or Bargainors, in any Deed or Deeds, and Conveyance of Lands hereafter executed, shall live in parts beyond the Sea, or out of the limits of this Province, or shall happen to die before acknowledgment of such Deed or Deeds in the manner aforesaid, acknowledgment, certificate and proof of the execution thereof may be made as follows, that is to say, if such Grantor or Bargainor live within the Kingdoms of *Great-Britain* or *Ireland*, the acknowledgment of such Deed may be had and taken by and before any Judge of any of the Courts of King's Bench, or Common Pleas, or Baron of the Exchequer, or any Master in Chancery, or any Judge or Lord of the Session in *Scotland*; and if any other part of the *British* dominions, by and before any Judge of the Supreme or Superior Court of Judicature, in such Colony or part of said dominions wherein such Grantor or Bargainor shall reside, and certified on the said Deed or Conveyance by and under the hand of such Judge



or other person so taking the acknowledgment thereof as aforesaid, such Certificate being also authenticated, if in the *British* Plantations, under the hand and seal of the Governor, Lieutenant Governor or Commander in Chief of the Province where the same shall be made, and if in *Great-Britain* or *Ireland*, the Public Seal of some Corporation, there certifying that all faith and credit ought to be given to the attestation of the person so taking the acknowledgment thereof as aforesaid; and if the Grantor or Bargainor shall die before the acknowledgment of such Deed as aforesaid, proof of the execution thereof may be made by the oath of one or more of the subscribing witnesses thereto, before his Majesty's Supreme Court of Judicature, or any inferior Court of Common Pleas in this Province, or before any of the Courts of King's Bench, or Common Pleas, or Exchequer, in *England* or *Ireland*, or the Court of Session in *Scotland*, or before the Supreme or Superior Court of Judicature, in such other *British* Colony as aforesaid. And all such Deeds and Conveyances, so acknowledged or proved, may be registered, as by this Act is provided, and shall have all the force and effect to pass the Lands and Estate, and possession therein granted or intended to be granted, of Deeds and Conveyances executed and acknowledged according to the provisions of any other and former clauses and parts of this Act, and all such Deeds and Conveyances, and the Registries and copies thereof, certified as in this clause is provided, shall be received to be as good and sufficient evidence as any other Deeds, Conveyances, Registries, or copies in this Act mentioned.

XIII. *And be it further enacted*, That every such Register shall be allowed, for the entering and registering of all Deeds, Conveyances, Wills, and Writings as aforesaid, the sum of two shillings and no more, in case the same do not exceed two hundred words, but if such writing shall exceed two hundred words,

Register's Fees.

words, then after the rate and proportion of six-pence an hundred for all the words contained therein, over and above the first two hundred words: And the same fees of six-pence for every hundred words, in all Certificates, and in all copies given out of the said offices, and no more; and for every search in the said offices one shilling and no more.

Registers to give due attendance—search for Deeds, &c.—give copies, &c.

XIV. *And be it further enacted,* That every such Register shall give due attendance at his office daily, excepting Sundays, and holidays, for the dispatch of all business belonging to his office aforesaid, and shall as often as required, make searches concerning all Deeds, Conveyances, Wills and Writings, so entered and registered as aforesaid, and give copies and Certificates concerning the same under his hand.

To give security in £300.

XV. *And be it further enacted,* That every Register at the time of his being sworn into the said office, shall enter into a recognizance, with two or more sufficient sureties, to be taken and approved of by the Justice or Justices by whom the said oath shall be administered, in the penalty of three hundred pounds to his Majesty, his heirs and successors, conditioned for his true and faithful performance of his duty in the execution of his said office, in all things directed and required by this Act; the same to be transmitted within three months after the date hereof, by the same Court or Justices or Justice, into the office of the Clerk of his Majesty's Supreme Court of Judicature, there to remain amongst the Records of the said Court.

Penalty for forging entries of acknowledgments, &c. and for the forswearing of witnesses to Deeds, &c.

XVI. *And be it further enacted,* That if any person or persons shall at any time forge or counterfeit any entry of the acknowledgment of any Grantor or Bargainor in such Deed, Bargain and Sale, or Conveyance as aforesaid, or any such Memorandum, Certificate or Indorsement, as is herein mentioned or directed, and be thereof lawfully convicted, such person or persons shall incur and be liable to such pains and penalties as in and by an Act made in the fifth year of Queen Elizabeth, intituled, an Act against

forgery

forgery of false Deeds and Writings, are imposed upon persons for forging and publishing false Deeds, Charters, or Writings sealed, Court rolls or Wills, whereby the Freehold or Inheritance of any person or persons, of, in, or to any Lands, Tenements or Hereditaments, shall or maybe molested or charged; and if any person or persons shall at any time forswear himself, or being a Quaker, shall falsely, maliciously and corruptly affirm before any Register to be appointed in manner herein after mentioned, or before any Court, or Judge, or Justice, in any of the cases herein mentioned, and be thereof lawfully convicted, such person or persons shall incur and be liable to all the pains and penalties of persons committing, and convicted of wilful and corrupt Perjury in any Court of Record.

XVII. *And be it further enacted,* That in case of Mortgages, where any Mortgage Deed shall be registered, pursuant to this Act, if at any time afterwards a Certificate shall be brought to the said Register signed by the Mortgagee, in such Mortgage, his Executors, Administrators or Assigns, and attested by two witnesses, whereby it shall appear that all Monies due upon such Mortgage, have been paid or satisfied in discharge thereof (which witnesses shall upon their oath, before one of the Judges of his Majesty's Supreme Court of Judicature, or before the said Register, who are hereby respectively impowered to administer such oath, prove such Monies to be satisfied and paid accordingly, and that they saw such Certificate signed by the said Mortgagee, his Executors, Administrators or Assigns) that then and in every such case, the said Register shall make an entry in the margin of the said registry book, against the registry of the said Mortgage Deed, that the same was satisfied and discharged, according to such Certificate, to which the same entry shall refer, and also to a registry and transcript at full length of the said Certificate, which shall be made in the registry books, and he shall also file

Upon Certificate and proof that Money due on Mortgage is paid Register shall make an entry thereof in the margin.

Mortgagee may discharge the Mortgage by entering an acknowledgment of payment and satisfaction in the margin.

such Certificate, to remain in the said Register's office. Or any such Mortgagee, his Executors, Administrators, or Assigns, having received full payment and satisfaction for all Monies due by virtue of such Mortgage, may acknowledge and cause such payment and satisfaction thereof to be entered in the margin of the said registry book, against the registry of the said Mortgage Deed, and subscribe his proper hand and name thereto, in presence of the said Register, who shall also sign his name a witness thereto, which shall for ever after be a full discharge and release of such Mortgage.

This Act not to extend to Leases not exceeding 3 years, &c.

XVIII. *Provided always, and be it further enacted,* That this Act shall not extend to any Lease, not exceeding three years, where the actual possession and occupation goeth along with the Lease.

Register offices to be erected in Towns appointed by the Governor.

XIX. *And be it further enacted,* That the several Register's offices in the several Counties of this Province which by this Act are or hereafter shall be erected and established, shall be held and kept in such convenient Towns and places, in such Counties respectively, as shall be appointed and ordained for that purpose by the Governor.

In Deeds, &c. duly registered, the words *grant, bargain and sell,* shall be adjudged tantamount to certain express Covenants.

XX. *And be it further enacted,* That in all Deeds of Bargain and Sale, and all other Grants and Conveyances, hereafter registered in pursuance of this Act, whereby an Estate of inheritance in fee simple is limited to the Grantee or Bargainee, and his Heirs, the words *grant, bargain and sell,* shall amount to, and be construed and adjudged in all Courts of Judicature to be, express Covenants to the Bargainee or Grantee, their Heirs and Assigns respectively, from the Bargainor and Grantor, for him and themselves respectively, their several and respective Heirs, Executors and Administrators, that the Bargainor and Grantor respectively, notwithstanding any act done by him or them, was and respectively were, at the time of the execution of such Deed and Deeds, seized of the Hereditaments and Premises thereby granted, bargained and sold, of an indefeasible Estate of inheritance,

ritance, in fee simple, free from all incumbrances, (rents, duties, conditions, and services due and reserved to the King only excepted) and for quiet enjoyment thereof against the Grantor and Bargainor, his and their Heirs and Assigns respectively, and all claiming under him or them, and also for further assurance thereof to be made by the Grantor and Bargainor, his and their Heirs and Assigns, and all claiming under him or them; unless the same shall be restrained and limited by express particular words contained in such Deed or Deeds; and that the Bargainee and Grantee, their and each of their Heirs, Executors, Administrators and Assigns respectively, shall and may, in any action or actions to be brought, assign a breach or breaches thereupon, as they might do in case such Covenants were expressly inserted in such bargain and sale, Deed and Conveyance aforesaid.

## CAP. IV.

An ACT for preserving the Church of England, as by Law established in this Province, and for securing Liberty of Conscience in matters of Religion.

I. **B**E it enacted by the Governor, Council and Assembly, That no person whatsoever shall be capable to be admitted to any Parsonage, or other Ecclesiastical benefice or promotion whatsoever, within this Province of *New-Brunswick*, before such time as he shall be ordained according to the form and manner by Law established in the said Church of England.

Persons admitted to Parsonages, &c. to be ordained.

II. *And be it further enacted*, That every person having any Ecclesiastical benefice or promotion within this Province (not having some lawful impediment, to be allowed and approved of by the Governor or Commander in Chief for the time being) shall once at the least in every Month, upon some Lord's Day, in the Church, Chapel, or place of Public Worship, belonging to his said benefice or promotion

Persons having benefices, &c. to read prayers once in every Month at least, administer Sacraments, &c. under penalty of Five Pounds.

promotion, openly and solemnly read the public and common Prayers and service prescribed in and by the Liturgy of the said Church of England, and (if there be occasion) administer each of the Sacraments, and other rites of the Church, in such order, manner and form, as in and by the said Liturgy is appointed, upon pain to forfeit the sum of Five Pounds to the use of the Poor of the Parish for every offence, upon conviction by indictment or information in any of His Majesty's Courts of Record in this Province.

Persons having benefices, &c. who shall use any other form of Prayers, &c. than those prescribed in the Liturgy, shall be *ipso facto* disabled to officiate and be deprived of their benefices.

III. *And be it further enacted*, That if any person whatsoever, having any Ecclesiastical benefice or promotion within this Province, shall presume, in any Church, Chapel, or other place of Public Worship within this Province, openly to use any other form or order of common Prayers, administration of Sacrament, rites or ceremonies, than what is prescribed and appointed to be used in and by the said Liturgy; every such person so offending and being thereof convicted, upon indictment or information, in the Supreme Court, or in any Court of Oyer and Terminer or Goal Delivery in this Province, shall be *ipso facto* disabled to officiate in the Church, and deprived of all his Ecclesiastical benefice or promotion, and it shall be thereupon lawful for the Governor, or Commander in Chief for the time being, to collate to the same as if the person so offending as aforesaid were dead.

Dissenters shall have liberty of conscience, may build Meeting-houses, and elect Ministers.

IV. *Provided always, and be it further enacted*, That all Dissenters from the Church of England, within this Province, shall have liberty of conscience, and may erect and build Meeting-houses for Public Worship, and may choose and elect Ministers for the decent and orderly celebration of Divine Service, and administration of the Sacraments, according to their several and respective opinions.

No person not duly elected by dissenters, allowed to preach, &c.

V. *Provided nevertheless, and be it further enacted*, That no person whatsoever, of what persuasion or denomination soever, unless so chosen and elected, shall be permitted, suffered or allowed, to preach any

any Sermon or Lecture, or to officiate in the celebration of Divine Service and administration of the Sacraments, or other rites and ceremonies, in any place of Public Worship within this Province, unless he be first approved and thereunto licensed by the Governor or Commander in Chief for the time being, under his Hand and Seal, and no person whatsoever of what persuasion or denomination soever, shall be permitted, suffered or allowed, to preach any Sermon or Lecture, or to officiate in the celebration of Divine Service and administration of the Sacraments or other rites and ceremonies in any place of Public Worship unless he shall in the presence of the same Governor, or Commander in Chief, or of such person as he shall for that purpose nominate and appoint, take the usual oaths of fidelity and allegiance to his Majesty and his Successors: And that every person offending herein against the true intent and meaning of this Act, and being thereof convicted upon indictment or information in the Supreme Court, or in any Court of Oyer and Terminer or Goal Delivery in this Province, shall for each offence pay a fine to his Majesty, not exceeding the sum of one hundred pounds, nor less than fifty pounds, to be applied for the public uses of this Province and the support of the Government thereof, or suffer imprisonment for a space not exceeding six months nor less than three months, at the discretion of the Court before which the said offender shall be so convicted. *Provided*, That no person whatsoever shall, at any time be liable to the penalties mentioned in this Act, or any of them, for any offence or offences hereafter to be done or committed in any of the premises, unless he be thereof convicted as aforesaid, within six months respectively after such offence or offences shall have been committed: *And provided*, That the people called Quakers may be allowed the exercise of Public Worship in the manner they are accustomed, any thing in this Act to the contrary notwithstanding.

unless licensed by the Governor or Commander in Chief, nor shall any person be allowed to preach, &c. unless he shall take the oaths of fidelity, &c.

Offenders to be fined not exceeding £100, nor less than £50, or imprisoned not exceeding six nor less than three Months.

Conviction must be within six Months.

Quakers allowed to worship as accustomed.

## CAP. V.

An ACT against the Profanation of the LORD's Day, commonly called Sunday, and for the Suppression of Immorality.

TO prevent the true and sincere worship of GOD from being profaned, disturbed or neglected, by any of the Inhabitants and sojourners within this Province.

Shooting, Gaming, &c. prohibited on the Lord's Day.

*Be it enacted by the Governor, Council and Assembly,* That from and after the publication of this Act, all persons within this Province, of what description soever, (native Indians excepted) who shall be convicted, by the oath of one or more credible witnesses, before any of his Majesty's Justices of the Peace in any County within said Province (who are hereby required to take cognizance of the same) of shooting, gaming, sporting, playing, hunting, or frequenting tippling-houses, or servile labor (works of necessity and mercy excepted) on the LORD'S DAY, commonly called SUNDAY, or who shall be convicted of drunkenness, or the disturbance of the Public Worship of GOD, either on that or any other day, shall for every such offence, forfeit and pay the sum of three shillings, to be levied by distress and sale of the offender's goods at Public Auction by warrant under the Hand and Seal of any Justice of the Peace (the overplus, if any, to be returned to the owner of such distrained goods) unless the said forfeiture be paid within three days after conviction; but for want of effects whereon to levy the forfeiture, such offender shall for every such offence, by warrant under Hand and Seal of such Justice of the Peace, be publicly set in the Stocks, not more than three, nor less than the space of one hour. All forfeitures incurred by virtue of this Act to be applied towards the relief of the Poor of the City, Township or Parish where such offence shall have been committed. *Provided always,* That the complaint shall be within ten days after the commission of such offence.

Drunkenness and disturbance of Public Worship on that or other days.

Penalty three shillings for each offence.

For want of effects offenders set in the Stocks.

Forfeitures applied to relief of the Poor.

Complaint within ten days.



## CAP. VI.

An ACT for regulating JURIES and declaring the Qualifications of JURORS.

I. **B**E it enacted by the Governor, Council and Assembly, That no person shall be qualified to serve as a Grand Juror unless such person shall be possessed of a Freehold in the County where he resides, of the clear yearly value of ten pounds, or of a personal Estate of the value of one hundred pounds. And that no person shall be qualified to serve as a Petit Juror, unless he hath a Freehold Estate of the value of twenty shillings a year, or is possessed of ten pounds in personal Estate. And if any of a lesser Estate be returned, it shall be good cause of challenge, and the party returned shall be discharged upon said challenge or upon his own oath.

Grand Jurors to be possessed of a Freehold of the yearly value of £10, or of a personal Estate of £100.

And Petit Jurors of a Freehold of 20s. a year, or of £10 personal Estate.

II. *Be it further enacted*, That no Sheriff or Bailiff shall return any person to have been summoned unless such person shall have been duly summoned six days before the day of appearance, and in case any Juror be absent from his habitation, notice of such summons shall be given by leaving a note in writing under the hand of such officer at the dwelling house of such Juror, with some person there inhabiting.

No person to be returned unless summoned six days before the day of appearance.

Notice in writing left at the dwelling house.

III. *Be it further enacted*, That the Sheriff in each County shall duly summon twenty-four men qualified as by this Law is directed, to serve as Grand Jurors, and twenty-four other men also duly qualified to serve as Petit Jurors, to attend at the Supreme Court of this Province, on their several Terms and at the General Sessions of the Peace, and Inferior Courts of Common Pleas in each County, at such times and places as are by ordinance or Law appointed. Which Grand and Petit Jury so returned, shall be the Juries for hearing and determining all causes criminal, to be heard or tried at the said

Sheriff to summon twenty-four men for Grand Jurors & twenty-four other men for Petit Jurors.

Manner of impanelling Jurors in civil causes.

Courts

Courts during the several Terms aforesaid. And in all causes other than criminal causes, the names of each person so summoned, impanelled and returned, in either of the said Courts, shall with his addition and place of abode be written in distinct pieces of parchment or paper of equal size, and shall be delivered to the Clerk of each Court to be rolled up and put into a box, and when a cause is brought to be tried some indifferent person shall in open Court draw out twelve of the papers; and if any of the persons drawn shall not appear, or be challenged or set aside, then a further number 'till twelve be drawn, who shall appear, and the said twelve persons so first drawn and approved, their names being marked in the panel, and they being sworn, shall be the Jury to try the cause, and the names of the persons sworn shall be kept apart in some other box 'till the Jury have given in their verdict and the same is recorded, or 'till the Jury be discharged, and then the same names shall be rolled up again and returned to the former box; and so *toties quoties*. And if a cause shall be brought on to be tried, before the Jury in any other cause shall have brought in their verdict or be discharged, the Court may order twelve of the residue to be drawn as before for trial of the cause.

In case of default of Jurors, other persons present to be named and added to the former panel.

IV. *Be it further enacted*, That in all causes criminal and civil where the Jury is like to remain untaken for default of Jurors, the Justices shall have authority to command the Sheriff to name so many other able persons of the County then present as shall make up a full Jury, which persons shall be added to the former panel.

Manner of forming a Jury where a view is allowed.

V. *Be it further enacted*, That where a view shall be allowed, six of the Jurors, or more (who shall be consented to on both sides or if they cannot agree shall be named by the proper officer of the Court, or if need be by a Judge, or by the Judge before whom the cause shall be brought on to trial shall have the view, and shall be first sworn, or such of

of them as appear on the Jury, before any drawing; and so many only shall be drawn to be added to the viewers as shall make up the number of twelve.

VI. *Be it further enacted*, That upon motion made in the Supreme Court in behalf of his Majesty, or on the motion of any Prosecutor or Defendant in an indictment or information, for any misdemeanor or information in the nature of a *quo warranto*, or on motion of any Plaintiff or Defendant in any cause depending in the said Court, the Justices are required to order a Jury to be struck before the proper officer for the trial of any issue in such manner as Special Juries are usually struck in the said Court, upon trials at bar. And in all cases the party who shall apply for a Special Jury shall not only pay the fees for striking such Jury, but shall also pay all the expences occasioned by the trial of the cause by such Special Jury, and shall not have any other allowance for the same, upon taxation of costs, than such party would be entitled unto in case the cause had been tried by a common Jury; unless the Judge before whom the cause is tried, immediately after the trial, certify in open Court under his hand, upon the back of the Record, that the same was a cause proper to be tried by a Special Jury.

Jury to be struck on motion in the Supreme Court, as special Juries are usually struck in trials at bar.

Fees & expences of special Jury to be paid by the party applying for the same unless the cause be certified by the Judge to be proper to be tried by a special Jury.

VII. *Be it further enacted*, That the several persons who shall be sworn as Grand Jurors in the Courts of General Sessions of the Peace to be held half yearly in each County, shall be and continue the Grand Inquest of the County until another Grand Jury shall be sworn in at the ensuing General Sessions of the Peace in the said County.

Grand Jurors to continue the Grand Inquest until the next General Sessions

VIII. *Provided always, and be it enacted*, That the Members of his Majesty's Council, the Members of the Assembly, the Treasurer of the Province, Register of Deeds, chief Surveyor of the Crown Lands, Secretary of the Province, Clerks of the Council, and of the Assembly, Officers of his Majesty's Customs and Naval Officer, Attornies at Law,

Members of the Council and of the Assembly, &c. excused from serving as Jurors.

Officers of his Majesty's Courts, Physicians and Surgeons, shall be excused from serving as Jurors.

Grand and Petit  
Jurors to be fined  
for non-appear-  
ance when called

IX. *And be it further enacted*, That every person or persons so summoned as aforesaid to serve as a Grand Juror, and who shall not appear after being openly called three times, upon oath made by the summoning officer that such person so making default had been lawfully summoned, shall forfeit and pay for every such default, such fine, (not exceeding the sum of three pounds, nor less than twenty shillings) as the Judge or Judges presiding in said Court shall think reasonable to inflict or assess, unless some sufficient cause of his absence be proved by oath, affidavit or affirmation, to the satisfaction of the said Judge or Judges. And that every Petit Juror so summoned as aforesaid to attend at any Court of Record in this Province, and making default on proof so as above set forth, of their being legally summoned, shall forfeit and pay for every such default, the sum of five shillings, unless some reasonable cause by proof as above directed, be assigned to the satisfaction of the Judge or Judges who sit to try the cause.

Amount of fines  
not to exceed £3.

*Provided always*, That the amount of the said fines to be levied on each Juryman for the several defaults at one Term, shall not exceed the sum of three pounds. *See further 31 Geo. 3. C. 6.*

## CAP. VII.

An ACT to empower the Foreman of the Grand Juries to administer the usual Oaths to such Witnesses as are to be examined before them.

Rep. by 29th Geo. 3, C. 2.

## CAP. VIII.

An ACT, for enabling the Justices of the Supreme Court to try all causes at *Nisi Prius*, and authorizing Attornies of the Supreme Court to practise in the Inferior Courts of Common Pleas within this Province.

I. **B**E *it enacted by the Governor, Council and Assembly*, That the Justices of the Supreme Court, or any of them, shall have full power and authority to hear and determine in the several and respective Circuit Courts, which shall from time to time hereafter be for that purpose appointed in the Province, all causes brought to issue in the Supreme Court, without a commission being expressly made for that purpose.

Justices of the Supreme Court to try causes in the Circuit Courts.

II. *And be it further enacted*, That all and every of the Attornies of the Supreme Court, may commence, prosecute, or defend any action or suit for his or their clients in any Inferior Court of Common Pleas within the Province.

Attornies of the Supreme Court may practise in Inferior Courts.

## CAP. IX.

An ACT for limiting the value of Actions to be brought in the Inferior Court of Common Pleas in this Province, and for restraining the removal of Actions.

**W**HEREAS it is necessary that the administration of Justice should not be delayed or rendered expensive by the contentious spirit of the parties, and that in all causes of small value it is reasonable, just and proper, the costs of suit should in some measure be proportioned to the sum in contest.

Preamble.

I. *Be it enacted by the Governor, Council and Assembly*, That no person whatsoever, by him or herself,

No action to be commenced ex-

cept in the Clerks Courts or the City Court of *Saint John*, where the sum, &c. does not exceed 40s.

Nor in any Court but the Common Pleas, where the sum does not exceed £10.

Suits, &c. so commenced, not to be removed.

herself, or by his or her Counsel or Attorney, shall commence any suit or action by bill, plaint, or in any other manner whatsoever, upon Bond, Obligation, or Penal Bill, or on any other matter or thing whatsoever, or shall pursue or prosecute any such bill, plaint, action or suit, where the sum or thing in demand, suit or controversy, does not exceed the sum of forty shillings in any Court of Law within this Province, except the Clerk's Court of the respective Counties, or the City Court of the City of *Saint John*: Nor when the sum or thing in demand does not exceed ten pounds, in any Courts of Law within the Province except the Inferior Courts of Common Pleas for the respective Counties, or the Mayor's Court of the City of *Saint John*.

II. And when any suit or action within the limits aforesaid is or shall be commenced, heard or determined in such Court as is by this Act permitted and allowed, it shall not be lawful for any person or persons whatsoever, by him, her, or themselves, or by his, her, or their Counsel or Attorney, or by any ways or means whatsoever, to remove such suit or action so commenced, from the said respective Courts, any Law, usage or privilege, to the contrary notwithstanding.

## CAP. X.

An ACT for regulating the Courts of Law established in the several Counties for the Trial of Causes to the value of Forty Shillings.

Rep. by 35th Geo. 3, C. 1, § 18.

See 31st Geo. 3, C. 24—33d Geo. 3, C. 1.

—35th Geo. 3, C. 1—37th Geo. 3, C. 1.

—42d Geo. 3, C. 5.

## CAP. XI.

An ACT relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates.

I. **B**E *it enacted by the Governor, Council, and Assembly,* That all devises and bequests of any Lands or Tenements devisable by Law, shall be in writing, and signed by the party so devising the same, or by some other person in his or her presence, and by his or her express direction, and shall be attested and subscribed in the presence of the Devisor by three or more credible witnesses, or else they shall be utterly void and of none effect.

Devises, &c. to be in writing, and attested by three Witnesses.

II. *And be it enacted,* That no devise in writing, of any Lands, Tenements or Hereditaments, nor any clause thereof, shall be revokable, otherwise than by some other Will or Codicil in writing, or other writing signed in the presence of three or more witnesses, declaring the same, or by burning, cancelling, tearing or obliterating the same by the Testator himself, or in his presence, and by his direction and consent.

Not revoked but by other Will or Codicil in writing, or by burning, &c.

III. *And be it enacted,* That no nuncupative Will shall be good, where the Estate thereby bequeathed shall exceed the value of thirty pounds, that is not proved by the oath of three witnesses (at the least) that were present at the making thereof, nor unless it be proved that the Testator, at the time of pronouncing the same, did bid the persons present, or some of them bear witness that such was his Will, or to that effect; nor unless such nuncupative Will was made in the time of the last sickness of the deceased, and in the house of his or her habitation or dwelling, or where he or she hath been resident for the term of ten days or more next before the making of such Will, except where such person was surprised or taken sick, being from his or her own house, and died before he or she returned to the place of his or her dwelling.

Nuncupative Wills, how proved.

Nuncupative  
Wills committed  
to writing in  
six days.

IV. *And be it enacted*, That after six months past after the speaking of the pretended testamentary words, no testimony shall be received to prove any Will nuncupative, except the said testimony or the substance thereof be committed to writing within six days after making the said Will.

Probate of such  
Wills not to pass  
the Seal of any  
Court, 'till 14  
days. Widow  
or next of kin-  
dred called in.

V. *And be it enacted*, That no letters testamentary or probate of any nuncupative Will shall pass the Seal of any Court 'till fourteen days at least, after the decease of the Testator be fully expired, nor shall any nuncupative Will be at any time received to be proved, unless process have first issued to call in the Widow, or next of kindred to the deceased, to the end they may contest the same.

Repeal, &c. of  
Wills concern-  
ing personal Es-  
tate, committed  
to writing.

VI. *And be it enacted*, That no Will in writing concerning any personal Estate shall be repealed, nor shall any clause, devise or bequest therein, be altered or changed by words or Will, by word of mouth only, except the same be in the life of the Testator, committed to writing, and after the writing thereof, read unto the Testator and allowed by him, and proved to be so done by three witnesses at the least. *Provided nevertheless*, That any soldier, being in actual military service, or any mariner or seaman, being at sea, may dispose of his moveables, wages, and personal Estate, as he or they might have done before the making of this Act, and that nothing in this Act shall alter the jurisdiction or right of probate of Wills concerning personal Estates vested in the Governor or Commander in Chief for the time being, who shall retain the same right and power as they had before in every respect, subject nevertheless to the rules and directions of this Act.

This Act not to  
extend to Sol-  
diers or Seamen.

Jurisdiction of  
Governor or  
Commander in  
Chief not alter-  
ed.

Executors to  
prove and regis-  
ter Wills under  
penalty of £5 for  
every Month's  
neglect.

VII. *And be it enacted*, That if any Executor or Executors of the Will of any person deceased, knowing of their being so named and appointed, shall not within the term of thirty days next after the decease of the Testator, cause such Will to be proved and recorded in the Register's office of the same  
County



County where the deceased person last dwelt, or present the said Will and declare his or their refusal of the Executorship: every Executor so neglecting his or her trust and duty in that behalf (without just excuse made for such delay) shall forfeit unto his Majesty the sum of five pounds every month, from and after the expiration of the said thirty days, until he or they shall cause probate of such Will to be made or present the same as aforesaid: every such forfeiture to be had and recovered by action of debt in the Inferior Court of Common Pleas, in the same County, at the suit of any of the Heirs, Legatees, or Creditors, or in the Supreme Court by information of his Majesty's Attorney General, for the public uses of the Province and the support of the Government thereof.

VIII. *And be it enacted*, That if any person or persons shall be found guilty of suppressing any last Will and Testament, such person or persons shall be subject and liable to the same penalty as by this Act is prescribed for persons neglecting to prove any last Will and Testament.

Like penalty for suppressing Wills.

IX. *And be it enacted*, That where any certain Legacy is or shall be bequeathed, and given by any person in his or her last Will and Testament, as also where any residuary or uncertain Legacy is or shall, by the account of any Executor, be reduced to a certainty, every such Legacy and Legacies as aforesaid, may be sued for and recovered at common Law, any Law, custom or usage to the contrary notwithstanding.

Legacies to be sued for at common Law.

X. *And be it enacted*, That henceforth every Executor named in any Will, taking upon him that charge, by proving such Will within the space of three months next after probate thereof, (or at such further and longer time, as the Judge of probate shall see meet to allow the circumstances of any Estate requiring the same, shall exhibit into the Register's office aforesaid, upon oath, a full and true inventory of the whole Estate of the deceased,

Executors to exhibit an inventory.

so far as is then come to his hands and knowledge; and shall add thereto what and so much as may further afterwards appear, on pain of forfeiting five pounds for every month's neglect thereof, afterward as is by Law provided for not presenting a Will, and to be recovered in like manner.

Executors being residuary Legatees, &c. may sue co-Executors, &c.

XI. And any Executor being a residuary Legatee, may bring his action of account against his Co-Executor or Executors, of the Estate of the Testator, in their hands, and may also sue for and recover his equal and rateable part thereof. And any other Legatee or residuary Legatee shall have like remedy against the Executors.

Heir at Law to have two shares of Intestate real Estate.

XII. *And be it enacted*, That when and so often as it shall happen that any person dies Intestate, the Heir at Law of such Intestate shall be entitled to and receive a double portion or two shares of the real Estate left by such Intestate, (saving to the Widow her Right of Dower) and the remainder of such Estate shall be divided equally to and amongst the other children, or their legal representatives including in the said distribution children of the half blood, and in case there be no children, to the next of kindred in equal degree and their representatives.—Provided that children advanced by settlement or portions not equal to the other shares, shall have so much of the surplusage as shall make the Estate of all to be equal, except the Heir at Law who shall have two shares or a double portion of the whole.

Portions advanced to be deducted.

Persons by Law entitled to administer neglecting so to do for 30 days, administration to be given to Creditors or others.

XIII. *And be it enacted*, That upon due application within thirty days after the death of any Intestate the said Judge of Probate shall grant Letters of Administration as is by Law directed; and in case the persons so by Law entitled shall neglect to apply within the said thirty days, after first citing such person or persons, and their refusal to accept the same, such Judge of Probate shall grant Administration to one or more of the principal Creditors or to such person or persons as he shall judge fit; and

and he shall in all cases take sufficient Bonds with two able sureties, respect being had to the value of the Estate; and shall and may proceed to call such Administrators to account for and touching the goods of the Intestate: and upon due hearing and consideration thereof, the said Judge shall and hereby is fully empowered to order and make just and equal distribution of what remaineth clear (after all debts, Funeral and just expences of every sort first deducted) amongst the Wife and Children, or Children's Children, if any such there be, or otherwise to the next of kindred to the dead person in equal degree, or legally representing their stocks *pro suo cuique jure*, according to the Laws in such cases, and the rules and limitation hereafter set down; and the same distributions to decree and settle, and to compel such Administrators to observe and pay the same by the due course of Law, saving to every one his right of appeal.

Debts and Funeral expences deducted before distribution.

XIV. *Provided always, and be it enacted*, That the Judge of Probates and every other person who by this Act is enabled to make distribution of the surplusage of the personal Estate of any person dying Intestate, shall distribute the whole surplusage of such Estate or Estates in manner and form following; that is to say, one third part of the said surplusage to the Wife of the Intestate, and all the residue by equal portions, to and amongst the Children of such persons dying Intestate, and such persons as legally represent such Children, in case any of the said Children be then dead, other than such Child or Children (not being Heir at Law) who shall have any Estate by the settlement of the Intestate, or shall be advanced by the Intestate in his life time, by portion or portions equal to the share, which shall by such distribution be allotted to the other Children, to whom such distribution is to be made: And in case any Child, other than the Heir at Law, who shall have any Estate by settlement from the said Intestate, or shall be advanced by the

Distribution of personal Estate of persons dying Intestate.

said Intestate in his life time, by portion not equal to the share which will be due to the other Children by such distribution as aforesaid; then so much of the surplusage of the Estate of such Intestate, to be distributed to such Child or Children as shall have any Land by settlement from the Intestate, or were advanced in the life time of the Intestate, as shall make the Estate of all the said Children to be equal as near as can be estimated: But the Heir at Law, notwithstanding any Land that he shall have by descent or otherwise from the Intestate, is to have an equal part in the distribution with the rest of the Children, without any consideration of the value of the Land which he hath by descent or otherwise from the Intestate. And in case there be no Children nor any legal representatives of them, then one moiety of the said Estate to be allotted to the Wife of the Intestate, the residue of the said Estate to be distributed equally to every of the next of kindred of the Intestate, who are in equal degree, and those who legally represent them.—*Provided*, That there be no representations admitted among collaterals after Brother's and Sister's Children: and in case there be no Wife, then all the said Estate to be distributed equally to and amongst the Children: and in case there be no Child, then the next of kindred in equal degree of or unto the Intestate, and their legal representatives as aforesaid, and in no other manner whatsoever. *Provided*, That if after the death of the Father any of his Children shall die Intestate without Wife or Children, in the life time of the Mother, every Brother and Sister and their representatives shall have equal share with her.

XV. *Provided also, and be it likewise enacted,*

No distribution of goods of persons dying Intestate 'till after one year, unless by order of Judge of Probate, and

To the end that a due regard be had to Creditors, that no such distribution of the goods of any person dying Intestate be made till after one year be fully expired after the Intestate's death, except by special order of the Judge of Probate, and that such and every

every one to whom any distribution and share shall be allotted, shall give Bond with sufficient sureties in the said Courts, that if any debt or debts truly owing by the Intestate shall be afterwards sued for and recovered, or otherwise duly made to appear; that then and in every such case he or she shall respectively refund and pay back to the Administrator his or her rateable part of that debt or debts, and of the costs of suit and charges of the Administrator by reason of such debt, out of the part and share so as aforesaid allotted to him or her, thereby to enable the said Administrator to pay and satisfy the said debt or debts so discovered after the distribution made as aforesaid.

then Bond to be given to refund in case of Debts afterwards found due and costs of suit, if any.

XVI. *Provided always*, That in all cases where the Judge of Probates has used heretofore to grant Administration *cum testamento annexo*, he shall continue so to do, and the Will of the deceased in such Testament expressed shall be performed and observed in such manner as it should have been if this Act had never been made.

Administration *cum testamento annexo* in all cases as heretofore.

XVII. *Provided*, That nothing in this Act contained, shall be construed to extend to the Estates of *feme covert*s who shall die Intestate, but that their Husbands may demand and have Administration of their rights, credits and other personal Estates and recover and enjoy the same as they might have done heretofore.

This Act not to extend to *feme covert*s.

XVIII. *And be it further enacted*, That in case that personal assets shall be deficient for the payment of any debts or legacies, and it shall be found necessary for an Executor or Administrator to make sale of any part of the real Estate of the deceased, for the payment of any debts or legacies, such Executor or Administrator shall apply to the Governor or Commander in Chief for the time being, and his Majesty's Council of this Province, who are hereby authorized and empowered to take cognizance thereof; and to grant a licence for the sale of such part of such real Estate, as may be most convenient

Personal assets deficient for the payment of debts &c. real Estate may be sold by licence from the Governor and Council.

convenient for the payment of such debts or legacies, and before any sale be made of any real Estate, the Executor or Administrator, shall give thirty days public notice, by posting up notifications in the most public places in the Town where the deceased person last dwelt, and in the public prints, if any such there be, and whoever will give most shall have the preference in such sale. And in case the Estate of such Intestate shall be Insolvent, the Executor or Administrator shall make like application to the Governor or Commander in Chief for the time being, and his Majesty's Council for an inquiry, and for the appointment of Commissioners to inquire into such Insolvency, and to examine and settle the claims of all Creditors, and the amount of the Estate of such Insolvent, and to authorize such Executor or Administrator to sell all the Lands and Tenements of such Insolvent, and to divide the produce of the whole of such Estate, in due proportion to and among the Creditors.

Executors, &c.  
to give Bond be-  
fore the Sale of  
real Estate.

XIX. *And be it further enacted,* That every Executor or Administrator, who may be authorized and empowered to make sale of any real Estate, shall, before such sale made give Bond by himself, or his lawful Attorney with two sureties, at the office of the Register of the Court of Probates, in the County where such real Estate shall lie, for the just and legal distribution of the monies arising from such sale, in the full value which, by the report of the Commissioners for that purpose appointed, shall be certified to be necessary to be raised by such sale.

## CAP. XII.

An ACT subjecting Real Estates in the Province of New-Brunswick to the payment of Debts, and directing the Sheriff in his proceedings thereon.

**W**HEREAS it is highly reasonable and just that the real Estate of every person or persons in this Province should be subject to the payment of his, her or their debts due to all and every of his, her or their Créditors, wheresoever resident.

Preamble.

I. *Be it enacted by the Governor, Council and Assembly,* That from and after the publication hereof, the Houses, Lands, real Estate and Hereditaments, situate or being in any part of this Province, belonging to any person or persons whatsoever, indebted, shall be liable to and chargeable with all just debts and demands, of what nature or kind soever, owing by or due from any such person to his Majesty, or any of his subjects, and shall be and are hereby made chattels for the satisfaction thereof in like manner as personal Estates within this Province are seized, sold or disposed of, for satisfaction of debts.

Lands, &c. liable to be seized, &c. for Debts.

II. *Provided always,* That every Sheriff, or other officer, to whom any Writ of *feri facias*, or other Writ, shall be directed, shall first seize and take so much of the personal Estate of the Defendant or Defendants as may be sufficient to satisfy the sum justly due to the Plaintiff, with cost of suit, which shall be indorsed on the said execution before the sealing thereof, if so much within his Bailwic he can find, and if so much he cannot so find, then, and in that case the Sheriff, or other officer shall seize, sell and dispose of so much and no more, as near as may be of the Houses, Lands, real Estate and Hereditaments of the Defendant or Defendants as will be sufficient to satisfy the whole, or the residue, as the case may require, of the monies so as aforesaid from him or them due, and on such Writs payable.

Sheriffs or other officers to seize and sell Houses, Lands, &c. on *feri facias* or other Writ where personal Estate cannot be found.

III.

Houses, Lands, &c. to be advertised six months before sale.

Sale to be between the hours of 12 & 5, P. M.

Owners of Houses, Lands, &c. to have their election which part to be sold.

Sheriff or other officer to make conveyance of Houses, Lands, &c. sold on execution.

III. *And be it further enacted*, That before any sale shall be made by any Sheriff, or other officer of the Houses, Lands, real Estate or Hereditaments of any person or persons, he shall first advertise the time and place of such intended sale at least six months before he shall make the same, in the City, Town or Parish where the premises are or shall be, in three or more of the most public places of the County wherein such Estate doth lay, and then and there between the hours of twelve and five in the afternoon shall sell the same to the highest bidder.

IV. *And be it further enacted*, That every Defendant and Defendants whose Houses, Lands, real Estate or Hereditaments shall or may hereafter be taken into execution, shall and may have free election by himself, his Attorney, his Heirs or Executors, at any time *twenty* days before sale thereof is as aforesaid to be made and signify in writing to the officer who is to make the same sale what part or portion of the same Houses, Lands, real Estate or Hereditaments shall be sold, if a part or dividend thereof may be sufficient to satisfy the monies on such execution due and payable as aforesaid; which part, if that shall be sufficient and no other, the Sheriff or other officer shall on such Writ of execution sell or dispose of.

V. *And be it further enacted*, That when any Houses, Lands, real Estate or Hereditaments shall be sold in manner aforesaid, the Sheriff or other officer that sold the same, shall in his own name make unto the purchaser thereof, as good and sufficient a conveyance for the Houses, Land, real Estate or Hereditaments purchased as aforesaid, as the owner of such Houses, Land, real Estate or Hereditaments might or could have thereof made at or before the time of the judgment therein reciting the execution or executions, or other process requiring such sale to be made, by virtue whereof the premises were sold as aforesaid, by which Deed the purchaser or purchasers shall be and are hereby declared to



to be vested in as good and perfect an Estate as the owner of such Houses, Lands, real Estate or Hereditaments was seized of or entitled unto, at or before the said Judgment, and as fully to all intents and purposes, as if the person against whom such Writ of execution shall be granted had sold such Lands and premises to such purchaser or purchasers, and signed, sealed and delivered a good Deed for the same, and received the consideration money himself.

VI. *And be it further enacted*, That the purchaser, his Heirs and Assigns, shall hold the premises purchased as aforesaid, free and clear of all other judgments, recognizances, statutes merchant and statutes stable whatsoever, by virtue whereof no execution has been executed upon the real Estate so purchased, any Law, usage or custom to the contrary notwithstanding.

Purchaser shall hold the Premises free of Judgments, &c.

VII. *And be it enacted*, That no process against real Estates shall issue until one of the Judges of the Supreme Court shall have inspected the record of the judgment, and thereon certified that he has inspected the same, and no error is therein apparent to him; and in like manner one of the said Judges shall inspect the process to be issued, and certify thereon as aforesaid; and the said judgment and process, with such Certificates, shall be recorded in a book by the Clerk of the Supreme Court to be kept for that purpose, before sending such processes to any Sheriff or other officer or officers.

Judge to certify &c. before Process against real Estate shall issue.

VIII. *And be it enacted*, That if any Judgment or Process by virtue of which such sale shall be made as aforesaid, and certified and recorded as aforesaid, shall happen to be reversed for error, yet the same reversal shall not be given in evidence, or be of force against any *bona fide* purchaser under the said Judgment or Process so certified and recorded as aforesaid: but the purchaser, his Heirs, Executors, Administrators or Assigns, shall hold the Land or other thing so *bona fide* purchased, notwithstanding

Judgment and certificate recorded by Clerk of Supreme Court.

Reversal of Judgment not to operate against *bona fide* purchaser; but Plaintiff shall restore in value to Defendant.

standing a reversal of the Judgment or Procefs after his purchase, and such reversal shall only operate against the Plaintiff, his Heirs, Executors and Administrators, to compel him or them to restore in value to the Defendant for what he lost.

Record in Clerk's book good evidence.

IX. *And be it enacted*, That the record made in the said book as aforesaid, of the Judgment, Procefs and Certificates, shall be as good evidence of either of them at all times, as if the originals were produced.

The same priority on executions against real as personal Estates.

X. And in the case where sundry executions or other Proceffes have issued, requiring the sale of real Estate and sufficient cannot be levied of the personal and real Estate, to satisfy all the sums commanded to be levied. *Be it enacted*, That such priority and preference as the Law gives in the case of executions against personal Estate only shall be given in the case aforesaid, and all disputes on that head shall thereby be regulated, adjudged and determined.

Damages and double costs of suit against Sheriff or other officer for neglect of duty.

XI. *And be it enacted*, That if any Sheriff or other officer, shall, in any matter or thing, act or do contrary to his duty hereby required and directed, or contrary to the liberty and election hereby given to the Defendant, or shall refuse to return the overplus money arising from such sale, if any shall remain in his hands, such Defendant or person injured thereby, shall and may maintain his, her or their action on the case, against such Sheriff or other officer in any Court of Record within this Province, which shall or may have cognizance of the same, wherein he, she or they shall recover the damage by him, her or them sustained, with double costs of suit.

## CAP. XIII.

## An ACT for Relief against Absconding DEBTORS.

I. **BE** it enacted by the Governor, Council and Assembly, That from and after the passing of this Act, whensoever it shall happen, that any person or persons whatsoever, being indebted within this Province, shall either secretly depart the Province, or keep concealed within the same, any one Creditor or joint company whose debt or demand is due to them jointly to whom such absconding or concealed person or persons is or are indebted in the sum of *Twenty Pounds* or upwards, or any *Two* to whom he, she or they is or are indebted in the sum of *Thirty Pounds* or upwards, or any *Three* to whom he, she or they is or are indebted in the sum of *Forty Pounds* or upwards over and above all discounts, may make application to the Judges of the Supreme Court of this Province for the time being, or any of them, and there make affidavit or affirmation in writing in cases where by Law an affirmation is allowed, that the said absconding or concealed person or persons is or are indebted to him, her or them, in the sum of

over and above all discounts, and that he, she or they do verily believe that the said absconding or concealed person or persons is or are either departed the Province or concealed within it with intent and design to defraud him, her or them, and other Creditors (if any such there be) of their just dues, or to avoid being arrested by the ordinary Process of Law, which departure or concealment shall also be proved to the satisfaction of such Judge or Judges by *Two* witnesses : And on such affidavit or affirmation and such other proof made, the said Judge or Judges, or any one of them hereby is and are fully empowered, authorized and required forthwith to issue his or their Warrant or Warrants to the Sheriff of the City or County which contains the

Debtors absconding, Creditors may make oath before the Judges of the Supreme Court.

Warrant for the attachment of the Estate of such Debtors.

last usual place of residence of such absconding or concealed person or persons, or to the Sheriff or Sheriffs of any or every other City or County within this Province, commanding such Sheriff or Sheriffs respectively to attach, seize, take and safely keep all the Estate as well real as personal of the said absconding or concealed person or persons of what kind or nature soever, and every or any part or parcel thereof in whatever part of his Bailiwick they can be found, with all evidences, books of account, vouchers and papers relating thereto, which Warrant or Warrants the Sheriff or Sheriffs respectively to whom the same shall be directed and delivered, are hereby enjoined, required, authorized and commanded well and truly to execute, and with the assistance of two substantial freeholders forthwith to make a just and true inventory of all such Estate and effects as he shall seize and take by virtue thereof, and to return the same signed by himself and the said two freeholders to such Judge or Judges who issued the Warrant or Warrants for taking and seizing thereof.

Public notice of such attachment to be given, and that the Estate will be sold if the Debtor does not return & pay his debts within Three Months.

II. *And be it further enacted*, That such Judge or Judges who shall issue such Warrant or Warrants, shall immediately thereafter order notice to be given in the *Royal Gazette*, published by the *King's Printer* in this Province, that on application to him or them made by a Creditor or Creditors as the case may be of such absconding or concealed person or persons, he has directed all his, her or their Estates real and personal within this Province to be seized, and that unless he, she or they, by name so absconding or concealed return and discharge his, her or their debt or debts within three months after such public notice given, all his, her or their Estates real and personal, will be sold for the payment and satisfaction of his, her or their Creditors.

Perishable goods to be attached and sold immediately.

III. *And be it further enacted*, That in case any Sheriff or Sheriffs shall by virtue of any Warrant or Warrants to be issued in pursuance of this Act, seize and

and take any perishable goods or chattels it shall and may be lawful for the Judge or Judges who issued such Warrant or Warrants at his or their discretion to order the sale of such things perishable, and the monies arising thereby to be delivered and paid to the Trustees that shall be appointed to manage the Estate and effects of such absconding or concealed person or persons mentioned in such Warrant or Warrants, to be by such Trustees applied according to the directions and intention of this Act.

IV. *And be it further enacted*, That if any Sheriff or Sheriffs shall by virtue of any Warrant or Warrants to be issued in pursuance of this Act, thro' ignorance or want of proper information seize and take any goods, chattels or effects which shall or may be claimed or challenged by any person or persons as his or their property, it shall and may be lawful for such Sheriff thereupon to summon and swear a Jury to inquire into and try the right and property thereof, and if such Jury shall upon such inquest find the right and property of such goods, chattels or effects to be in the person or persons so claiming the same, or in any other than the person or persons against whose effects or Estate such Warrant or Warrants did issue, such Sheriff shall forthwith after such inquisition had and taken deliver such goods, chattels and effects to the person or persons in whom the property thereof shall be so found, or to his, her or their Agent, Attorney or Assigns, and such Sheriff shall not be liable to any suit or prosecution, for his having seized and taken such goods, chattels or effects so seized and taken through ignorance or for want of proper information, and all reasonable charges arising by the sale of such perishable goods or by such inquest as aforesaid, shall be allowed and certified by the Judge or Judges who issued such Warrant and paid out of the effects or Estate of the absconding or concealed person or persons against whose Estate and effects such Warrant issued if the  
 property

When goods seized are claimed by other persons the right of property to be tried by a Jury.

property of such goods, chattels or effects so claimed shall by such inquisition be found to be in any other than the person or persons against whose Estate or effects such Warrant issued; but if the property of the goods, chattels or effects so claimed shall by such inquisition be found to be in the person or persons against whose Estate or effects the Warrant of Attachment which caused them to be seized did issue, then all costs, charges and expences accrued or arising by such claim and inquisition or either of them, shall be paid and borne by the person or persons who claimed the same from the Sheriff or applied for inquisition to be had or occasioned the same to be had and taken.

After such public notice payment of Monies or delivery of effects to the absconding Debtor to be deemed fraudulent.

V. *And be it further enacted*, That if any person or persons indebted to any such absconding or concealed person or persons or having the custody or possession of any effects or other thing or things whatsoever of any such absconding or concealed person or persons shall after such first public notice as aforesaid given, pay any debt or demand or deliver any such effects or other thing or things whatsoever to any such absconding or concealed person or persons or his, her or their Attorney, Agents, Factors or Assigns the person or persons so paying any such debt or demand, or delivering such effects or other thing or things whatsoever shall be deemed to have paid the same fraudulently and is and are hereby made liable to answer the same or the amount or the value thereof to such trustees or the survivor of them as shall by virtue of this Act be appointed to receive and distribute the Estate and effects of such absconding or concealed person or persons, towards the payment and satisfaction of his, her or their Creditors. And if any person or persons indebted to, or having the custody or possession of any effects or other thing or things whatsoever of any absconding or concealed debtor or debtors, shall after such public notice as aforesaid given, be sued by him or them, or by his, her

her or their order, Attorney or procurement, for any such debt or debts, duty, demand, effects or thing, he, she or they so sued, may plead the general issue and give this Act and the special matter in evidence

VI. *And be it further enacted*, That all Sales and Conveyances of his, her or their Estates, Lands, Goods and Chattels, to him, her or them belonging, made by any such absconding or concealed person or persons after such public notice as aforesaid given, and all Powers of Attorney by him, her or them for selling any Estate or effects or collecting any debts or demands whether made after or before such first public notice as aforesaid given, shall be null and void to all intents, constructions and purposes whatsoever as to all Acts done or to be done after such first public notice given, any Law usage or custom to the contrary notwithstanding.

VII. *And be it further enacted*, That if any person or persons against whose Estate or effects such Warrant or Warrants of Attachment as aforesaid shall have issued, shall at any time before the appointment of Trustees for all the Creditors of such debtor be made, either by himself or by his Attorney or Agent by petition to the Judge or Judges who issued such Warrant offer to prove to the Court of which he or they is or are Judge or Judges in open Court, that he, she or they against whose Estate or effects such Warrant or Warrants issued is or are resident within this Province and were not at the time such Warrant issued nor within thirty days preceding, nor at any time after and is or are not then absconding or concealed, and thereby pray that the same may be heard and determined at the then next sitting of such Court, and shall and do at the same time execute and deliver to the Creditor or Creditors who applied for and obtained such Warrant or Warrants of Attachment a Bond with good and sufficient security to be approved of by the said Judge or Judges; if in the Supreme Court in the sum of Forty pounds, if in any of the Inferior Courts

All sales, &c. by the absconding Debtor after such notice to be void.

When the Debtor shall prove that he is a resident and did not abscond or lie concealed when such warrant issued, or within 30 days preceding; the Court is to grant a supersedeas of the warrant and allow costs against the Creditors who procured the warrant.

Courts in the sum of Twenty pounds, binding the obligors jointly and severally with a condition that if such person or persons by name against whose Estate or effects such Warrant or Warrants issued, do not prove to the said Court at the then next Court that he, she or they is or are resident in this Province and were not at the time such Warrant or Warrants issued, nor within thirty days preceding the issuing thereof, nor at any time after and is or are not then absconding or concealed, then such Bond or Obligation to be void, otherwise to remain in full force and virtue ; then and in every such case the Judge or Judges, who issued such Warrant or Warrants shall report his or their proceedings in the premises to the next Court whereof he or they is or are Judge or Judges which Court is hereby fully authorized and empowered to compel the parties and their witnesses to come into Court and hear the proofs and allegations of the parties and their witnesses in a summary way, and thereupon to determine whether the matter and things in such petition have been fully proved and supported, and if such Court shall adjudge and determine that the matters and things contained in such petition have been fully and satisfactorily proved and supported, then such Court shall grant a *supersedeas* to such Warrant or Warrants and the person or persons against whose Estate or effects such Warrant or Warrants did issue shall recover his, her or their costs (to be taxed by the said Court, in open Court) of the Creditor or Creditors who procured such Warrant or Warrants of Attachment to be issued : but if the said Court shall adjudge and determine that the matters and things in such petition mentioned have not been fully and satisfactorily proved and supported to the said Court, then the person or persons to whom such Bond as aforesaid shall have been given, his, her or their Executors or Administrators shall recover the penalty or sum of such Bond, together with costs of suit, by action of debt, bill, plaint  
or



or otherwise, in any Court of Record within this Province, the one moiety of such penalty or sum to the use of the obligee or obligees, his, her or their Executors, Administrators or Assigns, and the other moiety thereof when recovered and received, to be paid to such Trustees or the survivor of them, as shall be appointed to manage and distribute the Estate and effects for seizing whereof such Warrant or Warrants issued, to be by such Trustees or the survivor of them, disposed of and distributed in like manner as all other monies that may come to their hands by virtue of their appointment as Trustees is directed to be disposed of by virtue of this Act.

VIII. *And be it further enacted,* That if such absconding or concealed person or persons do not return within three months next after such public notice as aforesaid given and discharge his, her or their debt or debts or otherwise compound with or satisfy his, her or their Creditors not having presented such Petition and given such Bond as aforesaid, or if such absconding or concealed person or persons shall have presented such Petition and the Court shall have adjudged and determined that the matters and things in such Petition mentioned have not been fully and satisfactorily supported and proved, or shall have refused to grant a *supersedeas* to such Warrant or Warrants, that then and in either such case, it shall and may be lawful for the Judge or Judges who issued the Warrant of Attachment or the Judges of the same Court for the time being, or any one of them, and either of them is hereby fully authorized and empowered to nominate and appoint three or more fit persons to be Trustees for all the Creditors of such absconding or concealed person or persons, which Trustees shall take an oath or affirmation (in cases where by Law an affirmation is allowed) well and truly to execute the trust by that appointment reposed in them according to the best of their skill and understanding, which oath or affirmation

If the person absconding return not within Three Months, the Judges to appoint Trustees for all the Creditors.

Oath or affirmation of Trustees.

affirmation the Judge or Judges appointing the said Trustees is and are hereby required to administer.

Trustees to notify their appointment and to require payment of Debts, &c.

IX. *And be it further enacted,* That the said Trustees or any two of them, when so as aforesaid appointed, shall as soon as may be thereafter, cause public notice to be given in the *Royal Gazette*, published by the *King's Printer* in this Province, of such their appointment, and thereby require all persons indebted to such absconding or concealed person or persons by a day certain to be appointed by them in their said notice, to pay all such sum or sums of money or other debt, duty or thing which they owe to the said absconding or concealed person or persons, and deliver all other effects of such absconding or concealed person or persons, which he, she or they may have in their hands, power or custody, to them the said Trustees; and that the said Trustees, shall also by public advertisement in the said news-paper, desire all the Creditors of such absconding or concealed person or persons, by a certain time in such advertisement to be mentioned, to deliver to the said Trustees, or any one or more of them, their respective accounts and demands against such absconding or concealed debtor or debtors.

Creditors to deliver their Accounts, &c. to the Trustees.

Trustees to take the Estate, &c. of the absconding party into their hands, with power to sue for the same.

X. *And be it further enacted,* That such Trustees and each and every of them, when so nominated and appointed under the hand and seal, or hands and seals of the said Judges or any one of them, hereby is and are fully authorized and empowered, to take into their hands all the Estate or Estates of such absconding or concealed person or persons for the management of whose Estate or effects they were appointed, and every part or parcel thereof that shall have been seized as aforesaid, and all other his, her or their Estate and effects, which they the said Trustees may afterwards discover in any part of this Province, and all evidences, books of account, vouchers and papers relating thereto; and such Trustees immediately from their appointment shall be

be and hereby are declared to be vested with all the Estate real and personal of such absconding or concealed person or persons for the management of whose Estate they were appointed, and they and the survivors and survivor of them, is and hereby are enabled and made capable to sue for, recover and receive all such Estate and Estates, as well real as personal, debts, dues, effects or other thing or things whatsoever, which they shall find due, payable or belonging to such absconding or concealed person or persons; and such Sheriff or Sheriffs as shall have seized, attached or taken any Estate or Estates real or personal or any other matter or thing whatsoever, by virtue of any such Warrant or Warrants as aforesaid, shall deliver the same to such Trustees or one of them; and such Trustees and the survivor and survivors of them is and are hereby authorized and directed to make sale by Public Vendue of all such Estates and effects of such absconding or concealed person or persons as shall come to their hands (after fourteen days notice of each time and place of sale respectively) and of all Estate and interest which such absconding or concealed person or persons had in the same, and Deed, Releases, Bills of Sale or other Conveyances for the same or any part or parts thereof, from time to time to make and execute, which being so made and executed, by them or any two of them, or the survivor of them, for such Estates or effects or any part or parts thereof, shall be and are hereby declared to be as good, valid and effectual to transfer the property thereof to all intents, constructions and purposes whatsoever, as if executed by the said absconding or secreted person or persons before such first public notice as aforesaid given, and shall be good, valid and effectual in Law, to all intents and purposes whatsoever, against the said absconding or concealed person or persons, his, her or their Heirs, Executors, Administrators and Assigns, and all persons claiming under them or any of them, by vir-

After 14 days notice to make sale of the same at Public Auction.

Deeds, &c. executed by Trustees declared valid against the absconding party and all claiming under him.

tue of any Act, Deed, matter or thing, after such first public notice as aforesaid given.

Persons conceal-  
ing effects or  
Debts, to forfeit  
double the value  
or sum due.

XI. *And be it further enacted,* That if any person or persons indebted to such absconding or concealed debtor or debtors, or having the custody of any goods, chattels or effects, or other thing or things whatsoever of such absconding or concealed person or persons, shall conceal the same and not deliver a just account thereof to such Trustees as aforesaid, or one of them, by the day, for that purpose by them appointed, he, she or they, so concealing, shall forfeit double the sum of the debt or debts, or double the value of the goods, chattels, effects or other thing or things so concealed, to be recovered by the said Trustees in any Court within this Province having jurisdiction to the amount of such forfeiture, and applied as herein after is directed, which said Courts are hereby respectively fully empowered to compel to come before them, all such concealers or others concerned, and them to examine upon oath, touching the premises and to commit them or either of them if they refuse to be so examined, or being so examined, refusing to answer fully and satisfactorily to such Court.

False swearing  
to be deemed  
wilful perjury.

XII. *And be it further enacted,* That in case any person so to be examined as aforesaid, shall wilfully and knowingly swear or affirm falsely, the person so offending, shall be liable to all the same pains and penalties as those who are convicted of wilful and corrupt perjury.

Persons disco-  
vering secreted  
effects, intitled  
to 10 per cent.  
on the value  
thereof.

XIII. *And be it further enacted,* That any person or persons (other than those who have the effects in their custody) who shall discover any effects of any absconding or concealed debtor or debtors, secreted contrary to the true intent and meaning of this Act, so that they be recovered by the Trustees of such absconding or concealed person or persons' Estate, shall be and hereby is or are intitled to ten *per cent.* on the value of all effects so discovered, recovered and received by the said Trustees, to be paid

paid to the discoverer or discoverers by the said Trustees out of the Estate or effects of such absconding or concealed person or persons.

XIV. *And be it further enacted,* That the Trustees of any absconding or concealed debtor's Estate, hereafter to be appointed in pursuance of this Act, or any two of them, are hereby fully empowered to settle and adjust all matters, contracts and accounts that may be subsisting between such absconding or concealed person or persons, and his, her or their debtor or debtors, and also between such absconding or concealed person or persons and his, her or their Creditor or Creditors, and to examine any person or persons upon oath, concerning any matters, accounts or settlements between them or either of them, which oath the said Trustees or any one of them, two of them being present, is and are hereby empowered to administer.

Trustees empowered to settle all accounts, &c. and to examine any persons upon oath.

XV. And for the greater ease and relief of such Trustees aforesaid, *Be it enacted,* That in case any controversy shall arise concerning any debt, matter or thing claimed by any Creditor or Creditors of such absconding or concealed person or persons, or concerning any debt, due, duty, matter or thing claimed by the said Trustees from or against any person or persons, as belonging to or in right of the effects or Estate of such absconding or concealed debtor or debtors, or concerning or relating to any contract or agreement entered into or made by such absconding or concealed debtor or debtors previous to such public notice as aforesaid first given, it shall and may be lawful for such Trustees or any two of them, or the survivors or survivor of them, to have every such controversy determined in the following manner, that is to say, the said Trustees or any two of them, or the survivors or survivor of them, may nominate two referees not being Creditors of such absconding or concealed debtor or debtors, or to them known to be otherwise interested in such controversy, or related to any person interested

Trustees empowered to settle controversies by referees.

Mode of appointing referees.

terested in such controversy and the other party or parties in such controversy shall also nominate two indifferent persons to be referees, and their names shall be separately written upon four pieces of paper as nearly as may be of the same size and figure, which shall be rolled up separately in the same manner, and put into a box and from thence one of the Trustees shall draw out three of the said pieces of paper, and the persons whose names are so drawn shall finally settle such controversy, and if any referees so appointed shall refuse or be incapable of acting in a reasonable time, a new choice shall be made in the manner as before, of another or others in the room of him or them so refusing or being incapable of acting as aforesaid; and in case any person or persons who shall have any controversy with any such Trustees as aforesaid, shall refuse to nominate fit persons to be referees on his or their part, then such Trustees or any two of them or the survivors or survivor of them are hereby empowered to nominate referees for him or them so refusing, and to proceed to the final settlement of such controversy in manner aforesaid.

*XVI. And be it further enacted,* That all Trustees hereafter to be appointed by virtue of this Act, shall proceed to convert the Estate or Estates real and personal of such absconding or concealed debtor or debtors, for the management of which Estates respectively they shall be appointed, into money and collect the debts, due to the same, and that the said Trustees or any two of them, or the survivors or survivor of them, shall cause public notice to be given in the public news-paper before mentioned, requesting a general meeting of all such Creditors as shall chuse to attend, to examine and see the debts due to each person ascertained at a certain time and place by such Trustees in their said notice to be appointed, which shall not be less than two nor more than three months after such notice given, nor more than one year and a half from the time of their

Duty of Trustees.

their first appointment, at which meeting or at other subsequent meetings to be continued by adjournment if necessary, when all accounts are fairly stated and adjusted, they shall proceed to make a distribution or division among the Creditors in proportion to their respective just demands, of all such monies as shall have come to their hands as Trustees of such Estate or effects (of which all forfeitures by them recovered and received by virtue of this Act, shall be considered as a part) first deducting thereout all legal charges and commissions, in which payment no preference shall be allowed to debts due on specialties; and if the whole of such absconding or concealed debtor or debtor's Estate shall not be then settled and distributed, such Trustees or any two of them, or the survivors or survivor of them, shall within the space of one year thereafter make a second dividend of all such monies as shall have come to his or their hands after the first division, and so from year to year until a final settlement thereof, and a just and equal distribution of such Estate or effects shall have been made amongst the Creditor or Creditors of such absconding or concealed debtor or debtors in proportion to their respective just demands; and if any surplus shall remain after all just debts and legal charges and commissions are fully paid and satisfied, such surplus shall be paid or delivered to the said absconding or concealed person or persons, his, her or their Executors, Administrators or Assigns.

XVII. *And be it further enacted,* That any person or persons who may have given credit to any such absconding or concealed debtor or debtors on a valuable consideration, for any sum of money which shall not be due or payable at the time of any such division or distribution as aforesaid, but will become due or payable at some time after; shall and may nevertheless be admitted and considered as a Creditor or Creditors whose debts were then due, and shall receive a dividend of the Estate of such

Creditors having demands not due at the time of making a dividend to receive their proportion upon rebate of interest.

such absconding or concealed debtor or debtors in the same proportion as other Creditors, deducting thereout only a rebate of legal interest for what shall be received on such debt or debts to be computed from the actual payment thereof to the time such debt or demand respectively would have become due.

Creditors neglecting, &c. to deliver their accounts to be excluded from any dividend.

XVIII. *And be it further enacted*, That if any Creditor or Creditors shall neglect or refuse to give notice of or deliver unto the said Trustees an account of his, her or their debt or demand, or having any controversy relating to or concerning the Estate of such absconding or concealed debtor or debtors, shall refuse to adjust or settle the same with the said Trustees in the manner in and by this Act directed, until after a division shall have been made of the monies and effects in the hands of the said Trustees, any such Creditor or Creditors shall not be entitled to any dividend and the whole monies then in hand to be divided, shall be divided by the said Trustees among the other Creditors; But in case the whole of such debtor or debtors' Estate shall not be divided and settled at the first division, then if such Creditor or Creditors respectively shall prove and deliver unto the Trustees, his, her or their debt or demand before the time appointed for the second division or shall have settled such controversy as aforesaid with the said Trustees, then such Creditor or Creditors shall have his, her or their first dividend or so much money as he, she or they would otherwise have been entitled to on the first division, before any second division shall be made.

Creditors out of this Province authorized to act by Attornies.

XIX. *And be it further enacted*, That any Creditor or Creditors residing out of this Province, shall be entitled to all the privileges and benefits of this Act, and that the Attorney or Attornies of every such Creditor or Creditors residing out of this Province, on producing a Letter of Attorney from such Creditor or Creditors, duly authenticated, and legal proof of the debt due, shall and may in all respects



respects act, do and proceed for and in behalf of such Creditor or Creditors in the same manner as such Creditor or Creditors might or could do for securing or recovering their respective debts from such absconding or concealed debtor or debtors if such Creditor or Creditors was or were personally present.

XX. *And be it futher enacted*, That the Judges of the Inferior Court of Common Pleas in each County within this Province and the Mayor and Recorder of the City of *Saint John*, and each and every of them is hereby authorized and empowered to put this Act in execution in their respective Counties where the debt or sum due to any one Creditor or joint company applying for relief does not exceed fifty pounds. *Provided always*, That where Warrants shall be issued by any Judge or Judges of the Supreme Court, and also by any Judge or Judges of any of the said Inferior Courts against the Estate or effects of the same person or persons, in such case the Judges of the Supreme Court or any one of them, shall award a Writ or Writs of *certiorari* to the Judge or Judges of such Inferior Courts as the case may require, to remove the proceedings there, before the Judge or Judges of the Supreme Court, that he, or they may proceed upon both Warrants or either of them.

Judges of Inferior Courts and the Mayor and Recorder of the City of *St. John*, to put this Act in execution for Debts under £50 where warrants have issued from Judges of both Courts a *Certiorari* shall be awarded to bring all the proceedings before the Judges of the Supreme Court.

XXI. *And be it further enacted*, That the Judge or Judges who shall issue any Warrant or Warrants of Attachment in pursuance of this Act, shall make report to the Court whereof he or they is or are Judge or Judges of the proof of the debt or demand made by the Creditor or Creditors on whose application such Warrant or Warrants issued, of the issuing of such Warrant or Warrants, of the notice thereon ordered, of the publication of such notice, of the appointment of Trustees and of all other matters required of him or them by this Act to be done out of Court, and cause that report to be entered in the minutes of the said Court to be evidence

Judge or Judges issuing warrants to report to the Court the proof of the Debt, &c.

of

of the facts so reported and such report or the record or entry thereof in the minutes of the said Court shall be full and conclusive evidence of the facts so reported in all Courts of Record within this Province.

Judges appointing Trustees may endorse a Certificate, authorizing the proper officers to record the same.

XXII. *And be it further enacted,* That the Judge or Judges who shall make any such appointment of Trustees, shall and is and are hereby required at the request of the Trustees thereby appointed, or any one of them, to indorse on such appointment an allowance that the same may be recorded, which allowance signed by the said Judges or any one of them, if a Judge of the Supreme Court, shall be a sufficient Warrant and authority to the Secretary of this Province, and all or any of the Clerks of the respective Cities or Counties within this Province to record the same. And if such Judge be a Judge of an Inferior Court of Common Pleas, shall be a sufficient Warrant and authority to the Clerk of the County whereof he is a Judge to record the same; and any appointment of Trustees under the hand and seal; or hands and seals of any Judge or Judges authorized to put this Act in execution, or the record thereof duly made in the said Secretary's office, or in the office of the Clerk of any City or County of this Province, shall be full and conclusive proof in all Courts and places within this Province, that the person or persons against whose Estate or effects such Warrant or Warrants issued, was or were at the time of issuing thereof absconding or concealed debtor or debtors within the meaning of this Act, and that the said appointment and the proceedings previous thereto were regular and according to the directions of this Act.

Record of such appointment to be good proof in all Courts.

Judges issuing warrant of attachment to file the same together with the affidavits in the office of their respective Courts.

XXIII. *And be it further enacted,* That any Judge or Judges who shall issue such Warrant or Warrants of Attachment as aforesaid; pursuant to this Act, shall, and he or they is and are hereby required and directed to cause the affidavits or affirmations of the Creditor or Creditors made before him or them previous

vious to the issuing of such Warrant or Warrants respectively within thirty days after the taking of such affidavit or affirmation, and such Warrant or Warrants of Attachment as aforesaid, within thirty days after the return thereof by such Sheriff as shall return the same, together with the Sheriff's return thereof, to be delivered into the office of the Clerk of that Court, whereof he or they is or are Judge or Judges, which Clerk is hereby required and commanded to mark or cause them to be marked respectively with the day and year on which each of them respectively shall be filed in his office, and to preserve the same amongst the papers filed in such office. And all Trustees hereafter to be appointed by virtue of this Act or the survivors or survivor of them, who by virtue of such appointment shall sell and convey any Messuages, Lands, Tenements or Hereditaments, shall cause such appointment of Trustees to be duly proved or acknowledged and allowed, so that the same may be recorded, and shall cause the same to be entered of record either in the Secretary's office of this Province or in the office of the Clerk of the City or County wherein such Messuages, Lands, Tenements or Hereditaments do lie. And every appointment of Trustees hereafter to be made in pursuance of this Act or the record thereof made by such proper officer as aforesaid, or an office copy thereof attested by any such proper officer as aforesaid, in case such record should have perished by fire or other accident, together with a legal title or conveyance from such Trustees or any two of them, or the survivors or survivor of them proved or to be proved in due form as by Law required, shall be a full, complete and perfect title for such Messuages, Lands, Tenements or Hereditaments, to such purchaser or purchasers, his, her, or their Heirs and Assigns; against such absconding or concealed Debtor or Debtors, his, her or their Heirs or Assigns; and all other persons claiming or to claim by, from or under him, her or them, by

Trustees selling real Estate to prove and record their appointment.

Record of the appointment of Trustees, and a legal conveyance from them to be deemed a good title.

virtue of any Act, Deed, matter or thing, after such first public notice as aforesaid given.

Trustees to keep an account of their Receipts to be open to the inspection of the Creditors.

To be subject to the orders of the Court the Judges whereof appointed them.

And to render to the same Court an account of their proceedings attesting thereto in open Court.

Trustees to be allowed 5 per cent. for their trouble.

Special matter given in evidence under general issue.

Continuance of the Act.

XXIV. *And be it further enacted,* That such Trustees as shall hereafter be appointed by virtue of this Act, shall keep a regular book or regular books of account of all such monies as shall come to their hands by reason or on account of such their appointment, to which book or books every Creditor interested in such monies or Estate at all reasonable times may have recourse. And that such Trustees and each of them shall be subject to such orders and directions for the more effectual putting this Act in execution, and finishing a distribution of such Estate or effects as may come to their hands by virtue of such appointment as shall from time to time be made and given in the Court by the Judge or Judges whereof such appointment of Trustees was made. And also that such Trustees shall render into the Court by the Judge or Judges whereof they were appointed, a just and true account or accounts in writing, upon oath made in open Court of their proceedings and accounts in the premises by virtue of their appointment, which shall be filed with the Clerk of the said Court for the satisfaction of all persons concerned. And such Trustees of the Estate of any such absconding or concealed person or persons shall and may retain and keep in their hands for the trouble and services to be by them performed, the sum of five per cent. on the whole sum which shall come into their hands by virtue of such appointment before each dividend made, over and above all necessary disbursements in the Premises.

XXV. *And be it further enacted,* That if any person or persons shall be sued for any matter or thing done in pursuance or by virtue of this Act, it shall and may be lawful for him, her or them, to plead the general issue and give the special matter in evidence. And also that this Act shall be beneficially construed for the Creditors in all Courts of Record within this Province; and that the same shall continue

continue and be of force as to the powers of Judges to grant such Warrants of Attachment and exercise the powers hereby given until the first day of February, which will be in the year of our Lord, one thousand seven hundred and ninety. And from thence to the end of the then next Session of the General Assembly of this Province. But shall continue and be in full force as to the power of every Court, Person, and Trustees, that shall be appointed as aforesaid, by virtue of this Act, before its above limitation, and have any duty or thing thereby enjoined or required to be done, until a full and final settlement and distribution shall be made by them and finished according to the true intent and meaning of this Act.

*Continued to 1st March, 1803, by 38 Geo. 3. C. 1.*

#### CAP. XIV.

An ACT for prevention of FRAUDS and PERJURIES.

**F**OR prevention of many fraudulent practices, which are commonly endeavoured to be upheld by perjury and subornation of perjury :

Preamble.

I. *Be it enacted by the Governor, Council and Assembly,* That all Leases, Estates, Interests of Freeholds, or terms of years, or any uncertain Interest of, in, to or out of any Messuages, Manors, Lands, Tenements or Hereditaments, made or created by Livery and Seisin only, or by Parole, and not put in writing, and signed by the parties so making or creating the same, or their agents thereunto lawfully authorized by writing, shall have the force and effect of Leases or Estates at Will only, and shall not either in Law or Equity be deemed or taken to have any other or greater force or effect; any consideration for making any such Parole, Leases or Estates, or any former Law or usage, to the contrary notwithstanding.

Leases, &c. or uncertain interest in Messuages &c. created by livery and seisin only, and not in writing, shall have the effect of Estates at will only.

Except Leases not exceeding 3 years, and the rent equal to two thirds the value.

II. *Except nevertheless*, All Leases not exceeding the term of three years from the making thereof, whereupon the rent reserved to the Landlord, during such term, shall amount unto two third parts at the least of the full improved value of the thing demised.

Leases, &c. not to be assigned, &c. but in writing.

III. *And moreover*, That no Leases, Estates or Interests, either of Freehold, or terms of years, or any uncertain Interest of, in, to or out of any Messuages, Manors, Lands, Tenements, or Hereditaments, shall be assigned, granted or surrendered, unless it be by Deed or Note in writing, signed by the party so assigning, granting or surrendering the same, or their agents thereunto lawfully authorized by writing, or by Act and operation of Law.

No action to be brought on special promise of Executors or Administrators; on promise to answer debt of another; on sale of Lands, &c. on agreement not to be performed in one year, or promise of marriage, unless in writing.

IV. *And be it further enacted*, That no action shall be brought whereby to charge any Executor or Administrator upon any special promise, to answer damages out of his own Estate; or whereby to charge the Defendant upon any special promise to answer for the debt, default or miscarriages of another person; or to charge any person upon any agreement made upon consideration of marriage, or upon any contract or sale of Lands, Tenements or Hereditaments, or any Interest in or concerning them; or upon any agreement that is not to be performed within the space of one year from the making thereof; unless the agreement upon which such action shall be brought, or some memorandum or note thereof, shall be in writing, and signed by the party to be charged therewith, or some other person thereunto by him lawfully authorized.

Declarations or creations of trusts or confidences of Lands, &c. not in writing, to be void.

V. *And be it further enacted*, That all declarations or creations of trusts or confidences of any Lands, Tenements or Hereditaments shall be manifested and proved by some writing, signed by the party who is by Law enabled to declare such trust, or by his last Will in writing, or else they shall be utterly void and of none effect.

VI. *Provided always*, That where any conveyance shall be made of any Lands or Tenements by which a trust or confidence shall or may arise or result by the implication or construction of Law, or be transferred or extinguished by an Act or operation of Law, then and in every such case, such trust or confidence shall be of the like force and effect as the same would have been if this statute had not been made; any thing herein before contained to the contrary notwithstanding.

Trusts, &c. arising, transferred or extinguished by operation of Law excepted.

VII. *And be it further enacted*, That all Grants and Assignments of any trust or confidence shall likewise be in writing, signed by the party granting or assigning the same, or by such last Will or Devise, or else shall be utterly void and of none effect.

Grants, &c. of trusts not in writing, void.

VIII. *And be it further enacted*, That it shall and may be lawful for every Sheriff or other officer to whom any Writ or Precept is or shall be directed, at the suit of any person or persons, of, for and upon any Judgment, Statute or Recognizance hereafter to be made or had, to do, make and deliver execution unto the party in that behalf suing, of all such Lands, Tenements, Rectories, Rents and Hereditaments, as any other person or persons, be in any manner seized or possessed, or hereafter shall be seized or possessed, in trust for him against whom execution is so sued, like as the Sheriff or other officer might or ought to have done, if the said party against whom execution hereafter shall be so sued, had been seized of such Lands, Tenements, Rectories, Rents or other Hereditaments of such Estate as they be seized of in trust for him at the time of the said execution sued; which Lands, Tenements, Rectories, Rents and other Hereditaments by force and virtue of such execution, shall accordingly be held or enjoyed, freed and discharged from all incumbrances of such person or persons as shall be so seized or possessed in trust for the person against whom such execution shall be sued; and if any

Sheriff to whom Writ or Process is directed on Judgment, &c. to deliver Execution of Lands, &c. of which other persons are seized in trust for him against whom such Execution is sued.

If *cestui que trust* die leaving a trust

*cestui*

in fee simple,  
such trust shall  
be deemed affets  
by descent.

*cestui que trust* hereafter shall die, leaving a trust in fee simple to descend to his heir, there and in every such case such trust shall be deemed and taken, and is hereby declared to be affets by descent, and the heir shall be liable to and chargeable with the obligation of his ancestors for and by reason of such affets, as fully and amply as he might or ought to have been, if the Estate in Law had descended to him in possession in like manner as the trust descended; any Law, custom or usage to the contrary notwithstanding.

Heir not chargeable out of his own Estate, by reason of an Estate or trust made affets by this act; but such affets liable as at common Law.

IX. *Provided always*, That no heir that shall become chargeable by reason of any Estate or trust made affets in his hands by this Law, shall by reason of any kind of plea or confession of the action, or suffering judgment by *nient dedire*, or any other matter, be chargeable to pay the condemnation out of his own Estate; but execution shall be sued of the whole Estate so made affets in his hands by descent; in whose hands soever it shall come after the Writ purchased, in the same manner as it is to be at and by the Common Law, where the heir at Law pleading a true plea, judgment is prayed against him thereupon, any thing in this present Act contained to the contrary notwithstanding.

Estate *pur auter vie*, deviseable by Will; and if no devise chargeable in the hands of the heir to whom it comes by special occupancy, if no special occupant shall be affets in the hands of Executors or Administrators.

X. And for the amendment of the Law in the particulars following; *Be it further enacted*, That from henceforth any Estate *pur auter vie*, shall be deviseable by a Will in writing, signed by the party so devising the same, or by some other person in his presence and by his express directions, attested and subscribed in the presence of the Devisor by three or more witnesses; and if no such devise thereof be made, the same shall be chargeable in the hands of the heir, if it shall come to him by reason of a special occupancy, as affets by descent, as in case of Lands in fee simple; and in case there be no special occupant thereof, it shall go to the Executors or Administrators of the party that had the Estate thereof by virtue of the grant, and shall be affets in their hands.

XI.



XI. *Be it enacted*, That any Judge or officer of any of his Majesty's Courts, that shall sign any Judgments, shall at the signing of the same, set down the day of the month and year of his so doing upon the paper, book, docket, or record which he shall sign; which day of the month and year shall be also entered upon the margin of the roll of the Record where the said Judgment shall be entered.

Judge or officer of Court signing Judgments to set down the day of the month, &c.

XII. *And be it enacted*, That such Judgments as against purchasers *bona fide* for valuable consideration of Lands, Tenements or Hereditaments to be charged thereby, shall in consideration of Law, be Judgments only from such time as they shall be so signed, and shall not relate to the first day of the term whereof they are entered, or the day of the return of the original or filing the Bail.

Such Judgments as against *bona fide* purchasers to take effect from the time of signing.

XIII. *And be it further enacted*, That no Writ of *feri facias* or other Writ of execution shall bind the property of the goods against whom such Writ of execution is sued forth, but from the time that such Writ shall be delivered to the Sheriff, Under-Sheriff or Coroners, to be executed; and for the better manifestation of the said time, the Sheriff, Under-Sheriff and Coroners, their Deputies and Agents, shall upon the receipt of any such Writ, (without fee for doing the same) endorse upon the back thereof, the day of the month and year whereon he or they receive the same.

Writ of *feri facias*, not binding but from the time of delivery to the Sheriff, such time to be indorsed on the same.

XIV. *And be it further enacted*, That no contract for the sale of any Goods, Wares and Merchandizes, for the price of ten pounds sterling or upwards, shall be allowed to be good, except the buyer shall accept part of the Goods so sold, and actually receive the same, or give something in earnest to bind the bargain, or in part of payment, or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such contract, or their Agents thereunto lawfully authorized.

Contract for sale of Goods, &c. not good, unless part of the Goods accepted and received by the buyer or some note, in writing.

XV. *And be it further enacted*, That the day of the

Recognizances not to bind

Lands, &c. but from the time of enrollment.

the month and year of the enrollment of the recognizances shall be set down in the margin of the roll where the said recognizances are enrolled, and that no recognizance shall bind any Lands, Tenements or Hereditaments in the hands of any purchaser *bona fide* and for valuable consideration, but from the time of such enrollment, any Law, usage or course of any Court to the contrary notwithstanding.

## CAP. XV.

AN ACT for the regulating WEIGHTS and MEASURES.

Weights and Measures to be according to the standard of the Exchequer.

Persons convicted of others forfeit five shillings for every offence to the use of the Poor.

Clerks of the Market annually chosen by the Towns or Parishes, to procure all Weights and Measures to be marked.

I. **B**E it enacted by the Governor, Council and Assembly, That there shall be one just Beam or Balance, one certain Weight and Measure, and one Yard according to the standard of his Majesty's Exchequer in England, used throughout this Province; and whosoever shall keep any other Weight, Measure or Yard whereby any Corn, Grain or other thing is bought or sold, shall forfeit for every offence *five shillings*, being thereof convicted by the oath of one sufficient witness before any Justice of the Peace, to be levied by distress and sale of the offender's goods, to the use of the poor of the Town or Parish where such offence shall be committed.

II. And for the better observation of and putting in execution this Act, *Be it further enacted*, That the Clerks of the Market to be annually appointed or chosen in the several Towns or Parishes in the respective Counties in this Province, shall procure a set of Weights and Measures according to such standard, and shall cause to be assayed, sealed and marked with the letters G. III. R. all Weights and Measures brought to him for that purpose, to be used in the respective Towns and Parishes for which they shall be so appointed or chosen, for each and every of which Weights and Measures so assayed, sealed and marked, the said Clerk of the  
Market

Market shall have and take *one penny*, and if any Clerk of the Market shall neglect or refuse when thereunto required, to assay, seal and mark any Weight or Measure, he shall forfeit for every offence *five pounds* on conviction by presentment or indictment at the Quarter Sessions, one moiety thereof to the Prosecutor and the other moiety to the use of the Poor of the Town or Parish where such offence shall be committed, to be levied by distress and sale of the offender's goods, and for default of such distress the offender to be imprisoned by Warrant of the Justices at such Session till payment be made. *Saving always nevertheless*, unto the City of *Saint John*, and the Mayor, Aldermen and Commonalty of the same City, and all and every of them, all such rights, privileges and usages as they or either of them can justly claim as Clerk of the Market within the said City or otherwise howsoever, any thing herein contained to the contrary notwithstanding.

Clerks Fees and Penalty for neglect or refusal to assay, seal and mark such Weights, &c.

## CAP. XVI.

An ACT for establishing a TENDER in all PAYMENTS to be made in this Province.

WHEREAS it is necessary for the ascertaining of contracts, to determine the value of the coin in which all tenders may be lawfully made.

Preamble.

*Be it enacted by the Governor, Council and Assembly*, That an English Guinea shall pass current and be received for *twenty-three shillings and four pence*, and a silver English or French Crown piece for *five shillings and six pence*, and all other English gold and silver coin in the like proportion, and that Spanish mill'd Dollars shall pass current and be received for *five shillings* each, and a half Joannes, for *forty shillings*, in all payments to be made within this Province.

Value of coin at which to pass in all payments, viz. English guineas, at 23/4. French crowns at 5/6. Spanish dollars at 5s. Half joannes at 40s. and other gold and silver money in proportion,

## CAP. XVII.

## AN ACT for ESTABLISHING the RATE of INTEREST.

Not more than 6  
per cent. interest  
to be received for  
loan of Monies,  
Wares, &c.

Bonds, &c. secu-  
ring more than 6  
per cent. interest  
to be void.

Persons who shall  
on any contract,  
bond, &c. take  
more than 6 per  
cent. interest shall  
forfeit the value  
of the principal  
sum, &c. one  
half to the King  
and the other to  
the Prosecutor.

**I** **B**E it enacted by the Governor, Council and Assembly, That no person or persons whatsoever, upon any contract which may be made, shall directly or indirectly accept or receive for loan of any monies, wares, merchandize, or other commodities whatsoever, above the value of *six pounds* for the forbearance of *one hundred pounds* for the term of *one year*, and so after that rate for a greater or less sum, or for a longer or shorter time; and that all Bonds, Contracts, Obligations and Assurances whatsoever, for payment of any principal or money, to be lent, or covenanted to be performed, whereupon, or whereby there shall be reserved, taken, or received above the rate of *six pounds* for *one hundred pounds* as aforesaid, shall be utterly void; and that all and every person or persons whatsoever, who shall, upon any Contract, Bond, Obligation or Assurance to be made, take, accept or receive by way or means of any corrupt bargain, loan, exchange, shift or transfer of any wares, merchandize or other thing or things whatsoever, by covin, or by any deceitful way or mean whatsoever, for the forbearing, or giving day of payment, beyond *one whole year*, of and for their money, wares, merchandize or other things, above the sum of *six pounds* for the forbearing of *one hundred pounds* for *one year*, and so after that rate, for a greater or less sum, or for a longer or shorter time, shall forfeit and pay for every such offence, the full value of the principal sum or sums of money, wares, merchandize or other things so lent, bargained, exchanged or shifted; together with all interest, and other emoluments accruing thereon, one moiety thereof to be to the KING'S MOST EXCELLENT MAJESTY, his Heirs and Successors, for the public use of this Province, and the support of the Government thereof; and the other half or moiety to him or them that shall sue.

sue for the same, to be recovered by action of debt, bill, plaint or information in the Supreme Court or in any of his Majesty's Courts of Record, in the County where the offence shall be committed.

*Provided*, That nothing in this Act shall extend, or be construed to extend to, or affect any specialty, obligation, instrument or agreement in writing, that shall be made, entered into or executed for any money lent, or advanced upon the bottom of any ship or vessel; or to prevent the full recovery of damages on protested Bills as by Law established; or against the recovery of any penalty incurred or forfeited by the non-fulfilling of any contract or agreement entered into for the performance of certain things and conditions where the penalty therein expressed becomes mutually binding, any thing to the contrary notwithstanding.

II. *And be it further enacted*, That all prosecutions for any forfeitures incurred by this Act, shall be commenced by the person or persons aggrieved, or by any person who shall sue for the same within twelve months from the time the offence was committed; *Provided*, That nothing in this Act shall be construed to extend to any contract for the loan or hire of any Grain, Cattle or live stock let out on shares or on such terms as the parties may agree, in case the lender take the risk of casualties upon himself, in which case such borrower shall not avail himself of any loss suffered through his wilful neglect or any voluntary damage which may be committed by him, any thing in this Act to the contrary thereof notwithstanding.

This Act not to extend to bottomry, to damages on protested Bills, or forfeitures for non-fulfilling contracts, &c.

Prosecutions under this Act to be commenced within Twelve Months.

This Act not to extend to contracts for the loan of cattle or live stock let on shares &c. at the risk of the lender.

## CAP. XVIII.

An ACT for preventing the MULTIPPLICITY of  
LAW SUITS.

Preamble.

**W**HEREAS a provision for setting mutual debts one against the other is highly just and reasonable at all times, and tends to prevent a multiplicity of Law Suits.

Where mutual debts between Plaintiff and Defendant, one set against the other and given in evidence under general issue, notice to Plaintiff of debt to be insisted on.

I. *Be it enacted by the Governor, Council and Assembly,* That where there are mutual debts between the Plaintiff and Defendant in any Court of Record in this Province, or if either party sue or be sued as Executor or Administrator, where there are mutual debts between the Testator or Intestate and either party, one debt may be set against the other, and such matter may be given in evidence upon the general issue or pleading in bar, as the nature of the case shall require, so as at the time of his pleading the general issue, where any such debt of the Plaintiff, his Testator or Intestate is intended to be insisted on in evidence, notice shall be given of the particular sum or debt so intended to be insisted on and upon what occasion it became due or otherwise, such matter shall not be allowed in evidence upon such general issue.

Where the debt to be set off shall accrue by reason of a penalty and is pleaded in bar, the sum justly due must be shewn in the plea.

II. *And be it further enacted,* That by virtue of this Act, mutual debts, may be set against each other, either by being pleaded in bar, or given in evidence on the general issue, in the manner herein before mentioned, notwithstanding that such debts are deemed in Law to be of a different nature, unless in cases where either of the said debts shall accrue by reason of a penalty contained in any Bond or specialty, and in all cases where either the debt for which the action hath been or shall be brought, or the debt intended to be set against the same, hath accrued, or shall accrue by reason of any such penalty, the debt intended to be set off shall be pleaded in bar, in which plea shall be shewn how

how much is truly and justly due on either side, and in case the Plaintiff shall recover in any such action or suit, judgment shall be entered for no more than shall appear to be truly and justly due to the Plaintiff after one debt being set against the other as aforesaid. And if upon trial of the issue between the parties, the Plaintiff shall become nonsuit, or the Jury shall not assess damages to the Plaintiff over and above the debt, or sum of which notice of set-off shall have been given as aforesaid, then the Plaintiff shall have no costs, but shall pay to the Defendant or his Attorney costs to be taxed. And if upon such trial, it shall appear to the Jury that the Plaintiff is over-paid, then they shall find a verdict for the Defendant, and therewith certify to the Court how much they find the Plaintiff to be indebted or in arrear to the Defendant more than will answer the debt or sum to set-off, and found due by the same verdict, and the sum or sums so certified shall be recorded with the verdict, and shall be deemed as a debt of Record, and if the Plaintiff refuse to pay the same, the Defendant for the recovery thereof, shall have execution for the same, together with the costs of the said action, any Law, usage or custom to the contrary in anywise notwithstanding.

Costs paid by Plaintiff if balance found for Defendant.

If Plaintiff refuse to pay the balance found against him, Defendant shall have execution for the same and costs.

### CAP. XIX.

An ACT for permitting Persons of the profession of the people called QUAKERS, to make an Affirmation instead of an Oath.

I. **B**E *it enacted by the Governor, Council and Assembly,* That every person of the profession of the people called Quakers, who shall be required upon any lawful occasion to take an oath, shall, instead of an oath in the usual form, be permitted to make his or her solemn declaration or affirmation in these words, to wit;

People called Quakers to make affirmation instead of oath.

I A. B.

Form of affirmation.

*I A. B. do solemnly, sincerely, and truly declare and affirm.*

Which solemn affirmation shall and is hereby declared to be of the same force and effect in all cases where by Law an oath shall be required, as if such Quaker had taken an oath in the usual form.

False affirmation punished as perjury.

II. *And be it further enacted,* That every person who shall have made such solemn affirmation, and shall be convicted of wilfully, falsely and corruptly having affirmed any thing which if the same had been sworn in the usual form would have amounted to wilful and corrupt perjury, shall incur the same penalties as persons convicted of wilful and corrupt perjury.

Not to affirm in criminal causes extending to life or limb.

III. *Provided,* That no Quaker or reputed Quaker, shall by virtue of this Act, be admitted to give evidence in any criminal cause extending to life or limb, by such solemn declaration or affirmation as is hereby directed.

No Persons deemed Quakers unless they affirm they are and have been so for one year.

IV. *Provided also,* That no persons shall be deemed Quakers within the intention of this Act, unless they shall affirm in the form before directed, that they are of the profession of the people called Quakers, and have been so for one year then last past.

## CAP. XX.

An ACT for admitting DEPOSITIONS *De Bene Esse*, of Witnesses, aged, infirm, and otherwise unable to travel, and of Witnesses departing from the Province.

Depositions of witnesses who shall be infirm, aged, unable to travel or obliged to leave the Province, taken by a Judge after de-

I. **B**E *it enacted by the Governor, Council and Assembly,* That when it shall so happen that any of the witnesses which shall be judged necessary to be produced on the trial of any cause between party and party, shall be infirm, aged, or otherwise unable to travel, or when any such witness or evidence is obliged to leave the Province, it shall and may



may be lawful for any one of the Judges of the Court wherethe cause is to be tried after declaration filed, on due notice given to the adverse party to be present (if he see fit) to take the deposition of such infirm or aged person or persons unable to travel, or who is obliged to leave the Province, and such depositions so taken and certified under the hand and seal of the said Judge and sealed up, and directed to such Court, shall be received as legal evidence in such cause, and also when the title to land shall be in question in all future causes between the same parties or persons holding under them, for the same Land.

II. *Provided*, That proof be made on oath, that due notice was given to the adverse party of the time and place of taking such depositions.

III. *And provided nevertheless*, That if such witnesses shall at the time of the trial of the cause, be in the Province, or able to travel, they shall be required to give their testimony *viva voce*, at such trial, in the same manner, as if such depositions had not been taken.

IV. *Provided also*, That all benefit of exceptions to the credit of such Deponents shall be reserved in the same manner as on producing witnesses for examination, *viva voce*, at the trial.

V. *And be it enacted*, That every person of the profession of the people called Quakers, who shall be required to take an oath as aforesaid, shall instead of an oath be permitted to make his or her solemn affirmation.

VI. *And be it also enacted*, That every person, who shall have made such oath or solemn affirmation, and shall be convicted of wilfully, falsely and corruptly having sworn or affirmed any thing, shall incur the same penalties as persons convicted of wilful and corrupt perjury.

declaration filed and the adverse party having been notified, shall be received as evidence.

Admitted in future causes between the same parties in question of title to land.

Proof on oath of notice to adverse party.

If witnesses in the Province or able to travel, shall testify *viva voce*, such deposition notwithstanding.

Exceptions to the credit of Deponents reserved.

Quakers to make affirmation instead of oath.

False swearing punished as perjury.

## CAP. XXI.

An ACT to prevent unnecessary Expence in Actions on the Case on Judgment by Default.

Where Judgment is suffered by default, Justices may assess damages, unless Defendant apply for a Jury of inquiry.

**B**E it enacted by the Governor, Council and Assembly, That from and after the publication of this Act, in all actions on the case wherein judgment is suffered by default, the Justices in the Court wherein such judgment is given, may assess the damages at the next succeeding term, and give final judgment for the sum so assessed; unless the Defendant in such cause should apply for a Jury of Inquiry, in which case the Sheriff is to proceed to ascertain the damages as has been heretofore practised.

## CAP. XXII.

An ACT for ascertaining DAMAGES on Protested BILLS of EXCHANGE.

Protested Bills on Europe subject to ten per cent. damages, cost of protesting, postage, and six per cent. interest.

**I.** **B**E it enacted by the Governor, Council and Assembly, That from and after the first day of April, one thousand seven hundred and eighty-six, all Bills of Exchange drawn from and after said time by persons residing within this Province upon persons in Europe, that may be sent back protested, shall be subject to ten per cent. damages, together with the accustomed charge of protesting and postage, and also six per cent. per annum interest on the amount of principal, damages and charges, to commence from the day of the date of the protest on said Bill for non-payment, and continue till the same is paid.

Protested Bills on America and West Indies subject to five per cent. damages, &c.

**II.** *And be it further enacted,* That all Bills of Exchange drawn by persons residing within this Province after said time, on persons in any part of America and the West-Indies, and sent back protested, shall be subject to five per cent. damages, together

gether with the accustomed charge of protest and postage, and also *six per cent. per annum* interest on the amount of principal damages and charges, to commence from the date of the protest for non-payment, and continue till the same is paid.

III. *And be it further enacted*, That all Bills drawn, or endorsed by persons not residing in this Province, and who at any time may be found therein, shall be subject to the same damages, charges and interest, as if the same had been drawn or endorsed by persons who actually did reside in the Province.

*See further 34 Geo. 3. c. 6.*

Protested Bills drawn by persons not residing in the Province, but found therein, subject to the same damages, &c.

### CAP. XXIII.

An ACT for giving the like Remedy upon PROMISORY NOTES as on Inland BILLS of EXCHANGE.

**B**E it enacted by the Governor, Council and Assembly, That all Notes in writing for any sum of money, payable to order or bearer, shall be assignable and indorseable over, in the same manner as Inland Bills of Exchange are by the custom of merchants; and that any person or persons to whom, or to whose order, such Note shall be made payable, shall and may maintain his, her or their action for such sum of money in like manner as in cases of Inland Bills of Exchange, with damages and costs of suit.

Notes in writing for Money payable to order, assignable as inland Bills of Exchange.

### CAP. XXIV.

An ACT to enable CREDITORS more easily to recover their DEBTS from Joint Partners.

**W**HEREAS Creditors are often put to great trouble and difficulty in recovering debts due from joint partners, the proceeding to outlawry against persons who cannot be taken by process, not being in use in this Province, and doubts have arisen, whether

Preamble.

whether any one joint partner is now compellable to answer for the partnership debts, unless all are brought into Court, which many times cannot be done; for remedy whereof,

Joint debtors, answerable separately.

I. *Be it enacted by the Governor, Council and Assembly,* That all persons that now are or hereafter shall be jointly indebted to any other person or persons whatever, for any joint contract, obligation, matter or thing whatsoever, for which remedy could or might be had at Law against such Debtors, in case all were or could be taken by process issued out of the Courts of this Province, shall be answerable to their Creditors separately for such debts; that is to say, such Creditor or Creditors shall and may issue process against such joint Debtors, in the manner now in use, and in case any or either of such joint Debtors shall be taken, and brought into Court by virtue of such process, he, she or they so taken and brought into Court, shall answer to the Plaintiff or Plaintiffs, and in case the judgment pass for the Plaintiff or Plaintiffs, he or they shall have his or their judgment and execution against those that are brought into Court, and against the other joint Debtors named in the process, in the same manner as if they had been all taken and brought into Court by virtue of such process. *Provided always,* That it shall not be lawful, by virtue of this Act, to execute such execution against the Body, or the Lands, or Goods, the sole property of any person not brought into Court, before *scire facias* brought against him or them on such judgment.

Creditors may issue process against joint debtors as usual, and if any are taken, judgment and execution shall be had against them and others, named in the process though not taken.

Execution not executed against the Body or Lands or Goods of persons not taken before *scire facias*.

## CAP. XXV.

An ACT to prevent frivolous and vexatious ARRESTS.

I. **F**OR the more effectual preventing frivolous and vexatious arrests, *Be it enacted by the Governor, Council and Assembly,* That no person shall be held to special bail upon any process issuing out of the Supreme Court where the cause of action shall not amount to the sum of ten pounds or upwards, nor out of any Inferior Court within this Province, where the cause of action shall not amount to forty shillings or upwards. And that in all suits brought for a less sum, the Defendant shall be served with a copy of the process within the jurisdiction of the Court issuing such process, in manner as hath heretofore been accustomed, and if such Defendant or Defendants shall not appear at the return of such process, or within twenty days after such return, it shall and may be lawful to and for the Plaintiff or Plaintiffs, upon affidavit being made before any Judge of the Court out of which such process shall issue, or before any Commissioners authorized to take affidavits to be read in the Supreme Court, and filed in the proper Court, of the personal service of such process as aforesaid, to enter a common appearance, or file common bail for the Defendant or Defendants, and to proceed thereon as if such Defendant or Defendants had entered his, her, or their appearance, or filed common bail.

Defendant not held to special bail on process from Supreme court for less than £10. or from Inferior court for less than 40s.

In suits for a less sum, Defendant to be served with a copy of process, and in case of non-appearance Plaintiff may after affidavit made of such service enter common appearance, &c.

II. *And be it further enacted,* That in all cases where the Plaintiff or Plaintiffs cause of action shall amount to the sum of ten pounds or forty shillings, or upwards as aforesaid, affidavit shall be made and filed of such cause of action, which affidavit may be made before any Judge of the Court from which such process shall issue, and before any Commissioner appointed to take affidavits to be read in the Supreme Court, or else before the officer who shall issue such process, or his deputy, if such suit shall be

When the cause of action amounts to £10. or 40s. affidavit to be made thereof before a Judge, &c.

If Plaintiff resides in his Majesty's Plantations without the Province, before a Judge of Supreme Court there.

Sum indorsed on writ, for which bail to be taken and no more.

Or writ or process for £ 10. or 40s. and no affidavit, the body of Defendant shall not be arrested.

be brought therein: And in all cases, when the Plaintiff or Plaintiffs shall reside without this Province, in any of his Majesty's Plantations, before any Judge of the Supreme or Superior Court in such Plantation, and the sum or sums specified in such affidavit shall be indorsed on the back of such writ or process, for which sum or sums so indorsed, the Sheriff or other officer to whom such writ or process shall be directed, shall take bail, and for no more. But if any writ or process shall issue for the sum of ten pounds or forty shillings, or upwards as aforesaid, and no affidavit or indorsement shall be made as aforesaid, the Plaintiff or Plaintiffs shall not proceed to arrest the body of the Defendant or Defendants, but shall proceed in like manner as is by this Act directed in cases where the cause of action does not amount to the sum of ten pounds or forty shillings, or upwards as aforesaid.

## CAP. XXVI.

### AN ACT TO PREVENT GAMING.

Notes, Bonds, &c. for money or other things won by gaming or playing at Cards, &c. void and of no effect.

I. **BE** *it enacted by the Governor, Council and Assembly,* That for the more effectually preventing and suppressing Gaming of every kind, all Notes, Bills, Bonds, Judgments, Mortgages, or other securities or conveyances whatsoever, given, granted, drawn or entered into, or executed by any persons whatsoever, where the whole or any part of the consideration of such conveyances or securities shall be for any money, or other valuable thing whatsoever, won by gaming or playing at Cards, Dice, Tables, Tennis, Bowls, or other game or games whatsoever, or by betting on the sides or hands of such as do game at any of the games aforesaid, or for the reimbursing or repaying any money knowingly lent or advanced for such gaming or betting as aforesaid, or lent and advanced at the time and place of such play, to any person or persons

sons so gaming or betting as aforesaid, or to any other person or persons in trust for, or to the use of them so gaming or betting, or that shall during such play so game or bet, shall be utterly void, frustrate and of none effect, to all intents and purposes whatsoever: and that where such Mortgages, securities and other conveyances, shall be of Lands, Tenements or Hereditaments, or shall be such as incumber or affect the same, such Mortgages, securities or other conveyances, shall enure and be to and for the sole use and benefit of, and shall devolve upon such person or persons, as should or might have, or be intitled to such Lands, Tenements or Hereditaments, in case the said Grantor or Grantors thereof, or the person or persons so incumbering the same, had been naturally dead, and as if such Mortgages, securities or other conveyances, had been made to such person or persons so to be intitled after the decease of the person or persons so incumbering the same; and that all Grants or Conveyances to be made for the preventing such Lands or Tenements or Hereditaments from coming to, or devolving upon, such person or persons hereby intended to enjoy the same as aforesaid, shall be deemed fraudulent and void, and of none effect to all intents and purposes whatsoever.

II. *And be it hereby further enacted,* That in all actions of the case or other actions, (except such suits as shall be brought under this Act) which shall or may hereafter be brought in any Court of Judicature within this Province, for any sum or sums of money, in which it shall appear on trial of the same that the cause of action accrued by or in consequence of a wager or gaming bet, that the Plaintiff shall in all such cases suffer non-suit, and the Defendant recover full costs against him.

III. *And be it further enacted,* That any person or persons whatsoever, who shall by playing at Cards, Dice or Tables, or any other game or games whatsoever, or by betting on the fides or hands of such

Mortgages, &c. of Lands, &c. made and executed for money or other things won as aforesaid, shall enure to the use of persons otherwise intitled, as if made to them.

In actions for money, &c. won on any wager or bet, the Plaintiff shall suffer a non-suit and the defendant recover costs.

If more than 20s. or 20s. worth be lost at cards, &c. within twenty-four hours, or at

one sitting, and the same be paid or delivered, the party losing may sue for and recover the same with costs.

such as do play at any game or games as aforesaid, within twenty-four hours, or at any one meeting or sitting, lose to any one or more person or persons, so playing or betting, any sum or sums of money exceeding the sum of twenty shillings, or any other valuable thing or things whatsoever beyond the value of the sum of twenty shillings, and shall pay or deliver the same or any part thereof, the person or persons so losing and paying or delivering the same, shall be at liberty within one month then next following, to sue for and recover the money or goods so lost and paid or delivered, or any part thereof from the respective winner or winners thereof, with costs of suit, by action of debt, founded on this Act, to be prosecuted in any of his Majesty's Courts of Record, in which action it shall be sufficient for the Plaintiff to alledge that the Defendant or Defendants are indebted to the Plaintiff, or received to the Plaintiff's use, the monies so lost and paid, or converted the goods won of the Plaintiff to the Defendant's use, whereby the Plaintiff's action accrued to him according to the form of this Act, without setting forth the special matter.

Money or other thing won from minors may be sued for and recovered by guardian or master and treble the value with costs.

IV. *And be it further enacted*, That the Parent, Guardian or Master of any person or persons under the age of twenty-one years, shall likewise be at liberty to sue for and recover, in manner as is before prescribed, any money or other thing won by gaming from such persons within lawful age, and treble the value of money so won, with costs of suit.

Persons convicted of fraud, &c. in playing at any game as aforesaid, shall forfeit five times the value of the money or thing won.

V. *And be it further enacted*, That if any persons shall, by fraud, unlawful device, or ill practice whatsoever, in playing at any game or games whatsoever, or by bearing a share or part in the stakes, or by betting on the sides of such as shall play, win or acquire to themselves, or to any others, any money or other valuable thing, every person so winning or acquiring by such ill-practice as aforesaid, and being thereof convicted of any of the said offences,



offences, upon indictment or information, shall forfeit five times the value of the money or other thing so won as aforesaid; such penalty to be recovered by such person as shall sue for the same by such action as aforesaid.

VI. And for the better suppressing all public gaming houses, *Be it hereby further enacted*, That it shall and may be lawful to and for any two of his Majesty's Justices of the Peace, to enter into any public houses suspected of keeping any gaming tables, and to order and direct the keepers of such gaming tables, if any such shall be found therein, to remove the same within forty-eight hours, as a public nuisance; and any person refusing or neglecting to obey the order of such Justices, the said Justices shall have power to break and prostrate such public gaming tables, and also to require sufficient security from persons keeping such gaming houses, for their good behaviour during twelve months, or for their appearance at the next Quarter Sessions, there to be prosecuted for offending against this Act, or in case he or they shall refuse to find security, then to commit him or them to the common Goal of the County for trial. On conviction, to be either fined or imprisoned, as the Court shall direct.

VII. *And be it further enacted by the authority aforesaid*, That it shall be lawful for any two Justices of the Peace to cause to be brought before them, every person against whom information shall be lodged by the members of the Grand Jury, sworn at the preceding Session of the Peace, held in the County, or by some one of them that he or they have reason to suspect such person to have no visible Estate or calling to maintain himself by, but that he does for the most part support himself by gaming; and if such person shall not make it appear that the principal part of his expences is not maintained by gaming, such Justices shall require of him security for his good behaviour for twelve months,

Two Justices may enter public houses suspected of keeping gaming tables and order their removal within 48 hours, and on refusal to remove, may break and prostrate the same, and require security from the offenders for their good behaviour, &c.

In case of refusal to find security, offenders to be committed.

On conviction to be fined or imprisoned.

On information of sworn Grand Jurors, two Justices to apprehend persons suspected of maintaining themselves by gaming.

If persons so charged, do not prove the contrary, such Justices may require security for good behaviour for 12

months, and on non-compliance may commit.

months, and in default of his finding such security, commit him to the common Goal until he shall find such security.

### CAP. XXVII.

An ACT for preventing IDLENESS and DISORDERS, and for punishing ROGUES, VAGABONDS, and other Idle and Disorderly Persons.

I. **B** *Be it enacted by the Governor, Council and Assembly,* That all persons who not having any visible means of maintaining themselves, live idle and refuse to work for the usual wages, and all persons going about to beg alms, and all idle and wandering persons, who shall not have a pass or testimonial from some Justice of the Peace, setting forth from whence such idle and wandering persons shall have come, and the place to which they are to pass, and all persons who return to such Town, Parish or place from whence they have been legally removed by order of two Justices of the Peace, without bringing a certificate from the Town or Parish whereunto they belong, shall be deemed idle and disorderly persons, and it shall be lawful for any Justice of the Peace on receiving information that any idle or disorderly person or persons is or are in any place within his jurisdiction, to issue his warrant to the Constables, to search for and apprehend such idle and disorderly person or persons, and bring him or them before such Justice, who is hereby empowered to examine such person or persons not only as to their manner of livelihood and subsistence, but also as to the place from whence they came and where they were last settled, and they refusing to be examined, or not making true answers to such questions as shall be put to them by such Justice on such their examination, shall be considered as idle and disorderly persons within the intent and meaning of this Act, and be dealt with accordingly.

Persons not having any visible means of maintaining themselves, refusing to work, going about to beg alms, not having a pass from a Justice, returning to the place from whence removed, shall be deemed idle and disorderly.

A Justice of the Peace may on information apprehend such idle or disorderly persons, and examine them, and on refusal to answer or giving false answers, may consider and deal with them as such.

II. *And be it further enacted*, That it shall and may be lawful for any Justice of the Peace to commit all and every person and persons by this Act mentioned and described as idle and disorderly persons (and thereof convicted by their own confession, by view, or by the Oath of one or more credible witnesses or witnesses, or refusing to be examined, or returning untrue answers as aforesaid) to Prison or to the House of Correction, there to be kept to hard labour for any time not exceeding one month.

III. *And be it further enacted*, That if any person or persons shall be found offending in any Town or Parish or place against this Act, it shall and may be lawful for any Constable of such Town, Parish or place, and he is hereby enjoined and required on Notice thereof given him by any of the Inhabitants, to apprehend and convey, or cause to be conveyed, such person so offending, to a Justice of the Peace of the County in order to be examined and proceeded against according to Law. And if any Constable after such Notice given as aforesaid shall refuse or neglect to use his best endeavors to apprehend and convey such offenders before a Justice of the Peace as aforesaid, being thereof legally convicted before such Justice of the Peace, every such Constable shall forfeit and pay to the use of the Poor thereof the sum of Ten Shillings, to be levied by distress and sale of the offender's Goods, by warrant from such Justice, and the overplus, if any, after the charge of prosecution and of such distress shall be satisfied, shall be returned to such offender.

IV. *And be it further enacted*, That any person or persons who shall conceive him, her or themselves aggrieved by any act, judgment or determination of any Justice or Justices of the Peace out of Sessions, in and concerning the execution of this Act, may appeal to the next General Quarter Sessions of the City or County on finding two sufficient securities in Ten Pounds each, to prosecute such appeal to effect.

Justices of the Peace may commit offenders against this Act to Prison or House of Correction.

Constables of Towns, &c. required, on notice by an Inhabitant to apprehend offenders against this Act, and convey them to a Justice to be examined, &c.

Constables refusing or neglecting to apprehend &c. as aforesaid, to be fined 10s.

Persons aggrieved may appeal to the next General Quarter Sessions, on finding two sufficient securities in £10 each, to prosecute the same.

## CAP. XXVIII.

An ACT for the appointment of TOWN or PARISH Officers, in the several Counties in this Province.

Justices of General Sessions to appoint annually at the first Sessions, Overseers of the Poor—Town or Parish Clerks—Constables—Fence-viewers—Clerks of the Market—Pound keepers, Cullers, &c. of Fish—Surveyors of Lumber and Cord Wood—Sealer of Leather—Guagers of Casks—Hogreeves—Assessors of Rates, &c.—Surveyors, &c. of Hay—Inspectors, &c. of staple commodities in Counties, who shall be respectively sworn in Court or within fourteen days by a single Justice.

I. **B**E it enacted by the Governor, Council, and Assembly, That the Justices of the General Sessions of the Peace for the several Counties in this Province, shall hereafter annually at the first Sessions of the said Court, appoint out of every Town or Parish in the said County, three fit persons to be Overseers of the Poor of the said Town or Parish, and at the same time, in like manner, appoint one fit person in every Town or Parish in said County to be Clerk of said Town or Parish, who shall be sworn truly to enter and record all such matters and things, as shall relate to the said Town or Parish, and shall appertain to his office, and shall also appoint two or more as they shall see convenient to be Constables in said Town or Parish; and shall also appoint two or more as they shall see convenient, to be Fence-viewers in such Town or Parish, and shall also appoint one Clerk of the Market in said Town or Parish, and shall also appoint a sufficient number in their discretion to be Pound keepers, in said Town or Parish, and shall also appoint a sufficient number in their discretion to be Cullers and Surveyors of Fish in said Town or Parish, and shall also appoint a sufficient number in their discretion to be Surveyors of Lumber, and of Cord Wood in said Town or Parish, and shall also appoint one Sealer of Leather in said Town or Parish, and shall also appoint a sufficient number in their discretion to be Guagers of Casks in said Town or Parish, and shall also appoint a sufficient number in their discretion to be Hogreeves in said Town or Parish, and shall also appoint three fit persons to be Assessors in said Town or Parish of all such Rates and Taxes as shall be payable by any Act or Acts of the Governor, Council and Assembly of this Province, and shall also appoint a sufficient number in their discretion to be Surveyors

Surveyors and Weighers of Hay in said Town or Parish, and shall and may also appoint a sufficient number in their discretion in each Town or Parish to be Inspectors and Examiners of any staple commodity in such Counties respectively for market or exportation, who shall be respectively sworn in said Court, where they shall be so appointed, or within fourteen days after such appointment, before one of his Majesty's Justices of the Peace in the County where such Town or Parish lies; which Court and Justices respectively are hereby authorized to administer such Oaths, to the faithful discharge of their duty, and also shall conform to the Laws of this Province respecting or regulating the same; and upon their or any or either of their refusal to accept, or being guilty of any neglect or misbehaviour in the execution of the duty of their respective offices, they shall forfeit and pay for the use of the Poor of the said Town or Parish the sum of Forty Shillings, for every such refusal, neglect or misbehaviour, to be recovered upon proof of such refusal, neglect or misbehaviour, by the Oath of one credible witness, before any two of his Majesty's Justices of the Peace for the County where such Town or Parish is, to be levied by warrant of distress, and sale of the offender's goods and chattels, rendering the overplus, if any, after deducting the costs and charges of prosecution to the offender. And if any person so appointed shall leave the Province, change the Town of his residence, or happen to die within the period for which he shall be appointed to serve in any of the said offices, in such case any two of his Majesty's Justices of the Peace for the County shall and may appoint a fit person, who shall be sworn as aforesaid to the faithful discharge of his duty, and shall serve in such vacant office until another shall be appointed by such Court of General Sessions at their meeting next ensuing such vacancy.

For refusal or neglect shall forfeit 40s.

In case of death, leaving the Province or change of Town, two Justices to appoint others.

II. *And be it further enacted*, That the Surveyors and Weighers of Hay, shall be paid for their trouble

Surveyors, &c. of Hay, to be

paid One penny per hundred and Four pence per mile travel, by feller.

In Counties where the Courts of Sessions have been held this year before publication of this Act, Justices required to call special Sessions for the appointment of officers aforesaid.

ble in viewing and weighing Hay at the rate of One Penny per hundred weight, and Four Pence per mile travel; if such travel exceed one mile to be paid by the feller.

III. *And be it further enacted*, That in such of the Counties in this Province where the said Court of General Sessions of the Peace has been already held in this year, or shall be held before the publication of this Act, it shall and may be lawful, and the Justices of the said Sessions are hereby required to call and hold as soon as conveniently may be after the publication of this Act, a special Sessions for the purpose of appointing the several officers as in and by this Act is directed, which officers so appointed shall in all respects act, and be liable, as if they were appointed at the General Sessions of the Peace as herein before directed, and shall continue in their respective offices until other persons shall be appointed in their stead at the first General Sessions of the Peace to be held in such Counties respectively, in the year of our Lord one thousand seven hundred and eighty-seven.

### CAP. XXIX.

An ACT for preventing TRESPASSES. Rep.

### CAP. XXX.

An ACT to prevent the BURNING WOODS, by carelessly or wantonly FIRING the same.

Preamble.

**W**HEREAS the Inhabitants of this Province have frequently left Fires burning, which by communicating to the Woods have done great damage not only to the Proprietors of certain Lands, but also to the greater damage of the unlocated Lands.

Persons convicted of kindling

I. For prevention whereof, *Be it enacted by the Governor, Council and Assembly*, That from and after the

the publication of this Act, any person or persons who shall be convicted by his or their own confession, or by the Oath of one or more credible witnesses or witnesses before any one or more Justice or Justices of the Peace of any County within this Province, of having kindled any Fire in any woods, fields, or other open place, and who shall depart leaving the same burning, and shall not either extinguish the same by water, or otherwise secure it so that it may not communicate to any woods, under-woods or brush, whereby damage may ensue either to any private property or to any unlocated Lands in this Province, shall for every such offence (although no damage ensued) forfeit and pay the sum of Three Pounds, one half to the use of the Informer and the other half to the use of the Poor of the Town where such offence shall have been committed, as well as be subject to all damages sustained in consequence of such Fire, to be recovered by action of debt in any Court of this Province where the same shall be cognizable, with costs of suit.

Fires in Woods, &c. and shall not extinguish or secure the same from communicating to other woods, shall forfeit £3, one half to informer, the other to the Poor of the Town, and shall pay all damages.

## CAP. XXXI.

An ACT to prevent Nuisances by Hedges, Wears, Seines, and other Incumbrances obstructing the Passage of FISH, in the Rivers, Coves and Creeks of this Province. Exp.

## CAP. XXXII.

An ACT for laying out, repairing and amending Highways, Roads and Streets, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province.

*Susp. by 41 GEO. 3, c. 7.*

## CAP. XXXIII.

An ACT for regulating and facilitating the NAVIGATION of the River SAINT JOHN, and other Rivers in this Province.

Preamble.

**W**HEREAS the Navigation of the River Saint John, and other Rivers in this Province, and particularly in those parts thereof where from the rapids, and for other causes, it is often found necessary to tow small vessels, boats, and rafts of lumber, along the sides, and near the shores of said Rivers, is often obstructed by felling trees, standing on the banks of said Rivers, and by casting and leaving the same across said banks; partly on the banks, and partly in said Rivers, and by logs, and other heavy bodies being deposited and lodged by the freshes and otherwise, on said banks, and on the shores of said Rivers.

Commissioners and Surveyors of Roads to be Surveyors of Rivers and empowered to clear Rivers, &c. of incumbrances, &c.

I. *Be it enacted by the Governor, Council and Assembly,* That the Commissioners and Surveyors of Roads, that shall be annually appointed or chosen in the several Towns or Parishes, in the respective Counties in this Province, shall be Surveyors of Rivers, who shall take care that all Rivers, and the banks and shores thereof, within the respective districts assigned them, be cleared of all such incumbrances and obstructions to the Navigation thereof, that they may be safe and convenient for the aforesaid purposes of passing up and down the same, with small vessels, boats and rafts of lumber, in manner as aforesaid, and the Surveyors are hereby empowered to cut down, dig up and remove all sorts of trees, bushes, or other thing or things, that may any way straiten, hurt, hinder, incommode, impede, or obstruct the Navigation of said Rivers with small vessels, boats or rafts of lumber, by towing the same or otherwise; and to warn all labourers, owners of carriages, teams and boats, or other things fit and necessary to be employed for the above purposes.

To warn labourers, &c.

II.



II. *And be it further enacted*, That if any person or persons shall hereafter fell any Tree or Trees standing on the Banks of said Rivers, and cast and leave the same across said Banks, or shall cut down and leave on said Banks, any Log or Logs, or other heavy bodies, such person or persons, shall for each Tree, Log, or other heavy body felled, cut down, or left on or across said Banks, in manner aforesaid, forfeit and pay a fine or penalty of Twenty Shillings, to be recovered by complaint to a Justice of the Peace, as in the case of refusal to labour on the Highways, and appropriated for the purpose of clearing said Rivers, by the Surveyors within whose district the offence shall be committed. And the said Surveyors are hereby authorized to command the assistance of the Inhabitants of the Parish for the purposes aforesaid, in like manner as for working on the Highways, and the work so done by each person shall be considered and returned by said Surveyor and allowed for, as so much work done on the Highways.

Persons felling Trees, &c. on banks of Rivers to forfeit 20s. for each Tree, &c.

Surveyors to command assistance of Inhabitants, and work allowed as in case of Highways.

### CAP. XXXIV.

An ACT for securing the Navigation of the River  
MAGGAUGAUDAVICK.

**W**HEREAS the security of the free Navigation of the river Maggaugaudavick through its extensive communications, must be highly conducive to the settlement thereof, and greatly tend to the encouragement of the Lumber trade, at present the most important branch of Commerce in the Province.

Preamble.

I. *Be it enacted by the Governor, Council and Assembly*, That no person or persons shall raise a Dam or throw a Boom across the main river Maggaugaudavick, and any person or persons so offending shall forfeit the sum of Twenty Pounds, the half of which sum shall be for the Informer and the other half for the Poor of the Township where the offence shall

Persons raising Dams, &c. across the river Maggaugaudavick to forfeit £20.

shall be committed, to be recovered by bill, plaint or information, in any of his Majesty's Courts of Record within this Province.

Booms may be thrown across said River below the carrying-place above the first Falls, to stop Masts, &c.

II. *Provided always*, That it shall and may be lawful to throw a Boom or Booms across said River at or below the carrying-place or Portage, immediately above the first falls of said River, which falls are next adjoining to the salt water, for the purpose of stopping masts, spars, rafts or other lumber, to be hauled over the said Portage where the height and rapidity of the stream renders the further conveyance of them by water unsafe.

Persons erecting Mills above said carrying-place, may raise Dams half across the River.

III. *And be it enacted*, That any person or persons who may think it expedient to erect a Mill or Mills, upon said river Maggaugaudavick, in any part thereof above the carrying-place or Portage before-mentioned, shall have a power or privilege to erect a Dam or Dams, or to lay a Boom or Booms which shall not extend more than half way across said main River, the half distance to be estimated in the drought of Summer or in the season when the water of this River shall be deemed at the lowest.

Dams, &c. may be made across the River above the grand Forks, leaving Sluiceways for Boats, &c.

IV. *Provided*, That above the Grand Forks, supposed about Twenty-seven miles from the first Falls, any person may have permission to throw a Dam or Booms across the River, provided there is left in said Dam or Booms, sufficient Sluiceway or passage for conveying boats, rafts of boards, or other lumber through the same. And every person convicted of offending herein, on trial by indictment for a public nuisance, at the Court of Sessions held for the County, shall be fined at the discretion of the said Court, not exceeding Twenty Pounds, who are hereby empowered on such conviction, to order the said nuisance to be abated.

Two Justices may on view order such Booms removed.

V. *And be it enacted*, That any two of his Majesty's Justices of the Peace upon their own view, or upon the Oath of two or more credible witnesses, have power, and they are hereby directed to order any such Boom or Booms to be removed.

## CAP. XXXV.

An ACT to prevent the malicious Killing or Maiming of CATTLE.

**B**E it enacted by the Governor, Council and Assembly, That if any person or persons shall maliciously, unlawfully and willingly kill, maim, wound or otherwise hurt any Horses, Neat Cattle, Swine, Sheep or other Cattle, every such offender or offenders shall forfeit and pay unto the party grieved, treble the damages which he or they shall sustain, to be recovered by action of Trespass, or upon the case in any of his Majesty's Courts of Record in this Province.

Persons maliciously killing Horses, &c. shall forfeit treble damages to the owner.

## CAP. XXXVI.

An ACT for regulating INN-HOLDERS, TAVERN-KEEPERS, and RETAILERS of SPIRITUOUS LIQUORS.

**I.** **B**E it enacted by the Governor, Council and Assembly, That from and after the publication hereof, no Retailer, Inn-holder, Tavern or Ale-house keeper, who shall sell upon trust or credit, any Wine, strong Beer, Ale, Brandy, Rum or other Spirituous Liquors mixt or unmixt, to any Soldier, Sailor, Servant, or other person whatsoever, to the amount of any sum exceeding the sum of Five Shillings, shall have any remedy to recover the same either at Law, or in Equity, against any of the persons aforesaid, their Executors or Administrators.

Retailers, &c. selling wine, &c. on trust to Soldiers, &c. for more than 5s. without remedy.

**II.** *And be it further enacted,* That in case any Soldier, Sailor, Servant, Apprentice, bound Servant, or other person whatsoever, shall leave any pawn or pledge as a security for the payment of any sum exceeding Five Shillings contracted in such manner, such Soldier, Sailor, Servant, Apprentice, bound Servant, or other person whatsoever, or the Masters or Mistresses of such Servant, Apprentice or bound Servant, may complain to any Justice of the Peace,

Pawns, &c. left for securing payment of any sum exceeding 5s. contracted as aforesaid, shall be restored by order of a Justice and the offenders subject to Fine not exceeding £5.

where such Retailer, Inn-holder, Tavern or Ale-house keeper, or any other person whatsoever receiving such pawns or pledges usually resides; that such pawn or pledge is detained from him or her by such Retailer, Inn-holder, Tavern or Ale-house keeper, or any other person whatsoever, and having made proof thereof by the Oath of one or more credible witness or witnesses, such Justice of the Peace is required by warrant under his hand and seal to compel such Retailer, Inn-holder, Tavern or Ale-house keeper, or other person whatsoever, by distress and sale of his goods to restore the aforesaid pawn or pledge to the party complaining, or to make him or her satisfaction for the loss or abuse thereof, and shall further be subject to a Fine not exceeding Five Pounds, for the use of the Poor of the Town or Parish where such offence shall be committed.

III. *And be it further enacted,* That no Retailer or person whatsoever shall harbour, or suffer any Apprentice or Servant whatsoever, to sit drinking in his or her house, nor sell or give him, her or them, nor suffer to be sold or given him, her or them, any of the Liquors aforesaid, without special order or allowance of their respective Masters or Mistresses, on pain of forfeiting the sum of Ten Shillings for every such offence, together with the charges of prosecution, to be recovered upon conviction on the Oath of one credible witness before any one of his Majesty's Justices of the Peace within the County where the offence shall be committed, or such other proof as shall be to the satisfaction of such Justice, and to be levied by warrant of distress and sale of the offender's goods and chattels, under the hand and seal of the said Justice, and for want of sufficient distress said Justice shall and may commit such offender to his Majesty's Goal, there to remain for the space of one month, or until he shall have paid and satisfied the same. And such sum so levied shall, by the said Justice be paid into the hands of the Overseers of the Poor of the Town

Retailers, &c.  
 harboring or suffering Apprentices to sit drinking in their houses or selling them spirituous Liquors without order, &c. shall forfeit 10s. for each offence.

Town or Parish where the offence shall be committed, to be by them applied to the use of the Poor of such Town or Parish.

IV. *Provided always*, And nothing herein contained shall extend to debar any Retailer, Inn-holder, Tavern or Ale-house keeper, from furnishing any Traveller, or Boarder in his family, with necessary refreshments on credit.

This Act not to extend to travellers, &c.

*See further 34 Geo. 3. c. 5.*

## CAP. XXXVII.

### AN ACT FOR REGULATING SERVANTS.

**W**HEREAS damage and inconvenience may arise from Apprentices and indented Servants leaving the service of their Masters without a proper discharge.

Preamble.

I. *Be it enacted by the Governor, Council and Assembly*, That from and after the publication of this Act, all Servants or Apprentices bound by Indenture, shall at the expiration of the term for which they are engaged, require and receive from their Master or Mistress a discharge or Certificate of such Servants having served his or her time.

Indented Servants or Apprentices shall, at the expiration of their term of service, receive a discharge.

II. And if any person shall knowingly hire or harbour any indented Servant or Apprentice till he or she shall produce such Certificate or discharge, such persons so offending and being thereof convicted before the General Session of the Peace, shall forfeit and pay Five Pounds, to be levied by distress and sale of the offender's goods and chattels, by warrant from such General Sessions, one half of which shall be to the Prosecutor, and the other half for the benefit of the County where the same shall be recovered.

Persons hiring or harbouring Servants or Apprentices, not producing a discharge, shall forfeit £5.

III. And all indented Servants and Apprentices as aforesaid, who shall absent themselves from their service, shall be liable to make satisfaction by service after the time of their Indenture is expired, double

Indented Servants and Apprentices absenting themselves

shall make satisfaction by service.

double the time of service so neglected, and if their absence was in seed time or harvest, or the charge of recovering them be extraordinary, the Court before whom complaint is made, shall adjudge a longer time of service proportionable to the damage the Master shall make it appear he has sustained.

Justices of the Peace may give discharges where Masters unreasonably refuse.

IV. And in case any person shall refuse his or her Servant a Certificate or discharge as aforesaid, such Servant may apply to one of his Majesty's Justices of the Peace in the County where said Master or Mistress does reside, who shall give Notice to said Master or Mistress, and require the reasons for such refusal, and in case no regard is paid to such Notice within Five days, or the Justice by a reply shall find no sufficient cause for such refusal, he shall without any fee, give such Servant a Certificate to that purpose, which shall be a sufficient discharge from said Indenture. And if any person shall be convicted of making use of a false Certificate upon Oath before any two of his Majesty's Justices of the Peace, he shall be publicly whipped not exceeding Thirty stripes, at the discretion of said Justices.

Persons making use of false Certificates shall be publicly whipped.

Before Indentures are concluded or assigned, parties to go before a Justice.

V. *And be it further enacted*, That before any Indenture is finally concluded, or assigned over, the parties shall go before one of his Majesty's Justices of the Peace, who shall examine whether the Apprentice or Servant has any just objection to such Indenture or assignment thereof, and if he has not, shall give a Certificate on the Indenture accordingly.

Masters of vessels receiving, harbouring or concealing Servants, &c. to forfeit £10.

VI. *And be it further enacted*, That no Master of any Ship or Vessel shall receive, harbour or conceal, on board, any indented Servant or Apprentice, on pain of forfeiting Ten Pounds for every such offence, to be recovered and applied as aforesaid.

Masters shall provide for Servants.

VII. *And be it further enacted*, That every Master or Mistress shall provide for his or her Servant or Apprentice according to the full tenor of their agreement.

Two Justices on complaint of Ser-

VIII. And every Servant or Apprentice having just cause of complaint for the non-performance of such

such agreement, or for hard or cruel usage, may and shall on application to any two of his Majesty's Justices of the Peace, be heard concerning the same, and if said Justices shall find sufficient cause of complaint, they are hereby empowered and required to make an order for the relief of said Servant or Apprentice, by a discharge from their service or otherwise as they may see fit.

vants, may order relief by discharge or otherwise.

IX. And if either party shall not be satisfied with the order of said Justices, appeal may be had to the next General Sessions of the Peace, where the matter shall be finally determined.

Party not satisfied may appeal to Court of Sessions:

X. *And be it further enacted*, That it shall not be lawful for any Merchant, Trader, Tavern-keeper or other person whatsoever, to sell upon credit to any indented Servant or Apprentice, and all actions commenced against such persons, shall and are hereby declared to be void and of no effect.

Merchants, &c. not to sell on credit to Servants or Apprentices.

### CAP. XXXVIII.

An ACT to enable the JUSTICES of the PEACE, of the several Counties in this Province for the time being, to receive, for Public Uses, GRANTS of LANDS lying in their respective Counties, and to regulate the COMMONS belonging to the several Townships or Parishes within the same.

**W**HEREAS there are several Tracts of Land reserved in the different Counties of this Province for Public uses, and whereas it is necessary that persons be empowered to receive Grants as well of the said Lands as of such other Lands as may hereafter be so reserved or granted, that the intent for which they have been or shall be so reserved or granted, may be carried into execution.

Preamble.

I. *Be it enacted by the Governor, Council and Assembly*, That the Justices of the Peace in each County shall be and are hereby authorized and empowered, by the stile and title of the Justices of the Peace of the County of \_\_\_\_\_ for the time being

Justices of the Peace authorized to receive Grants of Lands in trust for public uses.

being, to accept, receive and retain in trust for the Public uses therein specified, any Grant or Grants of Lands lying in the said County, and such trust to execute: and all Grants so as aforesaid made, are hereby declared to be good and valid in Law.

May bring actions concerning such Lands and may lease the same.

II. *And be it further enacted*, That the said Justices, by the stile and title aforesaid, shall be able, and in Law capable to bring and maintain any action of trespass or ejection of, or concerning any the Lands so granted to them in trust as aforesaid. And to lease for a term of years any such Lands so granted to them, or heretofore given to Public uses, to the best advantage, except the use is expressly given in such Grant to some particular person or persons or body corporate.

Justices in their Sessions to affix and settle regulations for the Inhabitants of Towns respecting Commons.

III. *And be it also enacted*, That the Justices in their several General Sessions of the Peace, to be held for the several Counties in this Province, shall from time to time affix and settle such regulations as they may think most proper and convenient to be observed and followed by the Inhabitants in the several Townships within such County, in regard to the Common belonging to the same, and such regulations so made, affixed and settled, shall be and are hereby declared to be the stated rules to be kept, observed and followed, by the Inhabitants of each respective Township; and that if any person shall transgress any such rules and regulations so to be settled and affixed, or shall neglect or refuse to obey the same, such person shall forfeit and pay a Fine not exceeding Forty Shillings for every such offence; and in case such offender shall refuse or neglect to pay the Fine, then it shall and may be lawful for any two of his Majesty's Justices of the Peace, to grant a warrant of distress for levying the same in the usual manner, one half to be to the person complaining, and the other half for the use of the Poor of the Township where the offence shall be committed; and in default of such distress, to commit such offender for any space not exceeding Ten days.

Persons transgressing or refusing to obey such regulations to be fined not exceeding 40s.



## CAP. XXXIX.

An ACT for the PRESERVATION of MOOSE. Exp.

## CAP. XL.

An ACT to oblige ABSENT PROPRIETORS to pay a proportion of any Public charge, and to repair Highways.

**W**HEREAS there are many persons who own Lands in Counties where they do not reside, whose Lands are enhanced in their value, by the labour of those who are present.

Preamble.

I. *Be it enacted by the Governor, Council and Assembly,* That each and every such Proprietor or Proprietors of any Lands, Tenements or Hereditaments, within this Province, shall pay or cause to be paid, his, her, or their just quota or proportion of all charges hereafter to be assessed on the Lands within such County, and upon failure thereof, the same to be recovered, as may be directed by the Laws empowering such assessment, and each and every non-resident Proprietor or Proprietors of such Lands, Tenements or Hereditaments, shall be obliged to do and perform his, her or their parts or proportion of labor on the Highways, Streets, Roads and Bridges, within their respective limits, or pay for the same as delinquent Inhabitants.

Non-resident Proprietors of Land, &c. to pay their proportion of charges assessed thereon, and of labor on Highways.

II. *Be it also enacted,* That if any Proprietor or Proprietors of any real Estate as aforesaid, shall be absent, and no person appear in their behalf within Six Months after Public Notice being given in the Royal Gazette, to pay his, her or their quota or proportion of any Assessment as aforesaid, made by virtue of any Law of this Province, or of labor on Highways, Streets, Roads and Bridges as aforesaid, and not having any goods and chattels to answer his, her or their quota or proportion of any charge made as aforesaid, it shall and may be lawful for any three of his Majesty's Justices of the Peace, *quorum*

Such delinquent Proprietors being absent or not appearing within 6 Months after public notice in the Royal Gazette three Justices may let out their Lands, or, if necessary, may order the Sheriff to sell the same to pay such charges and costs.

*unus*, who are hereby empowered to let out such part of the delinquent's Lands as may be sufficient to pay, by the produce thereof, any such quota, proportion, or charge so due; and in case the Lands of such absentees, should not for the present produce sufficient to pay the quota of his, her or their proportion of such Assessment, or no one appear to hire the same, that then it shall and may be lawful for such Justices, by warrant under their hands and seals, to order the Sheriff or his deputy, to sell at Public Auction to the highest bidder, so much of the Lands of such delinquent, as may be sufficient to pay the quota, proportion or charge as aforesaid, with the costs and charges attending the same. And the Sheriff or his deputy is hereby empowered and directed to execute a Deed to the purchaser or purchasers thereof, their heirs and assigns, and deliver seizin and possession of the same to such purchaser.

Sheriffs to execute Deeds to the purchasers.

## CAP. XLI.

An ACT to enable the Treasurers of the respective Counties in this Province, to recover from such person or persons as have heretofore received any Monies, or are otherwise indebted for the Sale of Mill privileges and Public Lots.

Preamble.

**W**HEREAS divers persons in this Province have received sums of money, and are otherwise indebted for the sale of Mill privileges and public Lots, sold by order of the Governor of *Nova-Scotia*, and have not yet accounted to any person for the same.

Persons having public monies or indebted for Mill privileges, &c. to pay the same to county Treasurers.

I. *Be it enacted by the Governor, Council and Assembly*, That all and every person or persons, who have or hath any public monies in his or their hands, or are otherwise indebted by such sales aforesaid, shall and may, and they are hereby required to pay the same into the hands of the respective county Treasurers of such County where such privileges

vileges and Lots were sold, and the receipt of such Treasurer shall be a full and sufficient acquittance and discharge to him or them for the same. And if any person or persons when thereunto required by such Treasurer shall refuse or neglect to account and pay to such Treasurer all and every sum or sums which he or they shall have in his or their hands, or are otherwise indebted as aforesaid, such Treasurer shall and may sue for and recover the same in any Court of Record in this Province, having competent jurisdiction, by action of debt, bill, plaint or information, and upon judgment given for the Plaintiff, he shall and may recover treble costs of suit.

Treasurers may sue for such monies, &c. on refusal to pay.

II. *And be it further enacted*, That all such monies so received or recovered by any such Treasurer, shall be disposed of, and appropriated by the Justices of the Peace at their General Sessions in the respective County, by their order or orders, for the uses and purposes which such privileges and public Lots were declaredly sold for, at the time of such sale, and should there be any overplus after such purposes are answered, the same is to remain in the hands of such Treasurer and be considered as part of the Public stock of such County. *Provided*, That any person or persons conceiving himself or themselves aggrieved by such order or orders, shall and may within Six Months from the date thereof, bring a writ of *certiorari*, in the Supreme Court, to remove the same order or orders, which Court is hereby authorized to hear and finally determine the same.

Such monies to be appropriated by Justices in sessions.

III. *And be it further enacted*, That all persons who have any demands against any Town or district, for the discharge of which the sales aforesaid are declaredly made, are hereby required to deliver in a particular account of the same to the county Treasurer, who is hereby directed to receive such accounts, and lay the same before the Justices of the Peace at their General Sessions in the respective County, who are hereby authorized to examine and adjust

Persons aggrieved may bring a writ of *certiorari* in Supreme Court.

Persons having demands to be paid on certificate of Court of sessions.

adjust said accounts and certify the balance due on each, that the same may be paid by the Treasurer as soon as he is enabled by the recovery of the monies aforesaid, and no *certiorari* is brought as aforesaid.

## CAP. XLII.

## An ACT for ASSESSING, COLLECTING and LEVYING COUNTY RATES.

Justices in general or special sessions may agree on sums of money for building Goals & Court-houses & charge the same on the Towns by warrants to Assessors.

I. **B**E *it enacted by the Governor, Council and Assembly,* That the Justices of the Peace in the several Counties in this Province, where no Goals or Court-Houses are already erected and finished in and for said Counties, shall at their general or special Sessions of the Peace, have full power and authority to conclude and agree upon such sum or sums of money as upon examination of able and sufficient workmen shall be thought necessary for the building and finishing a public Goal and a public Court-House, in and for such Counties respectively, and by warrant under their hands and seals, or under the hands and seals of the greater number of them, to be directed to the Assessors of the several and respective Towns by equal proportion to distribute and charge the sum or sums of money to be levied for the uses aforesaid upon the several Towns or Parishes in such Counties respectively; and the Assessors for the said Towns or Parishes respectively, shall apportion the quota of the said sum or sums of money so to be levied upon the respective Towns or Parishes, to be paid by the several and respective Inhabitants of the said Towns or Parishes as they in their discretion shall think just and reasonable; and the said Assessors are hereby authorized and empowered to direct their precepts with a copy of such Assessment or apportionment of the different sums so to be paid by the respective Inhabitants, to the Constables of the respective Towns or Parishes, for which such Assessors are appointed, which

Such sums to be apportioned by Assessors.

Assessors to direct precepts to Constables with copies of Assessments, who are to collect the same.

which Constables are hereby authorized to levy and collect the same accordingly. *Provided always*, That it shall and may be lawful for any Inhabitant of any Town in case he shall so chuse, instead of paying the sum so to be assessed upon him, to contribute a proportion of labor at and after the rate of Two Shillings and Six Pence per day, allowing Ten hours to each day's work, under the direction of such person as the said Justices shall agree and contract with for the building such Goal and Court-House, who is hereby authorized to notify to the respective Constables where such labor will be required, which labor so contributed, shall be a full discharge of the sums so assessed at and after the rate aforesaid.

II. *And be it further enacted*, That when any Goal or Court-House, or any public Bridges or other works are to be repaired at the expence of any County in this Province, the Justices of the Peace in the severall Counties, shall at their General Sessions of the Peace upon the presentment of the Grand Jury at such Sessions of the want of such reparation of the Goal, Court-House and Bridges or other works, have full power and authority, if they think proper and convenient, from time to time to make rates and assessments for such sum or sums of money as they in their discretion shall think sufficient to answer all and every the purposes aforesaid, in such proportions as is herein before directed to be in like manner assessed, levied and collected; and the said Justices of the Peace at their respective General Sessions, are hereby authorized and empowered to covenant, contract and agree with any person or persons for the well and sufficient building, finishing or repairing such Goals, Court-Houses, Bridges or other works as aforesaid.

III. *And be it further enacted*, That if any person or persons who shall not have worked as aforesaid, shall refuse or neglect to pay his or their assessment, by the space of Ten days after demand of such assessment

Repealed by 29  
Geo. 3. c. 3.

Justices in general sessions may, on presentment of Grand Jury, make rates, &c. for repairing Goals, &c.

And may agree with persons for building, &c. such Goals, &c.

Persons not having worked as aforesaid, and re-

refusing or neglecting to pay their Assessments, liable to distress and sale of their goods.

assessment by the Constable appointed to collect the same, or shall convey away his or their goods or estate whereby the sum or sums of money so assessed cannot be levied, then it shall and may be lawful to and for the said Constables by warrant from any one of the Justices of the Peace in the County, to levy the sum so assessed, by distress and sale of the goods and chattels of such persons so neglecting or refusing to pay, who shall not have worked as aforesaid, and the goods and chattels then and there found, and the distress so taken to keep for the space of Ten days, at the costs and charges of the owner thereof; and if the said owner do not pay the sum or sums of money so rated or assessed, within the space of the said Ten days, then the said distress to be appraised by two or more of the Inhabitants where the same shall be taken, or other sufficient persons, and to be sold by the said Constable for payment of the said money, and the overplus of such sale (if any be) over and above the sum so assessed and charges of taking and keeping the distress, to be immediately returned to the owner thereof; and the respective Constables are hereby required upon demand to pay such sum or sums of money as they shall have so received or collected into the hands of such person (being resident in such County where such rates shall be respectively made) whom the said Justices at their General Sessions, or the greater part of them then and there assembled, appoint to be the Treasurer of the County, (which Treasurer they are hereby authorized and empowered to nominate and appoint) such Treasurer first giving security in such sum as shall be approved of by the said Justices at such General Sessions, or the greater part of them then and there assembled, to be accountable for the several and respective sums of money which shall be respectively paid to them, in pursuance of this or any other Act or Law of this Province, and to pay such sum or sums of money as shall be ordered to be paid by the

Constables to pay their collections to county Treasurers.

County Treasurers to be appointed by Justices in general sessions, and to give security.

the Justices at their General Sessions, and for the due and faithful execution of the trust reposed in him, and all and every such sum or sums of money as shall be paid into his hands by virtue of this or any other Act or Law of this Province, shall be deemed and taken to be the Public stock, and the said Treasurer shall and is hereby required to pay so much of the money in his hands to such person and persons as the said Justices at their General Sessions, or the greater part of them then and there assembled, shall by their orders from time to time, direct and appoint for the use and purposes of this Act, and for any other uses and purposes to which the Public stock of any County is or shall be applicable by Law.

Treasurers to pay monies as directed by Justices in sessions.

IV. *And be it further enacted,* That the said respective Treasurers in the several Counties shall and are hereby required to keep books of entries of the several sums respectively received and paid by them, and are also hereby required to deliver in true and exact accounts upon Oath if required, (which Oath the said Justices at their respective General Sessions are hereby empowered to administer) of all and every the sum and sums of money respectively received and paid by them, distinguishing the particular uses to which such sum or sums of money have been applied, to the Justices at every General Sessions respectively to be holden by them in the several Counties, and shall lay before the Justices at such Sessions the proper vouchers for the same.

Treasurers to keep books of entries of monies received and paid and to render an account under oath if required.

V. *And be it further enacted,* That the respective Constables of the several Towns or Parishes, shall and they are hereby required to demand and levy such rates and assessments, and to notify the Inhabitants to work, as aforesaid, in manner before directed, and shall account for the same before the said Justices at their respective General Sessions in the several Counties if thereunto required, in like manner as the said Treasurers are hereby directed to account; and in case such Constables or any of them

Constables to demand and levy such rates, &c. and to account for the same.

Constables neglecting or refusing may be committed to Goal.

them shall neglect or refuse so to demand, levy or account, then it shall and may be lawful to and for the said Justices at their respective General Sessions, or the greater part of them, then and there assembled, to commit such Constable or Constables to the common Goal of the County, there to remain without bail or mainprize, until he or they shall have caused such rates or assessments upon the persons who shall not have so worked as aforesaid, to be demanded or levied, and shall have rendered a true account or accounts in the manner hereby directed; and in case it shall appear by such account or accounts that any sum or sums of money is or are remaining in his or their hands, which he or they shall have received of the several persons in the Town or Parish for which he or they shall be respectively appointed, which ought to have been paid to the respective Treasurer, in order to be applied to the purposes aforesaid, and if he or they shall neglect or refuse to pay the same over into the hands of the respective Treasurers or otherwise, if thereunto required by order of the said Justices at their respective General Sessions or the greater part of them, then and there assembled, then it shall and may be lawful for the said Justices at such their General Sessions, or the greater part of them, then and there assembled, to commit such Constable or Constables to the common Goal of the County, there to remain without bail or mainprize, until he or they shall have made full payment of the sum or sums of money that shall appear to be due on such account or accounts. And all the accounts and vouchers of the said Treasurers and Constables shall, after having been passed by the said Justices at their respective General Sessions, be deposited with the Clerk of the Peace for the time being, of each County respectively, who is hereby required to keep them among the Records of such County, to be inspected from time to time by any of the said Justices for such County as occasion shall require, without fee or reward.

Accounts, &c. to be deposited with the Clerks of the Peace.



VI. *And be it further enacted*, That the receipts of such respective Treasurer shall be sufficient discharges to all Constables, and the discharges of the said Justices of the Peace or the greater part of them, by their orders made at their respective General Sessions to such Treasurer, shall be deemed and allowed as good and sufficient releases, acquittances or discharges, in any Court of Law or Equity, to all intents and purposes whatsoever.

Receipts of Treasurers, good discharges to Constables, and discharges of Justices good to Treasurers.

VII. *And be it further enacted*, That it shall and may be lawful to and for the said Justices of the Peace, at their respective General Sessions, or the greater part of them then and there assembled, to continue from time to time such Treasurer in his office, so long as they shall see convenient, and to remove him at their pleasure, and appoint any other person in his place, and to allow him insisting on the same such reasonable sum or sums of money for his care and pains in the execution of such trust, not exceeding fifteen Pounds, by the year, as they in their discretion shall think fit, which they are hereby empowered to direct the payment of, out of the monies arising by the respective rates from time to time appointed to be made.

Justices in sessions may continue and remove Treasurers, and allow them pay not exceeding £15. a year.

VIII. *And be it further enacted*, That in case the Assessors of any Town or Parish shall at any time have reason to believe the said Town or Parish is over-rated, such Assessors may appeal to the respective Justices of the Peace at their next General Sessions, against such part of the rate only as may affect the Town or Parish in which they serve such office, which Justices or the greater part of them, then and there assembled, are hereby authorized and empowered to hear and finally determine on the same. *Provided nevertheless*, That upon such appeal such rate shall not be quashed or destroyed in regard to any other Towns or Parishes assessed thereby.

Assessors believing their Towns over-rated, may appeal to Courts of sessions.

IX. *And be it further enacted*, That no new rate shall be made until it shall appear to the said Justices at their respective General Sessions, or the great-

No new rate to be made until 3-4ths of the former rate are expended.

er part of them, then and there assembled, by the accounts of their respective Treasurer or otherwise, that three-fourths of the money collected by virtue of the preceding rate have been expended for the uses and purposes aforesaid.

Actions shall not be commenced against persons collecting money on rates quashed on writs of *certiorari*.

Persons paying more than they ought, to be repaid or allowed in the next rate.

X. *And be it further enacted*, That no action or suit shall be commenced or prosecuted against any person or persons who shall be employed in collecting or receiving any money in pursuance of this Act on any rate or rates which shall be quashed or discharged on any *certiorari* to be brought in the Supreme Court for any money to be collected or received on any such rate or rates, before such writ of *certiorari* shall be brought and allowed, and that justice may be done to such persons who shall pay towards any rate which shall be quashed or discharged, the several sums of money which shall appear to have been paid by them on such rate, either in the whole or in part, more than they ought to have paid, shall be repaid or allowed to them in the next rate or rates which shall be made in pursuance of this Act, as if the same had been paid on such new rate or rates.

No writs of *certiorari* to remove orders, &c. touching rates, shall be taken out but on motion in Term next after time of appeal, &c.

XI. *And be it further enacted*, That no writ of *certiorari* to remove any rates made in pursuance of this Act, or to remove any orders or other proceedings taken or made by the said respective General Sessions, touching such rates, shall be taken out or granted, but upon motion to be made some time in the Term next after the time for appealing from such rates or orders, is expired, and upon making it appear to the Court by affidavit or otherwise, that the merits of the question upon such appeal or orders will by such removal come properly in the judgment of the said Court, and that no such writ of *certiorari* shall be allowed, until sufficient security be given to the respective Treasurers appointed by virtue of this Act, in the sum of One hundred Pounds, to prosecute such writ of *certiorari* with effect, and to pay the costs to be ascertained by the Court

Court to which such rates, orders or proceedings, shall be removed, in case such rates or orders shall be confirmed, nor shall any such rates, orders or proceedings be quashed or vacated for want of form only, and all charges attending such removal shall be defrayed out of that or any subsequent rate.

Rates not to be quashed for want of form.

XII. *And be it further enacted*, That if any action or suit shall be commenced against any person or persons for any thing that shall be done in pursuance or by the authority of this present Act, in every such case the action or suit shall be commenced within Three Months next after the fact committed, and not afterwards, and shall be laid and brought in the respective County in which the cause of action or suit shall arise and not elsewhere. And the Defendant or Defendants in such action or suit to be brought, shall and may plead the general Issue and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act, and if it shall appear so to be done, or that such action or actions shall be brought after the time before limited for bringing the same as aforesaid, or shall be brought in any other County or place, that then the Jury shall find for the Defendant or Defendants, and upon such verdict, or if the Plaintiff or Plaintiffs shall be non-suited or discontinued, his, her or their action or suit after the Defendant or Defendants hath or have appeared, or if upon demurrer judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover treble costs, and have the like remedy for the same as any Defendant or Defendants hath or have in other cases by Law:

Actions to be brought within 3 months.

Defendants may give special matter in evidence under general Issue.

If judgment against Plaintiff, Defendant shall recover treble costs.

*See further 27 Geo. 3. c. 8.*

## CAP. XLIII.

An ACT to Regulate and Provide for the Support of the POOR in this Province.

I. **B**E it enacted by the Governor, Council and Assembly, That the Overseers of the Poor to be appointed in the several Towns and Parishes in the respective Counties in this Province, and the Overseers of the Poor to be appointed in the City of *St. John*, shall at the first General Sessions of the Peace annually, in the respective Counties where such Towns, Parishes and City are; lay before the Justices at such General Sessions, the state and condition of the Poor in their several districts, which statement the said Justices at their said Sessions are hereby authorized and required to supervise, examine and allow, and thereupon shall issue their warrants to the Assessors of such Towns or Parishes, and City respectively, for the assessing and levying the several sums so respectively allowed upon such statements as aforesaid, which sums shall be rated, assessed and collected, in such manner, at such times, and under the same regulations, restrictions, penalties and forfeitures as County charges are rated, assessed and collected by an Act or Law of this Province, intitled, "An Act for assessing, collecting and levying County Rates," and shall be paid into the hands of the Overseers of the Town or Parish where such rates are assessed.

Overseers at the first General Sessions annually, to lay before the Justices the state &c. of the Poor.

Justices to issue warrants to Assessors to raise monies allowed for the relief of the Poor.

II. *And be it further enacted*, That the said Overseers of the Poor, or the major part of them, by and with the consent of two or more Justices of the Peace, dwelling in or near such Town or Parish respectively, are hereby empowered to inquire from time to time after any idle, or disorderly person or persons, married or unmarried; who have no visible means of support, and who are likely to become chargeable to the Town or Parish where they reside, and to oblige such person or persons to labour for any substantial person who may be willing to employ

Overseers with consent of two Justices may inquire after idle or disorderly persons, and oblige them to labour.

ploy him or them : and if fuch poor perfon or perfons have children in a fuffering condition, the faid Overfeers, with the confent of the faid Juftices, are hereby empowered to bind fuch poor children Apprentices, the Males to be bound until they arrive to the age of Twenty-one years, and the Females to the age of Eighteen years ; and for fuch Poor who are not able to earn a living, but are fupported at the Public expenfe, the faid Overfeers, with the confent of the General Sefſions, are hereby empowered to hire or purchafe a houfe for the reception of fuch Poor, and to purchafe materials to employ fuch of them as are able to labour ; or to agree with ſome perfon refiding in the ſame Town or Pariſh to take into their houfe at a yearly allowance and employ fuch Poor in any labour they are able to do, and to give credit for the ſame to the Overfeers, from the ſum allowed them for the faid yearly maintenance of fuch Poor ; and that Public charities may not be abuſed, the faid Overfeers are hereby directed to act with impartiality, and to put the faid Poor in the hands of the perfon who ſhall offer to keep them for the leaſt expenfe, having at the ſame time a regard to the character of the perfon who offers, ſo that the Poor may not be inhumanly treated, nor the Public abuſed ; and for which ſum or ſums of money ſo expended, and all other expenſes of the Poor in each Town or Pariſh, they the faid Overfeers reſpectively, are hereby authorized and required to aſcertain and lay the ſame before the faid Juftices as aforeſaid at their General Sefſions, and the ſame ſo aſcertained and allowed by the faid General Sefſions, ſhall be by them ordered to be aſſeſſed, collected and paid as aforeſaid, unleſs the funds for the ſupport of the Poor and appropriated to ſuch Town in the reſpective county Treasury are ſufficient to pay ſaid expenſe.

May bind children of Poor perſons Apprentices.

May hire or purchafe houſes for Poor unable to work.

May agree with perſons to take fuch Poor into their houſes, &c.

Overfeers to act with impartiality and humanity.

*See further 33 Geo. 3. c. 6.*

CAP.

## CAP. XLIV.

An ACT to regulate the SALE of GOODS sold at Public Auction or Out-cry.

**I.** *Be it enacted by the Governor, Council, and Assembly,* That all goods, chattels, wares, merchandizes and effects whatsoever, which shall or may at any time or times, from and after the publication hereof and during the continuance of this Act, be sold at Public Vendue, Auction or Out-cry, within this Province, by any Vendue Master or Vendue Masters, Auctioneer or Auctioneers, or by any other person or persons whatsoever, shall be and hereby are declared and made subject to a duty of Two Pounds Ten Shillings for every Hundred Pounds of the value or price at which the same shall be sold as aforesaid, and after the same rate for every greater or lesser sum, to be paid by such person or persons, who shall so sell the same as aforesaid.

Goods, &c. sold at Public Vendue subject to a duty of two and a half per cent. to be paid by the seller.

Excepting goods &c. belonging to the Crown, houses, &c. goods, &c. of deceased persons, distrained for rent, taken on execution, of insolvent Debtors, household furniture, and goods damaged at sea.

**II.** *Provided always,* That all goods belonging to the Crown, or seized by any public officer or officers, for or on account of any forfeiture or forfeitures, penalty or penalties, houses, cattle, lands, ships and vessels, goods and effects of deceased persons, or goods distrained for Rent, or taken in execution, effects of insolvent Debtors, household furniture, goods damaged at sea and sold on account of the Owners or Insurers within Twenty-one days after the same shall be landed, shall in no wise be subject to, but are hereby altogether exempted and declared free from the duty before mentioned.

Vendue Masters to recognize before a Judge in £200, with two securities of £100 each, for the payment of such duties.

**III.** And in order more effectually to secure the duty hereby imposed as aforesaid: *Be it further enacted,* That no Vendue Master or Vendue Masters, Auctioneer or Auctioneers, or any other person or persons whatsoever, shall presume to sell or dispose of any goods, chattels, wares, merchandizes or effects at Public Vendue, Auction or Out-cry, unless he or they first enter into recognizance to our Sovereign Lord the KING, his heirs and successors, before any  
one

one of the Judges of the Supreme Court of this Province, or one of the Judges of the Inferior Court of Common Pleas in any of the Counties, in the penal sum of Two hundred Pounds current money of this Province, with two sufficient securities, each in the sum of One hundred Pounds, like money, conditioned for the payment of the duties herein before mentioned, to the Treasurer of this Province for the time being, and in all things well and faithfully to behave, according to the true intent and meaning of this Act, which recognizance shall be filed with such Judge before whom it shall be taken; and such Vendue Master or Vendue Masters, Auctioneer or Auctioneers, and every other person or persons who shall at any time or times during the continuance of this Act, either for him or themselves, or on his or their own account, or for or on account of any other person or persons whomsoever, sell or dispose of any goods, chattels, wares, merchandizes or effects, at Public Vendue, Auction, or Out-cry, shall at or within Twenty days after the expiration of every Three Months from the commencement of this Act, render a just, exact and true account in writing, upon Oath, to the Treasurer of this Province for the time being, of all and singular the goods, wares, merchandizes and effects, with the amount thereof, which he or they shall have so sold and disposed of at Public Vendue, Auction or Out-cry, at each such sale as aforesaid, and shall within Twenty-one days thereafter, pay to the said Treasurer for the time being, the sum of Two Pounds Ten Shillings out of every Hundred Pounds value for every such respective sale, and at the same rate for a greater or lesser value, which Oath shall be in the following words, viz. *I. A. B.* do solemnly swear, in the presence of ALMIGHTY GOD, that the account now exhibited by me and to which I have subscribed my name, contains a just and true account of all the goods, wares, merchandizes and effects, sold by me, or any person or persons under me, within the

Vendue Masters to render an account upon Oath to province Treasurer within 20 days after every 3 Months.

And within 21 days shall pay the duties.

Oath.

For neglect or refusal to account, &c. to forfeit £50 for every offence.

the time in the said account mentioned, which are liable to the duty imposed by an Act, intituled, "An Act to regulate the sale of Goods at Public Vendue, Auction or Out-cry, within this Province." *So help me GOD.* And if the said Vendue Master, Auctioneer or Auctioneers, neglect or refuse to deliver such account on Oath, and pay the duty within the time limited as aforesaid, he or they so neglecting or refusing, shall respectively forfeit the sum of Fifty Pounds for every offence, which forfeiture the Treasurer of the Province for the time being, is hereby empowered and directed to sue for in any Court of Record in this Province.

Persons selling at Public Vendue not having recognized, to forfeit £100.

IV. *And be it further enacted,* That any person or persons presuming to sell, or dispose of any goods, wares or merchandizes, at Public Vendue or Out-cry, without first entering into recognizance as above directed, shall forfeit the sum of One hundred Pounds, for every offence, to be recovered in the manner above directed.

Treasurer to keep exact account of monies arising by this Act.

V. *And be it further enacted,* That the Treasurer for the time being, shall keep exact and distinct accounts of the monies arising from time to time by virtue of this Act; which monies shall remain in the hands of the Treasurer for the use of the Province.

Continuance of the Act.

VI. *And be it further enacted,* That this Act shall be in force until the first day of March, which shall be in the year of our Lord one thousand seven hundred and ninety.

*Continued to 1st March, 1803, by 38 Geo. 3. c. 1.*

## CAP. XLV.

An ACT for appointing COMMISSIONERS of SEWERS.

Governor may appoint Commissioners of Sewers.

I. **B**E it enacted by the Governor, Council and Assembly, That upon application of any Proprietors of any Marsh, low Lands or Meadow, the Governor or Commander in Chief, with the advice of



of his Majesty's Council, may and is hereby authorized by Commission, to appoint such able and discreet persons as to him shall seem meet to be Commissioners of Sewers; in which Commission such Commissioners shall be authorized and empowered to convene and meet together from time to time as occasion may require, to consult, consider and devise means and methods for building, erecting or repairing such Dams, Dykes and Wears, as are or may be necessary to prevent Inundations, and for the draining or drowning of Marshes, Swamps and other unprofitable Lands, and to employ labourers and workmen for such reasonable wages as may be agreed on for that purpose; and to tax and assess all such persons from time to time as shall or may be owners of such Marshes, Meadows, Swamps or unprofitable Lands as aforesaid, for defraying the expense thereof, having regard to the quantity of Land of each person and benefits thereby to be received as equally as they can, according to their best judgment: and also to appoint and swear a Collector or Collectors for collecting such assessments and paying the same to such persons as by said Commissioners shall be appointed, with powers to distrain all such persons as shall neglect or refuse to make payment of his, her or their proportions assessed as aforesaid, in like manner as is usually done in other cases by distress, and to call before them such Collector or Collectors, to account for his or their trusts in regard to the premises, and likewise to value such repairs as may have been made to such Dykes and Wears by the Proprietors before the date of their said Commissions, and to apportion an assessment for the payment thereof by those who have been or may be benefited thereby in the same manner as if such repairs had been made by their own orders, which said Commissioners shall be sworn to a faithful discharge of their duty, and may receive out of such assessment a reasonable compensation for their trouble, to be allowed by the Governor

Their power and authority.

Commissioners to be sworn.

nor

nor and Council, to whom such Commissioners shall be accountable.

Land of delinquent Proprietors may be sold if no distrefs can be found.

II. *And be it further enacted*, That if no person shall appear to pay the quota or proportion of any delinquent Proprietor in any assessment made as aforesaid for the dyking or draining such Lands, and no sufficient distrefs shall be found to answer such assessment, the Commissioners of Sewers or major part of them, shall by advertisement during Three Months in the Royal Gazette, published by the KING'S Printer, and in the office of the Register of Deeds and Conveyances of Land in such County, cause notice to be giving for letting out the Lands of such delinquent Proprietor; and if no person shall appear to hire the same, it shall and may be lawful for the said Commissioners or the major part of them, by warrant under their hands and seals, to order the Sheriff to sell at Public Auction to the highest bidder, so much of such delinquent's Lands so dyked in and drained as may be sufficient to pay such proportion or quota due as aforesaid, with the charges of such sale, and such Sheriff is hereby authorized and directed to execute a good and authentic Deed to the purchaser or purchasers thereof, their heirs and assigns.

Owner of marsh Land shall attend or send labourers to work in common cases.

III. *And be it further enacted*, That in all ordinary cases, either in raising or repairing Dykes or draining Lands, each and every owner or possessor of Marsh or low Lands in this Province where such Commissioners are appointed, shall upon receiving Six days notice from the Commissioners, attend either himself or provide a sufficient labourer, with proper tools to work at such time and place as by them shall be appointed, agreeable to the rules and regulations made for that purpose and according to the quantity or proportion of Land belonging to such owner or proprietor, and where it may be necessary to employ Oxen and Carts, each and every owner or possessor of such Lands who have them, shall in like manner be obliged to attend with such Oxen

Oxen and Carts may be employed.

Oxen and Carts for such work, according to the discretion of said Commissioners, or shall forfeit and pay over and above his tax or assessment the sum of Five Shillings for every day's neglect, and so in proportion for Oxen and Carts, to be recovered in any Court proper to try the same, and the monies arising from such Fines to be paid into the hands of the Commissioners, to be appropriated for repairs of such Dykes.

Penalties on refusing.

IV. *And be it also further enacted,* That in case of any sudden breach in any Dyke, or where the same is likely to be made, or inundation occasioned by high tides, storms or otherwise, each and every owner or possessor of Land within such Dykes, shall immediately on notice given by one or more of the Commissioners, repair to the place directed with proper tools or teams, to labour and use their utmost endeavours to repair or prevent such breach, and shall continue to work from day to day, so long as the Commissioners of Sewers shall judge necessary, or shall forfeit and pay over and above their tax or assessment, the sum of Ten Shillings for each day's neglect, and so in proportion for Oxen and Carts, to be recovered in manner and applied to the uses aforesaid.

Sudden breach of Dykes every Proprietor shall forthwith repair to the place.

Penalty on neglect.

V. *And be it further enacted,* That when the sod or soil shall have been cut off the Lands of any Proprietor in any tract of Marsh dyked in common with other Proprietors, for the purpose of dyking in the same, or when the Land of such Proprietor shall have been washed away by the tide or current of the River, or when by means of making new Dykes for securing the marsh Land so dyked in common, such Proprietor shall have lost the whole or part of his Lot, it shall and may be lawful for the Commissioners of Sewers to cause a just valuation to be made of such loss, by five disinterested Freeholders, who shall be sworn truly and impartially to value the same, and in case there be in such tract a sufficient quantity of Land lying in common and undivided,

When sods and soil are cut for repair, &c. the Owners to be made good.

to make good the loss so sustained, the Commissioners shall deliver possession of so much thereof as is sufficient to make good the loss to such Proprietor, by an assessment to the value thereof to be paid in a just and equal proportion by the other Proprietors interested in such tract or piece of marsh Land.

VI. *Provided always*, That any person aggrieved by any procedure of such Commissioners may prefer his or their complaint by way of appeal to the Governor and Council for relief, at any time within Six Months, who are hourly authorized to grant redress, and on any groundless complaint, to tax double costs in favor of such Commissioners.

Appeal to the  
Governor and  
Council.

*See further 34 Geo. 3. c. 8.*

## CAP. XLVI.

An ACT for CONFIRMING unto the City of SAINT JOHN its Rights and Privileges.

Mayor, Aldermen and Commonalty of the City of St. John to be a body corporate and politic and to sue, &c. by that name.

I. **B***E it enacted by the Governor, Council and Assembly*, That the Mayor, Aldermen and Commonalty of the City of Saint John, shall and may forever hereafter remain, continue, and be a body corporate and politic, *in re, facto et nomine*, by the name of the Mayor, Aldermen and Commonalty of the City of Saint John, and by that name sue and be sued, plead and be impleaded, answer and be answered unto, without any seizure or forejudger for or upon any pretence of any forfeiture or misdemeanour at any time heretofore done, suffered or committed.

All letters patent &c. to the Mayor, &c. declared good.

And that all and singular Letters patent, Grants, Charters and Gifts, sealed under the Great Seal of this Province, heretofore made and granted unto the Mayor, Aldermen and Commonalty of the City of Saint John, be and are hereby declared to be and shall be good, valid, perfect, authentic and effectual in the Law, and shall stand and be taken, reputed, deemed

deemed and adjudged good, perfect, sure, available, authentic and effectual in the Law, against the King's Majesty, his heirs and successors, and all and every person or persons whomsoever, according to the tenor and effect of the said Letters patent, Grants, Charters and Gifts, and that the same be and are to all intents and purposes hereby ratified and confirmed.

II. *And be it further enacted*, That the Mayor, Aldermen and Commonalty of the City of Saint John, and their successors, shall and may forever hereafter peaceably have, hold, use and enjoy, all and every the rights, gifts, charters, grants, powers, liberties, privileges, franchises, customs, usages, constitutions, immunities, markets, duties, tolls, lands, tenements, estates and hereditaments, which have heretofore been given or granted unto the Mayor, Aldermen and Commonalty of the City of Saint John, by any Letters patent, Grant, Charter or Gift, sealed under the Seal of this Province.

Mayor, &c. and successors, shall forever hold &c. all the rights heretofore granted.

III. *And be it further enacted*, That this present Act shall be accepted, taken and reputed to be a public Act of which all and every the Judges and Justices of this Province in all Courts and all other persons shall take notice on all occasions whatsoever, as if it were a public Act of Assembly relating to the whole Province, any thing herein contained to the contrary thereof in anywise notwithstanding.

This Act shall be accepted, &c. to be a public Act.

## CAP. XLVII.

An ACT for the better extinguishing FIRES that may happen within the City of ST. JOHN.

**W**HEREAS the Inhabitants of the City of St. John have at great charge and expense supplied themselves and are provided with two fire Engines, and have undertaken to procure various sorts of poles, hooks, chains, ropes, ladders and other tools and instruments for extinguishing Fires, the  
rage

Preamble.

rage and violence of which may be in great part prevented if a sufficient number of skilful persons be appointed to have the care, management and working of the said fire Engines, and other tools and instruments for extinguishing of Fires, in cases of such casualty and distress that may hereafter happen.

Mayor, &c. of the City of Saint John, to elect proper persons to take charge of fire Engines.

I. *Be it therefore enacted by the Governor, Council and Assembly*, That from, and with all convenient speed after, the publication hereof, it shall and may be lawful to and for the Mayor, Aldermen and Commonalty of the City of St. John, or the major part of them in Common Council convened, and they are hereby required to elect, nominate and appoint a sufficient number of strong, able, discreet, honest and sober men, willing to accept, not exceeding Thirty-two in number, being Freemen or Freeholders of the said City, to have the care, management, working and using the said fire Engines and the other tools and instruments for extinguishing of Fires that may happen within the said City, which persons so to be elected, nominated and appointed as aforesaid, shall be called the *Firemen of the City of St. John*, and who are hereby required and enjoined always to be ready at a call, by night as well as by day, to manage, work and use the same fire Engines, and others that may hereafter belong to the same City, and the other tools and instruments for extinguishing of Fires that may happen or break out in the City aforesaid.

To be called firemen.

Firemen removable by Mayor, &c.

II. And in order to compel and oblige the Firemen so to be elected, nominated or appointed as aforesaid, to be diligent, industrious and vigilant, in the execution and discharge of their office and duty. *Be it further enacted*, That the Mayor, Aldermen and Commonalty of the said City for the time being, in Common Council assembled, or the major part of them, are hereby authorized and empowered to remove and displace all or any of the Firemen so as aforesaid to be elected, nominated or appointed, when and as often as they shall think fit, and others in

in the room or places of such as they shall remove or displace, to elect, nominate or appoint and put in, and so from time to time as they the Mayor, Aldermen and Commonalty aforesaid, for the time being, in manner aforesaid shall see convenient.

III. *And be it further enacted,* That the persons so to be elected, nominated or appointed Firemen as aforesaid, and each and every of them from time to time, during the continuance of being in the office of Firemen, and no longer, shall and are hereby declared to be freed, exempted, and privileged from the several offices of Constable and Surveyor of the Highways, and from being compellable to serve in the Militia except in cases of Invasion or other imminent danger; and the names of such persons to be elected, nominated or appointed Firemen by virtue hereof, from time to time, shall be registered and entered with the Clerk of the Peace for the said City; and if at any time after the publication of this Act, and the electing or appointing Firemen by virtue hereof, any such person or persons elected or appointed Firemen as aforesaid, shall be chosen, elected or appointed into any of the said offices, or to serve in the Militia (except as before excepted) or be disquieted or disturbed by reason thereof, that then such person or persons producing a testimonial or certificate under the hand of the Mayor, Recorder, or any one Alderman of the said City for the time being, of such his election, nomination or appointment, to the person or persons by whom he shall be so elected or appointed, or by or before whom he shall be summoned, returned or required to serve, execute or hold any of the said offices or duties, shall be absolutely discharged from the same, and such election, nomination, return and appointment, shall be utterly void and of none effect, unless such person or persons shall voluntarily consent and agree to hold such office or serve in such Militia, any order, custom, law or practice, to the contrary hereof in anywise notwithstanding.

Firemen freed  
from serving as  
Constables.

Names of Fire-  
men registered  
and entered with  
Clerk of the  
Peace.

Mayor, &c. to  
make rules, &c.  
for such firemen,

IV. *And be it further enacted*, That it shall and may be lawful to and for the Mayor, Aldermen and Commonalty of the said City for the time being, or the major part of them, met as aforesaid, to make, establish and ordain such rules, orders, ordinances and regulations, in respect of the government, conduct, duty and behaviour of the persons from time to time to be by them elected, nominated or appointed Firemen by virtue of this Act, in the working, managing and frequent exercising, trying and using the same fire Engines, tools and other instruments, and to impose and establish such reasonable Fines, penalties and forfeitures, upon them or any of them, for default or neglect of the duties, businesses and services thereby to be enjoined or required from them, as the Mayor, Aldermen and Commonalty of the same City, for the time being, or the major part of them, met as aforesaid, shall from time to time think meet and convenient.

and to impose  
Fines, &c. for  
default of duty.

All Sheriffs, &c.  
to repair to places  
where Fires shall  
happen, with their  
rods, &c.

V. *And be it further enacted*, That upon the breaking out of any Fire within the City of St. John aforesaid, all Sheriffs, under or deputy Sheriffs, high Constables, petty Constables and Marshals, upon notice thereof, shall immediately repair to the place where the said Fire shall happen, with their rods, staves and other badges of their authority, and be aiding and assisting as well in extinguishing the said Fires and causing the people to work, as also in preventing goods from being stolen, and shall seize and apprehend all ill-disposed persons that they find stealing or pilfering from the Inhabitants, as also that the said officers aforesaid, shall give their utmost assistance to help the Inhabitants to remove and secure their said goods.

*See further 28 Geo. 3. c. 3.*



## CAP. XLVIII.

An ACT against FORESTALLERS and REGRATERS.

I. **B**E it enacted by the Governor, Council and Assembly, That from and after the publication hereof, whatsoever person or persons shall buy or cause to be bought any Victuals of any kind whatsoever, coming by land or water towards any Market or Fair already established or that may hereafter be established in this Province, to be sold in the same again, (except at the distance of Ten miles at least from the place where such Market or Fair is to be held or kept) or shall make any bargain, contract or promise for the having or buying the same or any part thereof, or shall make any motion by word, letter or message or otherwise, to any person or persons, for the enhancing the price or dearer selling any kind of Victuals or Provisions for the use of Man, coming by land or water towards any Market or Fair as aforesaid, shall be deemed and adjudged a Foretaller.

Buying victuals or provisions coming to any Market, within 10 miles thereof to be sold again, deemed forestalling.

II. *And be it further enacted*, That whatsoever person or persons shall by any means regrade, obtain or get into his or their hands or possession in any Fair or Market in this Province, or on board any vessel in the harbour of Saint John, any corn, hay, butter, cheese, fish, mutton, lamb, veal, beef, pork, poultry or game of any kind, or other dead victuals whatsoever, or any roots, fruits, or vegetables whatsoever, that shall be brought to such Fair or Market, or shall be on board such vessel for the supply of the Markets of the City of Saint John to be sold, and do sell the same again in any Fair or Market, Shop or Stall, holden or kept in the same place, within One Month after purchasing or receiving the same shall be accepted, reputed and taken for a Regrater or Regraters.

Persons getting possession in any Fair or Market, of Corn, &c. brought for sale and shall sell the same again within One Month, reputed Regraters.

III. *And be it further enacted*, That any person or persons who shall be guilty of Forestalling or Regrating, contrary to the intent and meaning of this Act,

Persons guilty and convicted of Forestalling or

Act,

Regrating, shall  
be fined not ex-  
ceeding £ 10.

And for non-  
payment of fine,  
to be imprisoned  
not exceeding  
Two Months.

Act, and shall be convicted thereof by the Oath of one or more credible witnesses or witnesses before any three of his Majesty's Justices of the Peace for the County where the offence is committed, or the Mayor or Recorder and two of the Aldermen of the City of Saint John, when the offence shall be committed in the same City, shall be fined at the discretion of the said Justices and the said Mayor, Recorder and Aldermen respectively, in any sum not exceeding Ten Pounds, and for non-payment of his or their Fine shall suffer imprisonment at the discretion of the said Justices and the said Mayor, Recorder and Aldermen respectively, not exceeding Two Months for each and every offence, one moiety of the said Fine and forfeitures to be for the use of the Poor of the Town or City where the offence shall be committed, and the other moiety to him or them who shall sue for the same.

### CAP. XLIX.

An ACT establishing the RATES to be taken for WHARFAGE and CRANAGE of Ships and other Vessels within the limits of this Province.

Preamble.

**W**HEREAS the erecting of Wharves and Cranes is found to be greatly serviceable and to conduce very much to the ease, benefit and convenience of Trade and Navigation and the increase of the same, and for as much as the Proprietors of such Wharves and Cranes, have and will be at a considerable expence in building, and keeping the same in repair.

Owners and  
Proprietors of  
Wharves, &c.  
may demand and  
receive wharf-  
age.

I. *Be it enacted by the Governor, Council and Assembly,* That it shall and may be lawful to and for the owners and proprietors of Wharves and Cranes now built or hereafter to be erected within the limits of this Province, to ask, demand, take and receive to and for their several and respective uses, from all ships and vessels that shall use the same from  
and

and after the publication of this Act, the following rates, that is to say, for every vessel not exceeding Fifty tons, whilst careening, loading, unloading or lying fast to any Wharf, after the rate of One Shilling for each and every day they may so use the same, and for every vessel of Fifty tons and not exceeding One hundred, so using as aforesaid, after the rate of One Shilling and Six Pence for each and every day they may so use the same, and for every vessel of One hundred tons and upwards, not exceeding Two hundred tons, so using as aforesaid, after the rate of Two Shillings and Six Pence for each and every day they may so use the same. And for every vessel of Two hundred tons or upwards, so using as aforesaid, at and after the rate of Three Shillings for each and every day they may so use the same.

II. *And be it further enacted*, That every ship or other vessel which at any time shall only lie fast to any or either of the said Wharves, and shall be in a condition capable of being removed, shall be obliged to move off from thence in order to make room for, and suffer any other ship or vessel to load, unload, or careen thereat, and on refusal or failure so to do, after due notice and request thereof to the Master or Commander, or to any one of the owners of such ship or other vessel, he or they shall forfeit and pay to the owner or owners of such Wharf, the sum of Two Pounds, to be recovered upon complaint made, and due proof upon the Oath of one or more credible witness or witnesses, before any one Justice of the Peace in the County, to be levied by warrant of distress and sale of the offender's goods, rendering the overplus, (if any be) after deducting the cost of prosecution, to the offender.

III. *And be it further enacted*; That all and every ship or other vessel; that shall make fast to any other ship or vessel that shall be fastened to any or either of the Wharves aforesaid; and shall continue so to be fastened, or shall so load, unload or careen, shall

Masters, &c. of ships, &c. made fast to Wharves and capable of removal, on refusal to remove, shall forfeit 40s.

Ships making fast to other ships made fast to Wharves, to pay half wharfage.

be subject and liable to pay the one half of the rates that such ship or other vessel so fastened should and would have been liable to pay by this Act, in case they were fastened to any or either of the said Wharves and there loaded, unloaded and careened.

Masters, &c. of ships, &c. to pay for use of Cranes.

IV. *And be it further enacted*, That it shall and may be lawful to and for the owner or owners respectively of every Crane that now is or hereafter shall be made, erected and built on any or either of the Wharves aforesaid, to ask, demand, take, and receive to and for his, her or their several and respective use and uses, from the master, commander, or owners of all ships and other vessels that shall use and employ such Crane or Cranes, the rates following, that is to say, for taking out and putting in the Mast of any ship or other vessel the sum of Twenty Shillings; and for taking out or putting in the Mast of any ship or vessel the sum of Fifteen Shillings, and for any other use or purpose of loading or unloading any Goods, Wares, Merchandize, or other thing, at and after the rate of Five Shillings for each and every day such ship or vessel shall so use the same.

Owners of Wharves or Cranes may remove and keep, until charge of removal be paid them, all Lumber, &c. the owners thereof, on notice, not removing the same.

V. *And be it further enacted*, That if any or either of the said Wharves or Cranes shall at any time or times be so encumbered with Lumber, Mill-stones or any other species of goods, so as to incommode or obstruct the passing or repassing of any Carts or Carriages employed for the purpose of loading or unloading any ship or other vessel, then and in that case the owner or owners of such Wharves or Cranes shall personally warn, or by notice in writing to be left at the place of residence of the owner or owners of such Lumber, Mill-stones or other goods, their Agent or Agents, requiring him or them to remove the same from thence within a reasonable time, and if the same shall not be removed accordingly, the owner or owners of said Wharves or Cranes, by themselves or their Agents, are hereby empowered to remove the same, and keep them in his custody, until

until the whole charges attending the removal be paid by the owner or claimer of such goods, and in case the owner or agent is not to be found, the owner of such Wharf or Crane may and shall at his discretion remove the said goods as before directed.

VI. *And be it further enacted*, That the master or commander, owner or agent of every ship or other vessel using any of the Wharves or Cranes as aforesaid, shall be liable to pay the sum or sums due for the wharfage or crantage of such ship or other vessel, after the rates by this Act established, to the owner or agent for such Wharf or Crane.

Masters, &c. liable to pay wharfage and crantage.

*Provided*, That such agent or agents for such ship or vessel shall be liable to pay the same only where an account shall be delivered to, or in case of absence, left at his or their house, and the money demanded of him or them, or his or their clerk before the sailing or departure of such ship or vessel from port: any thing herein contained to the contrary notwithstanding.

Agents not liable unless account delivered and demand made before sailing of such ships, &c.

*Provided also*, That nothing herein contained shall infringe, impair, or do away any right which the Mayor, Aldermen and Commonalty of the City of Saint John, have or possess by the Charter of the said City, as by Law established.

Rights of Mayor &c. of St. John, not infringed by this Act.

### CAP. L.

An ACT for regulating the EXPORTATION of FISH and LUMBER, and for ascertaining the quality of the same. Rep.

### CAP. LI.

An ACT to prevent FRAUDS in the Sale of DAMAGED GOODS imported into this Province.

**W**HEREAS Goods imported here, and insured in Great-Britain and elsewhere, are sometimes sold in this City or other Port within this Province

Preamble.

Province for the account of the Insurers; wherefore to prevent Frauds in such sales,

Damaged Goods sold on account of Insurers, to be surveyed by the Master or Warden of the Port.

I. *Be it enacted by the Governor, Council and Assembly,* That all damaged Goods hereafter to be sold for account of the Insurers shall be surveyed by the Master, or one or more of the Wardens of the Port of Saint John for the time being, or other Port within this Province, at or upon the first unlading thereof, or as soon thereafter as the same are discovered to be damaged, which said Master or Wardens are to determine if the same has been properly stowed; which sale shall be made in his or their presence at Public Vendue, in the most public and convenient place within the said City, between the hours of Eleven in the morning and Three in the afternoon, first advertising the sale thereof at least Twenty-four hours; which said Goods shall be only such as are really damaged in the judgment of such Master or Wardens, and the sale thereof shall be in such separate pieces or small parcels at a time as such Master or Warden shall think most for the interest of the Insurers; and the person that shall order such damaged Goods to be sold, shall at the time of the sale produce to the By-standers the original Invoice of the sterling cost of such damaged Goods, as he shall direct to be sold, for account of the Insurers, unless such person do make Oath that no such Invoice is come to his hand.

Sale to be Public and in presence of the Warden between the hours of 11 and 3, after advertising, &c. and in separate parcels, if most for the interest of the Insurers.

The original Invoice of the goods to be produced at the sale.

Vendue Master, and Master or Warden of the Port to subscribe an account of the survey and proceedings and give a Certificate, &c.

II. *Be it enacted,* That of all sales of damaged Goods for the account of the Insurers, the Vendue Master or person acting as such, and Master, or one or more of the Wardens, shall subscribe an account of every survey and the proceedings thereon, and the said Master or Wardens shall give a Certificate to the end that the true damage may thereby appear.

Fees of the Master & Wardens.

III. *Be it also enacted,* That the Master and Warden or Wardens, shall each receive Seven Shillings and Six Pence a day for attending the services above-mentioned, to be paid by the persons at whose request

request the sale is made, and for every Certificate Five Shillings. And that the Vendue Master or person acting as Vendue Master, and the Master and Wardens, or either of them so offending against this Act, shall for every offence forfeit the sum of Twenty Pounds; and that no person shall make any sale of Goods for account of such Insurers, except in the manner above directed, nor make any demand for a loss without transmitting or producing the account of sales and Certificate above required, or a true copy thereof, under the forfeiture of double the value of the amount of such sales; all and every of which said penalties and forfeitures may be recovered in any Court of Record in this Province, by bill, plaint, or information, wherein no more than one imparlance shall be allowed, one moiety whereof shall be to any person suing for the same, and the other moiety to be paid to the Treasurer of this Province, to be applied towards the support of Government, in the manner hereafter to be directed.

IV. *And be it enacted*, That this Act shall continue and be in force until the first day of March, One thousand Seven hundred and Eighty-nine.

*Continued to 1st April, 1808, by 43 Geo. 3. c. 8.*

Vendue Master or Master and Warden offending against this Act, to forfeit £20.

No sales of damaged Goods for the Insurers, to be in other manner than herein provided, under forfeiture of double value.

Penalties, &c. to be recovered in any Court of Record, one moiety to the Informer, the other to the province Treasurer, &c.

This Act to continue in force until March, 1789.

## CAP. LII.

### AN ACT FOR REGULATING PILOTS.

**W**HEREAS the appointment of Wardens and Branch Pilots for the different Ports in this Province, will tend to the safety of the Navigation and proper regulation thereof; as many accidents have happened and much damage been sustained through the ignorance or neglect of Pilots from other Ports, and not living in this Province.

I. *Be it therefore enacted, by the Governor, Council and Assembly*, That the Justices of the Common Pleas in each of the Counties, where the same shall

Preamble.

Justices of Common Pleas to appoint wardens of

be

Ports and Branch  
Pilots, when re-  
commended by  
such Wardens.

be found necessary, shall appoint Three or more Wardens of the Port, which Wardens shall examine and recommend such Branch Pilots, and as many of them as may be found necessary. Which Pilots so recommended, are to be approved and appointed by the said Magistrates for the Port or Ports respectively in each County within this Province, and that the Pilots so appointed and confirmed as aforesaid, shall be entitled to demand and receive from the Master of each ship or vessel that shall come into any Port in this Province, for which Port said Pilot shall have a Branch, his established Fees of Pilotage, which shall be fixed by the said Magistrates and Wardens of such Port, according to the draft of water such ship or vessel may draw, that is to say, if said Pilot shall be found by the said Wardens to have done his duty by offering his service of piloting such ship or vessel in proper place and time. And if the Master of such ship or vessel do not employ such Pilot, yet if he can prove that he offered his service at a proper time and place, he shall be entitled to receive from the Master of such ship or vessel his full rate of Pilotage, unless said ship or vessel belong to said Port.

Pilots offering,  
though not em-  
ployed, to re-  
ceive full Pilot-  
age, unless ships  
&c. belong to the  
Port.

This Act not to  
extend to Coast-  
ers or vessels not  
drawing Six feet  
of water.

II. *Provided always*, That this Act shall not be construed to extend to vessels commonly called Coasters, going from one Port in this Province to another, or from one Port to another in the Bay of Fundy, unless the Master of such vessel respectively shall choose to employ such Pilot. *Provided also*, That this Act shall not be construed to extend to vessels which do not draw six feet of water.

Magistrates and  
Wardens to re-  
gulate Pilots and  
Pilotage.

III. *And be it further enacted*, That the said Magistrates and Wardens, are hereby authorized and empowered to make such regulations, and establish such rates of Pilotage, as well as to subject the said Pilots in the several Counties respectively, to such penalties and forfeitures for offences, as they shall judge expedient, during the continuance of this Act, all which Fees, penalties and forfeitures, shall be prosecuted



profecuted for, and recovered before such Court, as may be competent to take cognizance of the same.

IV. *Provided always*, That nothing in this Act shall extend or be construed to extend to abridge; diminish or interfere with the powers given to the Common Council of the City of Saint John, in and by the Charter of the said City.

Powers of Common Council of Saint John, not abridged.

V. *And be it further enacted*, That the Pilots which shall be appointed by the said Common Council, shall be entitled to the same Fees, perquisites and privileges, that any Pilots appointed by virtue of this Act are entitled to.

Pilots appointed by said Common Council, entitled to same Fees, &c.

### CAP. LIII.

#### AN ACT for the REGULATION of SEAMEN.

**W**HEREAS great loss and damage is frequently occasioned to Trade and Navigation by Seamen deserting their employ, or voyages they are entered upon, or being taken off from the same by arrest for Debt or pretence thereof: for remedy whereof,

Preamble.

I. *Be it enacted by the Governor, Council and Assembly*, That if any Inn-holder, Victualler, seller of Rum and strong Liquors, Shop-keeper, or any other person whatsoever, shall trust or give credit to any Mariner or Seaman belonging to any ship or other vessel, without the knowledge and allowance of the Master or Commander thereof, in any sum not exceeding Ten Pounds, no *capias*, arrest or any other process for any Debt so contracted without knowledge and allowance as aforesaid, shall be granted against or served upon the person of such Mariner or Seaman, until he shall have performed the voyage he is then entered upon and be discharged of the same; and every process issued contrary to this Act, shall be deemed and adjudged utterly void in Law. And any one Justice of the Court from whence such process shall issue to whom it shall be made

No attachment or process for debt, to be served upon any Seaman when engaged in a voyage.

made to appear that any Mariner or Seaman is committed or restrained upon process granted for any such Debt or pretence of Debt made whilst he was engaged, and actually entered and in pay on any voyage, shall forthwith order his release, upon filing common bail to the action.

Repealed by 38  
Geo. 3. c. 2.

II. *Be it further enacted*, That if the Master or Commander of any ship or vessel shall ship any Seaman knowing him to be first entered and shipped on board of any other ship or vessel, or after notice thereof given him shall not forthwith dismiss him, every such Master or Commander so offending being thereof convicted, shall forfeit and pay the sum of Ten Pounds, to the use of the City or County where such offence shall be committed, to be sued for in any Court of Record proper to try the same, and such Seaman so shipping himself, being under the obligation of a former contract, shall forfeit and pay the value of One Month's wages that he shall so agree for, to be deducted from such wages, as he may have due or may afterwards be due unto him, for the use of the party aggrieved.

Seamen neglecting their attendance and duty when engaged.

III. *Be it further enacted*, That if any Mariner or Seaman having shipped himself on board any ship or vessel which hath been launched or is actually preparing for sea, to proceed on any voyage and under pay, shall neglect his attendance and duty on board, and absent himself from his said service, upon complaint thereof made on Oath, by the Owner, Master, or other officer of the said ship or vessel, to any Justice of the Peace within the same County, such Justice is hereby empowered to cause such Mariner or Seaman to be forthwith brought before him by warrant, and upon conviction of his absenting himself as aforesaid, to commit to Prison, that he may be secured and forth coming, to proceed on the voyage he has so agreed to, and to be delivered by order of the Justice that committed him, or some other Justice in the same County, and all necessary charges attending his being so secured, and

Penalty.

and which have been actually paid by the said Owner or Master, may be deducted from such Mariner or Seaman's wages, as the same becomes due.

IV. *Provided always*, That no Seaman shall be bound by entering or shipping himself on board of any ship or vessel, unless the agreement shall be in writing, and declare what wages such Seaman is to have for so long a time as he shall ship himself for, and also express the voyage for which such Seaman was shipped, any thing herein before to the contrary notwithstanding.

Seamen not bound, unless agreement in writing.

### CAP. LIV.

An ACT to enable the CORPORATION of the City of SAINT JOHN to raise a sum of Money, not exceeding THREE HUNDRED POUNDS in the whole, nor more than ONE HUNDRED POUNDS in any one Year, to pay off their Debts already incurred, and to defray the necessary contingent expenses arising within the said City.

I. **B**E it enacted by the Governor, Council, and Assembly, That in order to enable the Corporation of the City of Saint John, to pay off their Debts already incurred and to defray the necessary contingent expenses arising within the said City, it shall and may be lawful for the Common Council of the said City to raise a sum of Money, not exceeding Three hundred Pounds in the whole, nor more than One hundred Pounds in any one year, by rates or assessments upon the Freeholders and Inhabitants of the said City, by just and equal proportions, to be assessed by the said Common Council, or by three or more Assessors to be by them for that purpose appointed, and levied upon and paid by the said Freeholders and Inhabitants in such manner and under such rules, regulations, restrictions and penalties, as the said Common Council shall direct and appoint.

Common Council of the City of St. John to raise by assessments on the Freeholders, &c. £300 in sums of £100 a year.

Common Council to appoint Assessors & Collectors.

II. *And be it further enacted,* That it shall and may be lawful for the said Common Council to appoint so many Assessors and Collectors as they in their discretion shall think fit, to carry this or any other Act or Law into execution, and that the Monies to be raised and paid by virtue hereof shall be to the use of the Mayor, Aldermen and Commonalty of the said City, to be disposed of and appropriated by the said Common Council, in the same manner as any other Monies belonging to the said Corporation are or can be disposed of and appropriated.

*See further 27 Geo. 3. c. 8.*

#### CAP. LV.

An ACT for RAISING a REVENUE in this Province.  
Exp.

#### CAP. LVI.

An ACT to rectify the MISTAKES in "An Act for raising a REVENUE in this Province." Exp.

#### CAP. LVII.

An ACT to lay a TAX on DOGS. Exp.

#### CAP. LVIII.

An ACT against TUMULTS and DISORDERS, upon pretence of preparing or presenting PUBLIC PETITIONS or other ADDRESSES to the Governor, or General Assembly.

Preamble.

**T**O prevent tumultuous and other disorderly soliciting and procuring of Hands by private persons to Petitions, complaints, remonstrances and declarations,

declarations, and other Addresses, to the Governor, Council and Assembly, or any or either of them, for alteration of matters established by Law, redress of pretended grievances in Church or State, or other Public concerns, being made use of to serve the ends of factious and seditious persons, to the violation of the Public peace.

I. *Be it enacted by the Governor, Council and Assembly*, That no person or persons whatsoever, shall solicit, labour or procure the getting of Hands, or other consent, of any persons above the number of Twenty or more, to any Petition, complaint, remonstrance, declaration or other Address to the Governor, Council and Assembly, or any or either of them, for alteration of matters established by Law in Church or State, unless the matter thereof have been first consented unto and ordered by three or more Justices of that County, or by the major part of the Grand Jury of the County or division of the County, where the same matter shall arise, at their Public Assizes or General Quarter Sessions; and that no person or persons whatsoever shall repair to the Governor, Council or Assembly, upon pretence of presenting or delivering any Petition, complaint, remonstrance or declaration, or other Addresses, accompanied with excessive number of people, nor at any one time with more than the number of Ten persons, upon pain of incurring a penalty not exceeding the sum of One hundred Pounds in money, and Three Months imprisonment without bail or mainprize for every offence; which offence to be prosecuted in the Supreme Court, or at the General Quarter Sessions, within Six Months after the offence committed and proved by two or more credible witnesses.

II. *Provided always*, That this Act or any thing therein contained, shall not be construed to extend to debar or hinder any person or persons, not exceeding the number of Twenty aforesaid, to present any public or private grievance or complaint to any  
Member

No persons to solicit, &c. more than 20 subscribers to Petitions &c. to the Governor, Council and Assembly, unless consent to by three Justices or by Grand Jury.

Nor repair to the Governor, &c. to present such Petitions, &c. accompanied by more than Ten persons.

Offenders shall incur a penalty of £100 and Three Months imprisonment.

This Act not to extend to persons not exceeding 20 presenting grievances to Members of Council, &c.

Nor to Addresses  
of the Council,  
&c. to the Go-  
vernor.

Member or Members of the Council or Assembly, during the sitting of the General Assembly, or to the Governor, for any remedy to be thereupon had; nor to extend to any Address whatsoever to the Governor, by all or any of the Members of the Council and Assembly, or either of them, during the sitting of the General Assembly, but that they may enjoy their freedom of access to his Excellency, as heretofore hath been used.

### CAP. LIX.

An ACT for the speedy PUNISHMENT and RELEASE of such persons as shall commit Criminal Offences under the degree of Grand Larceny.

Persons guilty of  
and committed  
for offences un-  
der the degree of  
Grand Larceny,  
may be tried by  
any three Justi-  
ces *quorum unus*.

I. **B**E it enacted by the Governor, Council and Assembly, That if any person or persons shall hereafter be guilty of any breach of the Peace, or other criminal offence under the degree of Grand Larceny, and being committed to the common Goal, shall not within Forty-eight hours after such commitment, give sufficient Bail for his or their appearance at the next General Quarter Sessions of the Peace for the County where such offence shall be committed, then and there to answer for the same; it shall and may be lawful for any three of his Majesty's Justices of the Peace in each County, (*quorum unus*) and if in the City of Saint John for the Mayor, Recorder and Aldermen for the time being, or any three of them, whereof the Mayor or Recorder shall be one, forthwith to hear and determine the offence committed by such offender or offenders as aforesaid, and on conviction by confession or the Oath of one or more credible witness or witnesses, the said Magistrates are hereby authorized to give judgment against such offender or offenders so committed, to have and receive such corporal punishment (not extending to life or limb) as they in their discretion shall think fit, after which punishment

How punished.

ment said criminal or criminals, if an Inhabitant or Inhabitants of such County or City shall immediately be discharged without paying any Fees, but if not an Inhabitant or Inhabitants, he or they shall immediately be ordered out of such County or City, to the place of his, her or their former settlement or place of abode, or out of this Province. And if any person or persons, having been so ordered out of such County or City, shall remain in the same for the space of Five days, or return thereto within Twelve Months after such order, the person or persons so remaining or returning shall be forthwith apprehended, and again receive such corporal punishment as said Magistrates shall in their discretion order and direct (not extending to life or limb) as aforesaid.

II. *And be it further enacted,* That the charge of prosecuting and punishing such offender or offenders, shall be raised, levied, and paid in like manner, and at the same time, that Money is raised in such County or City for paying the contingencies of the same, so as the whole charge for prosecuting and punishing each such offender shall not exceed the sum of Fifteen Shillings currency of this Province.

Charge of prosecution raised, &c. as County contingencies.

## CAP. LX.

An ACT for the CONVICTION and PUNISHMENT of CRIMINALS who shall refuse to plead when arraigned, and for the TRIAL of those who shall peremptorily Challenge more than Twenty.

I. **B**E it enacted by the Governor, Council and Assembly, That in all cases of Felony or misdemeanor, if the person indicted shall refuse to plead to the Indictment, stand mute or not answer directly to the same, he shall be deemed guilty and judgment shall be pronounced and execution awarded, as if such person had been convicted of such offence by verdict or confession.

Persons refusing to plead, &c. in cases of Felony or misdemeanors, shall be deemed guilty.

II.

A peremptory challenge of more than 20 Jurors, shall be over-ruled.

II. And if any Prisoner, indicted of a capital crime, shall peremptorily challenge more than Twenty of the Jury, such challenge shall be over-ruled, and the Jurors shall be sworn for the trial of such Prisoner, as if no such challenge had been peremptorily made.

### CAP. LXI.

An ACT for the TRIAL and PUNISHMENT of CRIMINALS who shall steal Bills of Exchange, Bonds, Warrants, Bills or Promissory Notes.

Stealing or robbing of Bills of Exchange, &c. deemed Felony of the same nature as stealing or robbing of Money, &c. and punished accordingly.

**B**E it enacted by the Governor, Council and Assembly, That if any person shall steal or take by robbery, any Bills of Exchange, Bonds, Warrants, Bills or Promissory Notes, for the payment of Money, being the property of any person, persons, or body politic, it shall be deemed a Felony of the same nature and within or without the benefit of clergy in the same manner as it would have been if the offender had stolen or taken by robbery Money or Goods of the like value with the Money due on such Bills of Exchange, Bonds, Warrants, Bills or Notes, or secured thereby and remaining unsatisfied; and the criminal shall suffer like punishment as if he or she had stolen other Goods or Money of the like value, notwithstanding any of the said particulars so stolen, are termed in Law a *chese* in action.





Anno Regni GEORGII III. Regis  
Vicesimo Septimo.

*AT the General Assembly of the Province of New-Brunswick, begun and holden at the City of Saint John, on the third day of January, in the year of our Lord one thousand seven hundred and eighty-six, and in the twenty-sixth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of GREAT-BRITAIN, FRANCE and IRELAND, King, Defender of the Faith, and so forth : And from thence continued by several prorogations to the thirteenth day of February, One thousand Seven hundred and Eighty-seven ; being the second Session of the first Assembly convened in the said Province.*

CAP. I.

An ACT for Establishing a MILITIA in the Province of NEW-BRUNSWICK, and for regulating the same.  
Expired.

CAP. II.

An ACT to AUTHORIZE the respective PROPRIETORS of certain Islands in the River St. JOHN, and other Rivers in this Province, to make Rules and Regulations for their better improvement and cultivation.

**W**HEREAS there are many Islands lying in the River Saint John, and other Rivers in this Province, owned in small rights or shares, and on which division Fences are liable to be carried away by the current, and pressure of the water passing in times of freshes over the same.

Preamble.

I. Be

Proprietors of the Islands may meet once a year, on the first day of the winter Sessions, in the County, and by a major vote may pass orders and rules for the husbandry & improvement of the said Islands, the votes to be collected according to the respective rights or shares under actual cultivation. And if any of the said Proprietors shall disobey the orders and rules so made, they shall be subject to an action of trespass for the damage sustained, and shall forfeit and pay to the use of the Poor of the Town to which the Island belongs 40s. for every offence, to be recovered before any one Justice of the Peace.

The said votes, &c. shall be reduced to writing, &c. and deposited with the Clerk of the Peace in the County, and shall be in force but one year.

The Proprietors may meet, at times and places fixed by two Justices, &c.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That the respective Proprietors of the said Islands may and are hereby authorized to meet once a year, on the first day of the winter Sessions, in the respective Counties in which such Islands are included; and such and so many of the respective Proprietors of the said Islands as shall be present, shall have power by a major vote to make and pass orders, rules and regulations for the managing, improving, and better husbandry of the said Islands, the voices of the respective Proprietors present to be collected according to their respective rights or shares under actual cultivation and improvement. And if any of the said Proprietors shall in disobedience of the votes, orders, rules and regulations, so made and passed, occupy, husband, manage or improve his, her or their respective shares or rights, contrary to such votes, orders, rules and regulations, he, she or they, shall be subject to an action of trespass, for the damage sustained by any Proprietor, and shall forfeit and pay to the use of the Poor of the respective Parish to which the Island containing such shares or rights belong, a fine of Forty Shillings for each and every offence, to be recovered on complaint to a Justice of the Peace, who is hereby empowered to hear and determine the same, provided the said action of trespass or complaint be prosecuted within One Month.

II. And the said votes, orders, rules and regulations, made and passed as aforesaid, shall be reduced to writing, and subscribed by the major part of the Proprietors present, collecting their voices as aforesaid, and afterwards deposited with the Clerks of the Peace for the respective Counties, and shall be in force for one year and no longer.

III. *Provided also,* That the said respective Proprietors of the said Islands, may meet at such times and places in the present year as shall be fixed and stated by two Justices in each County, on application of any one or more of said Proprietors.

IV.

IV. And for the security and protection of the said Islands against trespasses, *it is also enacted*, That the water surrounding them and each of them, shall be deemed and taken in Law a lawful Fence.

The water round the Islands shall be deemed a lawful Fence.

V. This Act to continue and be in force for three years and no longer.

Act to be in force three years.

*Continued to 1st. April, 1808, by 43 Geo. 3. c. 8.*

### CAP. III.

An ACT for laying an IMPOST. Expired.

### CAP. IV.

An ACT for securing the Purchasers of MORTGAGED ESTATES.

Difallowed by His Majesty in Council, 1790.

### CAP. V.

An ACT in addition to an Act for laying out, repairing and amending HIGHWAYS, ROADS, STREETS, and for appointing COMMISSIONERS and SURVEYORS of HIGHWAYS within the several Towns or Parishes in this Province. Expired.

### CAP. VI.

An ACT to empower the JUSTICES of the GENERAL SESSIONS of the PEACE, in the several Counties in this Province, to grant LICENCES to Tavern-keepers and Retailers of spirituous Liquors.

I. **B**E it enacted by the Lieutenant-Governor, Council and Assembly, That the Justices of the General Sessions of the Peace, in the several Counties in this Province, shall at their General Sessions,

Justices of Peace at Sessions authorized to grant Licences to Tavern

keepers and retailers of strong Liquors.

or at any Special Session to be for that purpose holden, have full power and authority, and they are hereby authorized and empowered to give and grant Licences to such persons as they in their discretion shall think fit, being of good fame and character, to licence them, and each and every of them, to keep a Tavern, or to sell Wine, Brandy, Rum, Beer, Ale, or any strong Liquors whatsoever, within their respective Counties, by retail or the small measure, under the quantity of Five gallons, and that it shall and may be lawful for the said Justices, or the major part of them, then and there assembled, to ask, demand and receive, for every such Licence, by them to be given and granted as aforesaid, such sum as they in their discretion shall think fit, not exceeding Four Pounds, nor less than Ten Shillings for each Licence for one year, which sums so to be received shall be paid by the Clerks of the respective Counties into the hands of the respective county Treasurers, to defray such necessary contingent expences of the County, as such Justices or the major part of them, shall from time to time, by their orders in their General Sessions direct, such Clerks retaining for their trouble Two Shillings and Six Pence for each Licence so to be granted, and no more.

And to demand for the same a sum not exceeding £4, nor less than 10s.

Money so arising to be paid into the county Treasury, for defraying County charges.

Fee to Clerk of the Peace.

Persons licensed to enter into recognizance with sureties for keeping an orderly house, and to obey rules and orders of the Sessions.

II. *And be it further enacted*, That every person so licensed as aforesaid, shall at the time of taking such Licence, enter into recognizance with two good and sufficient sureties to his Majesty, in such sum as the said Justices or the major part of them, then and there assembled shall direct, to keep an orderly house, and obey such rules and regulations as the said Justices in their General Sessions, or the major part of them, then and there assembled, shall from time to time make and ordain, to be observed by Tavern-keepers and Retailers respectively in such County, which rules and regulations the said Justices in their General Sessions as aforesaid, are hereby authorized and empowered to make and ordain.

III. *And be it further enacted*, That if any person or persons shall sell any Wine, Brandy, Rum, Beer, Ale, or any strong Liquors whatsoever, by retail or the small measure, under the quantity of Five gallons without Licence first had and obtained for that purpose as aforesaid, and entering into recognizance as aforesaid, he, she or they so offending, shall for every offence forfeit and pay the sum of Five Pounds, to be recovered upon complaint made to any one of his Majesty's Justices of the Peace, in the County where such offence shall be committed, upon the Oath of one or more credible witness or witnesses, and levied by warrant of distress and sale of the offender's goods, under the hand and seal of such Justice, directed to any Constable of the Town or Parish where such offence shall be committed, rendering the overplus, if any, after deducting the costs and charges of such distress and sale, to the offender, and if no goods shall be found whereon to levy such distress, it shall and may be lawful for such Justice, by warrant under his hand and seal, to commit such offender to the common Goal of the County where such offence shall be committed, without bail or mainprize, for such time not exceeding Three Months, nor less than One Month, as such Justice shall in his discretion think fit, unless such penalty and forfeiture, together with the costs and charges, shall be sooner paid, one half of all which penalties and forfeitures shall be paid into the hands of the Overseers of the Poor of the Town or Parish where such offence shall be committed, for the use of the Poor of such Town or Parish, the other half to him or them who shall make complaint and sue for the same.

IV. *And be it further enacted*, That if any person or persons shall keep a Tavern without having a Licence given and granted as aforesaid, to him, her or them, for that purpose, and entering into recognizance as aforesaid, or without such Licence to keep a Tavern, and entering into recognizance as aforesaid,

Persons selling by retail without Licence, forfeit £5, to be recovered before a Justice of the Peace, and levied by warrant of distress.

If no goods found the offender to be committed.

Persons keeping a Tavern without Licence, or entertaining persons and selling strong Liquors in their houses, lia-

said,

ble to the same penalty, to be recovered and applied in the same manner.

said, shall entertain any person or persons in his, her or their house, and shall sell to such person or persons so entertained, any Rum, Brandy, Wine, Beer, Ale, or any strong Liquors or mixed Liquors, to be drank and consumed in his, her or their house, or any part of such house, such person or persons so offending shall be subject and liable to the same penalty for each and every offence, as persons selling by retail, without Licence, and without entering into recognizance as aforesaid, are herein before made subject and liable to be sued for, recovered and applied in the same manner, and to the same uses and purposes.

Persons licensed to keep Tavern, to be licensed also to retail.

*Provided always,* That any person or persons to whom a Licence shall be granted as aforesaid to keep a Tavern, shall have included in such Licence a Licence also to sell any strong Liquors whatsoever by retail, without taking out a separate Licence so to sell by retail.

This Act to be read at the opening of the General Sessions, and lists of persons licensed delivered to the Grand Jury.

V. *And be it further enacted,* That this Act shall be publicly read by the Clerk at the opening of every Court of General Sessions of the Peace in the several Counties in this Province, and the Justices of such Courts shall at the same time cause a list of all the Tavern-keepers and retailers respectively in their respective Counties, to whom Licence has been granted as aforesaid, to be delivered to the Grand Jurors at such Courts respectively, and it shall be particularly given in charge to such Grand Jurors, to make diligent inquiry and presentment of all and every such person and persons as shall be guilty of any breach of, or offence against this Act, contrary to the true intent and meaning thereof, and upon such presentment, it shall and may be lawful for the Justices of such Court to proceed against such offenders, in the manner herein before directed, to one Justice to proceed for the recovery of the penalties herein before inflicted, and upon conviction of such offender or offenders, before the Justices of such Court, such penalty and penalties shall

And charge to be given to present offenders.

Justices of General Sessions to proceed on presentment to recover penalties, in the manner herein before prescribed.

shall upon the recovery thereof be paid into the hands of the respective county Treasurers for the same uses and purposes, and subject to the same orders and directions as the sums to be paid for Licences, are herein before directed to be applied and subject unto.

Penalties and forfeitures to be paid into county Treasury.

VI. *And be it further enacted*, That nothing in this Act contained shall extend or be construed to extend to the City of Saint John, but the Licences to be granted therein shall be granted as heretofore, agreeable to the directions in the Charter of the said City, and the Laws of the Common Council of the said City regulating the same.

This Act not to extend to the city of St. John.

### CAP. VII.

An ACT in addition to an ACT, for the better ascertaining and confirming the BOUNDARIES of the several Counties within this Province, and for SUBDIVIDING them into Towns or Parishes.

I. **B**E it enacted, by the Lieutenant Governor, Council and Assembly, That all that tract of Land in the County of Westmorland, beginning fifteen chains east of a Creek about two miles south of Memramcock river, thence northerly on the western line of the Town of Sackville to Chediack harbour, including the Island, thence west on the north line of said County, as far as the east line of the Town of Monkton, thence down said line and the other river Petcudiac, to the first mentioned bounds, be one District, Town and Parish, distinguished by the name of the Town and Parish of Dorchester. That all that tract of Land to the west of the Town of Hillsborough and Monkton, extending the width of the same County, as far as the Portage, between Petcudiac and Salmon brook, be one Town and Parish, distinguished and known by the Town and Parish of Salisbury.

Creation of the Town and Parish of Dorchester, with the bounds.

Town and Parish of Salisbury, with the bounds.

II. *And be it further enacted*, That a line due south from the north end of the said Portage to the

Dividing line between the County of Westmorland and King's and Queen's.

the northern boundary of the County of St. John, and from the said north end of the said Portage due north to the southern boundary of the County of Northumberland, be the dividing line between the County of Westmorland and the Counties of King's and Queen's, any Law or Ordinance to the contrary notwithstanding.

### CAP. VIII.

For former provisions, refer to 26 Geo. 3. c. 42.

Mayor, Aldermen and Commonalty of St. John, empowered to appoint Assessors and Collectors of rates and taxes.

An ACT in addition to an Act, intituled "an Act for ASSESSING, COLLECTING and LEVYING COUNTY RATES."

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, and they are hereby authorized and empowered to appoint such and so many Assessors and Collectors as they in their discretion shall think fit, for the assessing, levying and collecting all such rates, taxes and assessments, as shall from time to time be required to be levied and assessed upon the Inhabitants of the said City, by virtue of the said recited Act, or of any other Law for raising or assessing any sum or sums of Money upon the Inhabitants of the said City. And such Assessors so to be appointed, and all such Assessors as have been heretofore appointed by the said Common Council, by virtue of any Law of this Province, shall be and they are hereby made subject and liable to the same rules, regulations, restrictions, penalties and forfeitures, as the Assessors of any Town or Parish in this Province are by Law made subject and liable to. And all Collectors to be appointed, or that have been already appointed by the said Common Council, shall be and they are hereby made subject and liable to the same duties, rules, restrictions, regulations, penalties and forfeitures, as any Constables in any Town or Parish in this Province are by the said herein before recited Act made subject and liable to.

Such Assessors subject to the same rules, penalties, &c. as Parish Assessors.

And such Collectors also subject to the same rules, penalties, &c. as Constables are subject to.



## CAP. IX.

An ACT for more effectually securing the TITLE of Purchasers of REAL ESTATES against CLAIMS for DOWER.

**W**HEREAS some doubts have arisen concerning the conveyance of Dower by the wife, in her husband's life-time, in the manner and form now in practice: In order therefore to prevent any difficulty that may hereafter arise touching the same,

Preamble.

*Be it enacted by the Lieutenant-Governor, Council and Assembly,* That no Deed of bargain and sale, or other conveyance of any Lands, Tenements or Hereditaments in which any *Feme Covert* is, or may be intitled to a right of Dower, shall be valid and sufficient to bar such right or the recovery thereof, after the decease of her husband, unless such *Feme Covert* or married woman shall sign, seal and deliver such Deed, and shall also appear before some one of his Majesty's Council, Judge of the Supreme Court, or one of the Judges of the Inferior Court of Common Pleas in the several Counties of this Province, and being examined separate and apart from her said husband, shall declare that she executed the same freely and voluntary without any threat, fear or compulsion from him, which acknowledgment and declaration shall be entered on such Deed, and registered with the same, and shall be an effectual bar to her recovery of Dower in and to the premises.

No Deeds of Lands in which any *feme covert* has right of dower, shall bar such right unless executed by her, and acknowledged on separate examination before a Judge.

*See further 32 Geo. 3. c. 2. and 33 Geo. 3. c. 5.*

## CAP. X.

An ACT to enable the JUSTICES of the PEACE in the several Counties in this Province, wherein no sufficient GOALS are erected, to send persons charged with GRAND LARCENY and other offences of a higher nature, to the GOAL of the City and County of SAINT JOHN. Expired.

CAP.

## CAP. XI.

An ACT in addition to an Act, intituled "an Act for regulating the EXPORTATION of FISH and LUMBER, and for ascertaining the quality of the same.

Repealed.

## CAP. XII.

An ACT for APPROPRIATING and DISPOSING of the PUBLIC MONIES.

Expired.



Anno Regni GEORGII III. Regis  
Vicesimo Octavo.

*AT the General Assembly of the Province of New-Brunswick, begun and holden at the City of Saint John, on the third day of January, in the year of our Lord One thousand Seven hundred and Eighty-six, and in the Twenty-sixth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of GREAT-BRITAIN, FRANCE and IRELAND, King, Defender of the Faith, and so forth : And from thence continued by several prorogations to the Fifteenth day of July, One thousand Seven hundred and Eighty-eight ; at FREDERICTON ; being the third Session of the first Assembly convened in the said Province.*

CAP. I.

An ACT for continuing and amending an Act, intituled, "an Act for laying an IMPOST." Expired.

CAP. II.

An ACT in addition to an Act, intituled, "an Act for Relief against ABSCONDING DEBTORS."

**W**HEREAS in the said Act for relief against Absconding Debtors, there is no sufficient provision made for relief against Debtors who have departed from this Province, who have Estates or Effects in the Province, and who may remain out of it to prevent their Creditors from recovering or getting hold of such Estates or Effects, therefore—

Preamble.

The Estates real and personal of every person and persons indebted in the sum of 40s. or upwards, who have departed or may depart from the Province, made subject to be seized and disposed of.

Instead of proof of absconding or concealment, the Creditor or his Attorney applying for an attachment to make proof that such Debtor departed from the Province after the debt was contracted, and has not resided within the Province for Six Months next preceding such application n.

No Trustees to be appointed until Six Months after public notice.

Act to be in force as to the power of Judges, until 1st Feb. 1790;

And as to the power of Trustees, until a final settlement and distribution.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That the Estates, goods, chattels and effects, real and personal, of all and every such person and persons indebted in the sum of Forty Shillings or upwards, who have departed, or may depart from this Province, may be subject and liable to be taken, seized, proceeded against, sold, conveyed and disposed of for the payment and satisfaction of their debts, as near as may be, in like manner as the Estates and effects of other Debtors, in and by the above recited Act are made subject and liable to. *Provided always,* That instead of the proof of absconding or concealment of such Debtor or Debtors, the Creditor or Creditors, or his or their Attorney, who shall apply for any attachment against the Estate or effects of any person or persons who have departed or may depart from the Province, shall make proof by one or more witnesses or witnesses, to the satisfaction of the Judge or Judges to whom application for such attachment shall be made, that such Debtor or Debtors departed from the Province after the debt was contracted, and have or hath not resided within this Province for the term of Six Months next preceding such application: *And also provided,* That in any such case no Trustees shall be appointed until the expiration of Six Months after such public notice as is required to be given by the before recited Act.

II. *And be it further enacted,* That this Act shall continue and be of force as to the power of Judges to grant warrants of attachment pursuant hereto, and exercise the powers hereby given, until the first day of February, which will be in the year of our Lord, One thousand Seven hundred and Ninety; and from thence to the end of the then next Session of the General Assembly, but shall continue and be in force as to the power of every Court, Person and Trustees, that shall be appointed by virtue of this Act before its above-mentioned limitation, and have any duty or thing thereby enjoined or required to  
be

be done, until a full and final settlement and distribution shall be made by them and finished according to the true intent and meaning of this Act,

*Continued to 1st. April, 1808, by 43 Geo. 3. c. 8.*

### CAP. III.

An ACT in addition to an Act, intitled, "an Act for the better Extinguishing FIRES that may happen within the City of SAINT JOHN."

**W**HEREAS in and by an Act made and passed in the Twenty-sixth year of his Majesty King George the Third, intitled, "an Act for the better extinguishing Fires that may happen within the City of Saint John," the number of Firemen of the said City of Saint John, to be appointed by virtue of the said Act, is limited to Thirty-two, and that number is found by experience to be insufficient; and whereas it is fit and expedient to give all due encouragement to the said Firemen, to be watchful and diligent in the discharge of their duty.

Preamble.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That the number of Firemen of the City of Saint John, to be appointed by virtue of the said herein before recited Act, shall, and may be increased and extended to Forty and no more, any thing in the said Act contained, to the contrary notwithstanding.

The number of Firemen of the City of St. John, increased to forty.

II. *And be it further enacted,* That the said Firemen, in addition to the privileges and exemptions contained in the said Act, shall also during their continuance in the office of Firemen, be freed, exempted and privileged from serving upon any Jury, in the Court of Quarter Sessions, or in the Inferior Court of Common Pleas for the City and County of Saint John, or in the City Court of the said City of Saint John, in like manner and under the same conditions and regulations as they are in and by the said

who during their continuance in that office, are to be exempted from serving upon any Jury except in the Supreme Court.

said Act freed, privileged and exempted from the severall offices of Constable and Surveyor of the Highways, and from being compellable to serve in the Militia, except in cases of Invasion or other imminent danger.

#### CAP. IV.

An ACT to provide for the Support of a LIGHT-HOUSE, to be built upon PARTRIDGE-ISLAND.

Preamble.

**W**HEREAS it is necessary and expedient, that provision should be made for the support of a Light-House to be erected upon Partridge-Island, lying at the entrance of the harbour of the City of Saint John, for the safety of Vessels coming into and going out of the said harbour.

After it shall be certified under the Seal of the Corporation that a Light-House is erected and used as such, there be granted unto his Majesty for the support thereof a duty of 2d per ton on all vessels belonging to the Port of St. John, of 15 tons and upwards, excepting Coasters and Fishing vessels. And upon all vessels not belonging to the said Port, a duty of 4d per ton. Duty to be paid at the time of arrival to the Treasurer of the Province or his deputy. And on refusal, to be levied by warrant of dis-

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That from and after the time it shall be certified under the Seal of the Corporation of the said City, to the Treasurer of the Province, that a Light-House is erected and used as such upon the said Island, there be and hereby is granted unto his Majesty, his heirs and successors, for the support of such Light-House, a duty of Two Pence upon every Ton each vessel belonging to the Port of Saint John, of the burthen of Fifteen tons and upwards, other than Coasters or Fishing vessels, shall measure agreeable to her Register, that may arrive in the said harbour; and upon all vessels not belonging to the said Port, which shall so arrive, a duty of Four Pence upon each and every Ton agreeable to the aforesaid measurement, which duties shall be paid at the time of the arrival of such vessels in the said harbour unto the Treasurer of the Province, or his deputy, who are hereby authorized to demand and receive the same, and upon refusal of payment to be proved upon Oath before any one of his Majesty's Justices of the Peace in the said City and County, to be levied by warrant of distress and sale of the  
guns,

guns, boats, tackle and apparel and furniture of such vessels, under the hand and seal of such Justice, directed to any Sheriff or Constable, or Marshal of the said City, rendering the overplus, if any, after deducting the costs and charges of distress and sale to the Master or person having the command of such vessel.

distress and sale of the guns, boats, &c.

II. *And be it further enacted*, That no vessel shall be deemed a Fishing vessel within the meaning of this Act, excepting such as shall be wholly employed in that business, nor shall any vessel be deemed a Coaster, excepting such as shall be wholly employed within the Bay of Fundy.

No vessel to be deemed a fishing vessel excepting those wholly employed in that business, nor a Coaster, &c.

III. *And be it further enacted*, That every coasting vessel shall pay in lieu of the said duty at the rate of Ten Shillings per annum, and no more, to be received and recovered in manner aforesaid.

Every coasting vessel to pay 10s. per annum in lieu of the said duty.

IV. *And be it further enacted*, That all Monies arising by the aforesaid duties, shall be applied towards the support of the said Light-House, to be issued for that purpose, by warrant under the hand and seal of the Lieutenant-Governor or Commander in Chief of the Province for the time being; and in case there be more Monies raised than is necessary for the support of the said Light-House, the surplusage to be disposed of by an Act or Acts of the Lieutenant-Governor, Council and Assembly, to be passed for that purpose.

Monies to be issued by warrant from the Governor or Commander in Chief.

Surplusage to be disposed of by an Act of the General Assembly.

*See further 33 Geo. 3. c. 4.*

### CAP. V.

An ACT to continue sundry Acts of the GENERAL ASSEMBLY which are near Expiring. Expired.

### CAP. VI.

An ACT for Regulating the FISHERIES in the different Rivers, Coves and Creeks of this Province.

Expired.

CAP.

## CAP. VII.

An ACT in addition to an Act, intituled, "an Act for REGULATING PILOTS." Expired.

## CAP. VIII.

An ACT to empower the JUSTICES of the SESSIONS in several Counties in this Province, to make such Regulations respecting MARKETS and FERRIES within such Counties as may be found necessary.

I. **B**E it enacted by the Lieutenant-Governor, Council and Assembly, That from and after the passing of this Act, the Justices of the General Sessions of the Peace for the several Counties in this Province, except the County of Saint John, be and hereby are authorized and empowered to make and ordain such rules and regulations and establish such rates and fares for the better government and management of the Markets and Ferries within their respective Counties, as they shall from time to time judge necessary. And that the said Justices shall and may affix such penalties, not exceeding Five Pounds, as they may think necessary for the carrying into execution such rules and regulations, and for the establishing such rates and fares, so by them to be made and established, such penalties to be recovered on the Oath of one or more credible witness or witnesses, before any two of his Majesty's Justices of the Peace for the County where the penalty shall be incurred, and to be levied by warrant of distress and sale of the offender's goods, one half to the Informer, and the other half to the use of the Poor of the Town or Parish where the offence shall be committed.

II. *And be it further enacted*, That this Act shall continue and be in force Five years and no longer.

*Continued to 1st. April, 1808, by 43 Geo. 3. c. 8.*

Justices of the Sessions for the several Counties in the Province, except St. John, authorized to make rules and establish rates & fares,

And to affix penalties, not exceeding £5.

To be recovered on the Oath of one or more witnesses,

And levied by warrant of distress and sale of the offender's goods, one half to the Informer, the other half to the Poor.

Limitation of the Act.



CAP. IX.

An ACT to amend an Act, intituled, "an Act for regulating the Exportation of FISH and LUMBER, and for ascertaining the Quality of the same.  
Repealed.

CAP. X.

An ACT for Appropriating and Disposing of the  
PUBLIC MONIES. Expired.





Anno Regni GEORGII III. Regis  
Vicesimo Nono.

*AT the General Assembly of the Province of New-Brunswick, begun and holden at the City of Saint John, on the third day of January, in the year of our Lord One thousand Seven hundred and Eighty-six, and in the Twenty-sixth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of GREAT-BRITAIN, FRANCE and IRELAND, King, Defender of the Faith, and so forth: And from thence continued by several prorogations to the Sixth day of October, One thousand Seven hundred and Eighty-nine, at FREDERICTON; being the fourth Session of the first Assembly convened in the said Province.*

CAP. I.

An ACT for erecting a PARISH in the City of SAINT JOHN, and Incorporating the RECTORS, CHURCH-WARDENS and VESTRIES of the Church of England in the several Parishes in this Province.

The Parish of  
Trinity Church  
in the City of St.  
John, establish-  
ed.

I. **B**E it enacted by the Lieutenant-Governor, Council and Assembly, That the Parish of the Church commonly called and known by the name of TRINITY CHURCH, in the City of Saint John, shall comprehend all the Lands lying and being in the City of Saint John, and shall be known and called by the name of the Parish of Saint John.

The Rector,  
Church-War-  
dens and Vestry

II. *And be it further enacted, That the present Rector, Church-Wardens and Vestry of the said Church, and their successors forever, shall be a body politic*

politic and corporate in deed and name, and shall have succession for ever by the name of "*The Rector, Church-Wardens and Vestry of TRINITY CHURCH, in the Parish of Saint John,*" and by that name shall sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and places whatsoever in this Province; and shall have full power and capacity to purchase, receive, take, hold and enjoy, for the use and benefit of the said Church, as well goods and chattels, as lands, tenements and hereditaments, and improve and use the same for the benefit and advantage of the said Church, according to their best discretion and the true intent and meaning of the donors, where such goods and chattels, lands, tenements or hereditaments, shall be given, devised or bequeathed, to the use and benefit of the said Church, any Law, usage or custom to the contrary notwithstanding. *Provided always,* That the amount of the annual rents, profits and receipts of such lands, tenements, goods, chattels and hereditaments, shall not exceed the sum of Five hundred Pounds.

III. *And be it further enacted,* That the Parishioners of the said Parish, shall on the first Monday after Easter, forever hereafter, yearly and every year, assemble and meet together at the said Parish Church, and shall then and there by a plurality of voices, elect and chuse two fit persons belonging to the said Parish to be Church-Wardens for the year ensuing, and any number not exceeding Twelve, of other fit persons, belonging to the said Parish to be Vestrymen for the year ensuing; who shall thereupon enter into the execution of their respective offices, and shall continue in the same until other fit persons shall be chosen in their stead.

IV. *And be it further enacted,* That the several lots of Land already purchased or conveyed to the use of the said Church, for the purpose of erecting the said Church thereon, and also the said Church lately erected on the said Lots, shall be and remain

of the said Church & their successors incorporated by the name of "*The Rector, church Wardens, and Vestry of Trinity Church, in the Parish of St. John.*" And to have capacity to purchase and receive for the use of the said Church, goods, chattels, lands, and tenements.

The parishioners to meet on the 1st Monday after Easter in every year, at the said Parish Church, to chuse two Church-wardens and any number, not exceeding twelve, of Vestry men.

The lots of Land conveyed to the use of the said Church, and the said Church lately erected on the

faid lots, vested in the faid Rector, Church-Wardens, and Vestry.

fully and absolutely vested in the faid Rector, Church-Wardens and Vestry, and their successors for ever, as a good and absolute estate in FEE SIMPLE, for the use, trust and benefit aforesaid, and shall be so deemed and taken in all Courts of Law and Equity in this Province, any Law, usage or custom, to the contrary notwithstanding.

The Rector, Wardens and Vestry, to have power to sell or let Pews, or the Lands, and by the improvement and use of goods, lands, &c. to finish and repair the Church, provide furniture, bells, &c. and pay salaries.

V. *And be it further enacted*, That the faid Rector, Church-Wardens and Vestry, or the major part of them assembled, upon due notice publicly given, shall have full power and authority to have, use and take, all such ways, means and methods, as in their discretion they shall think meet, by the absolute sale of or by letting to hire, or other disposal of the Pews of the faid Church, or the faid Lands and Ground, and by the improvement and use as aforesaid of such goods, chattels, lands, tenements and hereditaments as shall be hereafter purchased or given to the use and benefit of the faid Church, to compleat and finish the faid Church, and repair the same from time to time, and to provide goods, furniture, ornaments and bells; and to pay the salaries and other allowances to the Rector, Organist, Clerk and Sexton of the same Church, and to the Clerk of the Vestry; and to defray all other necessary future expenses for the use and benefit of the faid Church.

The Rectors, Church-Wardens and Vestries of the Churches erected and to be erected in the several Parishes in the Province incorporated.

VI. *And be it further enacted*, That the Rectors, Church-Wardens and Vestries of the several and respective Churches already erected in the several and respective Parishes in this Province, and also of such Churches as shall be hereafter erected, and their respective successors for ever, shall, as soon as they are respectively inducted and appointed, be bodies politic and corporate in deed and name, and shall have succession for ever, by the name of the Rector, Church-Wardens and Vestry of the several and respective Churches to which they belong; and this Act and every clause, direction, authority and power in the same contained, shall extend and be in force for

for all such Churches, in the same manner as if the said clauses, directions, authorities and powers were particularly re-enacted and applied to such Churches respectively.

VII. *And be it further enacted*, That in case of the death or absence from the Province, of the respective Rectors of the said Churches for the time being, and where no Rectors shall have been appointed, the Church-Wardens and Vestry in such Parishes shall, during such vacancy or absence, have the full powers and authorities that are herein before given to the Rector, Church-Wardens and Vestry of such Churches respectively.

In case of the death or absence of the Rectors, the Church wardens and Vestry to have the same authority as the Rector, Church-Wardens, &c.

VIII. *And be it further enacted*, That henceforth no Corpse shall be interred within or under the said Church in the City of Saint John, or within one hundred yards from the walls of the said Church; or within or under the walls of any Church already erected or hereafter to be erected in this Province.

No Corpse to be interred under any Church, nor within 100 yards of Trinity Church.

## CAP. II.

An ACT to repeal an Act, intituled, "an Act to empower the Foreman of the GRAND JURIES to administer the usual Oaths to such Witnesses as are to be examined before them.

*Refer to 26 Geo. 3. c. 7.*

## CAP. III.

An ACT in amendment of an Act, intituled, "an Act for ASSESSING, COLLECTING and LEVYING COUNTY RATES."

For former provisions refer to 26 Geo. 3, c. 42 and 27 Geo. 3, c. 8.

I. **B**E it enacted by the Lieutenant-Governor, Council and Assembly, That so much of the Act intituled "an Act for assessing, collecting and levying County Rates," and every such clause therein as makes it lawful for any Inhabitant of any Town or Parish

Part of the "Act for assessing, collecting and levying County Rates"—repealed.

Parish, in case he shall so chuse, instead of paying the sum to be assessed upon him by virtue of the said Act, to contribute a proportion of labour, shall be, and the same is hereby repealed.

Where the Justices of the Peace have purchased any building to be used as a Gaol or Court-house, or shall hereafter purchase any building to be used for that purpose, such Justices have power to distribute and charge the sum so given or contracted to be given for such building, upon the several Towns or Parishes in like manner as such Justices may distribute & charge the sum to be levied for the purpose of building and finishing a public Gaol or Court-house by virtue of the said Act.

The Assessors to apportion the quota of the sum to be distributed and charged by virtue of this Act, upon the Towns or Parishes.

II. *And be it further enacted*, That in all such Counties in this Province, where the Justices of the Peace at their general or special Sessions held for that purpose, have purchased or agreed and contracted to purchase any house or building to be used and occupied as a Gaol or Court-House in such Counties respectively, or shall hereafter purchase or agree and contract to purchase any house or building to be used and occupied as a Gaol or Court-House in such Counties respectively, such Justices shall have full power and authority by warrant under their hands and seals, or under the hands and seals of the greater number of them to be directed to the Assessors of the several and respective Towns or Parishes in their respective Counties, by equal proportion to distribute and charge the sum or sums of money so given, or agreed and contracted to be given for such house or building for the use and purpose of a Gaol or Court-House as aforesaid, upon the several Towns or Parishes in such Counties respectively, in like manner and as fully to all intents and purposes, as such Justices in and by the said recited Act may distribute and charge the sum or sums of money to be levied by virtue of the said Act, for the purpose of building and finishing a public Gaol or Court-House in and for such Counties respectively. And the Assessors for the said Towns or Parishes respectively, shall apportion the quota of the said sum or sums, so to be distributed and charged by virtue of this Act, upon the respective Towns or Parishes, in like manner as the said Assessors are authorized to apportion the sum or sums of money to be levied by virtue of the said recited Act, for the purpose of building and finishing a public Gaol or Court-House in and for such Counties respectively. And such sum and sums of money so

to be distributed, charged and apportioned by virtue of this Act, shall and may be levied, collected and paid in like manner and under the same restrictions, regulations, penalties and forfeitures, in every respect as any sum or sums of money can be levied, collected and paid by virtue of the said herein before recited Act; any thing in the said herein before recited Act to the contrary notwithstanding.

III. *And be it further enacted*, That it shall not be lawful for the Justices of the Sessions in any County in this Province to levy more than the sum of Three hundred Pounds, for the purpose of building and finishing a Gaol and Court-House by virtue of the said herein before recited Act, or for the purpose of paying for or purchasing any buildings for a Gaol and Court-House in their respective Counties by virtue of this Act; any thing in this Act or in the said recited Act to the contrary notwithstanding.

Not to levy more than £300 for building Gaol & Court-house, or purchasing any building for that purpose.

IV. *And be it further enacted*, That the said herein before recited Act and every clause, matter and thing therein contained, not herein before altered and repealed, shall be and remain in full force; any thing herein before contained to the contrary notwithstanding.

The said recited Act, except as herein altered & repealed, to remain in force.

#### CAP. IV.

An ACT to authorize the erection of FENCES and GATES across certain Roads in the several Counties in this Province, where the same shall be found necessary. Expired.

#### CAP. V.

An ACT to continue and amend an Act, intitled, "an Act for regulating the FISHERIES in the different Rivers, Coves and Creeks of this Province." Expired.

## CAP. VI.

An ACT for LAYING an IMPOST. Expired.

## • CAP. VII.

An ACT relating to the Punishment of Persons convicted of FELONY within the BENEFIT of CLERGY.

Preamble.

**W**HEREAS the Punishment of Burning in the Hand, when any person is convicted of Felony within the Benefit of Clergy, is often disregarded and ineffectual.

Courts empowered to punish persons convicted of Felony within the benefit of Clergy, by fine,

or except in cases of manslaughter, by whipping public or private.

Mode of inflicting private whipping.

This punishment to have the same legal consequences as burning in the hand.

*I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That from and after the passing of this Act, when any person shall be lawfully convicted of any Felony within the Benefit of Clergy, for which he or she is liable to be burned or marked in the brawn of the left thumb; it shall and may be lawful for the Court before which any person shall be so convicted, or any Court holden for the same place with the like authority, if such Court shall think fit, instead of such burning or marking, to impose upon such offender, such pecuniary fine as to the Court in its discretion shall seem meet; or otherwise it shall be lawful, instead of such burning and marking in any of the cases aforesaid, except in the case of Manlaughter, to order and adjudge that such offender shall be once or oftener, but not more than Three times, either publicly or privately whipped; such private whipping to be inflicted in the presence of not less than two persons, besides the offender and the officer who inflicts the same, and in case of Female offenders, in the presence of Females only: And such fine or whipping so imposed or inflicted, instead of such burning or marking, shall have the like effects and consequences to the party, on whom the same or either of them shall be so imposed or inflicted with respect to any discharge from the same or other Felonies, or any restitution to his or her Estates,*



Estates, capacities and credits, as if he or she had been burned or marked as aforesaid.

II. *And be it further enacted*, That the Court before which any person shall be so convicted as aforesaid of any of the Felonies aforesaid, or any Court holden for the same place with the like authority, may also in its discretion, after such burning or marking, or after such whipping or fine as may by virtue of this Act be inflicted or imposed instead thereof, award and give judgment that such offender as aforesaid shall be committed to some House of Correction or Public Work-house or Prison within the County, City or place where such conviction shall be, there to be, remain and be kept, without bail or mainprize, for such time as such Court shall then judge and award, not less than Six Months and not exceeding two years, to be accounted from the time of such conviction; and an entry thereof shall be made of record pursuant to such judgment and award; and such offender so judged and awarded, to remain and be kept in such House of Correction, Public Work-house or Prison, shall be there set at work and kept at hard labour, for and during such time as shall be so adjudged and awarded. And in case such person shall refuse or neglect to work and labour as they ought to do, the Master or keeper of such House of Correction, Work-house or Prison respectively, is hereby required to give such Person such due correction as shall be fit and necessary in that behalf.

The Court may also sentence the offender to a house of correction, work-house or prison,

there to remain not less than six months, nor longer than 2 years;

to be kept at hard labour—

and in case of refusing to work to be corrected by the master or keeper.

### CAP. VIII.

An ACT for reviving and continuing and amending fundry LAWS that have expired and are near expiring. Expired.

### CAP. IX.

An ACT for APPROPRIATING and DISPOSING of the PUBLIC MONIES. Expired.

Anno



Anno Regni GEORGII III. Regis  
Tricesimo Primo.

*AT the General Assembly of the Province of New-Brunswick, begun and holden at the City of Saint John, on the third day of January, in the year of our Lord One thousand Seven hundred and Eighty-six, and in the Twenty-sixth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of GREAT-BRITAIN, FRANCE and IRELAND, King, Defender of the Faith, and so forth : And from thence continued by several prorogations to the First day of February, One thousand Seven hundred and Ninety-one, at FREDERICTON ; being the fifth Session of the first Assembly convened in the said Province.*

CAP. I.

An ACT to continue an Act, intituled, “an Act to  
“ authorize the erection of Fences and Gates a-  
“ cross certain Roads in the several Counties in  
“ this Province, where the same shall be found  
“ necessary.” Expired.

## CAP. II.

AN ACT to DECLARE that no LAW passed in the GENERAL ASSEMBLY of the Province of NOVA-SCOTIA, before the ERECTION of the Province of NEW-BRUNSWICK, shall be of FORCE in this Province.

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That no Law passed in the General Assembly of the Province of Nova-Scotia, before the erection of the Province of New-Brunswick, shall be of any force or validity whatever in this Province; or so deemed or taken in any Court of Law or Equity within the same. *Provided*, That this Act shall have no retrospective force or operation.

No Law of Nova-Scotia to be of force in this Province.

## CAP. III.

AN ACT in addition to and in amendment of an Act, intituled, "An Act for laying out, repairing and amending HIGHWAYS, ROADS and STREETS, and for appointing Commissioners and Surveyors of HIGHWAYS within the several Towns or Parishes in this Province."

*Suspended for 5 years by 36 Geo. 3. c. 7, and for 5 years further by 41 Geo. 3. c. 7.*

## CAP. IV.

AN ACT for the RECOVERY of SMALL DEBTS. Exp.

## CAP. V.

AN ACT for regulating MARRIAGE and DIVORCE, and for preventing and punishing INCEST, ADULTERY, and FORNICATION.

**W**HEREAS it is necessary in order to the keeping up of a decent and regular society, that the Matrimonial union be settled and limited by certain

Preamble.

certain rules and restraints; and the state of this Province requires some provisions in this behalf, as also for cases of divorce and alimony.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That when any persons of lawful age and capacity to make a contract of Marriage, shall make known to any Parson, Vicar, Curate or other person in Holy Orders of the Church of England, in the Town or Parish where they respectively reside, or in case there shall be no Parson, Vicar, Curate or other person in Holy Orders of the Church of England, in such Town or Parish, then to any of his Majesty's Justices of the Peace, being of the Quorum, in the County where they respectively reside, their intention of making a contract of Marriage, such Parson, Vicar, Curate or other person in Holy Orders of the Church of England, shall cause proclamation to be made with an audible voice of such intention of Marriage at some Church, Chapel, or other public place of meeting for Religious worship in the Town or Parish, or Towns and Parishes where such parties and each of them respectively reside, during the time of divine service, on *three* Sundays successively, or in case there shall be no Parson, Vicar, Curate or other person in Holy Orders of the Church of England as aforesaid, such Justice of the Peace as aforesaid, shall cause a notification of such banns of Matrimony in writing subscribed with the hand of such Justice of the Peace, to be affixed to some visible part of such Church, Chapel, or other public place of meeting for Religious worship, or some other public building to be directed and appointed by such Justice of the Peace and situate as aforesaid, on *three* Sundays successively: And if there shall be no lawful impediment or objection after such publication or notification of banns as aforesaid, it shall and may be lawful for such or any other Parson, Vicar, Curate or other person in Holy Orders of the Church of England, or any such Justice of the Peace as aforesaid, where there

Persons making known to any Clergyman of the Church of England

or to any Justice of the Quorum

their intention of marrying, such Clergyman shall publish the banns *three* Sundays successively,

or such Justice shall advertise the same on *three* Sundays successively,

and if no impediment, such or any other Clergyman of the Church of England or such Justice to solemnize Marriage.

there shall be no Parson, Vicar, Curate or other person in Holy Orders of the Church of England as aforesaid, and they are hereby respectively authorized to solemnize and take the acknowledgment of Marriage between such parties. *Provided*, that in case they or either of them are within the age of *Twenty-one* years, consent thereto be first had of the Father or Guardian of the party or parties within the age last mentioned. *Provided also*, that any Marriage so to be solemnized by any such Justice of the Peace as aforesaid, shall be solemnized and performed in the manner and form which shall be directed by the Governor, Lieutenant-Governor or Commander in Chief of the Province.

II. *And be it further enacted*, That if any Parson, Vicar, Curate or other person in Holy Orders of the Church of England, or any such Justice of the Peace as aforesaid, shall presume to solemnize or celebrate Marriage between any persons whatsoever, before proclamation or notification of banns of Matrimony between them made in form aforesaid, except a Licence be first had and obtained therefor by and under the hand and seal of the Governor, Lieutenant-Governor or Commander in Chief of this Province, he shall forfeit and pay to his MAJESTY the sum of Twenty Pounds, to be recovered with costs of suit, by bill, plaint or information, in the Supreme Court of Judicature. *Provided always*, that every prosecution for any offence, penalty, or forfeiture in this clause contained, shall be commenced within the space of Twelve Months after such offence committed, and not afterwards.

III. *And be it further enacted*, That if any person, other than a Parson, Vicar, Curate, or some person in Holy Orders of the Church of England, or some such Justice of the Peace where there shall be no Parson, Vicar, Curate or other person in Holy Orders of the Church of England as aforesaid, shall presume to solemnize or celebrate Marriage, or shall officiate or assist in solemnizing or celebrating or making

If either party be within 21 years, consent of the parent to be first had.

Justices of the Peace to use the form directed by the Governor.

Any Clergyman of the Church of England or Justice of the Peace celebrating Marriage before publication, without licence, to forfeit 20l.

Prosecution to be commenced within Twelve Months.

Any person other than a Clergyman of the Church of England, or Justice of Peace celebrating or assisting in any Marriage,

making any Marriage or contract of present Marriage between any persons whatsoever, or if any such Parson, Vicar, Curate or other person in Holy Orders of the Church of England, or any such Justice as aforesaid, shall solemnize or celebrate Marriage, or shall officiate or assist in solemnizing or celebrating, or making any Marriage contrary to the provisions and the true intent and meaning of this Act, every such offender who shall be thereof convicted upon indictment or information of His Majesty's Attorney-General before the Supreme Court of Judicature or any Court of Oyer and Terminer or Gaol delivery, shall for every offence forfeit and pay a fine to the King, not exceeding One hundred Pounds, nor less than Fifty Pounds, and suffer Twelve Months imprisonment. *Provided always*, that nothing in this Act contained shall extend or be construed to extend to prevent any Minister of the Kirk of Scotland regularly ordained according to the rights thereof, from celebrating and solemnizing Marriage agreeable to the forms and usages of that Church between persons of that communion. *Provided also*, that nothing herein contained shall extend or be construed to extend to prohibit or restrain persons called Quakers from the full and free liberty of solemnizing Marriage according to the usages, forms and customs of that sect, in case both parties to such Marriage are Quakers. And *Provided also*, that nothing in this Act shall extend or be construed to extend to prohibit or restrain any person regularly ordained in Holy Orders of the Church of Rome from solemnizing Marriage agreeable to the forms of their Church between persons of that communion only.

IV. *And be it further enacted*, That every such Justice of the Peace as aforesaid, shall register or cause to be registered, in a fair or legible hand writing, subscribed with his own proper name and addition by himself, or by some other person in his presence and by his direction, in a book to be provided

contrary to the meaning of this Act,

to be fined not more than 100l. nor less than 50l. for every offence and imprisoned.

Not to extend to Ministers of the Kirk of Scotland,

nor to Quakers,

nor Clergymen of the Church of Rome.

Justices of the Peace to register Marriages.

vided and kept for that purpose, all Marriages and contracts of Marriage by and in presence of him and them respectively celebrated, solemnized and acknowledged from time to time, and shall also within Three Months from and after every such celebration and solemnization of Marriage, deliver or transmit to the Clerk of the Peace in the County where the Marriage shall have been solemnized and made as aforesaid, a certificate or memorial thereof in writing, subscribed with his proper name and addition, which certificate or memorial the said Clerk of the Peace is hereby authorized and required to enter, transcribe and enrol in and with the records of the Court of General Sessions of the Peace. And such registry shall be deemed and taken in all Courts of Law and Equity in this Province to be as good evidence of such Marriage so registered, as the registry of such Marriage would be if made by any Parson, Vicar, Curate or other person in Holy Orders of the Church of England, agreeable to the Canons of the said Church.

V. *And be it further enacted*, That all causes, suits, controversies, matters and questions touching and concerning Marriage and contracts of Marriage and divorce, as well from the bond of Matrimony as divorce and separation from bed and board and alimony, shall and may be heard and determined by and before the Governor or Commander in Chief of this Province and his Majesty's Council: And that the Governor or Commander in Chief and Council aforesaid, or any five or more of the said Council, together with the Governor or Commander in Chief as President, be and they are hereby constituted, appointed and established a Court of Judicature in the matters and premises aforesaid, with full authority, power and jurisdiction in the same. *Provided*, and it is hereby declared that nothing herein contained shall deprive, diminish, control, obstruct or abridge, or be construed, deemed or extended to deprive, diminish, control, obstruct or abridge in  
any

and transmit a certificate thereof to the Clerk of the Peace within Three Months.

to be entered in the Records of the County,

which shall be as good as if registered by a Clergyman of the Church of England.

All controversies concerning Marriage and divorce to be determined by the Governor and Council,

who are constituted a Court for that purpose.

Nothing in this Act to control the rights of any Court,

and no sentence of the Court of Governor and Council to affect the right of action of any person.

any manner the rights, powers, authority, judicature or jurisdiction of the Court of Chancery or of the Supreme Court of Judicature or of any Inferior Court of this Province, in and touching the matters and premises aforesaid or any of them, and that no sentence, decree, judgment or proceeding of the said Court of Governor or Commander in Chief and Council in any information, prosecution, suit or process touching and concerning any Marriage or contract of Marriage or divorce or alimony, shall take away, annul, bar, suspend or in any wise alter or affect the right of action of any person or persons for any injury or damage sustained for or by reason of any breach of any covenant or contract of Marriage.

Terms of holding the Court of Governor and Council.

VI. *And be it further enacted*, That the fixed and stated terms of holding the said Court of the Governor and Council for the purposes and causes herein mentioned, shall be and commence on the *First Tuesday in February* and the *Third Tuesday in July* in each and every year, and shall continue during the space of *Ten* days.

VII. *And whereas*, The arduous affairs of Government may render it impossible for the Governor or Commander in Chief at all times to preside in person in the Court aforesaid,

The Governor or Commander in Chief to appoint a Deputy in the said Court.

*Be it further enacted*, That it shall and may be lawful for the Governor or Commander in Chief by warrant or commission under his hand and seal, to depute, constitute and appoint the Chief Justice, or either of the Justices of the Supreme Court of Judicature or the Master of the Rolls, to preside in his place and stead in the said Court of the Governor and Council, and to have, hold and exercise all the powers, privileges, authority and jurisdiction of the Governor or Commander in Chief in the same Court, and that such Deputy or Vice-President, shall have, hold and exercise all such powers, privileges, authority and jurisdiction accordingly as are hereby given and granted to the Governor or Commander  
in



in Chief in the same Court, in all the causes, matters and things therein cognizable by this Act.

VIII. And for the more effectually preventing and punishing of Incest, Adultery, Fornication and all acts of lewdness and unlawful cohabitation and intercourse between Man and Woman,

*Be it further enacted*, That every person who shall be hereafter lawfully convicted of any of the crimes aforesaid, before the Supreme Court of Judicature or any Court of Oyer and Terminer and Gaol Delivery in this Province, shall be punished by fine and imprisonment, or either of them, at the discretion of the Court in which such offender or offenders shall be convicted.

Persons convicted of Incest, &c. to be punished at the discretion of the Court.

IX. *And it is hereby declared and enacted*, That the causes of divorce from the bond of Matrimony and of dissolving and annulling Marriage are and shall be frigidity or impotence, adultery and consanguinity within the degrees prohibited in and by an Act of Parliament made in the *Thirty-second* year of the reign of King HENRY the Eighth, intituled, "an Act for Marriages to stand notwithstanding pre-  
"contracts," and no other causes whatsoever.

Causes of divorce.

X. *Provided always, and be it further enacted*, That in case of a sentence of divorce from the bond of Matrimony or Marriage for the cause of Adultery, the issue of such Marriage shall not in any case be bastardized or in any way prejudiced or affected with any disability thereby. *Provided also*, That the wife in such case shall not be thereby barred of her dower, or the husband be thereby deprived of any tenancy by the courtesy of England, unless it shall be so expressly adjudged and determined in and by such sentence of divorce.

In cases of divorce for Adultery, the issue not to be bastardized,

nor the wife barred of dower, nor husband deprived of tenancy.

XI. *And be it further enacted*, That an Act made and passed in the *Twenty-seventh* year of his present Majesty's reign, intituled, "an Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery and Fornication," be and the same is hereby repealed, and declared to be utterly null and void.

The Act passed in the 27th year of His Majesty's reign repealed.

## CAP. VI.

For former provisions refer to 26 Geo. 3. c. 6.

An ACT in addition to an Act, intituled, "an Act for  
"Regulating JURIES and declaring the Quali-  
"fication of JURORS."

Sheriffs of the Counties once a year to make out a list of Jurors,

I. **B**E it enacted by the Lieutenant-Governor, Council and Assembly, That the Sheriffs of each County shall once a year, viz. on or before the First day of MAY, make out a list of all persons qualified to serve upon Juries, who have resided within the said County for Three Months preceding, with their titles and additions, between the age of Twenty-one years and the age of Sixty years, and return the same into the office of the Clerk of the Peace in their respective Counties, which Clerks respectively shall cause the same to be fairly entered in a book to be by them provided and kept for that purpose, among the records of the Sessions of the said County: And each and every Sheriff who shall neglect to make out and return such list, shall forfeit and incur the penalty of Ten Pounds, to be paid into the hands of the Treasurers of the respective Counties, for the use of the County, to be recovered by bill, plaint or information in any Court of Record, having jurisdiction thereof. And no Sheriff shall impanel or return any person or persons to try any issue joined in any Court of Record in this Province, that shall not be named and mentioned in such list.

and return it into the Clerk's office, to be entered in a book kept for the purpose.

Penalty on Sheriffs neglecting.

Sheriffs not to return persons not named in the list.

Sheriffs to be paid for making out such lists.

II. *And be it further enacted*, That each Sheriff shall have and receive such sum of Money for his expenses and trouble in making out and returning such list, as the Justices in their General Sessions shall deem to be an adequate compensation therefor, and they shall thereupon order the same to be paid by the Treasurer of the County, out of the Monies in his hands belonging to such County respectively, and such sum so to be allowed to the Sheriff shall be deemed a County charge, and shall be provided for as other County charges are or may be by Law.

## CAP. VII.

AN ACT TO DEFINE AND DESCRIBE THE CRIME OF  
PETIT LARCENY.

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That if any person shall feloniously take and carry away any goods, chattels, money or effects to the value of Twenty Shillings, and be thereof duly convicted, such offence shall be deemed, adjudged and punished as GRAND LARCENY: And if the value shall be found by verdict on trial to be less than Twenty Shillings, then such offence shall be deemed, adjudged and punished as PETIT LARCENY.

Persons convicted of stealing Goods, &c. to the value of 20s. to be punished for Grand Larceny,

Under 20s. for Petit Larceny.

## CAP. VIII.

AN ACT for fixing PERMANENTLY the BOUNDARY  
LINES between the different GRANTS in this  
Province.

**W**HEREAS great confusion, uneasiness and disquiet have arisen among the Settlers in some parts of this Province from the uncertainty that exists about the true extent and limits of their Freeholds, particularly on Grants made some years ago; which uncertainty has been partly occasioned by running out the lateral Boundary lines of the said Grants at different times by the magnetic needle, the deviation of which from the meridian or the true line of North and South is in a continual state of variation; partly from the custom which many of the said Settlers have been in of employing persons not properly deputed, nor acting under Oath, and with inaccurate Instruments to run out the side lines of their respective Lots: and partly from the practice which has been generally pursued in setting off even recent Grants, of merely marking the extent or limits of the fronts of the said Grants without running back at all their lateral Boundaries from

Preamble.

the banks of the Rivers, Creeks or other fronts on which they lie ; to prevent all such confusion, uneasiness and uncertainty in future, and the growth and increase of those evils and inconveniences which if not remedied must soon give rise to an endless variety of disputes.

Any Proprietor of Land in any Grant being desirous of having the side lines run may on public notice being given, have the same run out by the Surveyor General or any of his deputies,

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That whenever one or more Grantees of the Crown of any Lands already granted or hereafter to be granted in this Province, either on one or both of two separate Grants adjoining each other or comprised in any one Grant, or one or more Freeholders on the said Grant or Grants, shall be desirous of having the direction of the lateral Boundary line or lines of such Grant, or between such Grants ascertained, fixed and rendered permanent, he, she or they shall give notice thereof to the other Grantees or Proprietors therein concerned, by advertising the same in writing, posted up for one Month in three at least of the most public places in the Town or Parish where such Lands lie, whereupon it shall and may be lawful for the Surveyor-General of the Province, by himself or his sufficient deputy or deputies thereunto authorized and under Oath, upon the application of such Grantee or Grantees, Freeholder or Freeholders, to run the said lateral Boundary line or lines of such Grant or between such Grants, with proper Instruments to be examined and approved of by the Surveyor-General, at least Five hundred yards back from the bank of the River, Creek, or other front on which the said Grants lie, and by the magnetical needle as expressed in the said Grants, and that in the said line or lines and each of them two small pillars of stone, where stones can be conveniently procured, or otherwise two stout posts of durable or lasting wood and cleared of sap, one near the bank or other front, or only at a sufficient distance therefrom, to be in no danger of being washed away, and the other at least Five hundred yards back from  
the

and have pillars of stone or posts erected,

the same, each reaching four feet below the surface of the Ground and four feet above the same, shall be erected under the direction of the Surveyor-General, or his deputy or deputies acting under oath as aforesaid, who shall carefully examine the said pillars or posts and see that the line formed by the intersection of the vertical plane passing through their centres (or so as to divide them equally) with that of the horizon, shall exactly coincide with the above mentioned line run out by the needle: which pillars or posts shall be considered as permanent Land marks for fixing and ascertaining the direction of the said Boundary line or lines of the said Grant, or between the said Grants in all time to come, without any attention or regard whatsoever had to any future variation of the needle.—The expense of running the said line or lines, and of erecting the said pillars or posts to be defrayed by the party or parties so applying: The Surveyor-General when he acts himself to be paid at the rate of Fifteen Shillings per diem, and his deputies as is customary, at the rate of Ten Shillings per diem respectively.

for permanent  
Land marks.

Expense defrayed  
by the party  
applying.

Fees for surveying.

II. *And be it further enacted,* That the direction of all the lateral lines between Lots already laid out, or that shall be laid out hereafter on Grants of Land throughout this Province, shall be regulated and fixed by a reference to the above mentioned permanent Land marks, ascertaining the direction of the Boundary line or lines between the Grants on which said Lots lie, without any regard whatsoever had to the future variation of the needle, except only in such case or cases as are herein after mentioned.

The direction of  
all lines to be as-  
certained by the  
said Land marks.

III. And whereas certain Grants have been passed under the Seal of the Province of Nova-Scotia, the Boundary lines represented on the plans annexed to which, differ from those expressed in such Grants, by the projectors of the said plans mistaking the true for the magnetic meridian. And whereas great inconvenience and confusion will arise to the Proprietors of the Lots comprehended in such Grants

Grants of Land  
made by the true  
meridian, provided  
for.

if

if their Boundary lines should be run by the courses expressed in the said Grants:—*Be it enacted*, That the Boundary lines of all such Grants shall form the same angles with the meridian that are expressed on the plans annexed to the said Grants, without any reference whatsoever had to the lines or courses specified in the said Grants.

Proviso.

IV. *Provided always*, That nothing herein contained shall extend or be construed to extend to fix or ascertain the points where the Boundary lines between any Lots in any Grants shall commence, but that such points shall be left to be agreed on between the Proprietors of such Lots, or be settled by a due course of Law.

Proceedings to be registered in the Surveyor-General's office.

V. *And be it also further enacted*, That all proceedings relative to the fixing of permanent Land marks as aforesaid, shall be registered by the Surveyor-General in his office: Which registry shall be deemed and taken, in all Courts of Law, good evidence of the manner in which the direction of such Boundary lines was ascertained in case any of the said pillars or posts shall be at any time hereafter removed, lost or destroyed.

Persons destroying Land marks,

VI. *And be it further enacted*, That if any person or persons shall at any time or times hereafter wilfully deface, pull down, remove or destroy any of the Land marks erected as above described for fixing permanently the direction of the Boundary lines between Grants as aforesaid, it shall and may be lawful for any two or more of His Majesty's Justices of the Peace residing near the place where such offence shall be committed, and such Justices are hereby respectively authorized and required, upon complaint or information upon Oath of such offence, to summon the person or persons so complained of, or to issue the warrant or warrants to apprehend and bring before them the person or persons so accused, complained of or suspected, and upon his, her or their appearance or neglect to appear, to proceed to examine the matter of fact with which such

such person or persons are charged, and upon due proof thereof made, either by confession or upon the Oath or Oaths of one or more credible witnesses or witnesses to determine the same, and to convict the offender or offenders, and every person offending herein and being thereof convicted as aforesaid, shall forfeit the sum of Five Pounds, to be paid to the Overseers of the Poor, to the use of the Poor of the Town or Parish wherein such offence shall be committed, the same to be levied by distress and sale of the offender's goods and chattels, together with the charges of such distress and sale, rendering the overplus, if any be, to the owner or owners thereof: And for want of sufficient distress the said Justices are hereby required to commit the person or persons convicted as aforesaid to the common Gaol of the County, Town or place where the offence shall be committed; there to remain for the space of One Month.

to forfeit 5l. on conviction.

### CAP. IX.

An ACT for ALTERING the Times of holding the COURT of GENERAL SESSIONS of the PEACE, and INFERIOR COURT of COMMON PLEAS in the Counties therein mentioned.

**W**HEREAS the times appointed for holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas in the County of Westmorland, King's County and Queen's County, have been found inconvenient.

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That the said Courts shall be holden hereafter as follows, to wit:—For the County of Westmorland on the THIRD Tuesdays in *January* and *June*; for Queen's County on the FOURTH Tuesdays in *January* and *June*; for King's County on the SECOND Tuesday in *February* and FIRST Tuesday in *July*; and for the City and County of Saint John

Times of holding the Courts in Westmorland, in Queen's and King's counties, and the City and County of Saint John.

on the THIRD Tuesday instead of the FIRST Tuesday of *March*, in each and every year, any Law or Ordinance to the contrary notwithstanding.

No writ to abate by reason of the alteration.

II. *And be it further enacted*, That no writ or process of any kind whatsoever, shall abate or be discontinued by reason of the alteration of the Times of holding the said Courts as aforesaid; but that all writs and processes which are or shall be returnable to the said Courts respectively on the days and times heretofore established, shall be proceeded upon in the same manner as if the same were made returnable on the same days herein established and appointed.

### CAP. X.

An ACT to enable the JUSTICES of the SUPREME COURT to issue COMMISSIONS for the examining of WITNESSES out of the Province.

Justices of the Supreme Court to issue commissions for taking depositions,

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, That in all civil causes depending and at issue in the Supreme Court of this Province, in which either party shall be desirous to take the depositions of Witnesses residing out of this Province to be read as evidence in such causes, it shall and may be lawful for the Justices of the said Court upon sufficient cause being shewn by affidavit on the behalf of the party desiring the same, to issue a Commission under the Seal of the said Court, for taking such depositions, in such manner, and under such restrictions and regulations as the said Court by any rules and orders for that purpose made, shall direct and appoint: And such depositions so taken, shall be read in evidence as depositions taken *de bene esse*, at the trial of such causes. And the costs attending the issuing and taking such depositions shall be regulated by rule or order of the said Court for that purpose to be made.

to be read as depositions *de bene esse*.



CAP. XI.

An ACT for the Security and Protection of Certain ISLANDS in the River SAINT JOHN. Exp.

CAP. XII.

An ACT to continue an Act, intituled "An Act for LAYING an IMPOST." Expired.

CAP. XIII.

An ACT for Regulating the FISHERIES in the different Rivers, Coves and Creeks of this Province. Expired.

CAP. XIV.

An ACT for the Support and Relief of CONFINED DEBTORS. Expired.

CAP. XV.

An ACT for LAYING an IMPOST. Expired.

CAP. XVI.

An ACT for APPROPRIATING and DISPOSING of the PUBLIC MONIES. Expired.

CAP. XVII.

An ACT for Regulating ELECTIONS of REPRESENTATIVES in GENERAL ASSEMBLY, and for limiting the duration of ASSEMBLIES in this Province.

I. **B**E it enacted by the Lieutenant-Governor, Council and Assembly, That when any new Assembly shall, at any time hereafter, be summoned or called

Forty days allowed between the teste and return of the writs.

Writs to be delivered to the Sheriff.

Sheriff on the back of the writ to indorse the day he receives it.

Time and place of election to be notified by the Sheriff within six days after receipt of the writ; and six days notice at least to be given to one or more Constables, &c.

No fee, reward or gratuity, to be allowed the Sheriff, or under-Sheriff, for execution of such writ, unless a Poll be demanded.

In case of a Poll the Sheriff to have 10s. per diem for himself and 5s. per diem for a Poll Clerk, to be paid out of the Province Treasury; and the same allowance in case of a scrutiny to be paid by the party losing the election.

called in this Province, as also in case of any vacancy during this present Assembly, there shall be Forty days between the teste and return of the writs of fummons, and that the Clerk of the Crown in Chancery shall issue out the writs for the Election of Members to serve in the same Assembly with as much expedition as the same may be done, and that as well upon the calling or summoning any new Assembly, as also in case of any vacancy during the present or any future Assembly, the several writs shall be delivered to the respective Sheriffs; and that every such Sheriff upon the receipt of the same writ shall upon the back thereof indorse the day he received the same, and within Six days after he has received the same writ, shall cause public notice to be given in writing of the time and place of Election, and give Six days notice at least of the day appointed to the Constables or one of them, of each Town or Parish within his bailiwick, who are hereby required forthwith to affix the same to the most public place of each Town or Parish as aforesaid, for the Election.

II. *And be it further enacted*, That no Sheriff or under-Sheriff shall give, pay, receive or take any fee, reward or gratuity whatsoever, for the making out receipt, delivery, return or execution of any such writ or precept, unless a Poll shall be demanded; and in case a Poll shall be demanded he shall be intitled to have and receive an allowance of Ten Shillings per diem for himself and Five Shillings per diem for a Poll-Clerk, to be by him appointed for taking such Poll in manner herein after mentioned, for each day the said Poll shall be held, and also for each day the Scrutiny shall be held in case of any Scrutiny granted as herein after mentioned, which allowance for holding the Poll shall be paid out of the Province Treasury upon the account thereof being submitted to and audited by the Assembly at their next Session; and which allowance for holding the Scrutiny shall be paid by the party or parties losing

losing his or their Election upon such Scrutiny, and shall be recovered by action of debt in any Court of Record in this Province having jurisdiction thereof.

III. *And be it further enacted*, That the Members to be chosen to serve in such Assembly, shall be chosen in every County which hath right to chuse by persons whereof every one of them shall have a Freehold in such County of the clear value of Twenty-five Pounds, in case such persons reside in such County, and in case such persons do not reside in such County, shall have a Freehold in such County of the clear value of Fifty Pounds free from all incumbrances, and shall have respectively possessed the same, and have had their title Deeds registered Six Months before the teste of the said writ: And the person to be chosen shall be possessed of real Estate of the value of Two hundred Pounds within the County for which he shall be chosen, and shall have been possessed of the same, and the Deeds thereof duly registered Six Months before the teste of the writ. And such as have the greatest number of votes of Electors qualified as aforesaid, shall be returned by the said Sheriffs, Members to serve in such Assembly by Indentures between the said Sheriffs and the said Electors. *Provided always*, that no person who shall have mortgaged his Lands, and remain in possession thereof, and receive the income therefrom, shall by reason of such Mortgage be debarred from giving his vote; or being elected as aforesaid.

IV. *And be it further enacted*, That upon every Election so to be made of any Member to serve in this or any future Assembly, the Sheriff of the County where such Election shall be made, shall hold his Court for the same Election at the most usual and public place of Election within the said County, but in case the said Election be not determined upon the view with the consent of the Electors there present, and that a Poll shall be demand-

Electors residing in the County, to have a Freehold therein of the clear value of 25*l.* and non-residents of the value of 50*l.* and shall have possessed the same 6 months at least, before the teste of the writ.

Persons eligible to have real Estate of the value of 200*l.* within the County, and shall have been in full possession 6 months before the teste of the writ.

Mortgagers who remain in possession and receive the income of their Lands, not debarred voting or being elected.

Election to be held at the most usual and public place of election within the County.

ed for the determination thereof, then the said Sheriff, or in his absence his under-Sheriff, shall forthwith, in some open or public place, proceed to take the said Poll.

Sheriff's oath to be taken immediately after reading the writ.

V. *And be it further enacted*, That every Sheriff shall immediately after reading the writ or precept for the Election of such Member, take and subscribe the following Oath, viz. "*I A. B. do solemnly swear that I have not directly or indirectly received any sum or sums of money, office, place or employment, gratuity or reward, or any bond, bill or note, or any promise or gratuity whatsoever, either by myself or any other person to my use, benefit or advantage, for making any return at the present Election of Members to serve in Assembly, and that I will return such person or persons as shall, to the best of my judgment, appear to me to have the majority of legal Votes.*" Which Oath any Justice of the Peace of the County where such Election shall be made, or in his absence, any *three* of the Electors are hereby required and authorized to administer. And such Oath so taken and subscribed shall be entered among the Records of the Session of such County.

This Act to be read openly before the Electors assembled at the place of election.

VI. *And be it further enacted*, That every Sheriff shall and is hereby required at the time of such Election, immediately after reading such writ or precept, and taking and subscribing such Oath as aforesaid, to read or cause to be read openly before the Electors there assembled this present Act and every clause therein contained.

Sheriff to appoint Clerks for taking the Poll.

Clerks to be sworn.

VII. And for the more due and orderly proceeding in the said Poll when required as aforesaid, the said Sheriff shall appoint such number of Clerks as to him shall seem meet and convenient for taking thereof, which Clerks shall take the said Poll in the presence of the said Sheriff or his under-Sheriff, and before they begin to take the said Poll every Clerk so appointed shall by the said Sheriff or his under-Sheriff as aforesaid, be sworn truly and indifferently to take the same Poll, and to set down the name of each

each Elector and the place of his Freehold, and for whom he shall Poll, and to Poll no Elector who is not sworn if so required by the Candidates or any of them then and there present. Which Oath of the said Clerks the said Sheriff or his under-Sheriff is hereby empowered to administer: And the Sheriff or his under-Sheriff as aforesaid, shall appoint for each Candidate such one person as shall be nominated to him by each Candidate then and there present, to be Inspectors of every Clerk who shall be appointed for taking the Poll. And every Elector at the time of polling shall distinctly name the Candidate or Candidates for whom he votes, and before he is admitted to Poll at the same Election, shall if required by the Candidates or any one of them, first take the Oaths herein after mentioned, or any or either of them, viz. *“ You shall swear that you are a Freeholder of the County of \_\_\_\_\_ and have real Estate of the value of Twenty-five Pounds, (or Fifty Pounds if the Elector do not reside in the said County) lying at \_\_\_\_\_ within the said County of \_\_\_\_\_ and that you have not been before polled at this Election, and that you have not procured this Freehold to give your voice in this Election, and that the place of your abode is at \_\_\_\_\_ in \_\_\_\_\_ So help you GOD.”* And also the Oaths in and by an Act made in the First year of the reign of his late Majesty King GEORGE the First, intituled, *“ An Act for the further security of his Majesty’s Person and Government and the succession of the Crown in the heirs of the late Princess SOPHIA, being Protestants, and for extinguishing the hopes of the pretended Prince of WALES and his open and secret abettors,”* appointed to be taken; and also the following Oath:—*“ You shall swear that you have not received or had by yourself or any other person whatsoever in trust for you, or for your use and benefit, directly or indirectly, any sum or sums of money, office, place or employment, gift or reward, or any promise or security for any \_\_\_\_\_ money,*

Sheriff to appoint such persons as the Candidates shall nominate to be Inspectors of the Clerks.

Electors, if there to required, to be sworn.

“*money, office, employment or gift, in order to give your vote at this Election. So help you GOD.*”

The vote of any Elector, refusing to take these Oaths or either of them to be rejected and disallowed.

Sheriff, under-Sheriff, or sworn Clerk, refusing to administer such Oaths, &c. to forfeit 50*l.*

Or being one of the people called *Quakers*, shall, if required as aforesaid, solemnly affirm the effect of each and every of the said Oaths which shall be required as aforesaid, which same Oaths or affirmations, the said Sheriff, his under-Sheriff, or such sworn Clerk by him appointed for taking of the said Poll as aforesaid, are hereby authorized to administer. And if any Elector shall, being thereunto required as aforesaid, refuse or neglect to take the said Oaths herein before appointed to be taken, or either of them, or to affirm the effect thereof as aforesaid, that then the Poll or vote of such person so neglecting or refusing, shall be and is hereby declared to be null and void, and as such shall be rejected and disallowed. And if any Sheriff, under-Sheriff or sworn Clerk, shall neglect or refuse when thereunto requested as aforesaid, to administer the above Oaths and affirmations, or shall otherwise offend in the premises contrary to the true intent and meaning of this Act, every such Sheriff, under-Sheriff or sworn Clerk, shall for every such offence forfeit the sum of Fifty Pounds, together with full costs of suit, to be recovered by action of debt, bill, plaint or information, in any of his Majesty's Courts of Record in this Province.

Persons falsely taking the Oaths or affirmations appointed in and by any part of this Act or suborning others, shall incur the penalties of wilful and corrupt perjury,

VIII. *And be it further enacted*, That if any person or persons shall wilfully, falsely and corruptly take the Oaths or affirmations set forth and appointed in and by any part of this Act, or either of them, and be thereof lawfully convicted by Indictment or Information, or if any person or persons shall corruptly procure or suborn any other person to take the said Oaths or affirmations, or either of them, and the person so procuring or suborning shall be thereof convicted by Indictment or Information, every person so offending shall for every such offence incur and suffer such penalties, forfeitures and disabilities, as persons convicted of wilful and corrupt

rupt perjury are liable to. And no person convicted of wilful and corrupt perjury or subornation of perjury, shall after such conviction, be capable of voting in any Election of any Member or Members to serve in the Assembly of this Province.

and be rendered incapable of voting.

IX. *And be it further enacted*, That if any person who hath or claimeth to have, or hereafter shall have or claim to have any right to vote in such Election, shall take any money or other reward by way of gift, loan or other device, or contract or agree for any money, gift, office, employment or other reward, to give or forbear to give his vote in any such Election, or if any person by himself or any person employed by him doth or shall by any gift or reward, or by any promise, agreement or security for any gift or reward, corrupt or procure any person or persons to give his vote or votes, or to forbear to give his or their vote or votes in any such Election, such person so offending in any of the cases aforesaid, shall for every such offence forfeit the sum of Twenty Pounds, to be recovered as before directed in the *seventh section* of this Act, with full costs of suit, and every person offending in any of the cases aforesaid in this clause mentioned from and after judgment obtained against him in any such action of debt, bill, plaint or information, or being any otherwise lawfully convicted thereof, shall for ever be disabled to vote in any Election for any Member or Members of the Assembly of this Province.

Any person who shall take any money or other reward, &c. for giving or forbearing to give his vote, or shall procure others so to do, to forfeit for every offence 20*l.* and be ever after disabled to vote.

X. *And be it further enacted*, That every Poll which shall be so demanded, shall commence on the day the same shall be demanded, or upon the next day (unless that shall happen to be a Sunday and then on the day after), and shall be duly and regularly proceeded in from day to day (Sundays excepted) without any delay or other adjournment, until all the voters present shall have opportunity to be polled, after which the Sheriff by the consent of at least half the Candidates, shall have liberty to remove

Poll to commence on the day when it is demanded or the next day (not being Sunday) and be continued from day to day (Sunday excepted) till all the voters present shall have opportunity to be pol-

led, the Sheriff then, by consent of at least half the Candidates, may remove the Poll.

The Poll to be closed at latest on the fifteenth day.

Sheriff to declare the name of the person or persons who have the majority of votes & forthwith make his return, unless a Scrutiny be demanded; but not to delay making his return beyond the day required by the writ.

remove the Poll to such other place or places in the same County as he and such Candidates consenting shall think necessary, where such Sheriff or returning officer shall proceed in like manner until the Poll be finished. And if such Poll shall continue unto the Fifteenth day then the same shall be finally closed at or before the hour of Three in the afternoon of the same day. And the Sheriff at every such Election, shall immediately, or on the day next after the final close of the Poll, truly, fairly and publicly declare the name or names of the person or persons who have the majority of votes on such Poll, and shall forthwith make a return of such person or persons, unless the Sheriff upon a Scrutiny being demanded by any Candidate or any two or more Electors, shall deem it necessary to grant the same, in which case it shall and may be lawful for him so to do, and to proceed thereupon but so as that in all cases of an Election of any new Assembly, or to fill any vacancy in the present or any future Assembly every Sheriff having the return of a writ shall close such Scrutiny and make his return upon such writ on or before the day on which such writ is returnable.

See Eng. St. 25  
C. 3 c 84

See Eng. St. 25.3

c. 84 S. 2 In a Scrutiny the Sheriff to decide for the different Candidates alternately.  
"To prevent ~~alternately~~ Candidates alternating in 700 - sately.  
causing in the Scrutiny"  
Made 21<sup>st</sup>

Poll to be kept open every day Seven hours at least between the hour of Eight in the morning and Sun-set.

XI. *And be it further enacted*, That whenever a Scrutiny shall be granted as aforesaid, and there shall be more parties than one objecting to votes on such Scrutiny, the Sheriff shall decide alternately or by turns on the votes given for the different Candidates who shall be parties to such Scrutiny or against whom the same shall be carried on.

XII. And in order that Electors may have full time and opportunity to Poll, *Be it enacted*, That every Sheriff, unless prevented by any unavoidable accident, shall during the continuance of the Poll on every day subsequent to the commencement of the same, cause the said Poll to be kept open for Seven hours, at the least, in each day between the hour of Eight in the morning and Sun-set.

XIII. *And be it further enacted*, That upon every Election



Election of any Member or Members to serve in this or any future Assembly, it shall and may be lawful for the Sheriff if he see cause, and he is in such case authorized, during the continuance of any Scrutiny which shall have been granted as aforesaid, to administer an Oath to any person whatsoever consenting to take the same, touching the right of any person having voted at such Election, or touching any other matter or thing material or necessary towards carrying on such Scrutiny.

XIV. *And be it further enacted,* That the respective Sheriffs for the different Counties, shall return the following number of Members to serve in Assembly, to wit: For the County of SAINT JOHN, *four*; the County of WESTMORLAND, *four*; the County of CHARLOTTE, *four*; the County of NORTHUMBERLAND, *two*; KING'S COUNTY, *two*; QUEEN'S COUNTY, *two*; the County of YORK, *four*; the County of SUNBURY, *two*; and *two* for the City of SAINT JOHN, which *two* Members for the said City shall be chosen by the Freemen, being Inhabitants, and the Freeholders there: *Provided* that such Freemen who shall vote shall have been Freemen of the said City *six months*, and shall actually have dwelt therein *six months* before the teste of such writ of Election, and be possessed of personal Estate to the value of Twenty-five Pounds at the time of such Election. Which said Freemen so to give their votes shall be subject to the like regulations, restrictions, forfeitures, penalties and disabilities, as Freeholders by this Act are made subject to, except that instead of the Oath herein directed to be taken by Freeholders, such Freeman shall take (or being Quakers affirm the effect of) the following Oath:—" *You shall swear that you are a Freeman of the City of SAINT JOHN, duly qualified, that you have dwelt in the same City Six Months past, and that your dwelling place is now in the same City, and that you are possessed of personal Estate to the value of Twenty-five Pounds. —So help you GOD.*"

Sheriff authorized to administer an Oath, if he see cause, to any person consenting to take it, touching any thing material towards carrying on a Scrutiny.

Number of Members to be returned.

Members for St. John to be chosen by the Freemen being Inhabitants, and the Freeholders there.

Freemen to have been such and actually dwelt in the City Six Months before the teste of the writ, and possessed of personal Estate to the value of 25*l*.

Oath to be taken by Freemen.

Writ for electing the Members for the City of St. John, to be directed to the Sheriff of the City and County of St. John, and by him executed &c.

XV. *And be it further enacted,* That the writ for the Election of the said *two* Members for the said City, shall be directed to the Sheriff of the City and County of Saint John, who shall execute the same and make return thereof in the same manner and under the like regulations, restrictions, penalties and forfeitures, except as in the last preceding clause, as Sheriffs holding Elections in Counties are made subject and liable to.

Sheriff to deliver on requisition of any person, a copy of the Poll.

Sheriff for every wilful offence against this Act not provided for by particular penalties, to forfeit 30*l*.

XVI. *And be it further enacted,* That every Sheriff shall forthwith deliver to such person or persons as shall desire the same, a copy of the Poll taken at such Election, paying only a reasonable charge for writing the same, and every Sheriff for every wilful offence contrary to this Act, not provided for by particular penalties in and by this Act inflicted, shall forfeit to every party so aggrieved the sum of Thirty Pounds, to be recovered in manner aforesaid.

No person to vote nor be chosen under the age of Twenty-one years.

XVII. *And be it further enacted,* That no person whatsoever being under the age of Twenty-one years shall at any time hereafter be admitted to give his vote for Election of any Member or Members to serve in this present or any future Assembly in this Province; and that no person shall hereafter be capable of being elected a Member to serve in this or any future Assembly of this Province who is not of the age of Twenty-one years: And every Election and return of any person under that age is hereby declared to be null and void.

No Candidate, directly or indirectly, to give money, meat, drink, entertainment, or make any gift, &c.

XVIII. *And be it further enacted,* That no person or persons hereafter to be elected to serve in Assembly for any County, City or place within this Province after the teste, or issuing out, or ordering of any writ of summons for a new Assembly hereafter to be called, or after any such place becomes vacant hereafter in the time of this present or of any other Assembly in this Province, shall or do hereafter by himself or themselves, or by any other ways or means on his or their behalf, or at his or their charge before his or their Election to serve in Assembly for any

any such County, City or place, directly or indirectly give, present, or allow to any person or persons having voice or vote in such Election, any money, meat, drink, entertainment or provision, or make any present, gift, reward or entertainment, or shall at any time hereafter make any promise, agreement, obligation or engagement to give or allow any money, meat, drink, provision, present, reward or entertainment to or for any such person or persons in particular, or to any such County, City or place in general, or to or for the use, advantage, benefit, employment, profit or preferment of any such person or persons, place or places, in order to be elected or for being elected to serve in Assembly for such County, City or place.

XIX. *And be it further enacted,* That every person or persons so giving, presenting or allowing, making, promising or engaging, doing, acting or proceeding, shall be and are hereby declared and enacted disabled and incapacitated upon such Election to serve in Assembly for such County, City or place, and that such person or persons shall be deemed and taken no Members in Assembly, and shall not act, sit, or have any vote or place in Assembly; but shall be and are hereby declared and enacted to be to all intents, constructions and purposes, as if they had been never returned or elected Members for the Assembly.

XX. *And be it further enacted,* That the Sheriff having the execution and return of any such writ for the electing Members to serve in Assembly which shall be issued for the future, shall, on or before the day that any future Assembly shall be called to meet, and with all convenient expedition after any Election made by virtue of any new writ, either in person or by his deputy, make return of the same to the Clerk of the Crown in Chancery, to be by him filed in the Crown Office, and every Sheriff having execution and return of any such writ as aforesaid, who shall not make the returns

Every person offending against the provisions of the last preceding clause, to be disabled and incapacitated to serve in Assembly.

Sheriff to make return of the writ to the Clerk of the Crown in Chancery.

Sheriff not making return according to this

Act to forfeit for every offence the sum of 100*l*.

Clerks to enter the places of the Elector's freehold and abode.

"*Jurat*" to be entered against the names of sworn voters.

Returning officer, within 20 days after the Election, to deliver over upon Oath all the Poll books, to the Clerk of the Peace of the County.

For every false return the party aggrieved may sue the offenders or any of them, in the Supreme Court, and recover double damages with costs of suit.

according to the true intent and meaning of this Act, shall forfeit for every such offence the sum of One hundred Pounds, one moiety whereof shall be to his Majesty, and the other moiety to him or them that shall sue for the same, to be recovered by action of debt, bill, plaint or information, in any of his Majesty's Courts of Record in this Province.

XXI. *And be it further enacted*, That in taking any Poll which shall be required as aforesaid, the Sheriff and Clerks shall enter, not only the place of the Elector's freehold, but also the place of his abode, as he shall declare the same at the time of giving his vote, and shall also make or enter "*Jurat*" against the name of every such voter who shall be tendered and take the Oath first herein required to be taken by Electors. And that the said Sheriff or returning officer shall within the space of Twenty days next after such Election, faithfully deliver over upon Oath, (which Oath the two next Justices of the Peace, one of whom to be of the Quorum, are hereby enabled and required to administer) unto the Clerk of the Peace of the same County, all the Poll books of such respective Elections without any embezzlement or alteration, to be carefully kept and preserved among the Records of the Sessions of the Peace of and for the said County.

XXII. *And be it further enacted*, That all false returns wilfully made of any Member to serve in the Assembly of this Province are against Law and are hereby prohibited. And in case any person or persons shall return any Member to serve in the Assembly of this Province for any County, City or place, contrary to the right of Election in and by this Act declared, such return so made shall and is hereby adjudged to be a false return, and the party grieved, to wit, every person that shall be duly elected to serve in such Assembly for any County, City or place, by such false return, may sue the officers and persons making and procuring the same, and every or any of them at his Election, in the Supreme

Supreme Court of this Province, and shall recover double the damages he shall sustain by reason thereof, together with his full costs of suit. And if any officer shall wilfully, falsely or maliciously return more persons than are required to be chosen by the writ or precept on which any choice is made, the like remedy may be had against him or them, and the party or parties that willingly procure the same, and every or any of them by the party grieved at his Election: *Provided always*, That every suit, action or information grounded on this Act, shall be brought within One year after the cause of action shall arise, and not after.

The like remedy in case of wilfully returning more persons than the writ requires.

Provided that every suit be brought within one year.

XXIII. *And be it further enacted*, That this present Assembly and all other Assemblies hereafter to be called or held in this Province, shall and may respectively have continuance for *Seven Years* and no longer, to be accounted from the day on which, by the writs of summons this present Assembly hath been, or any future Assembly may be appointed to meet; unless this present or any succeeding Assembly hereafter to be summoned, shall be sooner dissolved by the Governor or Commander in Chief of this Province for the time being. *Provided* that this Act shall not be in force until his Majesty's Royal approbation be thereunto had and declared.

Assemblies may continue seven years and no longer, unless sooner dissolved by the Governor or Commander in Chief for the time being.

The operation of this Act suspended until His Majesty's approbation thereof be declared.

N. B. *This Act was* "CONFIRMED, FINALLY ENACTED and RATIFIED," by an Order of His Majesty in Council, dated at the Court of St. James's the 3d of June, 1795.



Anno Regni GEORGII III. Regis  
Tricesimo Secundo.

*AT the General Assembly of the Province of New-Brunswick, begun and holden at the City of Saint John, on the third day of January, in the year of our Lord One thousand Seven hundred and Eighty-six, and in the Twenty-sixth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of GREAT-BRITAIN, FRANCE and IRELAND, King, Defender of the Faith, and so forth : And from thence continued by several prorogations to the Fourteenth day of February, One thousand Seven hundred and Ninety-two, at FREDERICTON ; being the sixth Session of the first Assembly convened in the said Province.*

CAP. I.

An ACT for CONTINUING the Establishment of a  
MILITIA and for REGULATING the same. Rep.

## CAP. II.

An ACT in amendment of an Act, intituled, "An Act for more effectually securing the Title of Purchasers of REAL ESTATES against CLAIMS of DOWER," and also to enable FEMES COVERT more easily to convey any Real Estate they may hold in their own Right.

For former provisions refer to 27 Geo. 3. c. 9.

WHEREAS in and by an Act made and passed in the Twenty-seventh year of his Majesty's reign, intituled, "An Act for more effectually securing the Title of Purchasers of Real Estates against Claims of Dower," *It is enacted* that no Deed of bargain and sale, or other conveyance of any Lands, tenements or hereditaments, in which any *Feme Covert* is or may be intituled to a right of Dower, shall be valid and sufficient to bar such right of Dower or the recovery thereof after the decease of her husband, unless such *Feme Covert* or married woman shall sign, seal and deliver such Deed; and shall also appear before some one of his Majesty's Council, Judge of the Supreme Court, or one of the Judges of the Inferior Court of Common Pleas in the several Counties of this Province, and being examined separate and apart from her said husband, shall declare that she executed the same freely and voluntarily without any threat, fear or compulsion from him: AND WHEREAS it is expedient that some provision should be made to secure such Purchasers against the claims of Dower of *Femes Covert* residing out of the Province who cannot conveniently appear to make the acknowledgment required by the said recited Act: AND WHEREAS it is also expedient that some further provision should be made to enable *Femes Covert* or married women to convey any Estate of Freehold or Inheritance which may be vested in them in their own right.

Preamble.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That if any *Feme Covert*, whose right of Dower is to be barred by any Deed

If Femes Covert whose right of Dower is to be

barred by any conveyance, live out of the Province, the acknowledgment of such conveyance to be made as follows—  
 in Great-Britain or Ireland, before a judge of the Courts of King's Bench or Common Pleas, Baron of the Exchequer, Master in Chancery, or Judge or Lord of Council and Session—  
 in other parts of the British dominions before a Judge of the Supreme Court ;

Deed of bargain and sale or other conveyance of any Lands, tenements or hereditaments in this Province, shall live in parts beyond the sea, or out of the limits of this Province, the acknowledgment of such Deed or conveyance shall be made as follows, that is to say ; if such *Feme Covert* live within the kingdoms of Great-Britain or Ireland, the acknowledgment of such Deed or conveyance may be had and taken by and before any Judge of any of the Courts of King's Bench or Common Pleas, or Baron of the Exchequer, or any Master in Chancery, or any Judge or Lord of Council and Session in Scotland ; and if in any other part of the British dominions, by and before any Judge of the Supreme or Superior Court of Judicature in such Colony or part of the said British dominions wherein such *Feme Covert* shall reside, and certified on the said Deed or conveyance by and under the hand of such Judge or other person so taking the acknowledgment thereof as aforesaid, such Certificate being also authenticated, if in the British Plantations, under the hand and seal of the Governor, Lieutenant-Governor or Commander in Chief of the Province where the same shall be made, and if in Great-Britain or Ireland affidavit in writing shall be made, and certified under the seal of some Corporation there, that the signature of the person taking such acknowledgment is the actual and proper hand writing of such person so taking such acknowledgment :  
 And if such *Feme Covert* live in any foreign state or kingdom, the acknowledgment of such Deed or conveyance may be had and taken by and before any public Minister, Ambassador or Consul from the Court of Great-Britain resident in any such state or kingdom, and certified on such Deed or conveyance by and under the hand and seal of such Minister, Ambassador or Consul so taking the acknowledgment thereof as aforesaid. And all such acknowledgments so taken under and by virtue of this Act shall be registered with the respective Deeds and conveyances

And in any foreign state, before an Ambassador or Consul from the Court of Great-Britain.

All acknowledgments taken under this Act, to be registered with the conveyances.



conveyances so acknowledged, and shall be an effectual bar to the recovery of any such *Femes Covert* respectively of their right of Dower in and to the premises mentioned in any such Deed or conveyance, any thing in the said herein before recited Act to the contrary notwithstanding.

II. *And be it further enacted*, That the acknowledgment of all Deeds of bargain and sale, or other conveyances duly made and executed by any *Feme Covert* of any Estate of freehold or inheritance, which such *Feme Covert* may hold in her own right, in any Lands, tenements or hereditaments in this Province, shall and may be had and taken and certified in the same manner and before the same persons respectively as any such *Feme Covert* can or may acknowledge any Deed of bargain or sale, or other conveyance for barring her right of Dower under and by virtue of this or the said herein before recited Act.

The acknowledgment of conveyances, made by *Femes Covert* of Estate held in their own right, to be taken and certified in the same manner.

*See further 33 Geo. 3. c. 5.*

### CAP. III.

AN ACT TO PROVIDE FOR THE MAINTENANCE OF BASTARD CHILDREN.

See Eng. Stat. 6 Geo. 2. c. 31. and Burns' Just. tit. Bastard § 2.

**W**HEREAS the Laws now in being are not sufficient to provide for the security and indemnification of the several Parishes in this Province, from the great charges frequently arising from Children begotten and born out of lawful Matrimony, for remedy thereof:

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That if any single woman shall be delivered of a Bastard Child which shall be chargeable or likely to become chargeable to any Parish, or shall declare herself to be with Child, and that such Child is likely to be born a Bastard and to be chargeable to any Parish; and shall in such case in an examination to be taken in writing, upon Oath before any one or more Justice or Justices of the

Any woman being delivered of a Bastard Child, or declaring herself to be with Child likely to be born a Bastard and chargeable to a Parish, and on examination before a Justice

Peace

of Peace, shall charge any person with having gotten her with Child, such Justice on application of the Overseers of the Poor, to issue a warrant for apprehending the person so charged, and to commit him to Gaol, unless he give security or enter into recognizance.

Peace of any County or of the City and County of Saint John, wherein such Parish shall lie, charge any person with having gotten her with Child, it shall and may be lawful to and for such Justice or Justices, upon application made to him or them by the Overseers of the Poor of such Parish or by any one of them, to issue out his or their warrant or warrants for the immediate apprehending such person so charged as aforesaid, and for bringing him before such Justice or Justices, or before any other of his Majesty's Justices of the Peace of such County or of the City and County of Saint John as the case may be, and the Justice or Justices before whom such person shall be brought, is and are hereby authorized and required to commit the person so charged as aforesaid to the common Gaol, or House of Correction of such County or City and County, unless he shall give security to indemnify such Parish, or shall enter into a recognizance with sufficient surety upon condition to appear at the next General Sessions of the Peace to be holden in and for such County or City and County, and to abide and perform such order or orders as shall be made in pursuance of an Act of Parliament, passed in the Eighteenth year of the reign of her Majesty Queen ELIZABETH, concerning Bastards begotten and born out of lawful Matrimony.

If the woman die, or be married or miscarry, or appear not to have been with Child, the person to be discharged from his recognizance or released out of custody.

II. *Provided nevertheless and be it enacted,* That if the woman so charging any person as aforesaid shall happen to die, or be married before she shall be delivered, or if she shall miscarry of such Child, or shall appear not to have been with Child at the time of her examination, then and in any of the said cases, such person shall be discharged from his recognizance at the next General Sessions of the Peace to be holden for such County or City and County, or immediately released out of custody by warrant under the hand and seal or hands and seals of any one or more Justice or Justices of the Peace residing in or near the limits where such Parish shall lie.

III. *Provided also, and be it enacted,* That upon application made by any person who shall be committed to any Gaol or House of Correction by virtue of this Act, or by any person in his behalf, to any Justice or Justices residing in or near the limits where such Parish shall lie, such Justice or Justices is and are hereby authorized and required to summon the Overseer or Overseers of the Poor of such Parish to appear before him or them at a time and place to be mentioned in such summons to shew cause why such person should not be discharged: And if no order shall appear to have been made in pursuance of the said Act of the Eighteenth year of the reign of her Majesty Queen ELIZABETH, within Six weeks after such woman shall have been delivered, such Justice or Justices shall and may discharge him from his imprisonment in such Gaol or House of Correction to which he shall have been committed.

Justice of the Peace, upon application of any person committed, to summon the Overseers of the Poor to shew cause why he should not be discharged,

and if no order appears to have been made within Six weeks after the delivery of such woman, the Justice to discharge him from imprisonment.

IV. *Provided always, and be it further enacted,* That it shall not be lawful for any Justice or Justices of the Peace to send for any woman whatsoever before she shall be delivered, and in one Month after, in order to her being examined concerning her pregnancy or supposed pregnancy, or to compel any woman before she shall be delivered, to answer to any questions relating to her pregnancy; any Law, usage or custom to the contrary notwithstanding.

Justice of the Peace not to send for any woman before her delivery, nor in one Month after, nor to compel any woman before her delivery to answer questions concerning her pregnancy.

#### CAP. IV.

AN ACT FOR ALTERING the TIMES of HOLDING the COURT of GENERAL SESSIONS of the PEACE and INFERIOR COURT of COMMON PLEAS in the County of NORTHUMBERLAND.

WHEREAS the Times appointed for holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas in the County of Northumberland have been found inconvenient.

Preamble.

The Courts to be held on the first Tuesday in March and August.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That the said Courts shall be holden hereafter on the FIRST Tuesday in *March* and the FIRST Tuesday in *August* in every year, instead of the THIRD Tuesday in *January* and the THIRD Tuesday in *September*, as heretofore accustomed.

*Remaining part of this Act obsolete.*

## CAP. V.

AN ACT to ENCOURAGE the DESTROYING of WOLVES.

Preamble.

WHEREAS many losses have been suffered by sundry Inhabitants of this Province, from the destruction of their Sheep by Wolves, to the great discouragement of the increase of that valuable Stock.

Twenty shillings to be paid for each Wolf, and Ten shillings for each whelp, killed by an Inhabitant; and Ten shillings for each Wolf, and Five shillings for each whelp, killed by an Indian.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That from and after the publication of this Act, a reward of Twenty Shillings shall be paid to any Inhabitant of this Province for each full grown Wolf he shall kill within the limits of the same, and Ten Shillings for each Wolf's whelp under a year old; and to every Indian Ten Shillings for every full grown Wolf, and Five Shillings for every Wolf's whelp under a year old which he shall kill within the limits aforesaid.

The head of every Wolf killed to be brought to the nearest Justice of the Peace, who, on being satisfied that the person is entitled to the reward, shall disfigure the head and give a certificate to the Treasurer.

II. *And be it further enacted*, That whosoever shall kill any Wolf, Wolves, their Whelps or Whelp, shall bring the head or heads of the same to one of His Majesty's Justices of the Peace within the County residing nearest to the place where the same shall be killed, who shall examine the party on Oath (if he judge it necessary) and, on being satisfied of his being entitled to the reward, shall disfigure the head of the Wolf or Whelp by cutting off both the ears; and shall give under his hand and seal a certificate specifying the reward to which the party is entitled, directed to the Treasurer of the Province, or his deputy,

deputy, in case any such deputy shall be resident in the County, who shall pay the same out of the Monies belonging to the Province Treasury: Which certificate shall be a sufficient voucher to the Treasurer for the Money paid by virtue of this Act.

## CAP. VI.

## AN ACT TO PREVENT the DESTRUCTION of SHEEP by DOGS.

I. **B**E it enacted by the Lieutenant-Governor, Council and Assembly, That if any Dog or Dogs shall kill any Sheep or Lambs within this Province, the owner of such Dog, upon complaint and conviction thereof before any Justice of the Peace, shall cause the same to be immediately killed, or shall be liable to pay the owner of such Sheep or Lambs the full value thereof, to be recovered before any one of his Majesty's Justices of the Peace in the County where such offence shall be committed, who is hereby authorized finally to determine the same: *Provided* the sum so to be recovered does not exceed Forty Shillings, and on non-payment thereof within Three days after Judgment shall be given, to issue his warrant to the next Constable to distrain so much of the offender's goods and chattels as may be sufficient to discharge the same with the charges arising thereby, and to sell such goods at Public Auction, returning the overplus (if there be any) to the owner or owners thereof.

II. *And be it further enacted*, That if any Dog, which had before been proved to have killed any Sheep or Lamb, shall afterwards kill any other Sheep or Lamb, then and in such case, the owner shall not only be liable to pay the full value of the Sheep or Lambs so killed, but also be further liable to the penalty of Twenty Shillings for keeping such Dog, to be recovered as aforesaid, and applied to the use of the Poor of the Parish where such offence shall be

If any Dog shall kill Sheep or Lambs, the owner of the Dog to cause him to be killed, or be liable to pay for the Sheep or Lambs, to be recovered before a Justice of the Peace, and levied by warrant of distress and sale in three days after Judgment.

Any person keeping a Dog that has killed Sheep liable to pay for any Sheep he may afterwards kill, and a fine of 20s. to be recovered as aforesaid and applied to the use of the Poor; and the

Justice to order  
such Dog to be  
killed.

Persons convict-  
ed, not having  
goods whereon  
to levy, to be  
committed to  
prison.

Damages ex-  
ceeding 40s. to  
be recovered in  
the Court of  
Common Pleas.

be committed: And the Justice on conviction there-  
of shall by his warrant directed to a Constable order  
such Dog to be immediately killed. And in case  
the person so convicted shall not pay such damage  
and fine, and have no goods and chattels whereon  
to levy the same as aforesaid, it shall and may be  
lawful for the Justice to commit him to prison, not  
exceeding Fourteen days for the first, and One  
month for the second offence: And in case the da-  
mage to be sustained as aforesaid, shall exceed the  
sum of Forty Shillings, and the owner of such Dog  
or Dogs shall neglect or refuse to kill such Dog or  
Dogs, or to make full compensation to the owner  
of such Sheep or Lambs for the damage sustained  
by them as aforesaid, then the person or persons so  
sustaining damage, shall be at liberty to sue for and  
recover the same in the Inferior Court of Common  
Pleas for the County where the said damage shall  
have been done and sustained.

### CAP. VII.

An ACT to continue an Act, intituled, "An Act to  
"prevent FRAUDS in the Sale of DAMAGED  
"GOODS imported into this Province." Exp.

*See further 43 Geo. 3. c. 8.*

### CAP. VIII.

An ACT to enable the JUSTICES of the Court of  
GENERAL SESSIONS of the PEACE and INFERIOR COURT  
of COMMON PLEAS in KING'S County, to hold the  
same Courts for the present Year at the Time  
herein mentioned. *Obsolete.*

## CAP. IX.

An ACT to restrain all Persons that may be concerned in the collection of IMPOST DUTIES from owning any Vessel or trading, or dealing in DUTIABLE ARTICLES.

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That from and after the passing of this Act, neither the Treasurer of the Province, nor any of his deputies, nor any person or persons concerned in the collection of any Impost Duties made payable by any Act or Acts of Assembly, shall own any vessel or vessels, or any share or shares in any vessel or vessels trading to and from any Port or Ports in this Province, or shall trade or deal directly or indirectly in any article or articles made dutiable by any such Act or Acts, under the penalty of Fifty Pounds, to be recovered by bill, plaint or information, in the Supreme Court of this Province, and of being forthwith dismissed from his or their office and offices.

The Treasurer, or his deputies, or any person concerned in collecting Impost duties, are not to own vessels, or trade in dutiable articles, under the penalty of fifty pounds, and of being dismissed from office.

## CAP. X.

An ACT for raising a REVENUE in this Province.

Expired.

## CAP. XI.

An ACT to DEFRA Y the EXPENCES incurred and to be incurred in the PUBLIC SERVICE therein mentioned. Exp.



Anno Regni GEORGII III. Regis  
Tricesimo Tertio.

*AT the General Assembly of the Province of NEW-BRUNSWICK, begun and holden at FREDERICTON, on the Twelfth day of FEBRUARY, in the year of our LORD, One thousand Seven hundred and Ninety-three, and in the Thirty-third year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of GOD, of GREAT-BRITAIN, FRANCE and IRELAND, King, Defender of the Faith, and so forth: being the First Session of the second Assembly convened in the said Province.*

CAP. I.

An ACT to continue sundry Acts of the GENERAL ASSEMBLY, which have EXPIRED or are near EXPIRING.      Exp.



## CAP. II.

AN ACT TO PREVENT THE ENCUMBERING OR FILLING up  
of HARBOURS.

**W**HEREAS great injury may be done to the different Harbours in this Province, by throwing ballast and rubbish into the same.

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That no Master or Commander of any ship or vessel, shall presume to unload or throw overboard any ballast or rubbish into any road, port or harbour within this Province, or to land the same in any other part of such road, port or harbour than shall be appointed by the Port-Wardens of the respective ports, under the penalty of Ten Pounds; to be recovered of the said Master or Commander on the Oath of one or more credible witness or witnesses, before any *two* of his Majesty's Justices of the Peace for the County where such offence shall be committed; which penalty shall be paid to such Port-Wardens, to be by them expended in erecting and fixing of beacons, landmarks or buoys, and other necessary purposes for the benefit of the harbours in their respective Counties, who shall be accountable to the Justices in their Sessions for such expenditure.

No Master of a vessel to unload or throw overboard ballast or rubbish into any Harbour, or land the same in any other place than such as the Port-Wardens shall appoint, under the penalty of 10*l.* to be recovered on Oath before two Justices of the Peace, and paid to Port-Wardens, to be applied in fixing buoys, &c. and accounted for to the Sessions.

II. *And be it further enacted*, That in ballasting or unballasting any ship or vessel in any other place than shall be so appointed, there shall be a sufficient piece of canvas or tarpauling reaching from the ballast-port or gunwale of such ship or vessel to the lighter or boat, to prevent any part of the ballast or rubbish falling into such road, port or harbour, under the penalty of Forty Shillings, to be recovered, appropriated and accounted for as aforesaid: *Provided*, that nothing in this Act shall extend or be construed to extend to the City of Saint John.

Every vessel in ballasting or unballasting to have a piece of canvas &c. to prevent the ballast or rubbish falling into the Harbour under penalty of 40*s.*

Not to extend to the City of St. John.

## CAP. III.

An ACT for apprehending DESERTERS from His MAJESTY'S Service, and for punishing unlawful Dealings with SOLDIERS or DESERTERS.

Preamble.

**W**HEREAS several Soldiers, being duly listed, do afterwards desert and are often found wandering or otherwise absenting themselves illegally from His Majesty's service :

Any person suspected to be a Deserter, may be apprehended by any Constable & brought before the nearest Justice of the Peace, who is to examine him ; and if it appears to the Justice that he is a Deserter, he shall commit him to prison, and transmit an account thereof to the commanding officer of the King's troops.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful to and for any Constable of the Town or place where any person, who may be reasonably suspected to be such a Deserter, shall be found within this Province, to apprehend or cause him to be apprehended, and to cause such person to be brought before any Justice of the Peace living in or near such Town or place, who hath hereby power to examine such suspected person, and if by his confession or the testimony of one or more witnesses or witnessess upon Oath, or by the knowledge of such Justice of the Peace, it shall appear or be found that such suspected person is a listed Soldier and ought to be with the Troop or Company to which he belongs, such Justice of the Peace shall forthwith cause him to be conveyed to the Gaol of the County or place where he shall be found, or other public Prison where such Deserter shall be apprehended, and transmit an account thereof to the Officer commanding His Majesty's forces within this Province for the time being, to the end such person may be proceeded against according to law ; and the Keeper of such Gaol or Prison shall receive the full subsistence of such Deserter or Deserters during the time that he or they shall continue in his custody, for the maintenance of such Deserter or Deserters, but shall not be intitled to any Fee or reward on account of the imprisonment of such Deserter or Deserters.

The Gaoler to receive the subsistence of such Deserter while in his custody ; but not intitled to Fees for imprisonment.

Persons harbouring or assisting

II. *And be it further enacted,* That if any person shall harbour, conceal or assist any Deserter from

His

His Majesty's service, knowing him to be such, the person so offending shall forfeit for every such offence the sum of Five Pounds; or if any person shall knowingly detain, buy or exchange, or otherwise receive from any Soldier or Deserter, or any other person, upon any account or pretence whatsoever, any Arms, Cloathing, Caps or other Furniture belonging to the KING, or any such articles belonging to any Soldier or Deserter, as are generally deemed REGIMENTAL NECESSARIES according to the custom of the Army, being provided for the Soldier and paid for by deductions out of his pay; or cause the colour of any such cloathes to be changed, the person so offending shall forfeit for every such offence the sum of Five Pounds; and upon conviction by the Oath of one or more credible witnesses or witnesses before any of His Majesty's Justices of the Peace, the said respective penalties of Five Pounds and Five Pounds, shall be levied by warrant under the hands of the said Justice or Justices of the Peace, by distress and sale of the goods and chattels of the offender; one moiety of the said first mentioned penalty of Five Pounds to be paid to the Informer by whose means such Deserter shall be apprehended, and one moiety of the last mentioned penalty of Five Pounds to be paid to the Informer, and the residue of the said respective penalties to be paid to the Officer to whom any such Deserter or Soldier did belong: And in case any such offender who shall be convicted as aforesaid, of harbouring or assisting any such Deserter or Deserters, or having knowingly received any Arms, Cloathes, Caps or other Furniture belonging to the KING, or having caused the colour of such cloaths to be changed contrary to the intent of this Act, shall not have sufficient goods and chattels whereon distress may be made to the value of the penalties recovered against him for such offence, or shall not pay such penalties within Four days after such conviction; then and in such case such Justice of the

Deserters to forfeit 5*l*.

or purchasing arms, cloathing, &c.

or causing the colour of their cloathes to be changed, to forfeit 5*l*. for every offence,

to be levied by warrant of distress & sale; one half of the penalties to the Informer, the residue to the officer to whom the Deserter belonged.

For want of goods and chattels whereon to levy the penalties or non-payment in four days after conviction; the offender to be committed to Gaol for three months.

Peace shall and may by warrant under his hand and seal commit such offender to the common Gaol, there to remain without bail or mainprize for the space of Three Months.

## CAP. IV.

Referto 28 Geo.  
3. c. 4.

An ACT to explain and amend an Act, intituled,  
“An Act to provide for the SUPPORT of a LIGHT-  
HOUSE to be built upon PARTRIDGE ISLAND.”

Preamble.

WHEREAS in and by an Act made and passed in the Twenty-eighth year of His Majesty's reign, intituled “An Act to provide for the support of a Light-House to be built upon Partridge-Island,” it is among other things enacted, that no vessel shall be deemed a Coaster within the meaning of that Act, excepting such as shall be wholly employed within the Bay of Fundy. And whereas doubts have arisen, whether vessels that are employed during the whole of the Summer season within the Bay of Fundy, but which during the Winter season, when there is no employment for them in the Bay of Fundy, occasionally make a voyage to any Port without the said Bay, are to be considered and deemed as Coasters within the meaning of the said Act, and also whether vessels wholly employed within the said Bay and in passing and re-passing between the Ports and places belonging to this Province within the said Bay, and the Ports and places belonging to the Province of Nova-Scotia within the said Bay, are to be considered and deemed as Coasters within the meaning of the said Act: And also, whether vessels generally employed in fishing, but occasionally for other purposes, are to be considered and deemed as fishing vessels within the meaning of the said Act, for preventing and removing all such doubts in future—

*Be it enacted by the Lieutenant-Governor, Council and Assembly, That from and after the passing of*  
this

this Act, all vessels of the several and respective descriptions herein before recited and contained, shall be deemed as Coasters or Fishermen respectively within the meaning of the said herein before recited Act, and shall be liable to the payment only of the duty required to be paid by coasting and fishing vessels respectively in and by the said Act, any thing in the said herein before recited Act to the contrary notwithstanding. *Provided always,* That all such vessels, when they make any voyage to any Port or place without the said Bay, shall upon their arrival from such voyage within the harbour of Saint John, be liable to the same duties as if they were not deemed to be Coasters or fishing vessels within the meaning of the said Act, any thing herein before contained to the contrary notwithstanding.

Vessels of what description to be deemed as coasters or fishing vessels.

Proviso.

#### CAP. V.

An ACT in amendment of an Act, intituled, "An Act for more effectually securing the TITLE of Purchasers of REAL ESTATE against claims of DOWER."

Refer to 27 Geo. 3. c. 9, and 32 Geo. 3. c. 2.

WHEREAS in and by an Act made and passed in the Twenty-seventh year of His Majesty's reign, intituled, "An Act for more effectually securing the Title of Purchasers of Real Estates against claims of Dower," it is enacted, that no Deed of bargain and sale or other conveyance of any Lands, tenements or hereditaments, in which any Feme Covert is or may be intituled to a right of Dower, shall be valid and sufficient to bar such right or the recovery thereof after the decease of her husband, unless such Feme Covert or married woman shall sign, seal and deliver such Deed, and shall also appear before some one of His Majesty's Council, Judge of the Supreme Court, or one of the Judges of the Inferior Court of Common Pleas in the several Counties of this Province, and being examined

Preamble.

amined separate and apart from her husband shall declare that she executed the same freely and voluntarily without any threat, fear or compulsion from him. And whereas great inconveniences have been experienced for want of a greater number of persons authorized to take such acknowledgment of Females Covert,

*Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That from and after the passing of this Act any such acknowledgment of any Female Covert or married woman, of any Deed in which the consideration money shall not exceed Two hundred Pounds, shall be valid and sufficient to bar her right of Dower and the recovery thereof, if made before any one of His Majesty's Justices of the Peace in this Province, or Register of Deeds in the County in which the premises to be conveyed lie, in the same manner and as fully to all intents and purposes as if such acknowledgment should be made before any of the persons mentioned and described in and by the said herein before recited Act.

The acknowledgment of Deeds by Females Covert in which the consideration does not exceed 200l. sufficient to bar their right of dower if made before a Justice of the Peace or register of deeds.

### CAP. VI.

An ACT in amendment of an Act, intituled, "An Act to regulate and provide for the support of the POOR in this Province."

Refer to 26 Geo. 3, c. 43.

Preamble.

**W**HEREAS in and by the said Act the Justices in the respective Counties are authorized to examine and allow the account of expenditures of the Overseers of the Poor in each Parish at the First General Sessions in each year only, which has been found inconvenient by reason of many persons becoming Poor and chargeable long before any provision can be made for their relief; which inconvenience to prevent,

*Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That the Justices in the respective Counties and in the City of Saint John, may at any

The Justices at any General Ses-

General

General Sessions to be by them holden, examine and allow all such accounts and issue their warrants to make an assessment in the same manner they are now authorized in their first annual General Sessions, any thing in the said Act to the contrary notwithstanding. *Provided nevertheless*, that in the City and County of Saint John, the Justices shall not make more than Two assessments for the purposes aforesaid in any one year.

sions, may examine the acctts. of Overseers of the Poor, and issue warrants of assessment.

Proviso. Not more than two assessments to be made in Sr. John in one year.

## CAP. VII.

An ACT for regulating the Size and Contents of LIME HOGSHEADS within this Province.

I. **B**E it enacted by the Lieutenant-Governor, Council and Assembly, That from and after the first day of May next, every Cooper or other person who shall make any Hogsheads or Half-hogsheads for the purpose of receiving Lime, shall make the same agreeable to the following dimensions, that is to say, each Hogshead shall contain One hundred Gallons at the least, and each Half-hogshead shall contain Fifty Gallons at the least; and each and every such Hogshead and Half-hogshead shall be branded upon one of the heads thereof with the name of the Cooper or other person making the same; and if any Cooper or other person shall make any such Hogshead or Half-hogshead of a smaller size than is herein before specified, or shall neglect to brand the same as aforesaid before any Lime shall be put therein, every such offender shall for each and every offence, forfeit and pay the sum of Five Shillings.

After the 1st May next, all hogsheads made for receiving lime to contain 100 gallons; and half hogsheads 50 gallons. And be branded with the maker's name.

Any person making casks of a smaller size, or neglecting to brand them, to forfeit 5s. for each offence.

II. *And be it further enacted*, That from and after the first day of July next, if any Lime shall be shipped for Exportation on board any ship or vessel in any Hogshead or Half-hogshead of a smaller size than is herein before specified, or which shall not be branded as aforesaid, the owners or shippers of such

After 1st July next, if Lime shall be shipped in smaller casks, or casks not branded, the owner or shipper, and

the master of the vessel to forfeit 5s. for each hoghead.

such Lime and the Master of the vessel receiving the same on board, shall each forfeit and pay the sum of Five Shillings for each Hoghead and Half-hoghead so shipped.

Penalties to be recovered on Oath before a Justice of the Peace, and levied by warrant of distress and sale.

III. *And be it further enacted*, That the several penalties and forfeitures inflicted by this Act shall be recovered before any one of His Majesty's Justices of the Peace in the County where the offence shall be committed, on the Oath of one credible witness, and shall be levied by warrant of distress and sale of the offender's goods and chattels, under the hand and seal of such Justice, rendering the overplus, if any, after deducting the costs and charges of prosecution, to the offender; and for want of sufficient distress such offender shall suffer imprisonment not exceeding Ten days. *Provided always*, that it shall and may be lawful for any owner or shipper of Lime to pack the same for sale or exportation in any Hogheads or Casks of a smaller size, if such Hogheads or Casks previous to such sale or exportation shall have their contents ascertained by a sworn Gauger, and the exact number of Gallons marked by such Gauger upon such Hogheads and Casks respectively, any thing herein before contained to the contrary notwithstanding.

For want of distress offender to be imprisoned.

Proviso, that Lime may be shipped in smaller casks if their contents are ascertained and marked thereon.

## CAP. VIII.

An ACT to levy an ASSESSMENT on the Proprietors of the Township of SACKVILLE, for defraying the Expences of a Survey and Plan of said Township.

Preamble.

WHEREAS from the loss of Boundaries and inaccuracies of Surveys heretofore made in the Town of Sackville, in the County of Westmorland, difficulties have arisen in ascertaining with precision the Boundary lines between adjoining Proprietors, who have generally agreed to a new Survey of the Lands in the said Town, as nearly as possible conforming to the ancient Boundaries in

the



the original plan, whereby expence has been incurred, which ought equally to be borne by the different Proprietors in proportion to their interests.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That CHARLES DIXON and JONATHAN BURNHAM, Esquires, and Mr. HEZEKIAH KING, be, and they are hereby appointed Commissioners with full power and authority to examine, liquidate and adjust all accounts relative to the survey and plan of the said Town of Sackville, and the amount of the said sum of the expence of the said survey and plan being so adjusted, the said Commissioners shall and may assess the same upon all owners and proprietors of any Lands lying within the limits of the said survey as equally as may be, in proportion to the actual expences incurred by the survey and plan on each Lot or right, and the benefits to be received by the different Proprietors of each Lot or right respectively, according to the best knowledge and discretion of the said Commissioners: And the said assessment being so made, and public notice thereof given in writing within the said Town of Sackville and at the Court-House of the said County of Westmorland, it shall be the duty of each and every Proprietor, resident in this Province at the time of making and publishing the said assessment as aforesaid, to pay their respective quotas or shares of such assessment within Three Months after the same shall be made; and it shall also be the duty of every Proprietor absent from this Province at the time of making and publishing the said assessment as aforesaid, to pay his respective quota of such assessment within Nine Months from the making and publishing such assessment as aforesaid. And in case any Proprietor resident in this Province as aforesaid, shall neglect or refuse to pay his quota of such assessment within Three Months as aforesaid, or any Proprietor absent from this Province at the time of making and publishing the said assessment as aforesaid, shall neglect or refuse to pay his quota of

Commissioners appointed to examine the accts. of the survey and plan, and to assess the amount thereof on the Proprietors.

The Assessment being made and published, Proprietors resident in the Province to pay their quotas in 3 months,

and absent Proprietors in Nine months.

And in case of refusal or neglect, Commissioners to issue their warrant for collecting the same.

of such assessment within Nine Months as aforesaid, the said Commissioners shall and may issue a warrant under their hands and seals directed to the Sheriff of the County or Constable of the said Town, with their bill of assessment thereto annexed, thereby commanding them to levy and collect the quota of each delinquent Proprietor, on the goods and chattels of such delinquent respectively.

If no effects of Delinquents can be found and no Person appears to pay their quota, the Commissioners may lease the Lands of such Delinquent.

II. *And be it further enacted*, That in case no goods or chattels of such delinquents shall be found and no person shall appear to pay the quota or proportion of such delinquent Proprietor in such assessment made as aforesaid, such Commissioners, or any two of them, shall by advertisement during Three Months in the ROYAL GAZETTE, and also at the said Court-House, cause notice to be given for letting out the Lands of such delinquent Proprietor in the said Town or so much thereof as shall answer such Proprietors assessment with the charges, and thereupon may proceed to lease the same for such term as shall be necessary for that purpose.

No possession acquired under the survey or this act to be deemed an adverse possession against the owner, or to intitle the person acquiring the same to the stat. of limitations.

III. *And be it further enacted*, That no possession to be acquired under the said survey or this Act shall be taken or deemed to be an adverse possession against the real owner, or enable the person or persons acquiring such possession or any person or persons claiming under them, to plead or give the same in evidence to intitle him or them to the benefit of the *Act of limitation*.

The sum to be assessed not to exceed 12*cl.*

IV. *And be it further enacted*, That the sum to be raised or assessed under this Act, shall not exceed the sum of One hundred and Twenty Pounds, any thing herein before contained to the contrary thereof in any wise notwithstanding.

The plan to be completed and deposited with the Town-Clerk previous to making the assessment.

V. *And be it further enacted*, That the before mentioned plan shall be completed and deposited with the Town-Clerk of the said Town or Parish of Sackville for the time being, or such person as the majority of the Proprietors in the said Town of Sackville shall from time to time nominate for that purpose,

purpose, for the inspection and use at all times gratis, of persons interested in the Lands contained in the said plan or any part thereof previous to the making such assessment as aforesaid.

## CAP. IX.

An ACT for regulating the FISHERIES in the different Rivers, Coves and Creeks of this Province.

I. **B**E it enacted by the Lieutenant-Governor, Council and Assembly, That if any person or persons after the publication of this Act, shall presume to erect or set up any hedge, wear, fish garth, or other incumbrance, or place any seine or seine, net or nets across any river, cove or creek in this Province, in such manner as to obstruct, injure or hurt the natural course of the Fish in any river or place where they usually go, such person or persons shall forfeit and pay the sum of Ten Pounds upon due conviction thereof by the Oath of one or more credible witnesses or witnesses before any two of His Majesty's Justices of the Peace in the County where such offence shall be committed, to be levied by warrant of distress and sale of the offender's goods, rendering the overplus, if any, to such offender; and Twenty Pounds for the second offence, to be recovered with costs by action of debt, bill, plaint or information, in any Court of Record in this Province, and Fifty Pounds for the third and every subsequent offence, to be recovered with costs, in the manner last mentioned; one half of which penalties shall on conviction be paid to the Informer, and the other half to the Overseers of the Poor of the Town or Parish where such offence shall be committed, to be applied to the use of the Poor. *Provided always*, That nothing herein before contained shall extend or be construed to extend to prevent the erection of wears upon the flats or drawing seines upon the shores, or setting nets, under the regulations herein after mentioned in any such rivers, coves or creeks.

No hedge, wear, fishgarth or other incumbrance to be set up, or any seine or nets placed across any river, cove or creek, to injure the course of the fish, under the penalty of 10*l*.

to be levied by warrant of distress, &c.

£20 for the second offence, to be recovered with costs by action, &c.

one half to the Informer, the other half to the Poor.

Provido.

Justices in Sessions to appoint Overseers.

II. *And be it further enacted*, That the Justices of the Peace in their General Sessions held in the several Counties in this Province, may and are hereby required to appoint one or more fit person or persons Inhabitants not being employed as Fishermen, to be Overseers of the Fisheries for each Town or Parish within their respective Counties, who shall be sworn to the faithful discharge of their duty, and shall have power to remove any net, hedge, wear, fish garth, seine or other incumbrance that shall be found in any river, cove or creek, contrary to the provisions of this Act.

Overseers to seize any net &c. found contrary to the provisions of this Act, and if not claimed sell the same.

III. *And be it further enacted*, That if any net, hedge, wear, fish garth, seine or other incumbrance shall be found in any river, cove or creek, in this Province, contrary to the provisions of this Act, it shall and may be lawful for such Overseers of the Fisheries and they and each of them are hereby required respectively forthwith to seize the same, and if no owner shall appear to claim the same in Ten days, such net, seine or fish garth shall, together with the Fish, if any found therein, be forfeited and sold by the said Overseers to satisfy the respective penalties in this Act mentioned and inflicted, and the overplus, if any, shall be paid to the Overseers of the Poor for the use of the Poor of the Town or Parish where such offence shall be committed.

Overplus after paying the penalties to the Poor.

Overseers to receive One Shilling for each net.

IV. *And be it further enacted*, That the said Overseers of the Fisheries shall be intitled to demand and receive One Shilling and no more, for each net to be set in the districts to which they shall be respectively appointed, from the Proprietors of such nets, as a compensation for their trouble.

Overseer neglecting his duty to forfeit 5*l*.

V. *And be it further enacted*, That if any such Overseer of the Fisheries shall at any time wilfully and knowingly delay, neglect or refuse to perform the duty in and by this Act enjoined, such offender shall forfeit and pay for every offence the sum of Five Pounds, to be sued for, recovered and applied in the same manner as the penalty of Ten Pounds herein

herein before mentioned, can or may be sued for, recovered and applied.

VI. *And be it further enacted*, That if any Overseer shall so neglect to perform the duty in and by this Act enjoined, it shall and may be lawful for any person or persons to apply to any Sheriff or Constable, who are hereby authorized and required to take up and remove any such incumbrance forthwith; and if no person or persons appear to claim the same within Ten days, the said net or nets so taken up and removed as aforesaid, shall be considered the one moiety as the property of the person or persons so complaining, and the other moiety as the property of the Sheriff or Constable who may take up and remove the said nets or other incumbrance.

Overseer neglecting his duty Sheriff or Constable may act.

If no claim of nets in Ten days to become the property of the complainant and Sheriff or Constable.

VII. *And be it further enacted*, That no net shall be set longer than thirty fathoms in the main river St. John, or extend more than thirty fathoms into the said river, or the broad part of the Kennebec-kacis river, or more than one fourth part of the width of the water between the shores on each side the said rivers and any Islands or Sand-bars in the said rivers; and in any of the branches of the said Rivers not more than one fourth part of the width of the branch where such net shall be so set; and that no drag net or seine shall be used in either of the same Rivers or the branches thereof to sweep the same Rivers or the branches thereof, or either of them, more than one fourth part of the width of such River or branch.

Nonet to be longer than Thirty fathoms in the main river St. John, or extend more than thirty into said river or broad part of the Kennebeckacis, or one fourth of the width between the shores and Islands, and in the branches one fourth of the branch, &c.

VIII. *And be it further enacted*, That the width of all such branches, coves or creeks, wherein there are any Islands or Sand-bars, shall be computed from the opposite shores to the said Islands or Sand-bars to where the water surrounding the said Islands or Bars is Three feet in depth.

Width of branches where there are Islands, to be computed from opposite shores to where the water is 3 feet deep.

IX. *And be it further enacted*, That no net shall be set in the River St. John below the Boarshead or in the harbour of St. John, more than Twenty fathoms

No net to be set below the Boarshead more than 20 fathoms in

length, or remain  
in the water, or  
seines be drawn,  
or Salmon spear-  
ed, in any part  
of the Province,  
from Saturday  
night to Sunday  
morning.  
No nets to be  
placed within  
less than 50 feet  
of each other,  
under penalty of  
10*l*.

thoms in length : And that no net shall at any time be set or remain in the water, or any seine be drawn, or any Salmon speared, in any part of this Province, between the time of Sun-set on Saturday night and Sun-rise on Monday morning ; and that no nets shall be placed within less than Fifty Feet of each other measured upon a straight line, running parallel as near as may be with the shore, in any of the said places in this clause mentioned, under the penalty of Ten Pounds for each and every of the said offences herein before described and prohibited, to be sued for, recovered and applied in the manner herein last before mentioned, any Law, usage or custom to the contrary thereof in any wise notwithstanding.

*See further 34 Geo. 3. c. 3. The remaining part of this Act repealed by 39 Geo. 3. c. 5.*

## CAP. X.

An ACT for raising a REVENUE in this Province.  
Expired.



Anno Regni GEORGII III. Regis  
Tricesimo Quarto.

*AT the General Assembly of the Province of NEW-BRUNSWICK, begun and holden at FREDERICTON, on the Twelfth day of FEBRUARY, in the year of our LORD, One thousand Seven hundred and Ninety-three, and in the Thirty-third year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of GOD, of GREAT-BRITAIN, FRANCE and IRELAND, King, Defender of the Faith, and so forth : And from thence continued by several prorogations to the Fourth day of FEBRUARY, One thousand Seven hundred and Ninety-four ; being the second Session of the second Assembly convened in the said Province.*

CAP. I.

An ACT for the better Regulating the MILITIA in  
this Province. Exp.

## CAP. II.

See Eng. Stat.  
24 Geo. 2. c. 55.

An ACT for apprehending Persons in any County or Place upon WARRANTS granted by JUSTICES of the PEACE of any other County.

Preamble.

WHEREAS it frequently happens that persons against whom warrants are granted by the Justices of the Peace for the several Counties within this Province, escape into other Counties or places out of the jurisdiction of the Justices of the Peace granting such warrants, and thereby avoid punishment for the offences wherewith they are charged; for the remedy whereof—

Person being out of the jurisdiction of the Justice, who shall grant a warrant, the Justice where such person shall be, to indorse the warrant,

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That in case any person against whom a legal warrant shall be issued by any Justice or Justices of the Peace of any City or County, shall escape out of the jurisdiction of such Justice or Justices granting such warrant, it shall and may be lawful for any Justice or Justices of the Peace of the City or County, to which such person shall escape, go into, reside or be, and such Justice or Justices is and are hereby required, upon proof being made upon Oath of the hand writing of the Justice or Justices granting such warrant, to indorse his or their name or names on such warrant, which shall be a sufficient authority to the person or persons bringing such warrant, and to all other persons to whom such warrant was originally directed, to execute such warrant in such other City or County, out of the jurisdiction of the Justice or Justices granting such warrant as aforesaid, and to apprehend and carry such offender or offenders before the Justice or Justices who indorsed such warrant, or some other Justice or Justices of such other City or County, where such warrant was indorsed, in case the offence for which such offender shall be so apprehended in such other City or County as aforesaid, shall be bailable in Law, and such offender or offenders shall be willing and ready to give Bail for his appearance at the

and the offender to be apprehended and brought before a Justice where the warrant was indorsed,



the next General Gaol Delivery or General Sessions of the Peace, to be held in and for the said City or County where the offence was committed, such Justice or Justices of such other City or County before whom such offender or offenders shall be brought, shall and may take Bail of such offender or offenders for his or their appearance at the next General Gaol Delivery or General Sessions of the Peace, to be held in and for the City or County where such offence was committed, in the same manner as the Justices of the Peace of the City or County should or might have done in such proper City or County: And the Justice or Justices of such other City or County so taking Bail as aforesaid, shall deliver the recognizance, together with the examination or confession of such offender or offenders and all other proceedings relating thereto, to the Constable or other person or persons so apprehending such offender or offenders as aforesaid, who are hereby required to receive the same and to deliver over such recognizance, examination and other proceedings, to the Clerk of the Crown on the Circuits, or Clerk of the Peace of such City or County where such offender or offenders is or are required to appear by virtue of such recognizance. And such recognizance, examination or confession shall be as good and effectual in Law to all intents and purposes, and of the same force and validity as if the same had been entered into, taken or acknowledged before any Justice or Justices of the Peace in and for the proper City or County where the offence was committed, and the same proceedings shall be had thereon: And in case such Constable or other person to whom such recognizance, examination, confession or other proceedings, shall be so delivered as aforesaid, shall neglect or refuse to deliver the same to the Clerk of the Crown on the Circuits, or Clerk of the Peace of the City or County where such offender or offenders is or are required to appear by virtue of such recognizance, such Constable or other person

and the Justice to deliver the recognizance, &c. to the Constable to be delivered over.

Penalty on the Constable for not delivering over.

person shall forfeit the sum of Ten Pounds, to be recovered against him by bill, plaint or information in any Court of Record proper to try the same, by any person or persons who will prosecute or sue for the same. And in case the offence for which such offender or offenders shall be apprehended and taken in any other City or County shall not be bailable in Law, or such offender or offenders shall not give Bail for his appearance at the next General Gaol Delivery or General Sessions of the Peace, to be held in and for the said City or County where the offence was committed, to the satisfaction of the Justice before whom such offender or offenders shall be brought in such other City or County, then and in that case the Constable or other person or persons so apprehending such offender or offenders shall carry and convey such offender or offenders before one of His Majesty's Justices of the Peace of the proper City or County where such offence was committed, there to be dealt with according to Law.

If the offence be not bailable, or offenders do not give Bail,

the Constable to carry offenders before a Justice where the offence was committed.

II. *And be it further enacted,* That no action of Trespass, false Imprisonment, Information or Indictment, or other action shall be brought, sued, commenced or prosecuted by any person or persons whatsoever, against the Justice or Justices who shall indorse such warrant, for or by reason of his or their indorsing such warrant.

The Justice indorsing the warrant not liable to an action.

III. *Provided nevertheless,* That such person or persons shall be at liberty to bring or prosecute his or their action or suit against the Justice or Justices who originally granted such warrant, in the same manner as such person or persons might or could have done in case this Act had not been made.

The Justice granting the warrant may be prosecuted.

## CAP. III.

An ACT to EXPLAIN and AMEND an Act, intituled,  
 “ An Act for Regulating the FISHERIES in the  
 “ different Rivers, Coves and Creeks, of this Pro-  
 “ vince.”

Referro 33 Geo.  
3. c. 9.

**W**HEREAS in and by an Act made and passed  
 in the Thirty-third year of His Majesty's  
 reign, intituled, “ An Act for regulating the Fisheries  
 “ in the different Rivers, Coves and Creeks, of this  
 “ Province,” *it is enacted*, “ That no net shall be set  
 “ in the river Saint John below the Boarshead, or  
 “ in the harbour of Saint John more than Twenty  
 “ fathoms in length”: AND WHEREAS doubts have a-  
 risen whether under the said Law more than One  
 length of such nets may be set; for preventing such  
 doubts in future—

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Coun-  
 cil and Assembly*, That from and after the passing of  
 this Act, only One length of the nets herein before  
 described, shall be set in the same line running into  
 the water in any part of the river Saint John below  
 the Boarshead, or in the harbour of Saint John, and  
 if any person shall set any length of net running  
 into the water in the same line with the net which  
 is permitted to be set by the said herein before re-  
 cited Act, every person so offending shall for every  
 offence forfeit and pay the sum of Ten Pounds, to  
 be recovered, paid and applied in the same manner,  
 and to the same uses as the first penalty mentioned  
 in the said herein before recited Act can or may be  
 recovered, paid and applied. AND WHEREAS, in and  
 by the said herein before recited Act, *it is enacted*,  
 “ That no nets shall be placed within less than Fifty  
 “ feet of each other, measured upon a strait line  
 “ running parallel, as near as may be, with the shore  
 “ in any of the places in the said Act for that purpose  
 “ particularly mentioned.” AND WHEREAS, doubts  
 have arisen whether the distances between such nets  
 may be marked and ascertained upon more than one

Not more than  
 one net to be set  
 in the same line,  
 below the Boars-  
 head, or in the  
 harbour of St.  
 John,

under the penal-  
 ty of 10*l.* for e-  
 very offence.

such line parallel with the same shore; for preventing such doubts in future—

Distances between nets to be marked upon one line parallel with the shore.

II. *Be it enacted*, That the distances between such nets shall be marked and ascertained upon One such line, parallel with any part of the shore, in the river Saint John below the Boarshead, or in the harbour of Saint John.

Offenders may be committed to Prison for want of effects.

III. *And be it further enacted*, That where no goods or chattels can be found whereon to levy, by warrant of distress and sale of the offenders' goods; the Fines and penalties inflicted in this and the said herein before recited Act, it shall and may be lawful for the Justice and Justices, and the Court before whom or which the conviction may be, to commit the offender or offenders to the Public Gaol in the County, for any time not exceeding Thirty nor less than Ten days, as such Justice or Justices, or Court shall respectively think fit.

IV. *And be it further enacted*, That the said herein before recited Act, and every clause, matter and thing therein contained, shall be and remain in full force, any thing herein before contained to the contrary notwithstanding.

*See further 39 Geo. 3. c. 5.*

#### CAP. IV.

AN ACT FOR ALTERING the TIMES of HOLDING the INFERIOR COURT of COMMON PLEAS and GENERAL SESSIONS of the PEACE in the County of CHARLOTTE.

Preamble.

**W**HEREAS the Times appointed for holding the Inferior Court of Common Pleas and General Sessions of the Peace in the County of Charlotte have been found inconvenient; for remedy thereof—

Courts to be held on the 2d Tuesday in April and

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That the said Courts shall hereafter be holden on the SECOND Tuesday in April and THIRD Tuesday

Tuesday in *September* in every year, instead of the 3d Tuesday in *September*.  
FIRST Tuesday in *April* and FIRST Tuesday in *September* as heretofore accustomed.

II. *And be it further enacted*, That no writ or process whatsoever shall abate or be discontinued by reason of this alteration, but that all writs and processes which are or shall be returnable to the said respective Courts on the days and times heretofore established, shall be proceeded upon in the same manner as if they were made returnable on the days now established and appointed.

No Process to abate by reason of the alteration.

*See further 35 Geo. 3. c. 2.*

## CAP. V.

An ACT to ALTER and AMEND an Act, intituled "An Act for regulating INN-HOLDERS, TAVERN-KEEPERS and RETAILERS of SPIRITUOUS LIQUORS."

Refers to 26 Geo. 3. c. 36.

**W**HEREAS in and by an Act made and passed in the Twenty-sixth year of His Majesty's reign, intituled, "An Act for regulating Inn-holders, Tavern-keepers and Retailers of Spirituous Liquors," *it is enacted*, "That no Retailer, Inn-holder, Tavern or Ale-house keeper, who shall sell upon trust or credit any Wine, Strong-Beer, Ale, Brandy, Rum or other Spirituous Liquors mixt or unmixt, to any Soldier, Sailor, Servant or other Person whatsoever, to the amount of any sum exceeding the sum of Five Shillings, shall have any remedy to recover the same either at Law or in Equity, against any of the persons aforesaid, their Executors or Administrators."

Preamble.

*Be it enacted by the Lieutenant-Governor, Council and Assembly*, That nothing in the said recited Act shall be construed to extend to prevent any Retailer, not being an Ale-house keeper, Tavern-keeper or Inn-holder, from selling on credit to any person

Retailers not being Tavern-keepers, may sell upon credit to persons not be-

ing Soldiers,  
Sailors or Ser-  
vants.

person or persons not being Soldiers, Sailors, or Servants, or shall debar such Retailer from a legal recovery, any thing in the said Act to the contrary notwithstanding.

## CAP. VI.

An ACT TO ALTER and AMEND an Act, intituled, "An Act for ascertaining DAMAGES of PROTESTED BILLS of EXCHANGE."

Referro 26 Geo.  
3. c. 22.

Preamble.

**W**HEREAS in and by an Act made and passed in the Twenty-sixth year of His Majesty's reign, intituled, "An Act for ascertaining Damages on Protested Bills of Exchange," *it is enacted*, "That all Bills of Exchange drawn by persons residing within this Province, on persons in any part of America and the West-Indies, and sent back protested, shall be subject to *five per cent.* damages, together with the accustomed charge of protest and postage, and also *six per cent. per annum* Interest on the amount of principal, damages and charges, to commence from the date of the protest for non-payment, and continue 'till the same is paid." AND WHEREAS the said damages are found in many such cases to be inadequate to the loss—

Protested Bills of Exchange drawn upon persons residing in the W. Indies, subject to 10 per cent. damages and charges, and 6 per cent. interest.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That from and after the First day of *June* next, all Bills of Exchange drawn by persons residing within this Province on persons residing in the West-Indies and sent back protested, shall be subject to *ten per cent.* damages, together with the accustomed charge of protest and postage, and also *six per cent. per annum* Interest on the amount of principal, damages and charges, to commence from the date of the protest for non-payment, and continue 'till the same is paid, any thing in the said herein before recited Act to the contrary notwithstanding.

II. *And be it further enacted*, That the said herein before

before recited Act and every clause, matter and thing therein contained, except wherein it is hereby altered and amended, shall be and remain in full force, any thing herein before contained to the contrary notwithstanding.

## CAP. VII.

An ACT to continue an Act, intituled, "An Act for raising a REVENUE in this Province." Exp.

## CAP. VIII.

An ACT in addition of an Act, intituled, "An Act for appointing COMMISSIONERS of SEWERS." Refer to 26 Geo. 3. c. 45.

**W**HEREAS in and by an Act passed in the Twenty-sixth year of His Majesty's reign, intituled, "An Act for appointing Commissioners of Sewers," such Commissioners are authorized to exercise the powers given them by the said Act upon the application of any Proprietors of any Marsh, Low-lands or Meadow, which power may be exercised to the injury of other Proprietors; for remedy whereof—

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That hereafter no Commissioners of Sewers already appointed or hereafter to be appointed by virtue of the said Act, shall have power to proceed to dike in, or drain any body of Marsh, Low-lands or Meadow, but upon the application or by consent and concurrence of the Proprietors of at least one half of the quantity of such Marsh, Low-lands or Meadow.

Commissioners of Sewers not to dike in or drain any Marsh, &c. without the consent of the Proprietors of one half of such Marsh.

II. *And be it further enacted,* That such Commissioners upon making up any bill of assessment shall state an account of the expenditures and work done in diking or draining any such Lands under their authority and direction, and shall cause notice of such

Commissioners to state accounts of expenditures and work done, and to cause notice thereof to be

given to each Proprietor 30 days previous to issuing a warrant.

such stated account to be given to each Proprietor or his Agent at least Thirty days previous to issuing any warrant to distrain, to the intent that each Proprietor may pay their respective quota previous to any such distress.

Persons aggrieved by procedure of Commissioners may appeal to the Supreme Court, or Court of *Nisi Prius*.

III. AND WHEREAS it is expedient that any grievance which may be suffered under the said Act be redressed in the most easy and expeditious manner—*Be it therefore further enacted*, That whenever any person shall be aggrieved by any procedure had or made by such Commissioners or any others in pursuance of the said Act, such person aggrieved may appeal therefrom to the Supreme Court or Court of *Nisi Prius*, which said Courts, or either of them, may grant redress—*Provided* notice of such appeal with the grounds thereof, be given to the adverse party, at least Twelve days previous to such hearing by appeal.

Provided 12 days previous notice be given.

IV. *And be it further enacted*, That the said herein before recited Act and every clause thereof, except wherein it is hereby altered and amended, shall be and remain in full force, any thing herein before contained to the contrary notwithstanding.

## CAP. IX.

AN ACT FOR PRESERVING the BANK of the River SAINT JOHN, in FRONT of the Parishes of MAGERVILLE, SHEFFIELD and WATERBOROUGH.

Preamble.

WHEREAS the annual overflow of the River Saint John washes away large portions of very valuable Land on its Banks in front of the Parishes of Magerville and Sheffield, in Sunbury county, and the upper part of Waterborough parish, in Queen's county, and frequently obliges the Inhabitants to remove their houses, fences, and other improvements to their great damage and inconvenience: AND WHEREAS the pasturing of Cattle on the said Banks contributes greatly to this alarming waste of



of Land, and prevents grafs and bufhes when planted from growing, binding and preferving the ground—

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That no neat cattle, horfes, fheep, fwine or goats, fhall be fuffered to go at large in the highway, or graze on the Bank of the River Saint John, in front of the Parifhes of Magerville and Sheffield, and the upper part of Waterborough parifh, as far as the upper line of Benjamin Birdfall's Land, between the Tenth day of *March* and the Tenth day of *November* annually, and if any perfon or perfons fhall find any fuch Cattle going at large or grazing as aforefaid, fuch perfons are hereby authorized to take and drive the fame to the neareft Pound, and the Pound-keeper fhall receive and detain the fame until the owner or owners fhall pay the penalty of Three Shillings for each neat cattle or horfe, and One Shilling for each fheep, fwine or goat, and alfo One Shilling per day to the Pound-keeper for feeding each neat cattle or horfe, and Four Pence per day for feeding each fheep, fwine or goat, together with the ufual charges for crying the fame, within Fourteen days after they fhall be fo impounded, one half of which penalties fhall be for the ufe of the Poor in fuch Parifh where the offence may be committed, and the other half to the perfon or perfons who fhall impound the fame; and may be fued for and recovered before any one of His Majefty's Juftices of the Peace.

II. *And be it further enacted,* That in cafe the owner or owners of fuch neat cattle, horfes, fheep, fwine or goats fo impounded, fhall neglect or refufe to pay the aforefaid penalties and charges, then the faid Pound-keeper is hereby authorized to fell publicly fo many of them as may be neceffary for that purpofe, and the overplus money arifing from fuch fale, fhall be paid by faid Pound-keeper to the owner or owners thereof.

III. *And be it further enacted,* That the Juftices  
in

No neat cattle, horfes, fheep, fwine or goats, to go at large on the Bank of the river St. John in Magerville, Sheffield and Waterborough, between the 10th of March and the 10th November. Cattle going at large to be impounded, and the owners to pay 3s. for each horfe or neat cattle, & 1s. for each fheep, &c.

Alfo 1s. per day to the Pound-keeper for each neat cattle or horfe, & 4d. for each fheep, &c. One half of the penalties to the ufe of the Poor, the other half to the perfon impounding; and recovered before a Juftice of the Peace.

Owners of cattle &c. impounded, neglecting to pay the penalties and charges.

Pound-keeper to fell as many as may be neceffary.

Justices in their General Sessions to cause Gates to be erected across the Highway— with water-fences adjoining ;

and Posts to be fixed at each Gate ;

and to order an Assessment of the expence thereof.

Persons leaving open, pulling down, or destroying Gates, &c. to pay double costs,

or suffer one month's imprisonment.

Act not to extend to cattle &c. travelling.

Limitation of the Act.

in their General Sessions within the respective Counties where such Parishes lie, are hereby authorized to cause to be erected and kept up across said Highway from the said Tenth day of *March* to the said Tenth day of *November*, two strong Swing Gates of suitable width, and a Water-fence adjoining to each Gate, one of which Gates so to be kept up, to be erected at or near the upper line of the Parish of Magerville, and the other at or near the upper line of the Lands of Benjamin Birdfall, in the said Parish of Waterborough ; and the said Justices shall also cause two suitable Posts of wood, one on each side of each Gate, to be fixed firmly in the ground, with notches cut into the said Posts for steps for the benefit of travellers ; and the said Justices are hereby also authorized and required to order an Assessment of the expence of erecting the said Gates, Fences and Posts to be made on the Freeholders and Inhabitants residing within the district of the Parishes where such Gates, Fences and Posts are hereby authorized to be set up ; and if any person or persons shall wantonly leave open, pull down, or destroy such Gate or Gates, Water-fences or Posts, such offender or offenders upon conviction, shall pay double costs or damage as may be awarded to any person or persons whatsoever, to be sued for and recovered in manner aforesaid ; and in case of inability to pay the same shall suffer One Month's imprisonment without Bail or Mainprize.

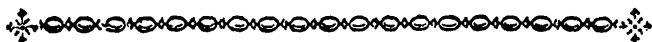
IV. *Provided always, and be it further enacted*, That this Act shall not extend to any neat cattle, horses or other stock which may be travelling along said Road from one part of this Province to another.

V. *And be it further enacted*, That this Act shall be and remain in full force for and during the term of Two years and no longer.

*Continued for 5 years by 36 Geo. 3. c. 3. Further continued for 4 years by 41 Geo. 3. c. 10.*

CAP. X.

An ACT for APPROPRIATING and DISPOSING of the  
PUBLIC MONIES. Expired.



Anno Regni GEORGII III. Regis  
Tricesimo Quinto.

*AT the General Assembly of the Province of NEW-BRUNSWICK, begun and holden at FREDERICTON, on the Twelfth day of FEBRUARY, in the year of our LORD, One thousand Seven hundred and Ninety-three, and in the Thirty-third year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of GOD, of GREAT-BRITAIN, FRANCE and IRELAND, King, Defender of the Faith, and so forth : And from thence continued by several prorogations to the Third day of FEBRUARY, One thousand Seven hundred and Ninety-five ; being the third Session of the second Assembly convened in the said Province.*

CAP. I.

An ACT for the more EASY and SPEEDY RECOVERY  
of SMALL DEBTS. Expired.

*See further 42 Geo. 3. c. 5.*

## CAP. II.

An ACT to regulate the Terms of the Sittings of the INFERIOR COURTS of COMMON PLEAS in this Province, and to enlarge the Jurisdiction of the same, and for the Summary Trials of certain Actions.

Refer to 26 Geo. 3. c. 9. 31 Geo. 3. c. 9. and 32 Geo. 3. c. 4.

**W**HEREAS the enabling the Justices of the several Inferior Courts of Common Pleas in this Province, to hold FOUR Terms in the year will tend to the more speedy and easy administration of Justice—

Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That there shall be two additional Terms in each year for the Sittings of the said Inferior Courts of Common Pleas in the several Counties at the times following, to wit: For the County of *Westmorland* on the THIRD Tuesdays of *April* and *October*; for the County of *Charlotte* on the SECOND Tuesdays of *July* and *December*; for the County of *York* on the SECOND Tuesdays in *April* and *October*; for the County of *Sunbury* on the THIRD Tuesdays in *April* and *October*; for *Queen's County* on the FOURTH Tuesdays in *April* and *October*; for *King's County* on the FIRST Tuesdays in *May* and *November*; at which said Terms no Jury shall be summoned to attend.

Two additional Terms in each year for the Sittings of the Inferior Courts of Common Pleas.

AND WHEREAS doubts have arisen whether the Jurisdiction of the said Inferior Courts of Common Pleas, extended to any other causes than those in which the parties were Inhabitants of the County, and where the promise was made or other cause of action arose immediately within the County in which the suit was brought. AND WHEREAS it is deemed advisable to extend the Jurisdiction of the said Inferior Courts of Common Pleas, so as that they may have cognizance of causes where the sum or thing in contest may exceed the value of Fifty Pounds.

Preamble.

II. *Be it further enacted,* That the Jurisdiction of the said Courts respectively, shall be considered to extend

The Jurisdiction of the said Courts

to extend to all actions arising in any other County, except where the Titles to lands come in question and to have concurrent Jurisdiction with the Supreme Court.

May issue Subpœnas, which shall be of the same validity to compel the appearance of witnesses as if issued from the Court in the County where the witness resides.

The Defendant in any suit commenced in either of the Inferior Courts of Common Pleas, in which the thing in contest exceeds 10*l.* may remove the same into the Supreme Court before it shall be determined, and either party may bring a Writ of Error after Judgment if exceeding 10*l.*

The Defendant may be held to Bail on affidavit where the cause of action exceeds 3*l.*

Where the plaintiff resides in any other County—affidavit may be made before any

extend to all transitory actions and all other actions arising within any other place or County (except where the title to Lands come in question) and shall in those cases, except as aforesaid, have a concurrent Jurisdiction with the Supreme Court of this Province: And that the said Justices of the Inferior Courts of Common Pleas be and hereby are empowered to issue Subpœnas for any witness or witnesses residing in any of the Counties within the said Province. And that all Subpœnas so issued from the said Justices of the said Inferior Court of Common Pleas, shall be of the same validity to compel the appearance of the witness or witnesses as if such Subpœna or Subpœnas had been issued from the Inferior Court of Common Pleas in the County where the witness or witnesses reside. *Provided always,* That it shall and may be lawful to and for any Defendant or Defendants in any suit to be commenced in either of the said Inferior Courts of Common Pleas, in which the sum or thing in contest exceeds the sum of Ten Pounds, to remove the same suit before it shall be determined into the said Supreme Court by *Habeas Corpus*; and after any suit shall be determined and the amount of the Judgment shall exceed the sum of Ten Pounds, it shall and may be lawful for either party to bring a Writ of Error upon the said Judgment to remove the same into the said Supreme Court.

III. *And be it further enacted,* That in cases where the Plaintiff's cause of action shall amount to upwards of Three Pounds and affidavit thereof made and filed, the Defendant or Defendants in such suit may be held to bail as has been heretofore accustomed.

*See further 42 Geo. 3. c. 5. & c. 7.*

IV. *And be it further enacted,* That in cases where the Plaintiff or Plaintiffs reside in any other County than that in which the suit is intended to be commenced, the affidavit to hold to bail may be made either

either before the Chief Justice or other Justice of the Supreme Court, or any Justice of the Common Pleas of the said County in which the same Plaintiff or Plaintiffs reside, or any Commissioner appointed for taking affidavits to be read in the Supreme Court for the same County; and in all cases the affidavit to hold to bail may be made before the officer who issues the process or his deputy.

Justice of the Supreme Court, or of the Common Pleas in the county where the Plaintiff resides, or Commissioner for taking affidavits, &c.

AND WHEREAS it has been found by experience that the present mode of practice in the prosecution of suits in the said Inferior Court of Common Pleas and the Mayor's Court of the City of *Saint John*, where the sum or thing in contest has not exceeded the sum of Ten Pounds, has been attended with an expence that does not bear a reasonable proportion to the said sum or thing in contest.

Preamble.

V. *Be it therefore enacted*, That from and after the passing of this Act, the said Courts are hereby respectively empowered in all actions of debt, actions of assumpsit, and actions of trover and conversion brought before them, the sum total whereof shall not exceed Ten Pounds, to proceed in a summary way by the examination of witnesses in open Court, or other legal evidence, to try the merits of such causes wherein no dilatory plea shall be admitted, and to determine therein according to Law or Equity, and make up Judgment accordingly unless such cause shall be put to issue by a Jury, in which case such cause shall be continued to the next stated Term. *Provided always*, That where the cause shall be determined by the said Court the *first* Term, the said Court shall grant a stay of execution for Three Months, or until the next Term.

The Courts of Common Pleas and Mayor's Court of *St. John* in all actions not exceeding 10*l.* to proceed in a summary way to try the cause,

and make up Judgment; unless the cause be put to issue by a Jury. Where the cause shall be determined at the first Term, the Court to grant a stay of execution.

VI. *And be it further enacted*, That in the said causes the bill of complaint or declaration shall be inserted in the writ, a copy of which shall be served on the Defendant or Defendants, who shall at the Term to which the writ is returnable, or within Twenty days after put in bail or enter his or their appearance in the said actions, and if he or they intend

The declaration to be inserted in the writ, a copy of which to be served on the defendant, who is to put in Bail or enter an appearance, and file the

General Issue, the cause to be tried at the next Term, unless the Court put off the trial for want of evidence.

If the Defendant do not at the return of the writ or within twenty days thereafter, file the General Issue Judgment to be entered by default.

Presiding Justice to sign the entry of Judgment in the minutes, a copy of which certified under the Seal of the Court to be evidence in all Courts in the Province.

Justices Fees.

Clerk's Fees.

Attorney's Fees.

tend to defend the same, file the General Issue and give a copy thereof to the said Plaintiff or Plaintiff's Attorney, and the said cause shall be tried and determined by the Court or Jury at the next succeeding Term, unless upon application made by either party and sufficient cause shewn by affidavit the Court may think proper to put off the trial on account of the absence of a material witness; and in case the Defendant or Defendants shall not at the Term to which the writ is returnable, or within Twenty days after as aforesaid, file the General Issue in the said cause and give to the said Plaintiff or Plaintiff's Attorney a copy thereof, that then Judgment may be entered by default in the said causes at the next succeeding Term and the Court assess the damages as has been heretofore accustomed.

VII. *And be it further enacted*, That the presiding Justice in the said Courts respectively, shall sign the entry made in the minutes of the said Courts of the Judgments so given in every cause determined in a summary way either by the Court or Jury as aforesaid; a copy of which certified by the Clerk under the Seal of the Court shall be evidence of the said Judgment in all Courts within this Province.

VIII. *And be it further enacted*, That the Fees attending the prosecution of suits determined in a summary way by the Court as aforesaid, shall be as follows: To the Justices, upon filling the writ, Two Shillings; for Trial and Judgment and taxing Costs, Three Shillings; taking Bail, if at his Chambers, Two Shillings; to the Clerk for signing and sealing the Writ and filing the Præcipe, One Shilling and Six Pence; for filing the Affidavit for Bail, Four Pence; for filing the Writ and entering the Cause, One Shilling and Six Pence; for final Judgment, Two Shillings; for entering the Defendant's appearance and filing Plea, One Shilling and Six Pence; to the Attorney, for Writ, Præcipe, Affidavit and Declaration, Eleven Shillings and Eight Pence; if no Bail required then Ten Shillings; and in all causes



fes that do not go to a Jury for all other proceedings until final Judgment, Eight Shillings and Four Pence; to the Sheriff and Crier the same Fees as in other cases in this Court.

*Remaining part of this Act obsolete.—See further*  
42 Geo. 3. c. 7.

### CAP. III.

An ACT in addition to an Act, intituled, “ An Act for the better ASCERTAINING and CONFIRMING the Boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes.”

Refer to 26 Geo.  
3. c. 1.

**W**HEREAS the Boundaries of the Towns or Parishes of *Westfield, Sussex, Springfield* and *Kingston*, as established in and by an Act made and passed in the Twenty-sixth year of His Majesty's reign, intituled, “ An Act for the better ascertaining and confirming the Boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes,” have been found inconvenient—

Preamble.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly*, That from and after the passing of this Act, the said Towns or Parishes of *Westfield, Sussex, Springfield*, and *Kingston*, in *King's County*, shall be bounded and limited respectively in the manner herein after described, any thing in the said recited Act to the contrary notwithstanding, that is to say: The said Town or Parish of *Westfield* to be bounded on the North, South, and West, by the northern, southern and western boundary lines of the County, and on the East by a line running from the mouth of a Creek which discharges into the *Long-reach* at *Devil's Head*, North-west to the northern line of the County, and South-east to the rear line of the Lots fronting on the

The Parishes of *Westfield, Sussex, Springfield*, and *Kingston*, in *King's County*, limited and bounded.

Boundaries of *Westfield*.

Boundaries of  
Suffex.

the North-west shore of *Kennebeckacis* Bay, thence South-west to the north-eastern line of Lot number Twenty-eight granted to *Dennis Coombes*, thence South-east to the southern line of the County, including *Kennebeckacis* Island: The said Town or Parish of *Sussex* to be bounded on the North and East by the northern and eastern lines of the County, on the West and South by a line beginning at the mouth of *Halfway-Brook* on the river *Kennebeckacis*, and running North to the northern line of the County, and South to the centre of the *Weston* or cleared Road, thence South, seventy-six degrees East to the southern line of the County, thence along the southern line of the County to the south eastern angle thereof: The said Town or Parish of *Springfield* to be bounded on the North by the northern line of the County, on the West by the upper or eastern line of the *Chaloner's* Lot number Seven and the prolongation thereof, North-west to the northern line of the County, then following *Bellisle* Bay up-stream until it comes opposite to a designed Road between number One and number Eighteen of the Lots on the South-east side of the said Bay, and following the said designed Road and the rear of the said Lots, to the division line between Lots number Fifteen and number Sixteen, in the back Settlements and along that division line to the designed Road running through the said Settlements and dividing the Two ranges of Lots, and on the South by the last mentioned Road and its prolongation to the Parish of *Sussex*: And the said Town or Parish of *Kingston* to be bounded on the North by *Bellisle* Bay and the *Long-reach*, on the West by the Parish of *Westfield*, on the South by the *Kennebeckacis* Bay and River, until it comes to the lower or south-western line of *Isaac Ketchum's* Lot number Thirty-four in the *Kingston* grant, and on the East by the Parish of *Springfield* and the said line of Lot number Thirty-four and its prolongation, to the said Parish of *Springfield*, including *Long-Island*.

Boundaries of  
Kingston.

II. *And be it further enacted*, That all that tract of Land in *King's County*, bounded on the North by the Parish of *Springfield*, on the East by the Parish of *Sussex*, on the South by a line running along the centre of the *Westmorland* road, and on the West by the Parish of *Kingston* and the lower or South-west line of Lot number Fourteen, granted to *John Fritch*, on the South-east side of the river *Kennebeckacis* and the prolongation of the said line to the centre of the *Westmorland* road, be one distinct Town or Parish, distinguished by the name of *Norton*.

Parish of Norton.

III. *And be it further enacted*, That all that tract of Land in *King's County*, bounded on the North by the northern line of the County, on the West by the Parish of *Westfield*, on the South by the *Longreach* and *Bellisle Bay*, and on the East by the Parish of *Springfield*, including the Islands in the *Longreach* and mouth of *Bellisle Bay*, be another distinct Town or Parish, distinguished by the name of *Greenwich*.

Parish of Greenwich.

IV. *And be it further enacted*, That all the remaining tract of Land in *King's County*, bounded Westerly, Northerly, and Easterly, by the *Kennebeckacis Bay* and River, the Parishes of *Norton* and *Sussex*, and Southerly by the southern line of the County, including *Darling's Island*, be another distinct Town or Parish, distinguished by the name of *Hampton*; all which said lines of the said Towns or Parishes herein before mentioned are to be considered as lines run by the magnet and not otherwise, except where they are limited and bounded by the lines of the County.

Parish of Hampton.

## CAP. IV.

AN ACT FOR PRESERVING the BANK of the RIVER SAINT JOHN, in front of the Parish of LINCOLN, in the COUNTY of SUNBURY. Expired.

*See further 43 Geo. 3. c. 9.*

## CAP. V.

An ACT to continue several ACTS that are near  
 expiring. Expired.

## CAP. VI.

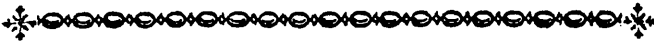
An ACT to provide for the Support of BEACONS to  
 be erected for better securing the Navigation of  
 PASSAMAQUODDY BAY, and building a SLIP in the  
 Harbour of SAINT ANDREWS. Exp.

*See further 41 Geo. 3. c. 4.*

## CAP. VII.

An ACT further to continue an Act, intituled, "An  
 "Act for raising a Revenue in this Province."

Expired.



Anno Regni GEORGII III. Regis  
Tricesimo Sexto.

*AT the General Assembly of the Province of NEW-BRUNSWICK, begun and holden at FREDERICTON, on the Ninth day of FEBRUARY, in the year of our LORD, One thousand Seven hundred and Ninety-six, and in the Thirty-sixth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of GOD, of GREAT-BRITAIN, FRANCE and IRELAND, King, Defender of the Faith, and so forth; being the first Session of the third Assembly convened in the said Province.*

CAP. I.

An ACT to prevent Acts of the GENERAL ASSEMBLY from taking effect from a Time prior to the passing thereof. Passed the 12th March, 1796.

**W**HEREAS every Act of the General Assembly, in which the commencement thereof is not directed to be from a specific time, doth commence from the First day of the Session of the General Assembly in which such Act is passed: AND WHEREAS the same is liable to produce great and manifest injustice; for remedy whereof—

Preamble.

*Be it enacted by the Lieutenant-Governor, Council and Assembly, That the Clerk of the Council shall indorse, in English, on every Act of the General Assembly*

Clerk of the Council to indorse on every

Act, when the same shall have received the Governor's assent, which shall be the date of its commencement.

Assembly which shall pass after the Twentieth day of *February*, One thousand Seven hundred and Ninety-six, immediately after the title of such Act, the day, month, and year, when the same shall have passed and shall have received the Governor's assent: And such indorsement shall be taken to be a part of such Act, and to be the date of its commencement where no other commencement shall be therein provided.

### CAP. II.

AN ACT for REVIVING and CONTINUING an Act, intituled, "An Act for the Support and Relief of "Confined Debtors." Passed the 12th March, 1796. Expired.

*See further 41 Geo. 3. c. 5.*

### CAP. III.

AN ACT to REVIVE and CONTINUE an Act, intituled, "An Act for preserving the BANK of the River "SAINT JOHN, in front of the Parishes of MAGERVILLE, SHEFFIELD and WATERBOROUGH." Passed the 12th March, 1796.

*Further continued—see 41 Geo. 3. c. 10.*

### CAP. IV.

AN ACT for preventing unnecessary Expence and Delay in the Process of barring ENTAILS, and for establishing a plain and easy Form of conveying and assuring ESTATES-TAIL. Passed the 12th March, 1796.

Preamble.

WHEREAS the ill consequences of fettered Inheritances, and the utility and expedience of setting them at liberty, are now generally allowed;

ed; and the state of this Colony renders the practice of docking and barring Estates-Tail by Fines and common Recoveries very burthensome.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for any person or persons, as well Femes Covert as others whomsoever, by deed of bargain and sale duly made and executed, and proved or acknowledged, and registered according to the form of the several Acts of the General Assembly in such cases heretofore made and provided, to grant, bargain, sell and convey any Lands, tenements or hereditaments, whereof such person or persons is, are or shall be, in any ways seized of any Estate-Tail, in possession, reversion or remainder, and whereof no reversion or remainder is, or shall be in the King's Majesty, his heirs and successors, of the gift or provision of His Majesty, his progenitors, his heirs or successors, to any person or persons, to hold the same to them and their heirs in FEE SIMPLE absolute and unconditional, as fully and freely to all intents and purposes, as such Grantor or Grantors, Bargainor or Bargainors might or could by law grant, bargain, sell and convey any Estate of Inheritance in FEE SIMPLE, of which he, she or they were or might be seized in possession, reversion or remainder; and that all and every such grants, bargains, sales and conveyances, having words sufficient to pass the FEE SIMPLE in such Lands, tenements and hereditaments, so made and executed, proved or acknowledged, and registered as aforesaid, shall be good and available in the Law to the said Grantee and Grantees, Bargainee and Bargainees, and their heirs and assigns, against the said Grantor and Grantors, Bargainor and Bargainors, and against all and every the Issues of their bodies, and against all and every person or persons whomsoever, whom the said Grantor or Grantors, Bargainor or Bargainors, by Fine with Proclamations duly levied, or by common Recovery duly suffered, or both, or either such Fine  
and

Estates-Tail, whereof no reversion or remainder is or shall be in the King's Majesty, his heirs and successors, may be conveyed as Estates in *fee simple*, by deed of bargain and sale.

and Recovery, or other ways or means, might cut off or debar from any remainder or reversion, rent, profit, charge, right, title or possibility of, in or unto all and any the said Lands, tenements and hereditaments.

Acknowledgments of conveyances of Estates-Tail by Females Covert to be taken and certified as directed in the Act for more effectually securing the title of purchasers of Real Estates against claims of Dower.

II. *Provided always, and be it further enacted,* That in all cases of grants, bargains, sales and conveyances of such Estates-Tail by Females Covert, the acknowledgment of the Deed or conveyance, and the examination of the Female Covert who executed the same, shall be had, taken and certified in manner and form as is prescribed and provided for the taking of the examination and acknowledgment of Deeds of Females Covert by the Act of the General Assembly made and passed in the Twenty-seventh year of the reign of our Sovereign Lord the present King, intituled, "An Act for more effectually securing the Title of Purchasers of Real Estates against Claims for Dower," or in case such Female Covert do not live within this Province, then such acknowledgment and examination shall and may be had, taken and certified in manner and form as is provided in and by the Act of the General Assembly made and passed in the Thirty-second year of the reign of our said Sovereign Lord the King, intituled, "An Act for more effectually securing the Title of Purchasers of Real Estates against Claims of Dower, and also to enable Females Covert more easily to convey any Real Estate they may hold in their own right," and in all cases the examination of such Female Covert shall be had and made separate and apart from her husband,

#### CAP. V.

An ACT to prevent bringing INFECTIOUS DISTEMPERS into the City of SAINT JOHN. Passed the 12th March, 1796. Repealed.

*See further 39 Geo. 3. c. 9.*

CAP.



## CAP. VI.

An ACT to AMEND an Act, intituled, "An Act for regulating the FISHERIES in the different Rivers, Coves and Creeks of this Province," so far as the same respects the FISHERIES in that part of the County of NORTHUMBERLAND which is within the Bay and River MIRAMICHI and its Branches. Passed the 12th March, 1796. Expired.

Refer to 33 Geo. 3. c. 9. and 34 Geo. 3. c. 3.

## CAP. VII.

An ACT for regulating, laying out and repairing HIGHWAYS and ROADS, and for appointing COMMISSIONERS and SURVEYORS of Highways within the several Towns or Parishes in this Province, and for suspending for a limited time, all the Laws now in force relating to the same. Passed the 12th March, 1796.

I. **B**E it enacted by the Lieutenant-Governor, Council and Assembly, That an Act made and passed in the Twenty-sixth year of His Majesty's reign, intituled, "An Act for laying out, repairing and amending Highways, Roads and Streets, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province," also an Act made and passed in the Thirty-first year of His Majesty's reign, intituled, "An Act in addition to and in amendment of an Act, intituled, 'An Act for laying out, repairing and amending Highways, Roads and Streets, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province,'" be and the same are hereby suspended for the term of Five years or during the operation of this Act.

Former Acts relating to Roads and Highways, suspended for the term of 5 years, or during the operation of this Act.

II. *And be it further enacted*, That the Commissioners and Surveyors already appointed by virtue of the said Act, shall continue in their respective offices

Commissioners and Surveyors appointed by vir-

tue of former Acts, to continue till others shall be appointed & sworn.

In future not less than three nor more than five Commissioners, and not less than three nor more than eight Surveyors to be annually appointed in each Parish, to be sworn, to the faithful discharge of their respective duties

and for refusal or neglect of duty to forfeit Three Pounds.

Lists of such appointments to be sent by Clerks of the Peace to the Clerks of the respective Parishes.

Commissioners authorized to lay

offices until others shall be appointed and sworn as is hereafter directed; and that the Justices at their General Sessions to be held for the several Counties next after the First day of *January* annually, shall appoint a number of fit persons, not exceeding Five nor less than Three, to be Commissioners to lay out and regulate Highways and Roads, in the Town or Parish for which they shall be so appointed; and the said Justices at the same time shall appoint a number of fit persons, not exceeding Eight nor less than Three, to be Surveyors of the said Highways in each Town or Parish, who are to oversee and repair in the manner herein after directed the several Highways within the respective Towns or Parishes for which they shall be appointed; which said Commissioners and Surveyors shall be sworn to the faithful discharge of their respective offices for the year ensuing before the said Sessions, or before any one of the Justices of the Peace within or nearest to the said Town or Parish for which such Commissioners or Surveyors shall be so appointed: And any person being so nominated and appointed, who shall refuse to accept of such office, to which he shall be so nominated and appointed, or shall neglect to be sworn as aforesaid within Fourteen days next after being duly notified of such nomination, or having accepted shall neglect his duty, shall forfeit for every refusal or neglect Three Pounds, to be recovered, with costs of suit, before any two of His Majesty's Justices of the Peace; and the forfeiture shall be applied for the repairing of the Highways. And it shall be the duty of the Clerks of the Peace in the several Counties, upon such appointments being made forthwith, to send lists thereof to the Clerks of the respective Towns or Parishes in such Counties, and such Clerks of each Town or Parish shall within Twenty days after receiving the list of such appointment give notice of the same.

III. *And be it further enacted*, That the Commissioners or the major part of them in the respective  
Towns

Towns or Parishes for which they shall be appointed Commissioners, are hereby empowered and authorized to lay out such public Highways and Roads as they or the major part of them shall think most convenient, as well for travellers as for the Inhabitants of each Town or Parish and the next adjacent Towns, Villages and neighbourhoods; and also to regulate the Roads already laid out, and if any of them shall appear inconvenient and an alteration absolutely necessary, and the same be certified upon Oath by Twelve disinterested Freeholders of the County in which such Road lies, to be summoned by the High Sheriff, his deputy or any Constable of the County by virtue of a warrant to be issued by two Justices of the Peace for that purpose on the application of Twelve or more Freeholders residing within the Parish where the said Road lies, then the said Commissioners shall alter the same; and the said Commissioners or the major part of them shall instead thereof lay out such other Highways or Roads as they judge most convenient to answer the purpose aforesaid, which Highways and Roads so laid out shall be common Highways; and the charge arising from summoning such Jury shall be paid by the persons applying to the said Justices. *Provided always,* That nothing in this clause shall extend to prevent the Commissioners from altering any Road with the consent of the Inhabitants of such Parish, without the necessity of summoning such Jury.

IV. *And be it further enacted,* That if any person or persons do or shall hereafter alter, stop up or encroach on any Street, Highway or Road, already laid out, or that shall be hereafter laid out in pursuance of this Act, by laying timber, wood, carts, trucks or any things thereon, such person so offending contrary to the meaning of this Act, shall for every such offence forfeit the sum of Forty Shillings, to be recovered with costs of suit before any one Justice of the Peace upon the Oath of one or more credible witness or witnesses, and levied by warrant

out Highways, and to alter any Roads already laid out, if upon the oath of 12 Freeholders, to be summoned by warrant of two Justices, it shall appear to be necessary, or,

with the consent of the Inhabitants of the Parish, without such Jury.

Persons altering, stopping, or encroaching on any Street, Road, or Highway, to forfeit for every offence, the sum of Forty Shillings.

directed to the Constable of the Town or Parish where such offence shall be committed, by distraining the goods and chattels of the offenders, and where no such effects are to be found the offender or offenders to be imprisoned for Six days, or in case such offender shall not be known or found the same shall be recovered by the sale of so much of the timber or wood, and the carts, trucks, or other things encumbering or stopping up the way in such Road or Street as aforesaid. And the said Constable after public notice is given by him of the selling such distress shall make sale thereof and out of the produce shall pay the forfeitures and charges and return the overplus, if any there be, to the owner or owners thereof when found; which said forfeitures shall be applied by the Commissioners for and towards the repairing of the public Roads or Highways within the district of the Town or Parish where the same may arise: And if the said nuisance shall continue the same shall be deemed a new offence, and shall be prosecuted and liable to the penalty aforesaid.

Width of Roads to be not more than six nor less than two Rods.

V. *And be it further enacted*, That the width of all Roads hereafter to be laid out shall be left to the discretion of the Commissioners for the time being of the Town or Parish where such Roads may be laid out, so that they do not exceed in breadth Six rods, and are not less than Two rods.

Every male Inhabitant, from the age of sixteen years and upwards, to work six days on the Roads and Bridges within the Parish where they respectively dwell.

VI. *And be it further enacted*, That the Highways, Roads and Bridges within each County, shall be cleared, maintained, and repaired by the Inhabitants thereof; and that every male Inhabitant of the age of Sixteen years and upwards (except as herein after mentioned) shall either in person or by an able sufficient man in his room in each and every year, provided with such necessary Implements as shall be directed by the said Surveyors work Six days (allowing Eight hours to each day's work) on the said Highways, Roads and Bridges, within the Town or Parish where they respectively dwell.

dwel. *Provided always*, That Inhabitants between Sixteen and Twenty-one years of age, Apprentices and hired Servants, shall be obliged to work Three days and no more, common Labourers and Journey-men mechanics Four days and no more. *Provided also*, That upon application to two of His Majesty's Justices of the Peace in the County, the said Justices shall and may in their discretion lessen the number of days labour to be performed by any aged or indigent persons.

Inhabitants between sixteen & twenty one years of age, Apprentices and hired Servants, shall work three days, and common Labourers and journey-men Mechanics four days.

VII. *And be it further enacted*, That the Commissioners in each Town or Parish for the time being, shall by the First day of *April* in each and every year, make out a list of the Inhabitants in such Town or Parish with the number of days work to be performed by each, and shall advertise the same at the most public place in such Town or Parish, and shall also furnish the Surveyor in their respective districts with a list of such Inhabitants and the number of days work so to be done by each, and at the same time shall direct the said Surveyors at what places the work shall be done; which work shall be done by such Inhabitants under the direction of such Surveyors. And it shall further be the duty of the said Commissioners to add to their list the names of such persons as may come into their respective Parishes to reside after the First day of *April*, unless they produce a certificate of their having performed their proportions of labor in some other Town or Parish.

Commissioners by the first day of April in every year to make out lists of the Inhabitants in each Parish with the number of days they are to work, to be publicly advertised.

Commissioners to direct the Surveyors at what places the work shall be done.

VIII. *And be it further enacted*, That if any Inhabitants in such list prefer paying money to doing such labor, it shall and may be lawful for such Commissioners to take and receive from such Inhabitants the sum of Two Shillings and Six Pence per day for each day's labor required to be done by them, provided the same is paid into the hands of the Commissioners on or before the First day of *June* in every year, and if such money is not paid until after that time they shall be obliged to pay Three Shillings

Inhabitants may, in lieu of such labour, pay each two shillings and sixpence per day, on or before the first day of June in every year, or three shillings per day after that time.

Shillings per day or perform such labor. And the monies which may be paid in lieu of such labor, as well as forfeitures which may be received by virtue of this Act, shall be laid out under the direction of such Commissioners on such Roads, Streets and Bridges, between the First day of *May* and the First day of *November* in every year, and accounted for by them to the Justices at their first General Sessions in every year.

IX. *And be it further enacted*, That the Surveyors of Highways in their respective districts shall be and are hereby empowered in the fittest and most seasonable time between the First day of *May* and the First day of *November* yearly, to summon the Inhabitants contained in their respective lists, giving them at least Six days notice of the time and place where they are to be employed, and shall there oversee and order the persons so summoned to labor in making, mending or repairing the Highways, Roads, Streets and Bridges, in the most useful manner during the number of days appointed for each person to labor; and when any Surveyor of Highways shall judge the use of carts, waggons, trucks, ploughs or harrows, more necessary than the labor of men, in that case he may call on any person within his district keeping any cart, truck, plough or harrow, with two oxen or two horses; which cart, truck, plough or harrow, with two oxen or two horses, shall be equal to two days labor; and such Surveyors of Highways shall be excused from any other service on the Highways than the summoning, ordering and directing thereof.

*See further 37 Geo. 3. c. 6.*

X. *And be it further enacted*, That if any transient person under the direction of such Surveyor shall neglect or refuse to work, or shall not work in such a manner as to satisfy such Surveyor, he is hereby empowered to dismiss such Inhabitant from the work, and shall make complaint against him to some one

Surveyors to summon the Inhabitants, giving six days notice in the fittest time to labor, between the first day of *May* and the first day of *November*,

and, if necessary, to call out carts, trucks, ploughs or harrows, either of which, with two Oxen, or two Horses, to be equal to two days labor.

Transient persons refusing to work to be proceeded against as Inhabitants.

one of the Commissioners, who shall immediately proceed against him in the same manner as is hereafter directed to be done to Inhabitants neglecting to work after being duly warned.

XI. *And be it further enacted*, That the Surveyors shall by the First day of *November* in each and every year, deliver in writing to the Commissioners a list of such delinquents within their respective districts as have, after being duly warned, neglected to perform the whole or any part of the labor assigned to them respectively; and it shall be the Commissioners' duty, within Ten days after receiving such list, to make complaint to any Justice of the Peace against every such delinquent, which Justice shall on conviction adjudge every such delinquent to pay the sum of Three Shillings for every day he has so neglected to work, together with costs of suit, to be levied by warrant of distress and sale of such offender's goods and chattels, under the hand and seal of such Justice, directed to any Constable in such Town or Parish, and in case no goods or chattels can be found, it shall and may be lawful to commit such offender to the common Gaol of the County, not exceeding Six days. *Provided always*, That if any person shall produce a certificate from any Commissioner appointed by this Act, that he has in the current year done his tour of labor in any Parish in this Province, he shall be excused from doing such labor that year in any other Parish.

XII. *And be it further enacted*, That the Commissioners for each Town or Parish for which they shall be appointed, shall from time to time enter in writing all the Highways or Roads laid out or altered and sign the same, and make a return thereof into the office of the Clerk of the Peace for the County in which such Highway or Roads are laid out, to be by such Clerk entered in a book kept for that purpose, and whatsoever the said Commissioners shall do according to the powers given them in this Act being so entered, shall be valid and good

Surveyors by the first of November, to give in to the Commissioners a list of delinquents.

Such delinquents having neglected to perform the labour required, to pay Three Shillings for every day's default.

Returns of Highways to be made to Clerks of the Peace and by them registered.

Commissioners refusing or neglecting the duty enjoined them to forfeit not less than 20s. nor more than 5*l*.

Commissioners, if on the oath of 12 Freeholders, it appear to be necessary, may lay out private Roads.

Owners of land through which private Roads are laid out, to be paid the value thereof, to be estimated by agreement of the Parties, or by oath of the said Freeholders.

to all intents and purposes whatsoever; and that every Commissioner who shall refuse or neglect to perform the duty enjoined and required of each of them as aforesaid, shall forfeit and pay for every such refusal or neglect a sum not less than Twenty Shillings nor more than Five Pounds, to be recovered and applied as aforesaid.

XIII. AND WHEREAS it may be necessary to lay out private Roads within the several Counties in this Province: *Be it further enacted*, That upon application to the Commissioners appointed as aforesaid for any Town or Parish, for a private Road, such Commissioners shall view the same, and if they are of opinion such Road is absolutely necessary, and Twelve principal Freeholders to be summoned in manner aforesaid under Oath, shall be of the same opinion, the said Commissioners are hereby empowered to lay out such Road. *Provided*, That they shall not lay out such Road through any person's Land without the consent of the owner or owners thereof, or agreeing with and paying to him or them the value of the Land so to be laid out into such Highway, with such damages as he or they may sustain by the said Road; and in case they cannot agree, then the true value shall be set and appraised by the Justices of the Peace issuing such warrant as aforesaid, for the summoning such Freeholders, and by the Oath of the said Freeholders so summoned; and all the expenses and charges attending the said Road shall be paid by the person or persons applying for the same; and the said Road when laid out shall be for the only use of the person or persons who shall pay for the same, his and their heirs and assigns; but for no other use and purpose than that of a Road. *Provided always*, That the owner or owners of the Land through which such private Road may be laid shall not be prevented from making use of such Road if he shall signify his intention of making use of the same at the time when the Jury are to ascertain the value of the Land and  
the



the damages by means of laying out such Road.—  
*Provided also*, That no such private Road shall be laid out more than Two rods wide against the consent of the owner or owners of the Lands through which the same is to pass.

XIV. *And be it further enacted*, That if any public Road hereafter to be laid out by virtue of this Act, shall pass through any improved Lands where the damage to the owner or owners of such Lands by means of such Road shall be greater than the allowance made for Roads in the Grants of such Lands, which shall be ascertained by a Jury to be summoned in the manner first herein before mentioned, on the application of the owner or owners of the said Land, or if such Road shall occasion the removal of any buildings, then and in such cases the damage to the owner or owners of such Land shall be ascertained by such Juries and shall be paid as other contingent charges of the County are paid.

XV. *And be it further enacted*, That the Commissioners of Highways and Roads for each Town or Parish, or a major part of them, be and they are hereby authorized and required after the first Snow and as soon as the Rivers and Marshes are safe for the passing of Cattle on the Ice, to order the Surveyors of Highways and Roads for the said Town or Parish to summon forthwith so many Inhabitants as the said Commissioners shall in their discretion think necessary to work after such manner as they the said Surveyors shall direct in cutting and carrying bushes or marking ways. And such person not attending or refusing to perform the said work as directed by the said Surveyors, shall forfeit the sum of Three Shillings for each day's neglect. And the Rivers and the several parts of the same when frozen over as aforesaid, shall be considered as a part of the Towns or Parishes to which they are respectively opposite, for the purposes directed by this clause. And the Commissioners of the Towns or Parishes opposite to each upon any River are hereby authorized

Damages, caused by public Roads passing through improved lands, to be estimated by a Jury, and paid for as other contingent charges of the County.

Commissioners to order Surveyors to summon Inhabitants under their direction to mark ways in the Snow.

Rivers when frozen over considered as part of the Parishes to which they are opposite, for the purposes directed in this clause.

rized

rized and required to agree upon and determine the distance upon the said River, which is to be worked upon by their respective Towns in pursuance of this Act.

Teams to be sent as directed by Surveyors, with competent drivers, under penalty of Six Shillings.

XVI. *And be it further enacted*, That every person keeping a Team shall be obliged forthwith, on being summoned by the said Surveyors to send his Team with a competent driver, to work in such manner as the said Surveyors shall direct; and on any such person neglecting to send his Team and a good driver, or not performing such reasonable work as the said Surveyors shall direct, the owner of the said Team shall forfeit the sum of Six Shillings.

Ways to be marked as directed by Commissioners.

XVII. *And be it further enacted*, That the said way shall be marked in such place as the said Commissioners shall direct and with tops erected at the distance of not more than Four rods lengthways of the said path from each other and Five feet in height, and on any of the said marks being displaced the Surveyors shall summon forthwith as many of the nearest Inhabitants with their Teams as they may judge necessary to replace them; and in case of refusal or neglect, every person so offending shall forfeit the sum of Three Shillings for each man and Six Shillings for each Team for each day so summoned. *Provided*, when the public Roads are on the bank of the River, the said path shall be marked on the River. The said fines and forfeitures to be recovered by complaint to a Justice of the Peace, as in case of refusal to labor on the Highways, and to be appropriated by the Commissioners towards performing the said service. *Provided always*, That the number of hours which any person shall work in pursuance of the directions of this clause shall be deducted from and allowed as a part of the number of hours he is obliged by law to work upon the Highways.

Work done in pursuance of the directions in this clause to be accounted as part of the work by law to be done on the Roads.

Penalty of 20s. for cutting down

XVIII. *And be it further enacted*, That if any person shall wilfully cut or take down or destroy any of the bushes so to be erected by virtue of this Act,

Act, he shall forfeit and pay the sum of Twenty Shillings upon conviction before any one of His Majesty's Justices of the Peace upon the Oath of one or more credible witnesses or witnessess, to be levied by warrant of distress and sale of the offenders' goods, rendering the overplus, if any, after deducting the costs and charges, to the offender; one half of the said forfeiture to the use of the Poor of the Town or Parish where such offence shall be committed, the other moiety to him or them who shall inform and sue for the same; and for want of such effects to levy on, the said offender or offenders shall be imprisoned for a time not exceeding Six days.

or destroying such marks.

XIX. *And be it further enacted*, That the said Surveyors of the Highways, by the direction of the Commissioners, shall have full power and authority, and they are hereby required during the Winter season, to summon such and so many of the Inhabitants having Horses, Oxen or Teams, in their respective districts as they in their discretion shall think fit, to work at the time and place appointed on the Highways or public winter Roads, by breaking Roads in the Snow with their said Horses, Oxen or Teams, whenever the depth of Snow shall render the same necessary, not exceeding Four days in each Winter, and at no greater distance than Three miles from their own houses. And such Inhabitants shall perform the same work over and above the work which such Inhabitants are liable to perform upon the Highway, Roads and Bridges, in and by this Act.

Winter Roads to be broken in the snow with teams, &c.

XX. *And be it further enacted*, That all Sleds made use of for the purpose of carrying or transporting Wood, Hay, or other heavy materials, shall not be less than Four feet Eight inches in width from outside to outside of the runners; and whosoever shall make use of any ox or horse Sled of less dimensions, and be thereof convicted by the Oath of one or more credible witnesses or witnessess, before any of His Majesty's Justices of the Peace, or on the view of such Justice, shall be fined in the sum of Twenty Shillings;

Width of Sleds to be four feet eight inches from outside to outside of the runners.

the same to be levied by distress and sale of the offenders' goods and chattels, by warrant under the hand and seal of such Justice, rendering the overplus, if any, after deducting the costs and charges of such distress and sale, to the offender; which Fines shall be paid and appropriated in like manner with the other penalties mentioned in this Act. And it shall be the duty of all Commissioners and Surveyors of Highways and Constables in the respective Parishes, to prosecute all offences and breaches of this clause of the Act. *Provided always*, That nothing herein before contained shall be construed to extend to any Sled a man may use upon his own Farm only, or to any bob-Sled, or single ox or horse Sled, or pleasure Sleigh, drawn by one or more horses.

Sleighs or Sleds drawn by Horses to be furnished with at least one bell for each Horse.

XXI. *And be it further enacted*, That no horse-Sled or Sleigh, shall be drawn on the Highways or public Roads of this Province, unless the same shall be furnished with one or more Bell or Bells for each Horse drawing such Sled or Sleigh, under the penalty of Five Shillings for every offence, to be recovered from the owner or driver thereof, in the manner and to the uses last before mentioned.

Commissioners to give in accounts at the first sitting of the General Sessions of the Peace, of labor done, & money received by virtue of this act.

XXII. *And be it further enacted*, That the respective Commissioners of Highways shall at the first sitting of the Court of General Sessions of the Peace in the respective Counties in each year, deliver in to the Clerk of the Peace, to be by him filed in such Court, the several and respective accounts of the labour done on the Highways so to be given them by the said Surveyors, and also an account with proper vouchers of all sums of money received by them for Fines or forfeitures accruing by virtue of this Act, and the purpose for which such sums shall have been expended; and if such sums or any part thereof remain in their hands they shall pay the same into the hands of the county Treasurer, to be disposed of by the order of the Justices or the major part of them in their General Sessions for the making,

king, repairing and amending the Roads, Streets, and Bridges, in the district of the Parish where such money was forfeited: And if any Commissioner shall neglect or refuse to deliver in such accounts or any or either of them, to the Clerk of the Peace as aforesaid, he shall forfeit and pay for every offence the sum of Three Pounds, to be recovered before two Justices of the Peace in such County respectively, to be paid into the hands of the Treasurer, and applied in the manner herein before mentioned, and shall also be subject to an action of debt to be brought by and in the name of the Treasurer of such County for any sum so remaining in his hands.

Three Pounds  
penalty for each  
neglect or refusal.

XXIII. *And be it further enacted,* That the Commissioners appointed by virtue of this Act, shall not be required to do any work on the Highways, and that the Surveyors shall not be required to superintend the work more than Six days; and in all cases where additional Surveyors are wanted the Commissioners shall continue the Surveyors and pay them at the rate of Three Shillings per day out of the monies voluntarily paid into their hands or collected for Fines by virtue of this Act.

Commissioners  
not required to  
work.  
Surveyors to superintend  
work only six days.

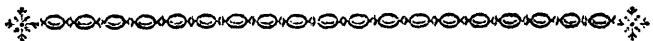
XXIV. *And be it further enacted,* That no prosecution or suit for the recovery of any of the penalties mentioned in this Act, shall be brought or instituted after the expiration of Six Months from the time of committing the offence intended to be prosecuted. *Provided nevertheless,* That nothing in this Act shall be construed to extend to prevent those intrusted with public monies by virtue of any of the herein before recited Acts from being held accountable for all monies so received by them.

Prosecutions for  
penalties to be  
brought within  
six months.

XXV. *And be it further enacted,* That this Act shall continue and be in force Five Years and no longer.

Limitation.

*Continued for 5 years by 41 Geo. 3. c. 7.*



Anno Regni GEORGII III. Regis  
Tricesimo Septimo.

*AT the General Assembly of the Province of NEW-BRUNSWICK, begun and holden at FREDERICTON, on the Ninth day of FEBRUARY, in the year of our LORD, One thousand Seven hundred and Ninety-six, and in the Thirty-sixth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of GOD, of GREAT-BRITAIN, FRANCE and IRELAND, King, Defender of the Faith, and so forth ; and from thence continued by several prorogations to the Seventeenth day of JANUARY, One thousand Seven hundred and Ninety-seven ; being the second Session of the third Assembly convened in the said Province.*

CAP. I.

An ACT to continue an Act, intituled, " An Act for  
" the more EASY and SPEEDY Recovery of SMALL  
" DEETS." Passed the 18th February, 1797.

Expired. See further 42 Geo. 3. c. 5.

## CAP. II.

An ACT to ALTER and AMEND an Act, passed in the Twenty-sixth year of His MAJESTY'S reign, intituled, "An Act for preventing TRESPASSES." Passed the 18th February, 1797. Rep.

*See 41 Geo. 3. c. 3.*

## CAP. III.

An ACT to authorize the Erection of FENCES and GATES across certain Roads in the several Counties in this Province where the same shall be found necessary. Passed the 18th February, 1797.

Expired.

## CAP. IV.

An ACT for REGULATING the Exportation of FISH and LUMBER, and for repealing the LAWS now in force regulating the same. Passed the 18th February, 1797.

**W**HEREAS the Laws now in force for regulating the Exportation of Fish and Lumber are found to be inadequate to the purposes intended : Preamble.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That an Act made and passed in the Twenty-sixth year of His Majesty's reign, intituled, "An Act for regulating the Exportation of Fish and Lumber and for ascertaining the quality of the same ;" and an Act made and passed in the Twenty-seventh year of His Majesty's reign, intituled, "An Act in addition to an Act, intituled, 'An Act for regulating the Exportation of Fish and Lumber and for ascertaining the quality of the same ;' and also an Act made and passed in the Twenty-eighth year of His Majesty's reign, intituled, "An Act to amend an Act, intituled, 'An Act Former Acts repealed.

‘Act for regulating the Exportation of Fish and Lumber and for ascertaining the quality of the same,’ be and the same are hereby repealed.

II. *And be it further enacted*, That from and after the First day of *April* next, all pickled Herrings, Mackarel, Cod and Scale-Fish, for Exportation, shall be packed in Barrels of Twenty-eight gallons at least, which Barrels shall be made of well seasoned timber free from sap, and have three sufficient hoops on each bilge and three on each end; the Fish shall be all of one kind, sweet, free from rust, and closely packed, and the Barrels full of strong pickle; and that all Salmon for Exportation, shall be packed in Tierces, half Tierces, Barrels and half Barrels, which Tierces, half Tierces, Barrels and half Barrels, shall be made of sound seasoned wood, free from sap, sufficient to hold pickle, and shall be full bound; each Tierce shall contain *three hundred pounds*, each half Tierce *one hundred and fifty pounds*, each Barrel *two hundred pounds*, and each half Barrel *one hundred pounds*, exclusive of the Salt, and shall be full of strong pickle. And all Barrels hereafter made, which shall contain less than Twenty-eight gallons, shall be forfeited; and on complaint and proof before any two of His Majesty’s Justices of the Peace for the County, the same shall be adjudged to be burnt or destroyed by a Constable of the Town or Parish where such offence shall be committed: And all pickled Fish shipped in Barrels of a smaller size, or Salmon shipped in Tierces, half Tierces, Barrels or half Barrels, containing less weight, shall be forfeited. *Provided always*, That it shall and may be lawful to export Herrings without pickle, if the same are in every other respect conformable to this Act.

III. *And be it further enacted*, That all Cod and Scale-Fish for Exportation, shall be of the following description and qualities, viz.—Fish for the European Markets shall be of the first quality, properly cured, not salt burnt nor broke, smoothly split, and perfectly sound: Fish for the West-India Market, if well

Herrings, Mackarel, Cod, and Scale Fish to be packed in barrels of twenty-eight gallons, to be made of well seasoned timber, & requisite qualities of the several sorts of Fish. Salmon to be packed in tierces, half tierces, barrels, and half barrels, each tierce to contain three hundred pounds, &c. in proportion.

Barrels containing less than 28 gallons, to be forfeited and destroyed.

All Fish shipped in casks of less size, or Salmon in casks containing less weight than hereby required, to be forfeited.

Quality of Fish for European markets, and



well cured and dried, shall not be required to have the other qualities before mentioned, and no Fish which have not the qualities above described, shall be deemed merchantable, and all persons shipping unmerchantable Fish, shall on conviction forfeit Three Shillings for each Quintal so shipped by them.

for West-India markets.

Forfeiture for shipping unmerchantable Fish.

IV. *And be it further enacted*, That all Boards, Plank and Scantling, for Exportation shall, before they are shipped, be surveyed by a sworn Surveyor: All merchantable Boards shall be square edged and Seven-eighths of an inch thick, except such as are for the Newfoundland and Kingston, in Jamaica, Markets, which shall be one inch thick; and all clear Boards shall be full inch thick: No Board or Plank shall be deemed merchantable if the same be split at both ends, or be split in any part more than one quarter of the length of such Board or Plank, or be not of equal thickness throughout, and a reasonable allowance shall be made to the purchaser for all splits, rents, and knot holes: All Boards and Planks shall be marked at the but-end; the full contents shall be marked on each Board and Plank, one half of the split shall be allowed for splits, and a reasonable allowance for rents or knot-holes, which shall be deducted from the amount of such contents: And that all Scantling, whether sawed or hewed, shall be properly squared, and the contents in board measure marked on each piece; all Boards, Plank, or Scantling, over or under marked, shall be marked properly anew, and no more than *four* Plank shall be allowed to *one thousand feet* of Boards; the Surveyor shall be allowed Eight pence per thousand feet board measure for surveying, to be paid by the purchaser, and Four pence additional per thousand feet for new marking, to be paid by the seller: And all persons shipping Boards, Plank or Scantling, not surveyed as aforesaid, shall, on conviction, forfeit Ten Shillings for every thousand feet so shipped by them.

Qualities of merchantable boards and other lumber to be surveyed by sworn surveyors.

Allowances to Surveyors.

V. *And be it further enacted*, That all Shingles for

Qualities of merchantable Shingles, to be surveyed by sworn Surveyors.

for Exportation, of Eighteen inches long, shall be not less than Four inches wide and half an inch thick at the thick end, free from worm-holes, shakes and sap; all Shingles of Twenty-two inches long, shall be not less than Three and an half inches wide, and half an inch thick at the thick end, and be free from worm-holes, rots and shakes; and all such Shingles shall be surveyed by a sworn Surveyor, who shall receive Two pence per thousand for the survey of Shingles of Eighteen inches long, and Four pence per thousand for the survey of Shingles of Twenty-two inches long, to be paid by the purchaser: And all persons shipping Shingles not surveyed as aforesaid, shall forfeit Two Shillings for each thousand so shipped by them.

Allowances to Surveyors.

Square timber & spars to be surveyed by a sworn Surveyor, and the contents to be marked.

VI. *And be it further enacted*, That all square Timber for the British market, shall be not less than Ten inches square, nor shorter than Sixteen feet, well squared, square butted, and free of bark, shakes and rotten knots; and that all Spars shall be free from shakes and rotten knots: All such Timber and Spars shall, before shipped for Exportation, be surveyed by a sworn Surveyor, who shall mark and number the same, and ascertain the contents; which Surveyor shall for such surveying, marking and ascertaining the contents, receive Six pence per ton for the Timber, and in like proportion for the Spars, to be paid for by the purchaser: And all persons shipping Timber or Spars, not surveyed as aforesaid, shall forfeit Five Shillings for every Ton so shipped by them.

Justices in their first General Sessions, annually, to appoint fit persons to be Surveyors of Lumber.

VII. *And be it further enacted*, That it shall and may be lawful for the Justices of the Peace in each County at their first General Sessions annually, or the Mayor, Aldermen and Commonalty of the City of *Saint John*, to appoint fit persons to be Surveyors of Lumber in each County, Town and place where such may be necessary; which persons shall give Bond in the sum of Fifty Pounds, with two sufficient sureties, and shall be sworn to the diligent and

and faithful discharge of their trust, and shall continue in such office until other proper persons are appointed in their stead.

VIII. *And be it further enacted*, That one half of all forfeitures or fines arising by virtue of this Act, shall be to him or them who shall sue for the same, and the other half to the benefit of the County where such offence shall be committed; and if the same shall not exceed Twenty Shillings, it shall be recoverable before any one of His Majesty's Justices of the Peace, or where the same shall be more than Twenty Shillings and shall not exceed Three Pounds, before any two of His Majesty's Justices of the Peace, on the Oath of one or more credible witnesses or witnesses, by warrant of distress and sale of the offender's goods and chattels, under the hand and seal of such Justice or Justices, and for want of sufficient distress such offender shall suffer not less than Ten, nor more than Thirty days imprisonment; and in case such Fine or the value thereof shall exceed Three Pounds, the same may be recovered in any of His Majesty's Courts of Record in this Province, with costs of suit.

Half the forfeitures to be to the benefit of the County, and the other half to the Prosecutors.

How recoverable.

IX. *And be it further enacted*, That all prosecutions by force of this Act, shall be commenced within Six Months after the time such offence was committed.

Prosecutions to be within Six Months.

X. *And be it further enacted*, That this Act shall be read and published at the opening of the next Court of General Sessions of the Peace for the several Counties within this Province.

This Act to be read at Court of Sessions in each County.

*See further 43 Geo. 3. c. 7.*

## CAP. V.

AN ACT TO PREVENT the GROWTH of THISTLES.  
Passed the 18th February, 1797. Exp.

## CAP. VI.

Refer to 36 Geo.  
3. c. 7.

An ACT to ALTER and AMEND an Act, intituled, “ An Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province; and for suspending for a limited time all the Laws now in force relating to the same.” Passed the 18th February, 1797.

Preamble.

WHEREAS in and by an Act made and passed in the Thirty-sixth year of His Majesty's reign, intituled, “ An Act for regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province; and for suspending for a limited time all the Laws now in force relating to the same,” *it is enacted*, in and by the Ninth section thereof “ That the Surveyors of Highways in their respective districts shall be and are hereby empowered in the fittest and most seasonable time, between the First day of *May* and the First day of *November* yearly, to summon the Inhabitants contained in their respective lists, giving them at least Six days notice of the time and place where they are to be employed, and shall there oversee and order the persons so summoned to labour in making, mending or repairing the Highways, Roads, Streets, and Bridges, in the most useful manner during the number of days appointed for each person to labour; and when any Surveyor of Highways shall judge the use of Carts, Waggon, Trucks, Ploughs or Harrows, more necessary than the labour of Men, in that case he may call on any person within his district keeping any Cart, Truck, Plough or Harrow, with two Oxen or two Horses; which Cart, Truck, Plough or Harrow, with two Oxen or two Horses, shall be equal to two days labour; and such Surveyors of Highways shall be excused from  
“ any

“ any other service on the Highways than the sum-  
 “ moning, ordering and directing thereof.”—AND  
 WHEREAS great inconveniences and difficulties have  
 been experienced by the Surveyors of Highways as  
 well as the Inhabitants of the Parishes of *Magerville*  
 and *Sheffield*, within the County of *Sunbury*, arising  
 from the periods limited by the herein before reci-  
 ted Ninth section of the said Act, within which the  
 Surveyors of Highways in their respective districts  
 are thereby empowered to summon the Inhabitants  
 contained in their respective lists to labour in ma-  
 king, mending or repairing the Highways, Roads,  
 Streets and Bridges, during the number of days ap-  
 pointed for each person to labour ; the said Parishes  
 of *Magerville* and *Sheffield*, being so formed and  
 under such a state of enclosure as to make it very  
 difficult to procure the necessary Timber for making,  
 mending or repairing the Highways, Roads, Streets  
 and Bridges, within the said Parishes during the  
 periods aforesaid.

*Be it therefore enacted, by the Lieutenant-Governor,  
 Council and Assembly, That from and after the pas-  
 sing of this Act, the Surveyors of Highways for the  
 said Parishes of Magerville and Sheffield, for the time  
 being, within their respective districts, shall be and  
 are hereby empowered to summon the Inhabitants  
 contained in their respective lists in manner pre-  
 scribed by the herein before recited Ninth section  
 of the said Act, at such time as they shall judge to  
 be most proper and seasonable, between the First  
 day of November and the First day of May yearly,  
 and shall there oversee and order the persons so  
 summoned to labour in cutting, procuring and haul-  
 ing to the high Roads of the said Parishes, all such  
 Timber as they may judge necessary for making,  
 mending or repairing the Highways, Roads, Streets  
 and Bridges, in the most useful manner, as well as  
 in making, mending or repairing the same, during  
 such number of days (not exceeding half the num-  
 ber of days appointed for each person to labour and*

Inhabitants of  
 the Parishes of  
 Magerville and  
 Sheffield may  
 perform part, not  
 more than half,  
 of the days labor  
 by law required,  
 at any time be-  
 tween the 1st day  
 of November, &  
 the first day of  
 May yearly.

to be considered and allowed by the said Surveyors as a part thereof) as they the said Surveyors shall judge to be requisite for providing for or accomplishing the purposes aforesaid, any thing in the herein before recited Ninth section of the aforesaid Act to the contrary notwithstanding.

*See further 41 Geo. 3. c. 7.*



Anno Regni GEORGII III. Regis  
Tricesimo Octavo.

*AT the General Assembly of the Province of NEW-BRUNSWICK, begun and holden at FREDERICTON, on the Ninth day of FEBRUARY, in the year of our LORD, One thousand Seven hundred and Ninety-six, and in the Thirty-sixth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of GOD, of GREAT-BRITAIN, FRANCE and IRELAND, King, Defender of the Faith, and so forth; and from thence continued by several prorogations to the Sixteenth day of FEBRUARY, One thousand Seven hundred and Ninety-eight; being the third Session of the third Assembly convened in the said Province.*

CAP. I.

AN ACT to CONTINUE sundry ACTS of the GENERAL ASSEMBLY that are near expiring. Passed the 9th day of February, 1798. Expired.

*See further 43 Geo. 3. c. 8.*

## CAP. II.

An ACT in addition to and in amendment of an Act, intituled, "An Act for the REGULATION of SEAMEN." Passed the 9th day of February, 1798.

Referto 26 Geo.  
3. c. 53.

Preamble.

WHEREAS in and by the Third section of an Act made and passed in the Twenty-sixth year of His Majesty's reign, intituled, "An Act for the Regulation of Seamen," *it is enacted*, "that if the Master or Commander of any ship or vessel shall ship any Seaman, knowing him to be first entered and shipped on board of any other ship or vessel, or after notice thereof given him, shall not forthwith dismiss him, every such Master or Commander so offending and being thereof convicted, shall forfeit and pay the sum of Ten Pounds, to the use of the City or County where such offence shall be committed, to be sued for in any Court of Record proper to try the same; and such Seaman so shipping himself, being under the obligation of a former contract, shall forfeit and pay the value of One Month's wages that he shall so agree for, to be deducted from such wages as he may have due, or may afterwards be due unto him, for the use of the party aggrieved." AND WHEREAS the said Third section has hitherto been found defective and not to answer the purpose intended:—

Third section of the former Act repealed.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly*, That the above recited section be and the same is hereby repealed; and instead thereof—

Any person hiring or concealing any Seaman or other person who shall have signed any former contract, knowing him to have deserted from any vessel, to forfeit 20*l*.

II. *Be it enacted*, That from and after the passing of this Act, if any Master or Commander of any ship or vessel, or any other person or persons, shall hire or engage, harbour or conceal any Seaman, Mariner, or other person who shall have signed any former contract or articles, knowing him to have deserted from any ship or vessel within the Province, every such Master, Commander or other person or persons so offending, and being thereof convicted, shall forfeit



forfeit and pay the sum of Twenty Pounds, to the use of the City or County where such offence shall be committed, to be sued for in any Court of Record proper to try the same; and such Seaman, Mariner, or other person who shall desert at any time during the voyage on which he is engaged by written contract or articles, shall, over and above all penalties and forfeitures to which he is now by Law subject, forfeit all the wages he may have agreed for, or be intitled to during the voyage, from the Master or owner of the ship or vessel on board of which he shall have entered after such desertion, to the use of the owner or owners of such ship or vessel as he shall have deserted from, to be sued for and recovered in the manner before directed.

Any Seaman deserting during the voyage to forfeit, over and above the penalties to which he is by law subject, all the wages he may be intitled to during that voyage, to the use of the owner or owners.

III. *And be it further enacted*, That the before recited Act and every clause, matter and thing therein contained (except wherein it is hereby altered and repealed) shall be and continue, and the same is hereby declared to be and continue in full force; any thing herein before contained to the contrary notwithstanding.

Recited Act, except as hereby altered to remain in full force.

Anno Regni GEORGII III. Regis  
Tricesimo Nono.

*AT the General Assembly of the Province of New-Brunswick, begun and holden at FREDERICTON, on the Ninth day of FEBRUARY, in the year of our LORD, One thousand Seven hundred and Ninety-six, and in the Thirty-sixth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of GOD, of GREAT-BRITAIN, FRANCE and IRELAND, King, Defender of the Faith, and so forth : And from thence continued by several prorogations to the Fifteenth day of JANUARY, One thousand Seven hundred and Ninety-nine ; being the Fourth Session of the Third Assembly convened in the said Province.*

CAP. I.

An ACT for raising a REVENUE in this Province.  
Expired.

CAP. II.

An ACT TO PROVIDE for PAYMENT of sundry DEBTS of the Province, for the Year One Thousand Seven Hundred and Ninety-five. Passed the 4th February, 1799. Expired.

## CAP. III.

AN ACT for DEFRAYING the ORDINARY SERVICES of the Year One Thousand Seven Hundred and Ninety-five. Passed the 4th February, 1799.

Exp.

## CAP. IV.

AN ACT to PROVIDE for PAYMENT of the SERVICES therein mentioned. Passed the 8th February, 1799.

Exp.

## CAP. V.

AN ACT for REGULATING the FISHERIES in the County of NORTHUMBERLAND. Passed the 8th February, 1799.

Refer to 33 Geo. 3. c. 9.

**W**HEREAS the Laws now in force for regulating the Fisheries in the County of *Northumberland* have been found inadequate to the purposes intended; for remedy whereof—

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That so much of an Act made and passed in the Thirty-third year of His Majesty's reign, intituled, "An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province," as relates to the County of *Northumberland*, be and the same is hereby repealed; and that from and after the passing of this Act, the Fisheries in the said County of *Northumberland*, shall be regulated in the manner herein after mentioned, that is to say, in the Bay and River *Miramichi* and its branches: No Net whatever to be set off any part of *Fox-Island*, *Waltham*, alias *Portage-Island*, or any other Island, Middle Ground or Shoal in the said Bay, River and branches, excepting as is herein after permitted. No Net to be set from Point *Esquiminac* to the western extremity of *Huckleberry*

Repeal of the Act for regulating Fisheries, so far as relates to *Northumberland*.

Future regulation of the Fisheries in the said County, limiting the distances to which Nets may be extended into the Bay & River *Miramichi*.

Island, to extend into the Bay more than One hundred fathoms from low water, and no Net to be set in the said space but by the *Acadian* or other Inhabitants of lower *Bay du vin*; from thence to the Lot formerly owned by *Thomas Ian*, now owned by *Duncan Robertson*; no Net to be set along the South shore in the said space, to extend into the Bay more than Two hundred fathoms from Three feet water at low water; a base line to run from the said Lot to the Barn now owned by *James Horton*, Esq. in *Bay du vin*; no Net to extend into the Bay more than Two hundred fathoms from the said line; from the said Barn to the Eastern line of the Lot lately owned by *John Mark Crank Delesdernier*; no Net to extend into the Bay more than Two hundred fathoms; from thence to Point *Aux Bar*; no Net to extend into the Bay more than Two hundred fathoms from Point *Aux Bar* to the Lot owned by *Alexander Wilson*; no Net to extend into the Bay more than Three hundred fathoms from low water; a base line to run from the said *Alexander Wilson's* Lot to Point *Cheval*; no Net to extend into the Bay more than Three hundred fathoms from the said line, from Point *Cheval* to the upper extremity of the *Sand-beach* in *Napan Bay*; no Net to extend into the Bay more than Two hundred and Fifty fathoms from low water; no Net to be set off either side of *Bay du vin* Island, to extend into the Bay more than Sixty-eight fathoms from low water; a base line to run from the upper extremity of the said *Sand-beach* in *Napan Bay* to a Point commonly called *Green Point*, on the West side of a small Creek at the end of *George Murdoch's* marsh; no Net to extend into the Bay more than Two hundred fathoms from the said line, and no Net set from the said line to be nearer than One hundred fathoms to the said *Green Point*; from the said *Green Point* to within Forty rods of the *Fish-shed*, formerly occupied by *James Anderson*; no Net to be set to extend into the Bay more than One hundred and Fifty fathoms

fathoms from low water; from thence to the lower extremity of *East Point*; no Net to be set to extend into the River more than Eighty fathoms from low water; no Net to be set off *East Point* to extend into the River more than Fifty fathoms from low water; no Net to be set off *Sheldrake Island* to extend into the River or Bay more than Sixty fathoms from low water; no Net to be set off *Hay Island* opposite *Neguac*, to extend into the Bay more than Twenty fathoms from low water; from thence to Lot no. 81, owned by *James Fraser, Esq.* inclusive; no Net to extend into the Bay more than Three hundred fathoms from low water, and no Net to be set in the said space to be more than Two hundred fathoms in length; from thence to Lot no. 76, owned by *James Thom*, inclusive; no Net to extend into the Bay more than Two hundred and Eight fathoms from low water; a base line to run from low water on Lot no. 76, to the first Point above the House owned by *John English*, opposite to the lower end of *Sheldrake Island*; no Net to extend into the Bay more than Two hundred and Fifty fathoms from the said line; from thence to the lower line of Lot no. 71; no Net to extend into the Bay more than Two hundred fathoms from low water; no Net to be set in front of Lot no. 71, to extend into the River more than Seventy fathoms from low water; a base line to commence at the upper line of Lot no. 71, or *Moody's Point*, at low water mark, and end at low water mark on Lot no. 69; from thence to continue to low water mark on Lot no. 66; no Net to extend into the River more than Sixty-five fathoms from the said line; no Net to be set in front of the Lots no. 65 and 66, to extend into the River more than Sixty-five fathoms from low water; no Net to be set in front of the Lots no. 64 and 63, to extend into the River more than Seventy fathoms from low water; no Net to be set in front of Lot no. 62, to extend into the River more than Sixty-five fathoms from low water;

no Net to be set in front of Lot no. 61, to extend into the River more than Forty-five fathoms from low water, from Lot no. 61 to Lot no. 57, inclusive; no Net to extend into the River more than Sixty-five fathoms from low water; no Net to be set in front of the Lots no. 56, no. 55, and no. 54, to be longer than Sixty-five fathoms, beyond Forty fathoms from low water; no Net to be set in front of the Lots no. 53, no. 52, and no. 51, to be longer than Sixty-five fathoms, beyond Fifty fathoms from low water; no Net to be set in front of Lot no. 50, to extend into the River more than Sixty-five fathoms from low water; from thence to Lot no. 39, inclusive; no Net to be set to extend into the River more than Thirty-seven fathoms from low water; no Net to be set in front of Lot no. 38, to extend into the River more than Fifty fathoms from low water; no Nets to be set in front of Lots no. 37, no. 36, no. 35, and no. 34, to extend into the River more than Sixty-eight fathoms from low water; from thence to *Delesdernier's* Saw-Mill Cove, inclusive; no Net to extend into the River more than Seventy fathoms from low water; from thence to Lot no. 14, inclusive; no Net to extend into the River more than Fifty fathoms from low water; from thence to Lot no. 5, inclusive; no Net to extend into the River more than Forty-two fathoms from low water; from thence to Lot no. 1, inclusive; no Net to extend into the River more than Fifty-five fathoms from low water; from thence along the North shore to the Cove below *James Oxford's* house on the North-west branch; no Net to extend more than Thirty fathoms from low water; from thence to the Saw-Mill Cove, inclusive; no Net to be set to extend into the River more than Forty fathoms from low water, excepting in front of the Lots now occupied by *James Oxford*, *Duncan Mac Intire* and *George Hubbard*, where the Nets shall not extend into the River more than Twenty fathoms, from one foot water at low water; from the

the said Saw-Mill Cove to the Cove below *Barr's* Point; no Net to extend into the River more than Eighty fathoms from low water; from thence to the upper *Bass* fishery; no Net to extend into the River more than Forty fathoms from low water; from thence to *Barnet's* Point; no Net to extend into the River more than Sixty fathoms from low water, excepting in front of the Lots occupied by *George Urquhart* and *Thomas Wright*, where no Net shall extend into the River more than Eighty fathoms from low water; from thence to the Lot claimed by *John Stewart*, on the North side, opposite to the Lot occupied by him on the South side; no Net to extend into the River more than Forty fathoms from low water; no Net to be set in front of the Lot owned and occupied by *John Stewart* on the South side, nor along the South or Western shore, downwards to *Beauhebert's* Point, inclusive, to extend into the River more than Forty fathoms from low water; a base line to run from *East Point* to *West Point*; no Net to extend into the River more than Fifty fathoms from the said line; from low water mark at *West Point*; a base line to run to low water mark at the lower Point of Lot no. 9; no Net to extend into the River more than Sixty-five fathoms from the said line; from the said Point of Lot no. 9, to *Terril's* Point; no Net to extend into the River more than Sixty-five fathoms from low water, excepting in front of Lots no. 18 and no. 19, where the Nets are to extend Sixty-five fathoms beyond Twenty fathoms at low water; no Net to be set off *Terril's* Point to extend into the River more than Forty fathoms from low water; a base line to run from *Terril's* Point to the lower end of *Middle Island*; no Net to be set to extend into the River more than Forty-eight fathoms from the said line; no Net to be set from *Middle Island* towards the North shore to extend into the River more than Fifty fathoms from low water; no Net whatever to be set from *Middle Island* towards the South shore;

no Net to be set from the South shore opposite to the upper end of *Middle Island*, to *Alexander Gunn's* lower Lot, inclusive, to extend into the River more than Fifty-two fathoms from low water, excepting in front of the Lots no. 28 and no. 29, which shall not exceed Sixty fathoms from low water, and in front of Lot no. 32 no Net to extend into the River more than Thirty-eight fathoms from low water; no Net to be set in front of Lot no. 33 to extend into the River more than Fifty-five fathoms from low water; no Net to be set in front of the Lots no. 50, no. 51, no. 52, no. 53 and no. 54, inclusive, to extend into the River more than Sixty fathoms from low water; from thence to Lot no. 58, inclusive; no Net to extend into the River more than Sixty fathoms from low water; no Net to be set in front of the Lots no. 59, no. 60, and no. 61, to extend into the River more than Fifty fathoms from low water; from thence to the Lot no. 41, in the Grant to the late *William Davidson*, Esquire; no Net to extend into the River more than Forty fathoms from low water; no Net to be set in front of the Lot lately occupied by *Joel Spencer Turner*, to extend into the River more than Seventy fathoms from low water; no Net to be set from *Beauhebert's* Island, to extend into the River more than Thirty fathoms from low water; no Net whatever to be set in the *Tickle* between *Beauhebert's* Island and *Beauhebert's* Point; and no Net whatever to be set in front of the Burying Ground on *Beauhebert's* Point; no Net to be set from either side of the South-west branch from *Beauhebert's* Point on the Western shore and *Joel Spencer Turner's* Lot on the Eastern shore to the *Elm Tree*, inclusive, to extend into the River more than Forty fathoms from low water; no Net to be set between the extremity of *Barnaby's* Island and the Lot owned by *William Gillice* on the North shore, to extend into the River more than Thirty fathoms from low water; from the *Elm Tree* to the *Nashwaack* Portage; no Net to be



be fet from either fide to extend more than one third part acrofs the faid branch. *Provided always, and it is hereby declared,* That no Net to be fet in either of the branches by virtue of this Act, fhall extend more than one third part acrofs fuch branch, any thing herein before contained to the contrary notwithstanding; and that no Net fhall at any time be fet or remain in the water, or any Seine be drawn, or any Salmon fpeared in any part of the Bay and River *Miramichi* and its branches, between Sun-fet on Saturday night and Sun-rife on Monday morning; and that this claufe fhall extend to the crofs-Net claimed by the heirs of the late *William Davidson*, Efq. at the *Elm Tree* in the South-west branch of *Miramichi* River aforefaid; no Nets whatever to be fet infide of any bafe lines allowed in the Bay, River and Branches, excepting in front of the Lot owned by *Robert England* in *Nassau Bay*, where the Net may extend into the Bay in front of the faid Lot two hundred fathoms from low water, and in front of the Lot owned by *Richard Home* in the faid *Nassau Bay*, where the Net may extend Two hundred fathoms from low water, provided no part of the faid quantity of Net is fet outside of the faid line; no Net to be fet off vacant Lands in the Bay, River or Branches below the upper Settlement on the South-west branch, to extend from either fhore more than Five fathoms from low water, until the faid Lands are allotted by Government or occupied by permanent Settlers.

II. *And be it further enacted,* That if any perfon or perfons, from and after the paffing of this Act, fhall prefume to erect or fet up any Hedge, Wear, Fish-garth or other incumbrance, or place any Seine or Seines, Net or Nets, in the Bay or River *Miramichi*, or its branches, except as is herein before provided for, fuch perfon or perfons fo offending fhall forfeit and pay the fum of Ten Pounds, upon due conviction thereof by the Oath of one or more credible witnefs or witneffes, before any two of His Majesty's

No Net to be fet in the faid Bay or River, nor Seine drawn, nor Salmon fpeared, between Sun-fet on Saturday & Sun-rife on Monday.

No Net to be fet off vacant Lands, more than five fathoms from low water.

Offenders to forfeit and pay 10<sup>l</sup>. upon conviction, before any two Juftices of the Peace,

and 20*l.* for a second offence, to be recovered with costs, by action of debt, &c. and 50*l.* for a third, and every subsequent offence.  
Application of Penalties.

Majesty's Justices of the Peace for the County of *Northumberland*, to be levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus, if any, to such offender, and Twenty Pounds for the second offence, to be recovered with costs, by action of debt, bill, plaint or information, in any Court of Record in this Province, and Fifty Pounds for the third and every subsequent offence, to be recovered with costs in the manner last mentioned; one half of which penalties shall on conviction, be paid to the Informer, and the other half to the Overseers of the Poor of the Town or Parish where such offence shall be committed, to be applied to the use of the Poor.

General Sessions to appoint overseers of the Fisheries.

III. *And be it further enacted*, That the Justices of the Peace in the said County of *Northumberland* in their General Sessions, may and are hereby required to appoint one or more fit person or persons to be Overseers of the Fisheries for each Town, Parish or district, who shall be sworn to the faithful discharge of their duty; and shall have power to remove any Net, Hedge, Wear, Fish-garth, Seine or other incumbrance, that shall be found in any River, Cove or Creek, contrary to the provisions of this Act.

Their Oath, and Duty.

Further duties & powers of Overseers, to seize Nets, &c.

IV. *And be it further enacted*, That if any Net, Hedge, Wear, Fish-garth, or other incumbrance, or any drift-Net, shall be found in any River, Cove or Creek, contrary to the provisions of this Act, it shall and may be lawful for such Overseers of the Fisheries, and they and each of them are hereby required respectively forthwith to seize the same; and if no owner shall appear to claim the same within Ten days, such Net, Seine or Fish-garth, shall, together with the Fish, if any found therein, be forfeited and sold by the said Overseers to satisfy the respective penalties in this Act mentioned and inflicted, and the overplus, if any, shall be paid to the Overseers of the Poor for the use of the Poor of the Town or Parish where such offence shall be committed.

V. *And be it further enacted*, That the said Overseers

feers of the Fisheries shall be intitled to demand and receive One Shilling and no more for each set of Nets to be set in the district to which they shall be respectively appointed from the Proprietors of such Nets, as a compensation for their trouble. Their Fees.

VI. *And be it further enacted*, That if any such Overseer of the Fisheries shall at any time wilfully and knowingly delay, neglect, or refuse to perform the duty in and by this Act enjoined, such offender shall forfeit and pay for every offence, the sum of Five Pounds, to be sued for, recovered and applied in the same manner as the penalty of Ten Pounds herein before mentioned, can or may be sued for, recovered or applied. Penalty for neglect of duty.

VII. *And be it further enacted*, That if any Overseer shall so neglect to perform the duty in and by this Act enjoined, it shall and may be lawful for any person or persons to apply to the Sheriff, his deputy, or any Constable, who are hereby authorized and required to take up and remove any such Incumbrance forthwith; and if no person or persons appear to claim the same within Ten days, the said Net or Nets so taken up and removed as aforesaid, shall be considered the one moiety as the property of the person or persons so complaining, and the other moiety as the property of the Sheriff, his deputy, or any Constable who may take up and remove the same. In case of neglect of Overseers, Sheriff or Constable to perform their duty.

VIII. *And be it further enacted*, That no Salmon shall be taken or killed in any manner whatever, in the River *Miramichi*, or in the River *Restigouche*, or in any of the branches of the said Rivers, from the Thirtieth day of *August*, to the First day of *April* in every year; nor shall any person purchase any Fish so killed or taken, under the penalty of Five Shillings for each Fish so killed, taken or purchased, to be recovered before any of His Majesty's Justices of the Peace, for the County of *Northumberland*, for the uses aforesaid. No Salmon to be taken or killed, from 30th August to 1st of April, nor purchased, under penalty of 5s.

IX. *And be it further enacted*, That the Justices of the

General Sessions to make rules & regulations for the Fisheries in all other places of the said County, not contrary to this Act.

the Peace in the said County of *Northumberland*, in their General Sessions, shall and may make such rules and regulations for the Fisheries in all other Rivers, Coves and Creeks within the said County, not herein and hereby regulated, as they shall think fit—*Provided* the same regulations so to be made, be not contrary to nor inconsistent with the provisions herein before contained; and the Overseers of the Fisheries to be appointed in pursuance of this Act, are hereby required to see that such rules and regulations so to be made are observed and enforced in the same manner as any of the rules and regulations in this Act are required to be observed and enforced under such penalties, not exceeding Ten Pounds, as they the said Justices in their discretion shall think fit.

Continuance of the Act.

X. *And be it further enacted*, That this Act shall continue and be in force *Seven Years*, and no longer.

#### CAP. VI.

An ACT in AMENDMENT of an Act made and passed in the Thirty-first Year of His MAJESTY'S reign, intituled, "An Act for the support and relief of "Confined Debtors." Passed the 8th February, 1799. Exp.

*See further 41 Geo. 3. c. 5.*

#### CAP. VII.

An ACT to authorize the JUSTICES of the SESSIONS in several COUNTIES of this PROVINCE, to make Regulations for the WEIGHING of HAY, within such Counties where it may be found necessary to ERECT Machines for that purpose. Passed the 8th February, 1799.

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That from and after the passing of this Act, the Justices of the General Sessions of

of the Peace for the several Counties in this Province, except the County of *Saint John*, be, and hereby are authorized and empowered, if they think fit, to erect or give permission for erecting Machines for the Weighing of Hay in such Town or Parish as they from time to time shall judge necessary, and to make and ordain such rules and regulations, and establish such rates and allowances to the owners and proprietors of the said Hay Machines in their respective Counties as they may judge necessary for the better government and management of the same; and that the said Justices shall and may affix such penalties not exceeding Ten Pounds, as they may think necessary for the carrying into execution such rules and regulations, and for the establishing such rates and allowances so by them to be made and established; such penalties to be recovered on the Oath of one or more credible witness or witnesses, before any two of His Majesty's Justices of the Peace, for the County where the penalty shall be incurred, and to be levied by warrant of distress and sale of the offender's goods, one half to the Informer, and the other half to the use of the Poor of the Town or Parish where the offence shall be committed.

Justices of the Peace in General Sessions, excepting *Saint John*, may permit Machines for weighing Hay,

ordain regulations, establish rates,

and affix penalties,

to be recovered before any two Justices of the Peace, and levied by distress.

CAP. VIII.

An ACT to PREVENT the Importation or Spreading of INFECTIOUS DISTEMPERS within this Province. Passed the 8th February, 1799.

WHEREAS Infectious Distempers have lately prevailed in different parts of the United States of America—AND WHEREAS it is necessary to prevent, if possible, the Importation of such desolating Disorders into this Province—

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That no Master, Mariner or Passenger whatsoever, belonging to or coming in any British vessel, or in any vessel owned in the United States

No person coming in any Vessel from any place, where any contagious Distemper

prevails, shall land without permission, of one of His Majesty's Justices of the Peace, under penalty of 10*l*.

States of America, from any port or place where the yellow Fever, putrid bilious Fever, or other pestilential or contagious Distemper does prevail, shall land within the limits of any County in this Province, without permission first had and obtained in writing under the hand and seal of one of His Majesty's Justices of the Peace for such County, under the penalty of Ten Pounds, for each and every person so landing without a written permission as aforesaid.

Masters, &c. having charge of any Vessel, who shall land any person within the County of *Charlotte*, without such permission, upon conviction, that such person had been at any infected place in the United States shall forfeit 10*l*.

II. *And be it further enacted*, That if any Master, Owner or other person whatever, having charge of any vessel or coasting craft, or of any boat, skiff or other craft, do land any person whatever within the limits of the County of *Charlotte*, taken from on board any vessel or craft whatever, or from any of the shores of the United States of America, or from *Moose Island*, *Dudley Island*, or *Frederick Island*, without a written permission first had and obtained as aforesaid, such offender shall on conviction that such person so unlawfully landed has been, within Thirty days of such landing, at any port or place in the United States, infected as aforesaid, forfeit and pay for every person so landed, the sum of Ten Pounds, and on failure of such payment, shall suffer not exceeding Three Months imprisonment.

Tavern-keepers, &c. to make report to the nearest Justice, under penalty of 10*l*.

III. *And be it further enacted*, That all Tavern-keepers and other House-keepers whatever, within the County of *Charlotte*, shall make immediate report to the nearest Justice of the Peace of all and every person whatsoever, coming by what route soever, from any port or place infected as aforesaid, into any or either of their families, under the penalty of Ten Pounds, for each and every person so omitted to be reported as aforesaid.

Justices of the Peace authorized to remove aliens coming from infected places.

IV. *And be it further enacted*, That it shall and may be lawful for any of His Majesty's Justices of the Peace within the said County of *Charlotte* to remove forthwith, or direct to be removed without the limits of this Province, any person or persons,

not

not being His Majesty's subjects, who may have come into the said County from any port or place infected as aforesaid; provided such person shall not have resided Thirty days within the said County; in case he suspects danger of Infection from such person continuing to reside within the said County.

V. *And be it further enacted*, That it shall and may be lawful for the Justices of the Peace in the respective Counties at their General Sessions, or at any Special Session to be called for the purpose, to make such further rules and regulations in aid of the present Act, for the better preventing the Importation or spreading of such Infectious Distempers, with such pains and penalties not exceeding Ten Pounds, for each and every offence, against such rules and regulations as to them may seem meet.

Justices of the Peace authorized to make further regulations.

VI. *And be it further enacted*, That the Fines and penalties in this Act mentioned, shall and may be recovered before any two of His Majesty's Justices of the Peace for the County where such offence shall be committed, on the Oath of one or more credible witness or witnesses, and applied to the benefit of such County.

Fines to be recovered before two Justices of the Peace.

VII. *And be it further enacted*, That this Act shall not extend or be construed to extend to the City of *Saint John*.

Not to extend to the City of *St. John*.

### CAP. IX.

AN ACT to REPEAL an Act made and passed in the Thirty-sixth Year of His MAJESTY'S Reign, intituled, "An Act to prevent bringing INFECTIOUS "DISTEMPERS into the City of SAINT JOHN," and to make more effectual provision for preventing the Importation and spreading of such contagious Distempers. Passed the 8th of February, 1799.

WHEREAS an Act made and passed in the Thirty-sixth Year of his present Majesty's reign, intituled, "An Act to prevent bringing Infectious

Preamble.

“ fectionous Distempers into the City of *Saint John*,”  
has been found ineffectual—

Former Act re-  
pealed.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That the aforesaid Act be, and the same is hereby repealed.

Regulations of  
vessels having on  
board contagious  
distempers, or  
coming from in-  
fected places, on  
entering the har-  
bour of *St. John*.  
Their inspection  
and place of an-  
chorage appoint-  
ed.

II. *And be it further enacted,* That no vessel hav-  
ing on board the yellow Fever, putrid bilious Fever,  
or other pestilential or contagious Distemper, or  
coming from any place infected with any of the be-  
fore mentioned distempers, shall come or proceed,  
or be navigated or conducted further from the sea,  
towards or higher into the harbor of *Saint John*  
than the Point commonly called Pagan's Point, or  
a line running due West therefrom, until such vessel  
shall after her arrival have anchored at some place  
between the Point and line aforesaid and *Partridge*  
Island, and there have been and remained at anchor  
for the space of Three days, nor until such vessel  
shall have been duly inspected and examined, and  
shall have obtained a licence for that purpose from  
the Mayor, Recorder and Aldermen, of the said City  
of *Saint John*, or any two of them; which licence  
shall in no case be granted in less than Three days  
after anchoring as aforesaid: And in case such li-  
cence shall be denied, and it shall be judged expedi-  
ent by the said Mayor, Recorder and Aldermen,  
or any two of them, that the said vessel with the  
cargo and goods, and all persons on board should  
ride or perform quarantine, then the Master or  
Commander, or other person having charge of the  
said vessel for the time being, shall cause the said  
vessel, with all the persons and goods and cargo  
on board, to anchor in such place and for such  
length of time not exceeding Forty days, as the said  
Mayor, Recorder and Aldermen, or the major part  
of them shall direct and appoint; and all and every  
Master and Masters, and Commander and Comman-  
ders of vessels, and every other person who shall  
disobey or contravene any such direction or ap-  
pointment, or neglect to execute and perform the  
same,

Mayor, &c. may  
license vessels to  
proceed, after 3  
days, or may di-  
rect a quarantine.

Penalty on Mas-  
ters, &c. disobey-  
ing or neglecting  
such directions.



fame, or shall without a license for that purpose first had and obtained from the said Mayor, Recorder and Aldermen, or any two of them, go on shore, or put on shore, or unlade, or assist in putting on shore or unlading, any person or goods from any such vessel as aforesaid, before the said quarantine or time of anchoring, so limited, directed and appointed, shall be fully completed and expired, shall for each and every offence severally forfeit and pay the sum of Two hundred Pounds.

III. *And be it further enacted,* That the Master or Commander of every vessel, having on board the yellow Fever, putrid bilious Fever, or any other pestilential or contagious Distemper, or coming from any place infected with any of the afore-mentioned Distempers, shall immediately after her arrival at or within Partridge Island, at the mouth of the harbor of Saint John, hoist such vessel's Ensign with the Union down, or if there be no Ensign on board, then he shall hoist such other colours as shall be on board half Mast, and continue the said Signal so hoisted, until a licence be had to remove the same from the said Mayor, Recorder and Aldermen, or any two of them, which licence shall in no case be granted in less than Three days after first anchoring as aforesaid, under the penalty of Twenty Pounds for each and every offence.

IV. *And be it further enacted,* That the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council be, and they are hereby authorized and required to nominate and appoint one or more Physician or Physicians, who shall have power and authority to go on board, visit and inspect all vessels arriving as aforesaid, which may be suspected of having on board the said yellow Fever, putrid bilious Fever, or other pestilential or contagious Distemper, and who are required at the request of the Mayor, Recorder or Aldermen, or any two of them, to go on board such suspected vessel or vessels, and make full inquiry and examination into

The Master of such vessel shall hoist an Ensign, with the Union down, or other signal, under penalty of 20*l*.

*For the said in  
the Bay of  
Saint John*

*The T. L. L. L.*

Mayor, Aldermen, and Commonalty of Saint John, to appoint one or more Physicians, to inspect such vessels,

*For the said in  
the Bay of  
Saint John  
the T. L. L. L.*

into the state of the health of all persons on board, or who have been on board, during any part of the voyage, and whether the said vessel or vessels came from or touched at any place infected with any of the Distempers aforesaid, and into and concerning all circumstances and matters in any wise touching or concerning the prevalence of any of the said Distempers at any place where the said vessel or vessels may have touched, or from which the said vessel or vessels may have sailed; and the said Physician and Physicians shall make report from time to time in writing to the Mayor, Recorder and Aldermen, or any two of them, so requesting him or them to go on board and make examination as aforesaid, of the result of such examination and inquiry, with his or their opinion and advice thereon; and such Physician or Physicians, shall have and receive from the Chamberlain of the City such Fees, recompence and reward for the services to be performed from time to time as aforesaid, as the Common Council shall order and appoint.

and to make report.

Fees for such services.

Masters to give Physicians full discovery of all circumstances, — under penalty of 200*l*.

V. *And be it further enacted*, That the Master or Commander of every vessel arriving and coming from any such infected place as aforesaid, or having on board any person or persons infected, or who during the voyage shall have been infected with any of the Fevers or Distempers aforesaid, or on board of which vessel any person shall have died of any such Fever or Distemper, or being infected therewith, shall have landed or quitted the vessel during the said voyage, shall permit such Physician and Physicians at all reasonable times, to come on board and make the inquiry and examination aforesaid, and make and give to him a true and full discovery and relation of all the matters, things and circumstances aforesaid, and if any such Master or Commander shall refuse or neglect to make such full and true discovery and relation as aforesaid, or shall suppress, conceal or deny the truth in any particular, relating thereunto, he shall forfeit and pay for each

each and every offence, the sum of Two hundred Pounds.

VI. *And be it further enacted*, That no person or persons whosoever, other than a Physician appointed as aforesaid, shall go on board any vessel so arriving and coming from any place so infected as aforesaid, or which shall have on board any person or persons infected as aforesaid, with any of the Fevers or Distempers aforesaid, after her having therein hoisted such Signal as aforesaid, before the granting of such licence as aforesaid, for the vessel to proceed into the inner harbour, nor before the expiration of Three days from and after the time of her first coming to anchor as aforesaid, between *Pagan's Point* and *Partridge Island*, under the penalty and forfeiture of Twenty Pounds, for each and every offence.

No person, except the Physician, to go on board such vessel under penalty of 20*l.*

VII. *And be it further enacted*, That if any person or persons other than a Physician appointed as aforesaid, shall go on board any such vessel so coming from any infected place as aforesaid, or having any person on board so infected as aforesaid, after such Signal therein hoisted as aforesaid, and before the granting of such licence for the vessel to proceed as aforesaid, and the expiration of the said Three days anchoring as aforesaid, contrary to the true intent and meaning of the next preceding section, that then and in such case the Master or Commander of such vessel for the time being, be authorized and required to keep and detain such person or persons aforesaid on board the said vessel, until such licence as aforesaid for the vessel to proceed, be duly granted, and until the expiration of such time as shall be directed and appointed by the said Mayor, Recorder and Aldermen, or the major part of them, for the said vessel to ride quarantine, or to anchor, in case such licence shall be denied; and if any Master or Commander of such vessel shall permit any person or persons, other than the Physician aforesaid, so to come on board as aforesaid, contrary

Persons going on board before licence granted, to be detained on board.

Master permitting such person to come on board to forfeit 20*l.*

Any person unlawfully returning, and Master permitting such return, and every person aiding, to forfeit each the sum of 50*l*.

to the prohibitions and provisions aforesaid, and the true intent and meaning of this Act, he shall forfeit and pay the sum of Twenty Pounds, for each and every offence. And if any such person or persons so having unlawfully gone on board any such vessel as aforesaid, contrary to the prohibitions and provisions aforesaid, and the true intent and meaning of this Act, shall go on shore or depart from the said vessel, before such licence as aforesaid shall be granted, or if a licence shall be denied before the expiration of the time appointed as aforesaid, for the said vessel's anchoring and quarantine aforesaid, then and in such case, every person and persons so offending as aforesaid, and going on shore or departing from the said vessel as aforesaid, and the Master or Commander of any such vessel so permitting the same person or persons to go on shore or to depart from the said vessel, and every other person or persons aiding or assisting therein, shall for each and every offence severally forfeit and pay the sum of Fifty Pounds.

Recovery and application of penalties.

VIII. *And be it further enacted*, That all the penalties and forfeitures aforesaid in this Act mentioned, may be prosecuted, sued for and recovered by action of debt, bill, plaint or information, in the Supreme Court, by any person who shall prosecute and sue for the same, and shall be divided, one moiety to the person so suing and prosecuting, and the other moiety to the use of the Mayor, Aldermen and Commonalty of the City of *Saint John*.

## CAP. X.

An ACT for defraying the ORDINARY SERVICES of the Province, for the Years One thousand Seven hundred and Ninety-six, One thousand Seven hundred and Ninety-seven, One thousand Seven hundred and Ninety-eight, and One thousand Seven hundred and Ninety-nine. Passed the 8th February, 1799.

Exp.

CAP.

CAP. XI.

An ACT for RAISING a REVENUE and for APPROPRIATING the same towards REIMBURSING the MEMBERS attending in GENERAL ASSEMBLY. Passed the 8th February, 1799. Exp.



Anno Regni GEORGII III. Regis  
Quadragesimo Primo.

*AT the General Assembly of the Province of NEW-BRUNSWICK, begun and holden at FREDERICTON, on the Ninth day of FEBRUARY, in the year of our LORD, One thousand Seven hundred and Ninety-six, and in the Thirty-sixth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of GOD, of GREAT-BRITAIN, FRANCE and IRELAND, King, Defender of the Faith, and so forth ; and from thence continued by several prorogations to the Twentieth day of JANUARY, One thousand Eight hundred and One ; being the fifth Session of the third Assembly convened in the said Province.*

CAP. I.

An ACT for RAISING a REVENUE in this Province.  
Passed the 21st February, 1801. Exp.

## CAP. II.

An ACT for the rendering JUSTICES of the PEACE MORE SAFE in the EXECUTION of their OFFICE; and FOR INDEMNIFYING CONSTABLES and OTHERS acting in OBEDIENCE to their Warrants. Passed the 21st February, 1801.

See Eng. Stat.  
24 Geo. 2. c. 44.

‘WHEREAS Justices of the Peace are discouraged in the execution of their office by vexatious actions brought against them for or by reason of small and involuntary errors in their proceedings; and whereas it is necessary that they should be (as far as is consistent with Justice and the safety and liberty of the subjects over whom their authority extends) rendered safe in the execution of the said office and trust: AND WHEREAS it is also necessary that the subjects should be protected from all wilful and oppressive abuse of the several Laws and Statutes committed to the care and execution of the said Justices of the Peace;’

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That from and after the passing of this Act, no Writ shall be sued out against, nor any copy of any Process at the suit of a subject, shall be served on any Justice of the Peace for any thing by him done in the execution of his office, until notice in writing of such intended Writ or Process shall have been delivered to him or left at the usual place of his abode, by the attorney or agent for the party who intends to sue or cause the same to be sued out or served, at least One calendar Month before the suing out or serving the same; in which notice shall be clearly and explicitly contained, the cause of action which such party hath or claimeth to have against such Justice of the Peace; on the back of which notice shall be endorsed the name of such attorney or agent, together with the place of his abode, who shall be intitled to have the fee of Ten Shillings for the preparing and serving such notice, and no more.

No writ or process to be sued out against a Justice of the Peace for any thing done in the execution of his office, until notice given him.

Justice withi. 1  
Month may ten-  
der amends,

and plead such  
tender in bar, &  
any other plea  
with leave.

In what cases de-  
fendant is to be  
intitled to costs.

Plaintiff not to  
recover without  
proof of notice.

Justice may pay  
money into  
Court.

II. *And be it further enacted*, That it shall and may be lawful to and for such Justice of the Peace at any time within One calendar Month after such notice given as aforesaid, to tender amends to the party complaining, or to his or her agent or attorney, and in case the same is not accepted, to plead such tender in bar to any action to be brought against him, grounded on such Writ or Process, together with the plea of NOT GUILTY, and any other plea with the leave of the Court; and if upon issue joined thereon the Jury shall find the amends so tendered to have been sufficient, then they shall give a verdict for the Defendant, and in such case or in case the Plaintiff shall become nonsuit or shall discontinue his or her action, or in case Judgment shall be given for such Defendant or Defendants, upon demurrer, such Justice shall be intitled to the like costs as he would have been intitled unto in case he had pleaded the general issue only; and if upon issue so joined the Jury shall find that no amends were tendered, or that the same were not sufficient, and also against the Defendant or Defendants on such other plea or pleas, then they shall give a verdict for the Plaintiff and such damages as they shall think proper, which he or she shall recover, together with his or her costs of suit.

III. *And be it further enacted*, That no such Plaintiff shall recover any verdict against such Justice in any case where the action shall be grounded on any act of the Defendant as Justice of the Peace, unless it is proved upon the trial of such action, that such notice was given as aforesaid; but in default thereof such Justice shall recover a verdict and costs as aforesaid.

IV. *And be it further enacted, by the authority aforesaid*, That in case such Justice shall neglect to tender any amends, or shall have tendered insufficient amends before the action brought, it shall and may be lawful for him by leave of the Court where such action shall depend, at any time before issue  
joined,



joined, to pay into Court such sum of money as he shall see fit; whercupon such proceedings, orders and judgments shall be had, made and given in and by such Court, as in other actions where the Defendant is allowed to pay money into Court.

V. *And be it further enacted*, That no evidence shall be permitted to be given by the Plaintiff on the trial of any such action as aforesaid, of any cause of action except such as is contained in the notice hereby directed to be given.

No evidence to be given of other cause than in the notice.

VI. *And be it further enacted, by the authority aforesaid*, That from and after the passing of this Act, no action shall be brought against any Constable or other officer, or against any person or persons acting by his order and in his aid, for any thing done in obedience to any warrant under the hand or seal of any Justice of the Peace, until demand hath been made or left at the usual place of his abode by the party or parties intending to bring such action, or by his, her or their attorney or agent in writing, signed by the party demanding the same of the perusal and copy of such warrant, and the same hath been refused or neglected for the space of Six days after such demand; and in case after such demand and compliance therewith by shewing the said warrant to and permitting a copy to be taken thereof by the party demanding the same, any action shall be brought against such Constable, or other officer, or against such person or persons acting in his aid for any such cause as aforesaid, without making the Justice or Justices who signed or sealed the said warrant, Defendant or Defendants, that on producing or proving such warrant at the trial of such action, the Jury shall give their verdict for the Defendant or Defendants, notwithstanding any defect of jurisdiction in such Justice or Justices, and if such action be brought jointly against such Justice or Justices, and also against such Constable or other officer, or person or persons acting in his or their aid as aforesaid, then on proof of such warrant the

No action to be brought against any Constable, &c.

until demand made of the perusal and a copy of the Warrant, &c.

nor without making Justice a defendant.

Jury

Costs against Jus-  
tices.

Jury shall find for such Constable or other officer, and for such person or persons so acting as aforesaid, notwithstanding such defect of jurisdiction as aforesaid; and if the verdict shall be given against the Justice or Justices, that in such case the Plaintiff or Plaintiffs shall recover his, her or their costs against him or them to be taxed in such manner by the proper officer as to include such costs as such Plaintiff or Plaintiffs are liable to pay to such Defendant or Defendants, for whom such verdict shall be found as aforesaid.

Wilful injury  
certified &c. dou-  
ble costs.

VII. *Provided always*, That where the Plaintiff in any such action against any Justice of the Peace shall obtain a verdict, in case the Judge before whom the cause shall be tried, shall in open Court certify on the back of the Record that the injury for which such action was brought, was wilfully and maliciously committed, the Plaintiff shall be intitled to have and receive double costs of suit.

Limitation of ac-  
tions.

VIII. *Provided also, and be it enacted by the authority aforesaid*, That no action shall be brought against any Justice of the Peace for any thing done in the execution of his office, or against any Constable or other officer, or person acting as aforesaid, unless commenced within Six calendar Months after the act committed.

### CAP. III.

AN ACT to REPEAL all the Acts now in FORCE relating to TRESPASSES, and for making new Regulations to prevent the same. Passed the 21st of February, 1801.

Preamble.

WHEREAS the Acts now in force relating to Trespases are found inconvenient, and it is necessary that new and further regulations be made to prevent the same—

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly*, That an Act made and passed

passed in the Twenty-sixth year of His Majesty's reign, intituled, "An Act for preventing Trespaffes," and likewise an Act made and passed in the Thirty-seventh year of His Majesty's reign, intituled, "An Act to alter and amend an Act passed in the Twenty-sixth year of His Majesty's reign, intituled, "An Act for preventing Trespaffes," be repealed, and the same are hereby repealed.

Former Acts repealed.

II. *And be it further enacted,* That the Fences dividing improved Lands belonging to any person or persons, from improved Lands belonging to any other person or persons, shall be erected, made and maintained at the joint and equal expence of the occupiers of the said Lands lying on each side of such Fence or line whereon the Fence is to be erected, on notice from the occupier of any such Lands to the occupier of such adjoining Lands, which Fence shall be a good, strong and sufficient Fence, and not less than Four feet Six inches high. And in case any dispute shall arise between the occupiers of such Lands on which the said Fence should be erected, or the particular part or proportion of the Fence to be erected by them, it shall and may be lawful to apply to the nearest Fence-Viewer, who is hereby empowered (notice being given to the parties to attend) to view such place where the same is proposed to be erected, and to determine the part or proportion that it may be equitable each of the occupiers of such improved Lands should erect: And if either of the parties, after Ten days notice of the determination of the said Fence-Viewer, shall not make and erect his proportion of the said Fence in the manner herein before directed, it shall and may be lawful for the Fence-Viewer to make, or cause such part as is deficient to be made, or to authorize the other party to make the same, the labor in making such Fence to be estimated at Ten Shillings per day for each day's labor, and recovered with costs of suit before any Court competent to try the same, together with all damages that may

Division Fences to be erected at the joint expence of occupiers,

to be four feet six inches high.

Disputes to be determined by Fence-Viewers.

who, on neglect of party, is to make the Fence.

At the rate of 10s. per day, to be recovered with costs.

Repairs of Fences provided for in same manner, and at same rate :

to be recovered with damages.

Fees for viewing.

Penalty for neglect of duty.

Justices in General Sessions to make other regulations for preventing Trespases,

and respecting Islands, &c.

Cattle, &c. found at large contrary to regulations, owner to forfeit 5s. for each.

ensue in consequence of the neglect of the person refusing to erect his part of such Fence. And where Fences already made want immediate repair, the said Fence-Viewer shall, on application, forthwith summon the parties concerned and view the same, and also direct such repair to be immediately made; and in case of the refusal or neglect of the party complained of, it shall be lawful for the Fence-Viewer to repair such Fence, or direct the person complaining to make such repair, the value thereof to be ascertained at the rate above mentioned, and recovered in the manner before directed, together with all damages that may have arisen in consequence of the delinquent refusing immediately to repair such Fence. *Provided always*, That no Fence-Viewer shall be allowed more than Seven Shillings and Six Pence per day for Fence viewing; and if any Fence-Viewer shall, when notified, neglect his duty, he shall for every such offence, forfeit the sum of Twenty Shillings, to be recovered with costs by the person injured; one half thereof to the complainant, and the other half to the Overseers of the Poor of the Parish where the offence is committed.

III. *And be it further enacted*, That the Justices in their General Sessions of the Peace shall be and are hereby empowered to make such other regulations for preventing Trespases by Horses, Swine, Sheep, Goats and Neat Cattle, as shall be most expedient and agreeable to the nature and circumstances of the several Counties, Towns and Parishes. And the said Justices are further empowered to make such regulations relating to the Islands and Low Lands in their respective Counties as they may think necessary, and to determine and order what waters or water-Fences shall be necessary and sufficient for the protection of the same. And if any Horses, Swine, Sheep, Goats or Neat Cattle, shall be found going at large contrary to any regulations so made, the owner or owners thereof shall forfeit and pay to the use of the Poor of the Parish where such Horses, Swine,

Swine, Sheep, Goats or Neat Cattle, shall be so found going at large, a Fine not exceeding Five Shillings for each and every of them so found going at large as aforesaid, to be recovered on complaint to a Justice of the Peace, who is hereby empowered to hear and determine the same, provided the said complaint be prosecuted within One Month.

Recovered on complaint to a Justice of the Peace.

IV. *Provided always, and be it further enacted,* That the owner or occupier of any wood, barren or burned Land, and not under any improvement, but adjoining to improved or cultivated Lands, shall not be obliged to erect or make, or maintain any part of the Fence dividing such wood, barren, burned or unimproved Land from Lands so improved or cultivated; any Law, usage or custom to the contrary notwithstanding.

Occupier of unimproved Land not bound to Fence.

V. *And be it further enacted,* That when any damage shall be done by any Horses, Sheep, Swine, Goats or Neat Cattle, by breaking any Field or enclosure fenced as aforesaid, or on the Islands and Low Lands, contrary to any regulations so made, and destroying the produce thereof, the owner or owners of such trespassing Cattle shall pay to the party injured the amount of such damages, to be ascertained by appraisement of Three credible Freeholders where such Lands lie, being sworn before a Justice of the Peace truly and impartially to value the same; and any such person or persons sustaining such injury may impound the said Horses, Sheep, Swine, Goats or Neat Cattle, and the Pound-keeper shall cause the same to be advertised as soon as may be. And if the owners thereof shall neglect to pay such damages, as also to the Pound-keeper One Shilling per day for keeping each Horse or Neat Cattle, and Six Pence per day for each Sheep, Swine or Goat, with charges of advertising the same, within Fourteen days after the same shall be impounded, such Horses, Cattle, Sheep, Goats or Swine, shall be publicly sold, or so many of them as may be necessary to defray the damages and charges, and

Damages by cattle, &c. to be paid by owner,

at appraisement of 3 Freeholders, under oath.

Cattle to be impounded and advertised.

Owners neglecting to pay such damages, with Pound-keeper's Fees, within 14 days,

Cattle, &c. to be sold to defray such damages & charges.

the

the monies arising from such sale, after deducting the damages and charges, shall be paid to the owner or owners thereof: And if no person appears, then to the Overseers of the Poor, for the use of the Poor of such Town or Parish.

VI. *And be it further enacted*, That if any person or persons shall rescue any Horses, Cattle, Sheep, Goats or Swine, from any Hog-reeve or other person whatsoever driving such Horses, Cattle, Sheep, Goats or Swine to Pound, the offender shall forfeit for such rescue Twenty Shillings over and above all damages that may be sustained by the trespass, which penalty may be recovered before any one of His Majesty's Justices of the Peace, on the Oath of one credible witness, and levied by warrant of distress and sale of the offender's goods. And if any person or persons shall make a breach of any Pound, or shall, by any indirect means, deliver any Horses, Cattle, Sheep, Goats or Swine so impounded, the person or persons so offending and every of them, shall, upon conviction before any two Justices (*Quorum Unus*) forfeit for every such offence Three Pounds; which said penalties shall be paid and applied one half to the person prosecuting, and the other half to the use of the Poor, after deducting the damages, charges and expence of repairing such Pound breach.

VII. *And be it further enacted*, That every Town or Parish shall be provided with a sufficient Pound or Pounds as shall be thought necessary for such Town or Parish, to be fixed in the most convenient situation as the Justices in their General Sessions shall think fit, and at the expence of the Inhabitants of such Town or Parish, to be assessed and collected as other Town or Parish charges are.

Overplus paid to the owner, or if no owner, to the Overseers of the Poor.

Rescous of Cattle, &c.

Penalty of—and how recovered.

Pound breach.

Penalty.

Application of penalties.

Every Parish to be provided with a sufficient Pound

## CAP. IV.

An ACT for the better SECURING the NAVIGATION  
of PASSAMAQUODDY BAY within DEER ISLAND.  
Passed the 21st of February, 1801.

**W**HEREAS an Act made and passed in the Thirty-  
fifth year of His Majesty's reign, intituled, Preamble.  
"An Act to provide for the support of Beacons to  
"be erected for the better securing the Navigation  
"of *Passamaquoddy Bay*, and building a Slip in the  
"harbour of *Saint Andrews*," has expired. AND  
WHEREAS from the monies arising by virtue of the  
said Act having been found insufficient to defray  
the expence of erecting, replacing and keeping in  
repair the Beacons or Land-marks therein mention-  
ed, it is necessary and expedient that further provi-  
sions be made for that purpose, and for paying off  
the debt contracted by the Commissioners appoin-  
ted by His Excellency the LIEUTENANT-GOVERNOR by  
virtue of the said Act.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for such Commissioners as His Excellency the LIEUTENANT-GOVERNOR shall appoint, or the major part of them, to ask, demand, sue for, and receive from the Deputy Province Treasurer, for the County of *Charlotte*, his heirs or executors, or any other person or persons, all such sum or sums of money as he or they may have received or may have become indebted for by virtue of the said Act, and also to examine, adjust, settle and pay off, all demands arising in consequence of the erecting, replacing or keeping in repair such Beacons or Land-marks. Commissioners to receive all monies collected under former Act, and adjust & pay all demands on account of Beacons, &c,

II. *And be it further enacted*, That the Beacons or Land-marks to be erected, replaced or kept in repair, shall be at the following places, viz.—one on the *Sand-spit*, called *Sandy Island*, a second on the extremity of *Indian Point*, and a third on the South-eastern point of *Saint Andrew's Island*. Beacons where to be erected.

III.

Duties granted for the building and support of such Beacons.

III. *And be it further enacted*, That from and after the time it shall be certified under the hands of the Justices of the Inferior Court of Common Pleas, or the major part of them, to the Deputy Province Treasurer for the said County, that such Beacons are erected as aforesaid, there be and hereby are granted to His Majesty, his heirs and successors, for the building, replacing and support of such Beacons, the following duties of tonnage on all inward bound vessels entering *Passamaquoddy Bay* within *Deer Island*, of the following description and at the following rates, viz.—On all vessels, coasting craft excepted, One Halfpenny per ton for every ton they respectively admeasure agreeable to register; and on all coasting vessels, One Shilling and Three Pence for each time they arrive in *Passamaquoddy Bay*, within *Deer Island* aforesaid.

Master of vessel neglecting to pay duties, liable to penalty.

IV. *And be it further enacted*, That every Master of such ship or vessel who shall refuse or neglect to call upon the Deputy Province Treasurer and pay to him such tonnage within Forty-eight hours after his arrival, shall forfeit and pay a sum not exceeding Five Pounds, to be sued for and recovered before any two of His Majesty's Justices of the Peace, and applied for the purpose of erecting or supporting such Beacons.

Commissioners to receive neat proceeds of duties to be collected by Deputy-Treasurer.

V. *And be it further enacted*, That the Commissioners to be appointed as aforesaid to superintend and compleat the erecting of the said Beacons, or the major part of them, shall have power and authority to call upon the Deputy Province Treasurer for such sum or sums of money as he shall from time to time have collected, excepting the amount of five per cent. which it shall be lawful for such Deputy Treasurer to retain in full for his trouble in collecting the same.

And account for the same.

VI. *And be it further enacted*, That the said Commissioners shall, at the first Court of General Sessions of the Peace in the said County of *Charlotte*, yearly render an account to the Justices of the said Sessions  
of



of the monies from time to time received and expended by them under this Act, and shall also on paying off the debt at present incurred, and completing the said Beacons pay the balance, if any remaining in their hands, into the County Treasury, for the purpose of defraying the expences of keeping in repair or replacing such Beacons.

VII. *And be it further enacted*, That if any person or persons shall take away, cut down, destroy or deface either of the said Beacons, such offender or offenders shall on due conviction thereof, by the Oath of one or more credible witness or witnesses, before any two of His Majesty's Justices of the Peace, forfeit and pay a sum not exceeding Twenty Pounds, to be applied as aforesaid, and on failure of payment thereof or want of goods and chattels whereon to levy, such offender or offenders shall be committed by such Justices to the County Gaol for a space not exceeding Three Months.

Persons convicted of destroying or defacing Beacons,

liable to penalty not exceeding 20*l.*

VIII. *And be it further enacted*, That this Act shall continue and be in force for the term of Five years and no longer.

Limitation of the Act.

### CAP. V.

An ACT for the SUPPORT and RELIEF of CONFINED DEBTORS. Passed the 21st of February, 1801.

**W**HEREAS an Act made and passed in the Thirty-ninth year of His Majesty's reign, intituled, "An Act in amendment of an Act made and passed in the Thirty-first year of His Majesty's reign, intituled, 'An Act for the support and relief of confined Debtors;" and also the Act therein referred to, are near expiring: AND WHEREAS the support and relief intended by the said Act has been found expedient and necessary—

Preamble.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly*, That whenever any person committed to any Gaol in this Province for debt

Prisoners for debts not exceeding 20*l.* not a-

not

ble to support themselves, to apply to Judge of Sup. Court, or Inf. Court of Com. Pleas, for relief.

Judge, after notice to creditor, to examine debtor, or witnesses, on oath, and, if debtor be found unable, &c. to order creditor to pay weekly sum for his support.

In default of which payment, debtor to be discharged.

Provido; creditor not barred from proceeding against debtor's estate and effects.

not exceeding Two hundred Pounds, at the suit of any Creditor, shall be incapable to provide or secure their necessary support, it shall and may be lawful for such Debtor, after Fourteen days confinement, to make application to any Judge of the Supreme Court or Justice of the Court of Common Pleas of the County where such Debtor shall be confined, for a weekly support or maintenance: And such Judge or Justice, after Fourteen days previous notice to such Creditor or his Attorney, shall examine on Oath such confined Debtor or any witness produced, as to the ability of such Debtor to support him or herself, and if on examination, to be taken in writing on Oath as aforesaid, which shall be filed in the office of the Clerk of the Court out of which the Process issued, it shall appear to such Judge or Justice, that such Debtor is utterly unable to support him or herself, it shall and may be lawful for such Judge or Justice to make an order for such Creditor to pay such Debtor a weekly sum to be applied for the support of such Debtor, which sum shall be paid weekly, and from the First day of *November* until the last day of *March*, shall be Three Shillings and Six Pence per week, and the remainder of the year Two Shillings and Six Pence per week; and after such order it shall be the duty of such Creditor to pay such weekly support, and in case of failure thereof, it shall and may be lawful for any such Judge or Justice as aforesaid, on such failure being made known to him, to make an order under his hand and seal to the Sheriff or Gaoler to discharge the said Debtor out of confinement. *Provided* that nothing in this Act shall prevent such Creditor from prosecuting his suit (if on *mesne* Process) to final Judgment, or from taking out his *Fieri Facias* against the goods and chattels, lands and tenements of such Debtor in the same manner as if no application or order had been made in manner aforesaid.

II. *And be it further enacted*, That every person who

who shall be convicted of making or taking a false Oath to any of the facts herein before directed or required to be sworn, shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

Persons making false oath, guilty of perjury.

III. *And be it further enacted*, That this Act shall continue and be in force Five Years and no longer.

Limitation of the Act.

## CAP. VI.

An ACT for ERECTING a COURT-HOUSE and GAOL in the County of WESTMORLAND, and for ALTERING the SHIRE-TOWN of the said County. Passed the 21st of February, 1801.

Refer to 26 Geo. 3. c. 1. § 10.

**W**HEREAS the Court-House and Gaol in the County of *Westmorland* have been lately consumed by Fire, and the place where the same stood is not in a central situation for the accommodation of the Inhabitants—

Preamble.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly*, That after the passing of this Act, the Town of *Dorchester* shall be the Shire-Town of the said County, where all the Courts of Record shall be held instead of the Town of *Westmorland* in the same County.

*Dorchester* made the Shire-Town.

II. *And be it further enacted*, That the Justices of the Peace in and for the said County, at the next or any future General Sessions, be and they are hereby authorized and empowered, or the major part of them, to contract and agree with able and sufficient workmen for building and finishing a public Court-House and Gaol near the Brook by *John Kieller's* dwelling-house, or to appoint Contractors for that purpose for such sum or sums of money as to them shall seem meet, and to apportion and assess such sum or sums as may be necessary upon the respective Towns or Parishes in the said County, and by warrant under the hand and seal of such Justices or

Justices in General Sessions, to contract for building a Gaol and Court-House,

and assess the necessary sums upon the respective Towns or Parishes.

the major part of them, to be directed to the Assessors of the several and respective Towns or Parishes, order such Assessors to apportion and assess on their respective Towns or Parishes their respective quota or proportion to be paid by the several and respective Inhabitants of such Town or Parish, and such as by Law are liable to be taxed as they in their discretion shall think just and reasonable, and the said Justices as aforesaid shall appoint such Collectors in the respective Towns or Parishes, as they shall think fit, who shall be sworn to a faithful discharge of their duty, and in case of refusal after notice of such appointment, every Collector so refusing shall be subject to the penalty of Five Pounds, and in case of death or refusal another Collector may be appointed in his stead, at any General or Special Sessions, who shall be subject to the same penalty in case of refusal to accept such appointment.

and appoint Collectors.

Collectors refusing to serve liable to a fine of 5*l*.

Assessors refusing or neglecting duty to forfeit 5*l*.

III. *And be it further enacted*, That in case any Assessor or Assessors shall neglect or refuse to make such assessment as aforesaid, such Assessor or Assessors so neglecting or refusing, shall forfeit and pay to the Treasurer of the same County the sum of Five Pounds, to be recovered by bill, plaint or information with cost of suit in any Court proper to try the same.

Collector, after 10 days notice, & neglect to pay, to proceed, and by warrant of 2 Justices, to make distress & sale of goods to amount of sum assessed.

IV. *And be it further enacted*, That it shall be the duty of every such Collector appointed as aforesaid, within Ten days after receiving his warrant of Assessment, to give notice to the several persons contained in his list respectively, of the several sums on them assessed, and in case any person so notified shall refuse or neglect for other Ten days, it shall be the duty of such Collector forthwith to collect the sums so assessed, and by warrant under the hand and seal of any two Justices of the Peace for the said County, to make distress on the goods and chattels of such person or persons refusing, and within Ten days thereafter shall make sale of such distress to the amount of such assessment with costs, rendering the

the overplus, if any there be, to the owner or owners thereof.

V. *And be it further enacted*, That every such Collector shall forthwith pay over the monies by him collected to the Treasurer of the County, deducting five per cent. for collection; and in case any Collector shall neglect or refuse to make such collection, or when collected shall neglect or refuse to pay the same to the County Treasurer, every such delinquent Collector shall incur the penalty of Five Pounds per month, to be paid to the County Treasurer, who may sue for the same penalty before any two Justices, who shall on conviction issue their warrant against the goods and chattels of such delinquent.

Monies collected to be paid to County Treasurer, deducting 5 per cent.

Delinquent Collector to forfeit 5*l.* per Month.

VI. *And be it further enacted*, That until a good and sufficient Gaol shall be erected in the said County, it shall be lawful to send any Felon to the Gaol in the City of *Saint John*, provided that no cost or charge be incurred by the City or County of *Saint John* upon such commitment.

Until the Gaol is erected Felons may be sent to the Gaol of *St. John*.

VII. *And be it further enacted*, That all penalties to be incurred by this Act shall be applied for the purpose of the building of the said Court-House and Gaol.

Penalties how applied.

## CAP. VII.

An ACT to CONTINUE an Act made and passed in the Thirty-sixth Year of His MAJESTY'S Reign, intituled, "An Act for regulating, laying out and repairing HIGHWAYS and ROADS, and for appointing COMMISSIONERS and SURVEYORS of HIGHWAYS within the several Towns or Parishes in this Province, and for suspending for a limited time all the Laws now in force relating to the same." Passed the 21st of February, 1801.

Refer to 36 Geo. 3. c. 7. and 37 Geo. 3. c. 6.

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That an Act made and passed in the Thirty-sixth year of His Majesty's reign, intituled,

Former act continued for five years.

led, "An Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province, and for suspending for a limited time all the Laws now in force relating to the same" be continued; and the same is hereby continued and declared to be in full force for the term of Five Years and no longer.

## CAP. VIII.

An ACT for the further and better SUPPORT of the POOR in the City of SAINT JOHN. Passed the 21st of February, 1801.

Mayor, Aldermen, and Commonalty of the City of St. John, authorized annually to lay a tax on Dogs.

I. **B**E it enacted by the Lieutenant-Governor, Council and Assembly, That the Mayor, Aldermen and Commonalty in the City of Saint John be, and they are hereby authorized, yearly and every year during the continuance of this Act, to lay a Tax upon Dogs; to be levied upon the owners of the same living within the limits of the said City, and collected in such manner as the Corporation of the said City by Law or Ordinance shall appoint: Which said Tax shall be appropriated and applied for the support of the Poor, and to no other purpose whatsoever. *Provided* that such Tax shall not amount to more than Five Shillings for any one Dog.

not to exceed 5s.

Limitation.

II. *And be it further enacted*, That this Act shall continue and be in force for Five Years and no longer.

## CAP. IX.

An ACT for PRESERVING the BANK of the River SAINT JOHN, in front of the Parish of LINCOLN, in the County of SUNBURY. Passed the 21st of February, 1801.

Preamble.

**W**HEREAS the pasturing of Neat Cattle, Horses, Sheep, Goats or Swine, in the Spring and during

during the Summer season, on the slope of the Bank of the River *Saint John*, along the Intervale Lands in the Parish of *Lincoln*, both prevents the growth and occasions the destruction of bushes, which contribute greatly to bind the soil and preserve it from being washed away during the Freshes.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That from and after the passing of this Act, every person who pastures Intervale Land in the said Parish or any part thereof fronting on the said River, shall keep up a Fence along the front of the Land so pastured of the legal height, or at least sufficient to confine his Neat Cattle, Horses, Sheep, Goats or Swine within the same; and that if he do neglect to keep up such Fence as aforesaid, his Neat Cattle, Horses, Sheep, Goats or Swine, shall be liable when found trespassing on the slope of the said Bank, to be impounded and dealt by according to the provisions of an Act made and passed this present Session, intituled, "An Act to repeal all the Acts now in force relating to Trespasses, and for making new regulations to prevent the same:" AND WHEREAS Horses and Cattle frequently go from *Fredericton* and other places, down on a long and narrow tongue of low Intervale Land extending to and terminating at the mouth of the River *Oromocto*, and from thence spread along the Bank of the aforesaid River *Saint John*, throughout the extent of the said Parish—

II. *Be it further enacted*, That the Commissioners of Highways in the said Parish shall, from and after the passing of this Act, be empowered, and they are hereby directed, to erect one strong Swing-Gate across the public Road on the Upland adjoining to the said tongue of Intervale, either on the Lot now belonging to *Thomas Knox*, Esq. or on that now belonging to and occupied by *Lemuel Wilmot*, Esq. as to them in their discretion shall seem most convenient, and to keep the same in repair; the expence of which erection and repairs they are hereby authorized

Intervale Land pastured, to be fenced on River front.

Owner neglecting his cattle, &c. trespassing on slope of the Bank, to be impounded, &c.

Preamble;

Gate to be erected across the road on *Knox's* or *Wilmot's* lots;

And repaired at expence of owners of the lands;

authorized to defray by ordering an assessment to be made for the said purposes, on the owners or occupiers of the said Lands as above described, by the Parish Assessors.

III. *And be it further enacted*, That no person or persons between the First day of *May* and the First day of *September*, shall block up and fasten or prop open the said Gate and so leave the same, under the penalty of Ten Shillings; or wantonly or maliciously take down or destroy the said Gate, under the penalty of Three Pounds, to be recovered upon conviction before any one of His Majesty's Justices of the Peace for the said County, upon the Oath of one or more credible witness or witnesses, and to be levied by warrant of distress and sale of the offender's goods, under the hand and seal of such Justice, rendering the overplus, if any, after deducting the costs and charges of the distress and sale to the offender; which penalty and forfeiture shall be applied to the erection, maintaining and keeping of the said Gate in repair, and shall be paid into the hands of the Commissioners of Highways for the said Parish for the said purpose: And such offender or offenders shall be further liable to an action of Trespass for any damages sustained thereby.

Not to be blocked up, nor propt open on penalty of 10s.

nor destroyed on penalty of 3l.

Penalties how recovered,

and applied.

Limitation of the act.

IV. *And be it further enacted*, That this Act shall continue and remain in force for Five Years and no longer.

### CAP. X.

An ACT to CONTINUE an Act, intituled, "An Act  
"for PRESERVING the BANK of the River SAINT  
"JOHN, in front of the Parishes of MAUGERVILLE,  
"SHEFFIELD and WATERBOROUGH." Passed the 21st  
of February, 1801.

Former act continued for four years,

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, intituled, "An Act  
"for preserving the Bank of the River *Saint John*;  
"in



“in front of the Parishes of *Maugerville, Sheffield* and *Waterberough*,” made and passed in the Thirty-fourth year of His present Majesty’s reign, be continued; and the same is hereby continued and declared and enacted to be in full force for the term of Four Years and no longer.

## CAP. XI.

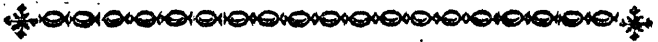
AN ACT to EMPOWER the JUSTICES of the PEACE for the County of YORK, to make such Regulations respecting the WINTER ROADS in that County as may be found necessary. Passed the 21st of February, 1801. Exp.

## CAP. XII.

AN ACT for APPROPRIATING certain MONIES for DEFRAYING the EXPENCES of the PROVINCE. Passed the 21st of February, 1801. Exp.

## CAP. XIII.

AN ACT for GRANTING certain SUMS for repairing and laying out ROADS. Passed the 21st of February, 1801. Exp.



Anno Regni GEORGII III. Regis  
 Quadragesimo Secundo.

*AT the General Assembly of the Province of NEW-BRUNSWICK, begun and holden at FREDERICTON, on the Ninth day of FEBRUARY, in the year of our LORD, One thousand Seven hundred and Ninety-six, and in the Thirty-sixth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of GOD, of GREAT-BRITAIN, FRANCE and IRELAND, King, Defender of the Faith, and so forth ; and from thence continued by several prorogations to the Twenty-sixth day of JANUARY, One thousand Eight hundred and Two ; being the sixth Session of the third Assembly convened in the said Province.*

CAP. I.

An ACT FOR REGULATING the MILITIA.  
 5th of March, 1802.

Passed the  
 Rep.

## CAP. II.

AN ACT for ALTERING the TIMES of holding the Inferior Court of Common Pleas and General Sessions of the Peace for the County of KING'S. Refer to 31 Geo. 4  
3. c. 9. & 35 Geo.  
3. c. 2.  
Passed the 5th of March, 1802.

**W**HEREAS the Times appointed for holding the Courts of General Sessions of the Peace and Inferior Court of Common Pleas in the County of *King's*, has been found inconvenient; for remedy thereof—

*Be it enacted by the Lieutenant-Governor, Council and Assembly*, That the said Courts shall hereafter be holden on the FIRST Tuesday in *March*, instead of the SECOND Tuesday in *February*, in each and every year.

## CAP. III.

AN ACT for ALTERING the TIMES of holding the Courts of General Sessions of the Peace and Common Pleas in the County of WESTMORLAND. Refer to 31 Geo.  
3. c. 9. & 35 Geo.  
3. c. 2.  
Passed the 5th of March, 1802.

**W**HEREAS the Times for holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas in the County of *Westmorland*, have been inconvenient—

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That the said Courts shall be hereafter holden on the SECOND Tuesdays in *June*, and *December* in each year, at which Terms the Juries shall be summoned to attend; and the additional Terms or return Courts of the said Court of Common Pleas, shall be holden on the SECOND Tuesdays in *March* and *September* in each year, any Law or usage to the contrary notwithstanding.

II. *And be it further enacted*, That no Process shall abate or be discontinued by reason of the alteration of the said Terms, but shall and may be

Courts to be holden in *June* and *December*.

Return Terms in *March* and *September*.

No process to abate by reason of the alteration.

proceeded upon, heard and determined at the times herein appointed, in the same manner as they might have been proceeded upon had no alteration been made.

Parish officers to be appointed in December.

III. *And be it further enacted*, That the several and respective Town and Parish officers shall annually be appointed on the SECOND Tuesday in *December*, any Law or usage to the contrary notwithstanding.

#### CAP. IV.

AN ACT to RENDER Persons CONVICTED of PETTY LARCENY, competent WITNESSES. Passed the 5th of March, 1802.

**W**HEREAS Persons convicted of Grand Larceny are by their Punishment restored to their credit as witnesses, but Persons convicted of Petty Larceny are rendered and remain wholly incompetent to be examined as witnesses—

*Be it therefore enacted by the Lieutenant-Governor, Council and Assembly*, That from and after the passing of this Act, no person shall be an incompetent witness by reason of a conviction for Petty Larceny.

#### CAP. V.

AN ACT for the EASY and SPEEDY Recovery of SMALL DEBTS, and for regulating the proceedings thereon. Passed the 5th of March, 1802,

I. **B**E it enacted by the Lieutenant-Governor, Council and Assembly, That all actions wherein the Sum or matter in demand shall not exceed Five Pounds, shall be heard and determined before any one of His Majesty's Justices of the Peace in the respective Counties of this Province, and no other Court shall hold Plea or Jurisdiction of the same, and that the ordinary Process shall be by summons under the hand and seal of such Justice directed to the Constable of the Town or Parish where the Defendant

Actions for sums not exceeding 5*l*. to be heard and determined before one Justice of the Peace.

Ordinary process to be by Sum-

Defendant shall reside, which Proceſs ſhall expreſs the time and place of appearance and cauſe of action, and ſhall be ſerved at leaſt Six days before the time of trial, and ſuch ſervice ſhall be by reading the ſame in the Defendant's hearing, or by leaving a true and atteſted copy thereof at the Defendant's uſual place of abode.

mons directed to  
Conſtable; C

To be ſerved ſix  
days before trial.

II. *And be it further enacted,* That every Conſtable ſhall indorſe on ſuch Proceſs a true return of the ſervice thereof, and make return of the ſummons to the Juſtice who iſſued the ſame; and upon ſuch return the Juſtice ſhall proceed to hear the parties and their proofs and evidences, and give ſuch Judgment thereon as to him ſhall appear juſt and equitable, unleſs the Defendant two days before ſuch trial ſhall give notice to ſuch Juſtice that he ſhall put ſuch cauſe to iſſue by a Jury, in which caſe the Juſtice ſhall iſſue a Venire to a Conſtable, commanding him to ſummon Three good and lawful Freeholders, who ſhall be in no wiſe of kin to either of the parties to make a Jury for the trial of the action, and if any legal challenge be made to any or either of them for ſuch trial, the Conſtable ſhall ſummon another or others in his or their ſtead, which Jury ſhall be ſworn to try the iſſue and give their verdict, and the verdict ſo given ſhall be concluſive, and Judgment rendered thereon as in a trial before a Court of Record, and the witneſſes ſhall in like manner be ſworn to give their evidence in the uſual manner; and upon every trial the Defendants ſhall be allowed to ſet off any account or demand they may have againſt the debt or demand of the Plaintiff, and if upon any trial it ſhall be found that the Plaintiff is indebted to the Defendant, judgment ſhall be rendered in favour of the Defendant for the ſum found due and execution iſſued thereon, provided the ſame ſhall not exceed Five Pounds.

Trial to be by the  
Juſtice,

unleſs Defendant  
demand a Jury,

then, three men  
to be ſummoned  
for a Jury,

liable to chal-  
lenge.

Verdict to be  
concluſive, &c.

Witneſſes to be  
ſworn.

Defendant al-  
lowed ſet off.

If Plaintiff is  
found indebted,  
Judgment to be  
for Defendant.

III. *And be it further enacted,* That no perſon whatſoever ſhall be permitted by any Juſtice to proſecute, defend, plead or counſel in any ſuit or ac-

No Counſel al-  
lowed, without  
abjuring Ecclſ.

tion

tion to be tried by virtue of this Act, to which such person is not a party, unless such person so offering or appearing to prosecute, defend, plead or give counsel as aforesaid, shall previously swear before such Justice that he has not received or taken any fee or reward for the same either directly or indirectly, nor any other person to or for his use, and that he will not directly or indirectly, receive or take any fee or reward for the same, either by himself or by any other person to or for his use.

Penalty on Jurors or Witnesses for not appearing, &c.

IV. *And be it further enacted*, That every person impannelled as a Juror or subpoenaed as a witness, who shall not appear, or appearing shall refuse to serve, or to give evidence in any such action, shall forfeit and pay for every such default or refusal (unless some reasonable cause be proved on Oath to the satisfaction of the said Court) such fine or fines, not exceeding the sum of Ten Shillings, as the said Court shall think reasonable to impose.

On affidavit that a Debtor is about to abscond, Justice may issue a Capias.

V. *And be it further enacted*, That whenever it shall appear to any Justice upon affidavit that any Debtor in a sum not exceeding Five Pounds, shall be about to abscond, or that the Creditor is in danger of losing his debt, such Justice shall issue a Capias against the body of such Debtor, and order the Constable to take bail for the sum sworn to; and it shall be the duty of the Constable to take the body of such Defendant if found in his Parish, and take security for such Debtor's appearance at the time and place specified in the writ; and in case the Debtor shall refuse to give such security, it shall be lawful for the Constable by mittimus signed by any Justice of the Peace, to commit such Debtor to the Gaol of the County, and the Keeper of such Gaol shall retain such Debtor in custody till discharged by order of Law.

Defendant to be held to bail,

or be committed,

Justice to enter all causes, &c.

VI. *And be it further enacted*, That every Justice of the Peace holding a Court for the trial of causes by virtue of this Act, shall keep a book in which he shall fairly enter all causes, whether tried before himself

himself or with a Jury; and all Judgments entered on default of the Defendant's appearance, in which case he shall assess the damages or debt as shall appear to him just; and whenever it shall appear to him that Justice cannot be done for want of some material witness, such Justice may in his discretion upon affidavit adjourn the hearing of the cause until such witness may be had, if the party has used all proper diligence to procure the same (not exceeding Three Months) and if the application for such adjournment be on the part of the Defendant, such Justice at his discretion may grant it upon such Defendant putting in good Bail to abide final Judgment; and no Justice shall in any case admit the Oath of either party or any affidavit taken *ex parte*, unless both parties agree to admit such evidence.

and on judgment by default assess damages.

May adjourn for want of witnesses

Oath of Parties or *ex parte* affidavit not to be admitted but by consent.

VII. *And be it further enacted*, That whenever upon action of trespass the Defendant shall justify on plea of title, the Defendant shall commit such plea of justification to writing, and the same shall be signed and the Justice shall countersign the same, and deliver the plea to the Plaintiff, and the Plaintiff may commence an action for such trespass in any Court having cognizance thereof: And if upon such trial the Plaintiff recover damages against the Defendant, such Defendant or Defendants shall be liable to pay the Plaintiff double costs; and such plea before the Justice signed as aforesaid, shall be conclusive evidence that the Defendants relied on their title to justify such trespass; and every Justice to whom such plea shall be tendered, before receiving the same shall require from the Defendants a recognizance with one sufficient surety in the sum of Twenty Pounds, conditioned that if the Plaintiff shall commence an action before the next Court having cognizance thereof for recovery of damages for such trespass, such Defendants shall appear and put in special Bail in such Court within Twenty days after the First day of the then next Term of said Court; and whenever such plea shall be tendered

Proceedings in Trespas, where defendant pleads Title.

dered and the Defendants shall not forthwith enter such recognizance, the Justice shall proceed in the same manner as if such plea had not been tendered.

No judgment to be reversed for circumstantial error,

Nor removed, without affidavit shewing just cause.

Execution, when stayed by Certiorari, &c.

Costs upon affirmation or reversal.

Executions to be directed to Constable.

For want of goods Debtor to be committed.

VIII. *And be it further enacted,* That no Judgment rendered by virtue of this Act, shall be reversed or set aside for any circumstantial error where substantial Justice has been done, nor shall any Writ of Error or false Judgment be allowed; nor shall any Certiorari be granted by any Justice of the Supreme Court to remove any Judgment or proceeding by virtue of this Act, unless the party applying for the same shall within Thirty days after such Judgment make affidavit before some Justice of the Supreme Court or Commissioner for taking affidavits in that Court, by which affidavit it shall clearly appear that there is just cause for granting a Certiorari to remove such Judgment either for error therein or for some unfair practice of the Justice who tried the cause, which affidavit shall be left with such Justice, allowing such Writ that the adverse party may obtain a copy thereof; and any Certiorari granted otherwise shall be void and of no effect; and no execution upon any Judgment shall be stayed by any Certiorari, if the party in whose favor such Judgment shall be rendered shall give sufficient security to restore the debt or Judgment with costs in case such Judgment shall be reversed; and if any Judgment given under this Act be removed into the Supreme Court and be there affirmed, the party in whose favor such Judgment shall be rendered shall recover his costs; and if such Judgment be reversed, the party procuring such Certiorari shall recover their costs.

IX. *And be it further enacted,* That all executions to be issued by the Justices respectively, shall be directed to the Constable of the Town or Parish where the Defendant resides, commanding him to levy of the goods and chattels of the Debtor the amount of the Judgment, and for want of such goods and to satisfy his Fees to commit such Debtor to the Gaol.



Gaol of such County, there to remain until discharged by due order of Law, which execution shall be returnable within Thirty days, and if any Constable shall neglect or refuse to serve such execution or to pay the money when collected to the Creditor, such Constable shall be liable to an action to be brought by the Creditor in any Court proper to try the same, provided that no execution shall be issued by any Justice in an action where the title to Lands shall come in question, or to any action of Assault and Battery or of Slander.

Return of Execution.  
Constable liable for neglect.

No Execution in cases of title to Lands, or assault, or slander.

X. *And be it further enacted*, That the Clerk's Court in the City of *Saint John*, shall be authorized and enabled to hold Plea and take cognizance of all causes made cognizable before any Justice of the Peace by virtue of this Act, not exceeding the sum of Five Pounds; and that nothing in this Act shall be construed to extend to the City of *Saint John*, this Section only excepted.

Clerk's Court in *St. John*, to hold plea of causes cognizable before a Justice of the Peace.

XI. *And be it further enacted*, That no greater or other costs shall be allowed or taxed in actions brought by virtue of this Act than the following, to wit, Justices fees—a Summons, Six Pence—Capias and Affidavit, One Shilling—Trial and Judgment, One Shilling—Subpœna, Four Pence—Veni, One Shilling—Execution, Nine Pence—Every Witness subpœnaed and sworn, One Shilling—Constable or other proper officer for serving a Capias or Summons, or serving an Execution, Mileage, for one Mile or under, One Shilling; for every Mile more, Three Pence—the travel to be computed from the place of the Defendant's abode, or where he shall be found, to the place where the Writ is returnable;—serving every Execution, for every Pound, Six Pence—Summoning a Jury, One Shilling—Subpœna, Six Pence for less than one Mile, and Three Pence for every other Mile.

Costs.

Justices Fees.

Constables Fees.

XII. *And be it further enacted*, That this Act shall continue and be in force for Three Years, and no longer.

Continuance of this Act.

## CAP. VI.

An ACT for AIDING and ENCOURAGING PARISH SCHOOLS.  
Passed the 5th of March; 1802. Obsolete.

## CAP. VII.

An ACT in ADDITION to an Act, to REGULATE the Terms of the Sittings of the INFERIOR COURTS of COMMON PLEAS in this Province, and to ENLARGE the Jurisdiction of the same, and for the SUMMARY Trial of Actions. Passed the 5th of March, 1802.

Refer to 35 Geo.  
8. c. 2.

No bail in Inf.  
Court of Com.  
Pleas unless ac-  
tion exceed 5*l*.

I. **B**E it enacted by the Lieutenant-Governor, Council and Assembly, That no Defendant shall be held to Bail in any action hereafter to be brought in any Inferior Court of Common Pleas or Mayor's Court in the City of *Saint John*, unless the Plaintiff's cause of action shall amount to upwards of Five Pounds, and affidavit thereof made and filed as heretofore accustomed.

In actions not  
exceeding 20*l*.  
Declaration to  
be inserted in the  
Writ—  
And Courts to  
proceed in a sum-  
mary way.  
No dilatory Plea  
allowed—& no  
Judgment rever-  
sed for circum-  
stantial error.

II. *And be it further enacted*, That in all actions hereafter to be brought in the said Courts wherein the sum or matter in demand shall not exceed Twenty Pounds, the declaration shall be inserted in the Writ, and the said Courts shall proceed thereon in a summary way, in the same manner as is directed in and by the said Act in matters not exceeding Ten Pounds, in which actions no dilatory plea shall be allowed, and no Judgment shall be reversed or set aside for any circumstantial error or defect of form or pleading, or rendering Judgment where substantial Justice shall appear to have been done.

No action to be  
removed, unless  
the sum exceed  
20*l*.

III. *And be it further enacted*, That no Defendant or Defendants in any action hereafter to be brought, shall remove such action into the Supreme Court by *Habæs Corpus*, unless the matter in demand shall exceed Twenty Pounds. *Provided always*, that either party after Judgment given, may bring a Writ of Error to remove such Judgment into the Supreme Court.

After Judgment.  
either party may  
bring a Writ of  
Error.

IV. *And be it further enacted*, That all actions hereafter to be brought, wherein the sum or matter in demand shall not exceed Twenty Pounds, shall be heard and determined in the Inferior Court of Common Pleas in the respective Counties, and Mayor's Court in the City of *Saint John*, and no other Court shall hold Plea or Jurisdiction of the same, unless the Title to Lands shall come in question.

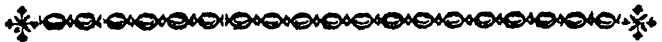
Actions not exceeding 20*l.* to be brought in Inf. Court of Common Pleas. No other Court to hold plea of same, unless title to Lands is questioned.

V. *And be it further enacted*, That the said Act, except where the same is hereby altered, shall be and continue in full force, any thing herein contained to the contrary notwithstanding.

Former act in full force except as hereby altered.

### CAP. VIII.

An ACT for RAISING a REVENUE in this Province, and for APPROPRIATING the same, together with the Monies now in the Treasury. Passed the 5th of March, 1802. Exp.



Anno Regni GEORGII III. Regis  
 Quadragesimo Tertio.

*AT the General Assembly of the Province of NEW-BRUNSWICK, begun and holden at FREDERICTON, on the Ninth day of FEBRUARY, in the year of our LORD, One thousand Eight hundred and Three, and in the Forty-third year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of GOD, of the UNITED KINGDOM of GREAT-BRITAIN, and IRELAND, King, Defender of the Faith, and so forth ; being the first Session of the fourth Assembly convened in the said Province.*

CAP. I.

An ACT for TRANSFERRING to and VESTING in the CROWN, such LANDS and TENEMENTS of any Person or Body Politic, on which it may be judged suitable and necessary to erect FORTIFICATIONS, or which may be wanted for other uses of WAR and DEFENCE, and for ascertaining the value thereof and making compensation for the same to the former Owners. Passed the 16th March, 1803.

Preamble.

**W**HEREAS it is highly reasonable, just and requisite, that His Majesty should be authorized and empowered to resume the Grants of any Lands

Lands or Tenements of the Crown heretofore made, or hereafter to be made and passed, upon which it may be suitable and necessary to erect Fortifications and other Military works, or which may be wanted for other uses and purposes of War and Defence; for a valuable consideration to be therefor paid to the owners and occupants according to a just and equal valuation of the same.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That at any time or times hereafter, whenever the General or Commander in Chief of His Majesty's forces, or Commanding Royal Engineer in this Province, shall judge it expedient for His Majesty's service, and the better security and defence of this frontier Territory, to erect Fortifications or other Military works, upon Lands or Tenements granted and belonging to any person or persons or body politic, or to hold, occupy and possess the same for any Military uses and purposes whatsoever, and shall make a representation or suggestion thereof to this effect to the Governor, Lieutenant-Governor or Commander in Chief of the Province, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief of the Province for the time being, if to his wisdom and discretion it shall appear fit for His Majesty's service and the security of the Province, to order the Clerk of the Crown in Chancery, to issue a Writ or Writs, in His Majesty's name, directed to the Sheriff of the County in which the Lands or Tenements so required are situate, and thereby commanding him, after advertising his intention Two Months in the ROYAL GAZETTE, by the Oath of honest and lawful men, being Freeholders of his bailiwick, by whom the truth of the matter may be better known, diligently to inquire who is or are the true and rightful owner or owners, occupant or occupants of such Lands and Tenements so required as aforesaid, (if to the said Jurors he or they may be known) and of every part and parcel thereof, and

how

Upon representation of the General or Commanding Engineer, that any lands are wanted for military uses,

The Governor may order writs to be issued,

directed to Sheriff, and commanding him to inquire by a Jury who are owners or occupants, &c.

and how much  
the Lands are  
worth,

and to what da-  
mage of Owners  
it will be, if the  
same be resumed  
by the King.

Inquisition to be  
returned into  
Chancery.

The General or  
Commander in  
Chief may depo-  
sit with the Clerk  
of the Crown the  
amount of valua-  
tion and damages  
to be paid under  
the directions of  
the Court of  
Chancery to the  
Owners, &c.

Inquisition being  
made and the a-  
mount of the va-  
luation and da-  
mages being de-  
posited with the  
Clerk of the  
Crown,

how much the same Lands and Tenements and every part and parcel thereof are worth, according to a just and true valuation thereof, and of the Estate and interest of the owner or owners therein; and to what damage or what prejudice of the rightful owner or owners, occupant or occupants respectively it will be, if the said Lands and Tenements be resumed by and vested in the King, his heirs and successors: And that the inquisition thereupon distinctly and openly made to the King in his Chancery, under the seal of the said Sheriff, and the seals of those by whom it was made, he send without delay, together with the said Writ.

II. *And be it further enacted*, That upon all and every such inquisition and inquisitions being duly made and returned as aforesaid, it shall and may be lawful for the General or Commander in Chief of His Majesty's forces in this Province for the time being, within Twelve calendar Months next after such return, to deposit with the said Clerk of the Crown the amount of such valuation and damages by such inquisition or inquisitions found, to be paid and applied by him under the orders and directions of the Court of Chancery aforesaid, to such person or persons or body politic as shall, by the same inquisition or inquisitions, or other competent evidence appear to the said Court to be the rightful owner or owners, occupant or occupants of such Lands and premises, or any part and parcel thereof, according to their several and respective Estates and interests therein in full payment, compensation and satisfaction of and for the same.

III. *And be it further enacted*, That such inquisition and inquisitions so being made and returned as aforesaid, and the amount of the valuation and damages thereby found, being deposited with the Clerk of the Crown as aforesaid, within the time herein limited, for the use of the Proprietor, his heirs or assigns, all the said Lands and premises, in such writ or writs, and inquisition or inquisitions respectively

respectively mentioned and described, and every part and parcel thereof, shall thereupon and by virtue of such proceedings as aforesaid, revert to and vest in the KING, his heirs and successors; and all the right, title, interest and Estate of any person or persons, or body politic whatsoever, of, in, and to the same, shall be thereby conveyed and transferred to His Majesty, his heirs and successors; who shall thenceforth stand and be seized and possessed, and be deemed and adjudged in full and lawful seisin and possession, in right of his Crown, of and in the same Lands and premises, with their appurtenances, to all intents, constructions and purposes in the Law, as fully and perfectly as if all persons, being of full age and capacity, and bodies politic having Estate or interest therein, had by Grant or other Deed, or by fine or recovery or other conveyance of Record, given, granted, bargained, sold, aliened, released and confirmed the same to His said Majesty, his heirs and successors.

The lands to revert to and vest in the King.

## CAP. II.

AN ACT to ENABLE the JUSTICES of the GENERAL SESSIONS of the PEACE and INFERIOR COURT of COMMON PLEAS in the County of NORTHUMBERLAND, to hold the same for the present Year, at the Times therein mentioned. Passed the 16th March, 1803. Obsolete.

## CAP. III.

AN ACT for ALTERING the DIVISIONS of FOUR of the WARDS in the City of SAINT JOHN, and for CHANGING the mode of ELECTIONS within the TWO other WARDS of the said City. Passed 16th March, 1803.

WHEREAS since the granting of the Charter of the City of *Saint John*, by reason of the removal of many persons from some of the Wards, the disproportion of Inhabitants in the several Wards

Preamble-  
is

is at this time very great. and one of the Wards almost entirely depopulated: AND WHEREAS many of the Freemen and Inhabitants of the said City, have by Petition, prayed that a remedy may be provided for the evil consequences arising from such changes.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That instead of the present division of the four Wards of the said City on the Eastern side of the harbour, the same Wards be hereafter divided by lines drawn from the harbour to the rear of the said City as follows, to wit, through the centre of King street, Duke street, and Saint James and Stormont street, and that all that part of the said City lying to the Northward of King street, be forever hereafter called and known by the name of *King's Ward*; that all that part of the said City between King street and Duke street, be forever hereafter called and known by the name of *Queen's Ward*; that all that part of the said City lying between Duke street and Saint James and Stormont street, be forever hereafter called and known by the name of *Duke's Ward*; and that the residue thereof lying to the Southward of Saint James and Stormont street, be forever hereafter called and known by the name of *Sidney Ward*. And that the Elections for the Aldermen, Assistants and Constables of the same Wards be held annually within the same Wards, as in and by this Act divided and bounded, in the same manner and at the same times, and under and subject to the same regulations and restrictions as are provided by the said Charter.

II. *And be it further enacted,* That hereafter it shall and may be lawful for the Electors of *Guy's Ward* and *Brook's Ward* collectively, to choose annually at the time appointed by the said Charter, one Alderman, one Assistant and one Constable for each Ward, out of the Freemen, being Inhabitants of either of the said Wards, without regard to the particular Ward as heretofore accustomed: And that for the purpose of such Election, each Alderman

Wards divided by lines drawn from the Harbor to the rear of the City.

*King's Ward.*

*Queen's Ward.*

*Duke's Ward.*

*Sidney Ward.*

Elections to be held within the Wards as directed by the Charter.

Electors of *Guy's Ward* & *Brook's Ward* collectively to choose Aldermen, &c. out of the Inhabitants of either Ward.

Alderman to hold his Court



man of the said two Wards shall hold his Court within the Ward to which he belongs, as provided by the said Charter; and at such Elections respectively every Elector within both of the said Wards, shall be intitled to a vote.

for the Election within the Ward to which he belongs.

III. *Provided always, and be it further enacted*, That the said Charter of the said City, and every clause, matter and thing therein contained, except as herein and hereby particularized, altered and amended, shall be and forever remain in full force and effect, any thing herein contained to the contrary thereof in any wise notwithstanding.

Charter, except as herein altered to remain in force.

#### CAP. IV.

AN ACT in ADDITION to an Act, intituled, "An Act for the better ASCERTAINING and CONFIRMING the BOUNDARIES of the several COUNTIES within this Province, and for SUBDIVIDING them into TOWNS and Parishes." Passed 16th March, 1803.

Refer to 26 Geo. 3. c. 1.

I. **B**E it enacted by the Lieutenant-Governor, Council and Assembly, That a direct line from the northwest corner of the County of *Westmorland*, until it meets the southwest branch of *Miramichi* river, where the Portage leading from the river *Nashwaack* now joins the same, thence by a line running north twenty-two degrees thirty minutes west by the true meridian from the junction of the said Portage, with the said southwest branch of the *Miramichi* as aforesaid, to the southern boundary of the Province of *Lower Canada*, shall be deemed the boundary line of the County of *Northumberland*, and the dividing line between that and the adjoining Counties.

Boundary line between the County of *Northumberland*, and the adjoining Counties established.

II. *And be it further enacted*, That the Island of *Campo-Bello* with its appurtenances in the County of *Charlotte*, be constituted a distinct Town and Parish, by the name of the Town and Parish of *Campo-Bello*; any Law or Ordinance to the contrary notwithstanding.

*Campo-Bello* Island made a distinct Parish.

## CAP. V.

An ACT for ERECTING the UPPER part of the County of YORK into a DISTINCT Town and Parish. Passed 16th March, 1803.

Refer to 26 Geo. 3. c. 1.

Upper part of the County of York erected into a Parish.

I. **B**E it enacted by the Lieutenant-Governor, Council and Assembly, That all that tract of country in the County of York, laying and being above the Towns of *Woodstock* and *Northampton*, and extending to the *White Marsh*, three miles above the Garrison at *Presque Isle* inclusive, and from the said upper boundary extending a line parallel to the upper boundary of the said Parishes of *Woodstock* and *Northampton*, be and the same is hereby erected and made a distinct Town and Parish, by the name of the Town and Parish of *Wakefield*.

Justices at their General Sessions to appoint Parish officers.

II. *And be it further enacted*, That the Justices of the General Sessions of the Peace for the County of *York*, at their General Sessions next ensuing, and annually thereafter, shall appoint Town and Parish officers in and for the said Town and Parish, who shall be under like rules and regulations as other Town and Parish officers in the same County.

## CAP. VI.

An ACT for REGULATING the EXPORTATION of BUTTER. Passed 16th March, 1803.

Butter for Exportation to be packed in Firkins containing 60lb. and made tight.

To be inspected and branded.

I. **B**E it enacted by the Lieutenant-Governor, Council and Assembly, That all Butter made for Exportation, shall be packed in Firkins to contain Sixty pounds weight as near as possible, which Firkins shall be made of good hard wood seasoned, and shall be made tight with three hoops at each end and bilge, and sufficient to hold pickle, and before any Butter shall be shipped for Exportation, every Firkin shall be inspected by some sworn Inspector; who shall brand each Firkin with the tare thereof, and the quality of the Butter contained therein free of pickle and loose salt, whether first, second or third quality, with the name of the County where the

the same shall be made, and such Inspector shall be intitled to receive Three Pence for every Firkin so by him inspected.

Allowance to the Inspector.

II. *And be it further enacted*, That the Justices at their first General Sessions of the Peace, and annually thereafter, shall and may appoint one or more Inspectors of Butter in each Town where the same shall by them be judged necessary, who shall be sworn to the faithful discharge of their duty, and shall inspect all such Butter as shall be intended for Exportation, and in case of refusal to accept of such office or neglect of duty when reasonably called upon, such Inspector shall be subject to the same penalties as other Town or Parish officers by Law are subject to for neglect of duty, to be recovered and paid to the County Treasurer of such County. And every such Inspector shall provide himself with sufficient marks or brands and instruments for the purposes aforesaid, and shall be intitled to receive pay for the same out of the County Treasury.

Justices at their first General Sessions, annually to appoint Inspectors, who shall be sworn.

Penalty for refusal or neglect of duty.

Inspectors to provide marking instruments.

III. *And be it further enacted*, That no Butter being in Firkins, shall be deemed merchantable, or shall be sent out of any County, unless such Butter shall have been inspected by a proper Inspector, and if any person or persons shall export for sale any Butter in Firkins without inspection, or being branded or marked as aforesaid, such person so offending shall for each Firkin incur the penalty of Ten Shillings, to be recovered and paid as aforesaid.

No Butter deemed merchantable, unless inspected.

Persons exporting Butter without being marked, to forfeit 10s. for each Firkin.

## CAP. VII.

An ACT to EXPLAIN and AMEND an Act, intituled, "An Act for regulating the Exportation of FISH and LUMBER, and repealing the Laws now in force regulating the same." Passed the 16th March, 1803.

Refer to 37 Geo. 3. c. 4.

WHEREAS some of the regulations contained in the fourth clause of an Act made and passed in the Thirty-seventh year of His Majesty's reign; intitled,

Preamble.

intituled, "An Act for regulating the Exportation of  
"Fish and Lumber, and for repealing the Laws now  
"in force regulating the same," are not fully under-  
stood; and whereas it is expedient that the allow-  
ance to the Surveyors of Lumber directed by the  
said clause be enlarged.

Merchantable  
Boards to be  
square edged.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That all the merchantable Spruce and Pine Boards for Exportation, shall be square-edged with the Mill-saw.

Quantity of  
Plank allowed.

II. *And be it further enacted,* That the quantity of Plank allowed by virtue of the said clause, do not exceed Two hundred feet Board measure, to every Thousand feet of Boards.

Allowance to  
Surveyors.

III. *And be it further enacted,* That Surveyors of Lumber shall be allowed One Shilling per Thousand feet for Inspecting and Surveying each Thousand feet of Boards, to be paid by the person purchasing the same.

Former act con-  
tinued in force.

IV. *And be it further enacted,* That the said in part recited Act, except where the same is hereby explained and amended, be and the same is hereby declared to be in full force.

## CAP. VIII.

An ACT to CONTINUE fundry Acts of the GENERAL ASSEMBLY that are near expiring. Passed the 16th March, 1803.

Former acts of  
General Assem-  
bly.

**B**E it enacted by the Lieutenant-Governor, Council, and Assembly, That an Act made and passed in the Twenty-sixth year of His Majesty's reign, intituled, "An Act for Relief against Absconding Debtors;" also an Act made and passed in the Twenty-eighth year of His Majesty's reign, intituled, "An Act in addition to an Act, intituled, "An Act for Relief against Absconding Debtors;" also an Act made and passed in the Twenty-sixth year of His Majesty's reign, intituled, "An Act to regulate the Sale of  
"Goods

“ Goods sold at Public Auction or Out-cry ;” also an Act made and passed in the Twenty-sixth year of His Majesty’s reign, intituled, “ An Act to prevent “ Fraud in the Sale of Damaged Goods imported in- “ to this Province ;” also an Act made and passed in the Twenty-seventh year of His Majesty’s reign, intituled, “ An Act to authorize the respective Propri- “ etors of certain Islands in the River *Saint John*, “ and other Rivers in this Province, to make Rules “ and Regulations for their better Improvement and “ Cultivation ;” and an Act made and passed in the Twenty-eighth year of His Majesty’s reign, intituled, “ An Act to empower the Justices of the Sessions in “ several Counties in this Province to make such “ Rules and Regulations respecting Markets and “ Ferries within such Counties as may be found ne- “ cessary ;” be further continued, and the said Acts and every clause, matter and thing therein contain- ed, are hereby continued and declared to be in full force until the First day of *April*, which will be in the year of our Lord one thousand eight hundred and eight, and no longer.

Continued for 5  
years.

### CAP. IX.

An ACT for RAISING a REVENUE in this Province.  
Passed the 16th March, 1803.

*Continued to 1st. April, 1807, by 45 Geo. 3. c. 17.*

### CAP. X.

An ACT for APPROPRIATING certain MONIES for de-  
fraying the Expences of the Province. Passed  
the 16th March, 1803, Exp.

### CAP. XI.

An ACT for GRANTING certain SUMS for REPAIRING and  
LAYING OUT ROADS. Passed 16th March, 1803.



Anno Regni GEORGII III. Regis  
 Quadragesimo Quinto.

*AT the General Assembly of the Province of NEW-BRUNSWICK, begun and holden at FREDERICTON, on the Ninth day of FEBRUARY, in the year of our LORD, One thousand Eight hundred and Three, and in the Forty-third year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of GOD, of the UNITED KINGDOM of GREAT-BRITAIN, and IRELAND, King, Defender of the Faith, and so forth ; and from thence continued by several prorogations to the Twenty-ninth day of JANUARY, One thousand Eight hundred and Five ; being the second Session of the fourth Assembly convened in the said Province.*

CAP. I.

An ACT for the better REGULATING the MILITIA in this Province. Passed the 5th of March, 1805.

Preamble.

**W**HEREAS a well regulated Militia in this Province will at all times tend not only to the security and defence thereof but to the honor and service of His Majesty : AND WHEREAS in times of imminent danger either by Invasion or sudden attack made or threatened to be made by His Majesty's enemies on any of His Majesty's subjects within this Province, it may become expedient and necessary that

that the Militia of the several and respective Counties or a part thereof, should be drawn out and embodied and ordered into actual service, in which case it will become requisite that due subordination should be observed: AND WHEREAS the Law now in force is inadequate to these important purposes;

I. *Be it enacted by the PRESIDENT, Council and Assembly,* That an Act made and passed in the Forty-second year of His Majesty's reign, intituled, "An Act for regulating the Militia," be, and the same is hereby repealed.

Former Act repealed.

II. *And be it further enacted,* That from and after the passing of this Act, every male white Inhabitant or resident within this Province, from Sixteen to Sixty years of age, shall be enrolled in some Independent Company, or in one of the Regimented Companies of Foot, or Troops of Cavalry, in the district where he dwells or resides, the extent of which district shall be determined by the Colonel or the commanding officer of the Militia of the County, and all Captains or commanding officers of Independent or other Companies or Troops of Cavalry in the several Towns or Parishes within the Province, are hereby required to take due care to enroll in a book or register to be kept by them respectively for that purpose, all male white Inhabitants from Sixteen to Sixty years of age; and that once in every year, and oftener if thereunto required, each Captain or commanding officer of a Company shall give to his Colonel, or in his absence to the next commanding officer of the Regiment, and each Colonel or next commanding officer of the Regiment, and the Captains or commanding officers of Independent Companies, shall give to the Brigadier-General or other officers commanding Militia brigades in the Province, fair written rolls of their respective Companies and Regiments, whose duty it shall be to report the same to the Captain-General or Commander in Chief for the time being.

All male white Inhabitants from sixteen to sixty years of age, to be enrolled in the districts where they reside.

Districts to be determined by the Colonels.

Captains to enroll all white Inhabitants from sixteen to sixty.

Captains to give Rolls of their Companies to the Colonels once a year.

Colonels & Captains of Independent Companies to report to the Brigadier General.

Brigadier General to report to the Commander in Chief.

III. *And be it further enacted,* That the Militia shall

Militia to be formed into Regiments by Counties.

Companies not to exceed Sixty men.

Officers of Companies to appoint Serjeants, &c.

Penalty on non-commissioned officers refusing to serve.

Militia to be called out by Companies twice a year; and by Regts. or detachments, once a year.

Time and place to be appointed by Colonels or the commanding officers of Regts.

Independent Companies to be called out three times a year,

shall be formed into Regiments by Counties, and that no Regimented or Artillery Company, Independent Company or Troop of Horse, shall consist of more than Sixty men, rank and file, and that the Captain and commissioned officers of each Company shall be, and they are hereby fully empowered to nominate and appoint proper persons to serve as Serjeants, Corporals, Drummers and Fifers, in their respective Companies and Troops, and to displace them and appoint others in their room as they shall see occasion. And if any non-commissioned officer so to be appointed shall refuse to accept the office to which he shall be appointed, or after having been appointed shall refuse or neglect to perform such duties as appertain to his office, he shall for such refusal or neglect forfeit and pay the sum of Two Pounds, to be adjudged, levied and disposed of as other Fines and penalties are directed by this Act.

IV. *And be it further enacted*, That every Regiment shall be called out and rendezvous by Companies twice in every year, and that every Regiment shall also be called out and rendezvous once in every year by Regiments, or in such detachments as the commanding officers of the respective Regiments from local and other circumstances shall judge fit, and direct for the purposes of training, disciplining and improving in martial exercises, the time and place of rendezvous for the Companies, Regiments and detachments to be appointed by the Colonel or commanding officer of the Regiment, and arranged on different days, that the Field and Staff officers may have an opportunity of attending the several Companies, Regiments and detachments exercised in detail, in order to introduce uniformity in the manœuvres and discipline of the Regiment, and that every Independent Company or Independent Troop of Horse shall be called out and rendezvous for the like purposes three times in every year, at such time and place as the Captains or commanding officers of such Companies or Troops of Horse shall respectively



tively direct and appoint, of all which several and respective days of rendezvous and training, previous notice shall be given in writing by the Captains or officers commanding Companies, at least Fifteen days, which notice shall be posted up by a non-commissioned officer at three of the most public and conspicuous places within the Parish or district where such Company may reside, which notification shall be deemed a lawful and sufficient warning. *Provided always*, that no Company shall be obliged to go more than Twelve miles from the usual rendezvous of such Company.

of which fifteen days notice to be given in writing, and posted up by a non-commissioned officer.

Companies not to go more than 12 miles from their usual rendezvous.

V. *And be it further enacted*, That there shall be an Adjutant appointed to each Regiment in the Province, whose duty it shall be to attend at the place of rendezvous of each Company, detachment or Regiment, at least once in every year when called out as aforesaid, then and there to inspect their arms, ammunition and accoutrements, superintend their exercise and manœuvres, and introduce a proper system of Military discipline agreeable to such orders as he shall receive from time to time from the Colonel or commanding officer of the Regiment, and do and perform such other duties and services suitable for an Adjutant, as the Colonel or commanding officer shall from time to time order and direct. And that every such Adjutant shall be allowed as a full compensation for all the services he is required to perform by this Act, the sum of Seven Shillings and Six Pence by the day for every day he shall be actually employed as such, the number of days to be certified by the Colonel or commanding officer of the Regiment. *Provided* that the sum allowed to the Adjutant of the Militia in the County of *Northumberland*, shall not exceed Ten Pounds in any one year; the Adjutant of the County of *Westmorland*, shall not exceed the sum of Eight Pounds in any one year; the Adjutant of the City of *Saint John*, shall not exceed the sum of Five Pounds in any one year; the Adjutant of the County of *Charlotte*,

Adjutants to be appointed to the Militia to attend each Company, detachment, or Regiment once a year—to inspect their arms, &c. and superintend the exercise.

Allowance to the Adjutants, 7/6 per diem.

days to be certified by the Colonel.

Not to exceed the following rates per annum.  
*Northumberland*,  
£10.  
*Westmorland*, £8.

*St. John*, £5.

*Charlotte*, £10.

*lotte*,

*lotte*, shall not exceed the sum of Ten Pounds in any one year; the Adjutant of the County of *King's*, shall not exceed the sum of Six Pounds in any one year; the Adjutant of the County of *Queen's*, shall not exceed the sum of Five Pounds in any one year; the Adjutant of the County of *Sunbury*, shall not exceed the sum of Five Pounds in any one year; and the Adjutant of the County of *York*, shall not exceed the sum of Ten Pounds in any one year.

Captains of Independent Companies to report to the Colonels once a year,

and in case of Invasion, &c. to be under the command of the Colonels during the absence of the Commander in Chief.

VI. *And be it further enacted*, That every Captain or officer commanding any Independent Company or Troop of Horse, shall deliver in each and every year, and oftener if so required, a copy of his Muster-Roll to the Colonel or commanding officer of the Regiment or Battalion of the County where such Independent Company or Troop of Horse may be, and in case of the Militia of such County or any part thereof being called out into actual service on account of any Invasion or sudden attack made or threatened to be made by His Majesty's enemies, every such Independent Company or Troop of Horse shall in the absence of the Captain-General or Commander in Chief of the Province, be under the immediate command and direction of the Colonel, and in his absence of the next commanding officer of such Regiment or Battalion.

Persons called out to appear armed and accounted,

under penalty of 20s.

to be levied by Captain's warrant.

VII. *And be it further enacted*, That every person enrolled as aforesaid shall at all times when called out under and by virtue of this Act, appear with a good Musket, Bayonet and Belt, Cartridge-Box, containing Eighteen rounds of suitable Ball-cartridge, and two spare Flints, in complete order, and for not appearing with such arms, accoutrements and ammunition as aforesaid, shall for each and every wilful neglect forfeit and pay the sum of Twenty Shillings, to be levied by distress and sale of the offender's goods by the Captain or commanding officer's warrant directed to a Serjeant or Corporal of the Company to which such offender belongs, who are respectively empowered to serve and execute.

cute the same, rendering the overplus, if any, after deducting the costs and charges of such distress and sale to the offender, and if no effects shall be found whereon to levy the said Fine, such offender shall be sentenced to hard labour or imprisonment not exceeding Ten days, all which Fines shall be applied to defray the contingent expences of the Regiment or Independent Company to which such offender may respectively belong. And every commissioned officer when called out as aforesaid, shall appear with a Sword or Hanger, and for not so appearing shall forfeit and pay for each and every neglect the sum of Forty Shillings, to be recovered as aforesaid.

VIII. *And be it further enacted,* That every person enrolled as aforesaid, who shall refuse or neglect to appear agreeable to the provisions of this Act when called upon, shall forfeit the sum of Ten Shillings, or appearing under arms shall refuse or neglect to perform such Military duty as shall be required of him, or shall on the day of muster or training depart from the Company when under arms, without leave from the commanding officer, shall forfeit and pay for each and every offence the sum of Twenty Shillings, to be recovered and applied as aforesaid. *Provided always,* That the Members of His Majesty's Council, Members of the Assembly, Justices of the Peace, High Sheriffs, Coroners, licensed Clergymen, all persons who have held any commission, civil or military, under His Majesty, the Surveyor-General, and the Treasurer of the Province, Officers of His Majesty's Customs, Revenue and Naval officers, Gentlemen of the learned professions, and one Miller to each Grist-Mill, and one Ferryman to each established Ferry, shall be free and exempted from being enrolled in the Militia in manner herein after mentioned, all which Fines shall be paid into the hands of the Colonel or commanding officer, to defray the contingent expences of the Regiment.

IX. *Provided always, and be it further enacted,*

For want of effects whereon to levy the Fine, offender to be sentenced to hard labour or imprisonment not exceeding Ten days.

Fines applied to defray contingencies.

Officers to appear with swords under penalty of 40s.

Persons not appearing, to forfeit 10s.

or appearing & refusing to do duty, to forfeit 20s.

Persons exempted from being enrolled,

Fines how applied.

Quakers exempted from the ordinary duties of training, &c. on producing certificate.

That every person professing himself to be of the people called Quakers, and producing to the Captain or commanding officer of the Company in whose district he resides, a certificate signed by two or more of the principal people of that profession, that such person has been deemed and allowed to be one of the people called Quakers for the space of one whole year or more, before the date of the certificate, such person so producing such certificate shall be and hereby is exempted from the ordinary duties of training and mustering, unless upon an Invasion or sudden attack made or threatened by the Enemy, as herein after mentioned.

In case of Invasion, Commanding Officers of Counties may call out the Militia,

and the exempts.

Exempts to be armed, &c.

Where the Colonel cannot be consulted, Officer commanding a district, may call out the Militia.

and report to the Colonel, who is to send an ex-

X. *And be it further enacted,* That in case of any Invasion or sudden attack made or threatened to be made by the Enemy in any County where the Commander in Chief cannot be immediately consulted, the commanding officer of the Militia in such County shall have power if he in his discretion shall think it absolutely necessary or expedient to call out the Militia of such County or any part thereof into real service, and also the whole or a proportion of those described as exempts in the eighth clause of this Act (licensed Clergymen, Millers and Ferry-men excepted) which exempts shall appear armed and accoutred as is required of persons serving in the Militia, excepting Physicians and Surgeons; who may appear without arms; and in case of any such Invasion or sudden attack being made or threatened to be made in any Town, Parish or district in any County where the Colonel or commanding officer of the Militia of such County cannot be immediately consulted, the officer commanding the Militia in such Town, Parish or district, shall have power, if he in his discretion shall think it absolutely necessary or expedient to call out the Militia under his command; and also the exempts as aforesaid, or any part thereof into real service; and such officer last mentioned shall forthwith report his proceedings and the reasons and grounds thereof to the Colonel or commanding

manding officer of the Militia of the County, who is hereby required in case he shall call out or continue in real service any part of the Militia under his command, forthwith to dispatch an express to the Captain-General or commander in chief for the time being, notifying the danger and the strength and motions of the Enemy, and the said Colonel or commanding officer is hereby empowered to impress boats, men and horses as the Service may require.

prefsto the commander in chief.

Colonel may impress boats, men and horses.

XI. *And be it further enacted,* That the Captain-General or Commander in Chief shall be and he is hereby authorized and empowered in case of any Invasion or sudden attack made or threatened as aforesaid, to call out the Militia of the several Counties or any part thereof into real service, as he in his discretion shall think fit and the exempts as aforesaid.

Commander in Chief may, in case of Invasion call out the Militia of the several Counties.

XII. *And be it further enacted,* That the Militia or any part thereof, and the exempts as aforesaid so called into real service by virtue of the provisions in this Act shall and may be ordered to march from one County or part of the Province to another, on any necessary service occasioned by such Invasion or sudden attack made or threatened as aforesaid.

Militia may be ordered to march from one county to another.

XIII. *And be it further enacted,* That when the Captain-General or Commander in Chief shall direct any part of the Militia or the exempts as aforesaid, of any or either of the Counties to be called out as aforesaid into real service, the part so called out shall be drafted by ballot from each Company or Troop in exact proportion according to the numbers then fit for duty, which shall be on the Oath of the Captain or commanding officer to the best of his knowledge if required, and on such occasions all the persons within the County in which any part of the Militia shall be called out as aforesaid, who are herein before declared to be exempted from being enrolled in the Militia in the manner herein before mentioned, except licensed Clergymen, one Miller and one Ferryman to each Mill and Ferry, who shall not have joined or formed themselves into any

Company

Militia ordered for actual service to be drafted by ballot.

Exempts to be formed into a company under the direction of the Colonel.

except Clergymen, Millers, & Ferrymen,

and liable to be drafted.

each person drafted to go himself or find a man in his room, under penalty of 10*l*.

or 3 months imprisonment.

In case of refusal another to be drafted, who shall have half the fine & be subject to the same penalty for refusal.

No person to be twice drafted till all the company have been drafted.

Any person under arms, &c. on actual service guilty of disobedience of orders, or contemptuous behaviour,

if an officer, to be tried by a General court-martial & broke,

non commissioned officer or private to be confined & tried by a regimental

Company as aforesaid, shall be formed into a Company under the direction of the Colonel or commanding officer of the Militia in such County, and shall be liable to the same draft by ballot as any other Company in such County, in proportion to their numbers then fit for duty as aforesaid, and each and every person so drafted shall go in his own proper person or find a good man in his room, and for his neglect or disobedience herein he shall be confined by the commanding officer, and shall pay a fine of Ten Pounds or remain in Gaol three months, and another man shall be drafted as aforesaid to march in his place, who shall have half of the said fine if he shall not refuse or neglect to go or find a good man in his room as aforesaid, but if he shall so neglect or refuse then he shall be subject to the like fine and a further draft shall be made of another man who shall have half of the fine last mentioned, if he shall not neglect or refuse to go or find a good man in his room as aforesaid, and so as often as such case shall happen. *Provided always*, That in case any part of the Militia or exempts as aforesaid in any County shall be called out more than once, no person who has been once drafted as aforesaid shall be again drafted until all the others belonging to the same Company shall have been drafted.

XIV. *And be it further enacted*, That if any officer, non-commissioned officer or private of the Militia or exempts as aforesaid under arms for real service on a march or on guard, or that shall be ordered for any of the duties or services herein before mentioned, shall disobey orders or neglect doing his duty, or shall shew any contemptuous behaviour towards his superior officer, if an officer he shall on conviction thereof before a general court-martial to be constituted and appointed as herein after directed, be cashiered by the sentence of such court-martial, if a non-commissioned officer or private, he shall be confined by the commanding officer of the party or guard, and it shall be lawful for the commanding officer

officer of the Regiment or of any party or command, not under the degree of a Captain, to order a Regimental court-martial to be forthwith held for the trial of such offender, the said court-martial to consist of three commissioned officers at least, but where they can be had of five, who may give judgment by laying a fine on such offender in any sum not exceeding Forty Shillings, which fine so ordered by the court-martial if he neglect or refuse to pay, the said offender shall be sentenced to imprisonment or hard labour for any term not exceeding Ten days. *Provided always, nevertheless,* that no sentence of a Regimental court-martial shall be put in execution until approved of by the officer ordering such court-martial, and no officer being the accuser shall sit as a member.

XV. *And be it further enacted,* That if any officer, non-commissioned officer or private of the Militia or exempts as aforesaid, shall in the Field or upon a march or in quarters on actual service, desert the Troop, Company or command to which he belongs, or shall disobey orders, if a commissioned officer, he shall be put under arrest by the commanding officer, if a non-commissioned officer or private he shall be sent to the next county Gaol or other Gaol as soon as convenient, and it shall and may be lawful for the Captain-General or Commander in Chief of the Province to order a general court-martial by a warrant under his hand and seal, for the trial of such offender as speedily as the service will admit, which court-martial shall not consist of a less number than Thirteen commissioned officers of the Militia, and the President of such court-martial shall not be under the degree of a Field-officer, and there shall be as many Captains as conveniently can be had, the eldest Subalterns to make up the number. And that such court-martial shall have power to administer an Oath to any witness in order to the examination or trial of such of the above offences as shall come before them, and shall also have power to punish by fine

court-martial, (which must consist of at least three officers) & fined 40s.

which, if he neglect or refuse to pay he shall be sentenced to hard labor or imprisonment not exceeding 10 days.

No sentence to be put in execution till approved of by the officer ordering Court.

Deserters to be confined & tried by a general court-martial,

to be appointed by warrant under hand and seal of the commander in chief,

to consist of 13 officers,

the President to be a Field officer

Court may administer Oaths,

and may punish by fine, not ex-

ceeding 20*l.* and imprisonment not exceeding 6 months.

fine and imprisonment, the fine not to exceed Twenty Pounds, nor the imprisonment to be more than Six Months; all which fines not herein before otherwise disposed of shall be appropriated to such Military uses as the Captain-General or Commander in Chief of the Province for the time being shall think fit.

Members of the Court to be sworn.

XVI. *Provided always, and be it further enacted,* That in all trials by general courts-martial every officer before any proceeding be had shall take the following Oath; and the Judge Advocate is hereby authorized to administer the same.—

“You shall well and truly try and determine, according to your evidence in the matter now before you, between our Sovereign Lord the King’s Majesty and the prisoner to be tried.

Commander in Chief to appoint a Judge Advocate, who shall receive 10*s.* per diem.

And the Captain-General or Commander in Chief of the Province shall have power to appoint any fit person to act as Judge Advocate at any such general court-martial, who shall be allowed for his services Ten Shillings per day during the time he shall be actually employed in such service.

No sentence to be put in execution till approved of by the commander in chief.

XVII. *And be it further enacted,* That no sentence of any such general court-martial shall be put in execution before the same be approved by the Captain-General or Commander in Chief for the time being.

Militia called out on actual service to be paid.

XVIII. *And be it further enacted,* That when any part of the Militia shall be ordered to march from one part of the Province to another on real service as aforesaid, or shall be called out as aforesaid to do actual duty on real service within any Town or County in this Province, there shall be allowed and paid to the commissioned and non-commissioned Officers, Drummers and Private Men for so long time as they shall remain on such service, at and after the rates following; that is to say—to the commissioned officers after the same rate as officers of the like rank in His Majesty’s troops; to every Sergeant, One Shilling and Six Pence per day; to every Corporal, One Shilling and Three Pence per day;

to



to every Drummer and Fifer, One Shilling and Three Pence per day; and to every Private, One Shilling per day.

XIX. *And be it further enacted*, That in any County of the Province exposed and subject to the attacks of an Enemy by water, where the same shall be found absolutely necessary, it shall and may be lawful for the Colonel or commanding officer of the Militia in such County to provide and furnish at the expence of the Province such and so many armed Boats not exceeding Two, without the consent and approbation of the Captain-General or Commander in Chief of the Province, as shall be necessary for the protection and defence of the places so exposed, which Boats shall be under the conduct and direction of such Colonel or commanding officer of the Militia in such County.

In Counties exposed to attacks by water, the Colonel may provide armed boats,

not more than two without consent of the commander in chief.

XX. *And be it further enacted*, That whenever the Colonel or commanding officer of the Militia in any County where such Boats are provided, shall find it necessary to order the Boats so provided to proceed in repelling the Enemy, or to the assistance of any neighbouring district or place, the Militia of such County shall on the orders of such commanding officer proceed in such Boats accordingly.

Militia when necessary to go in the boats.

XXI. *And be it further enacted*, That in all cases where it shall be found necessary on account of any Invasion or sudden attack of the Enemy made or threatened as aforesaid, to call into real service any part of the Militia in any County, it shall and may be lawful for the Colonel or commanding officer of the Militia in such County to cause all the free male Blacks or people of colour between Sixteen and Sixty years of age to be formed into Companies as nearly as may be of the same strength with the Regimented Companies in the County, and to appoint non-commissioned officers thereto, from which Company or Companies shall be drafted by ballot as aforesaid, a proportion exactly according to their numbers then fit for duty, and that the persons so drafted

In case of Invasion on the Freeblacks to be formed into companies, and drafted to serve as Pioneers to the Militia, and be intitled to the like pay.

drafted shall serve as Pioneers with the Militia so called out, and shall be intitled to the like pay.

Arms lent by government, being sold, disposed of, or conveyed away, offender to forfeit 10*l*.

XXII. *And be it further enacted*, That in case of any emergency any Arms or Accoutrements that have or may hereafter be furnished to any person belonging to the Militia in this Province by Government, by reason that such person shall not have had it in his power to have provided the same for himself, if in any such case any person so furnished with Arms or Accoutrements by Government shall sell or dispose of the same or any part thereof or shall convey or cause the same or any part thereof to be conveyed out of the Province, or shall convey or cause the same or any part thereof to be conveyed on board of any boat, ship or vessel, with intent to have the same carried out of the Province, every person so offending shall for each and every offence forfeit and pay the sum of Ten Pounds, to be recovered upon conviction before any one Justice of the Peace upon the Oath of one or more credible witnesses or witnesses, and levied by warrant of distress and sale of the offenders goods, rendering the overplus, if any, after deducting the costs and charges of such distress and sale to the offender, one half of which penalties shall be paid into the Province Treasury and the other half to the person who shall prosecute for the same, and for want of effects whereon to levy such Fine, such offender shall be imprisoned not exceeding Six Months nor less than Three Months.

on conviction before a Justice of the Peace.

For want of effects whereon to levy the Fine, offender to be imprisoned not more than 6 nor less than three months.

Wounded persons provided for.

XXIII. *And be it further enacted*, That if any person be wounded or disabled upon any Invasion or attack of the Enemy he shall be taken care of and provided for at the expence of the Province during the time of such disability.

XXIV. *And be it further enacted*, That this Act shall continue and be in force during the present War and no longer.

Limitation.

## CAP. II.

AN ACT TO ALTER ONE OF THE TERMS OF HOLDING the INFERIOR COURT OF COMMON PLEAS for the County of YORK. Passed the 5th of March, 1805.

WHEREAS the SECOND Tuesdays in *April* appointed by Law as an additional Term for the Sittings of the Inferior Court of Common Pleas in the County of *York*, have been found inconvenient, owing to the dangerous state of the River *Saint John* at that period.

Preamble.

I. *Be it therefore enacted by the PRESIDENT, Council and Assembly*, That the said Court shall hereafter be holden on the THIRD Tuesdays of *March* instead of the said SECOND Tuesdays in *April*, in each and every year.

Court to be held on 3d Tuesday in March.

II. *And be it further enacted*, That no process shall abate, or other business of what nature or kind soever, be discontinued by reason of the alteration of the said Term, but shall and may be proceeded upon, heard and determined, at the time herein appointed, in the same manner as they might have been proceeded upon, had no alteration been made.

No process to abate by reason of alteration.

## CAP. III.

AN ACT TO PREVENT the IMPORTATION and SALE of GOODS by Persons not His MAJESTY'S Subjects. Passed the 5th of March, 1805.

WHEREAS it frequently happens that Persons not His Majesty's subjects come into different parts of this Province with dutiable Goods and other Merchandise, and dispose of the same to the manifest injury of the Revenue and discouragement to the importation and sale of British Merchandise.

Preamble.

I. *Be it therefore enacted by the PRESIDENT, Council and Assembly*, That from and after the passing of this Act, it shall not be lawful for any Person or Persons, not His Majesty's subjects, to bring into this Pro-

No persons not His Majesty's subjects to bring or sell mercan-

dise within this Province.

vince or dispose of within the same, any articles of Merchandise whatever.

Offenders on conviction to forfeit 10*l.* or be committed to Gaol.

II. *And be it further enacted*, That for each and every such offence, the offender shall on conviction forfeit and pay a fine of Ten Pounds, to be recovered before any one of His Majesty's Justices of the Peace for the County, Town or Parish, where the offence is committed, to be levied of his goods and chattels, and for want thereof such offender to be committed to the common Gaol for a time not less than One Month nor exceeding Three Months; one half of such forfeiture to be to the Person or Persons complaining of and suing for the same, and the other half to the benefit of the Poor of the Town or Parish where such offence has been committed.

Penalty—half to the Informer—half to the Poor.

III. *And be it further enacted*, That it shall be the duty of the Treasurer in the City and County of *Saint John*, and of his Deputies in the respective Counties to enforce this Act.

Treasurer to enforce the Act.

IV. *And be it further enacted*, That this Act shall continue and be in force for Three Years and no longer.

Limitation.

#### CAP. IV.

An ACT for the better REGULATING the WEIGHT and RATES at which GOLD COIN shall pass current in this Province. Passed the 5th of March, 1805.

Preamble.

**W**HEREAS it will tend to prevent the diminution of Gold specie circulating in this Province that the same be regulated according to a standard that shall not present an advantage by carrying it into the neighbouring Countries: AND WHEREAS an advantage does arise by carrying Gold Coin out of the same.

Gold Coin to be a legal tender at the weight and rates following,

I. *Be it therefore enacted by the PRESIDENT, Council and Assembly*, That the Gold Coin hereafter mentioned, shall pass current and be a legal tender in payment

payment of all Debts and demands whatever in this Province, at the weight and rates following, that is to say—the British Guinea weighing five penny-weight and six grains Troy, at one pound, three shillings and four pence; the Johannes of Portugal, weighing eighteen penny-weight Troy, at four pounds; the Moidore, of Portugal, weighing six penny-weight and eighteen grains Troy, at one pound, ten shillings; the milled Doubloon or four pistole piece of Spain, weighing seventeen penny-weight Troy, at three pounds, fourteen shillings; the French Louis d'or coined before the year one Thousand seven Hundred and ninety-Three, weighing five penny-weight and four grains Troy, at one pound, two shillings and six pence; the French Pistole piece, coined before the same period, weighing four penny-weight and four grains Troy, at eighteen shillings; the American Eagle piece, weighing eleven penny-weight and six grains Troy, at two pounds and ten shillings. And all the higher and lower denominations of Gold Coin shall also pass current and be a legal tender in payment of all Debts and demands whatsoever in this Province, in the same proportion respectively.

II. *And be it further enacted*, That for every Grain which any piece of the aforesaid Gold Coins shall respectively weigh more than the standard aforesaid, there shall be allowed and added in all payments made in pieces of Gold Coin by detail, two pence and one farthing Currency; and for every Grain which any piece of the same shall respectively weigh less than the standard aforesaid, there shall be deducted in all such payments two pence and one farthing Currency.

III. AND WHEREAS it would be a great facility in making payments if Gold Coin was weighed in bulk and not in single pieces; *Be it therefore enacted*, That in every payment exceeding the sum of Fifty Pounds, which shall be made in Gold Coin after the first day of *May* next, when one of the parties making

British Guinea at  
5d. 6gr. 1℥ 3s 4d

Johannes of Portugal 18d. 4℥.

Moidore of Portugal 6d. 18gr.

1℥ 1cs.  
Doubloon of Spain 17d. 3℥

14s.

French Louis d' or 5d. 4gr. 1℥ 2s 6d.

French Pistole 4d. 4gr. 18s.

American Eagle 11d. 6gr. 2℥ 10s

and all higher & lower denominations of Gold Coin in the same proportion.

For every Grain which any piece weighs more or less than the standard, 2d  $\frac{1}{4}$  to be added or deducted.

In all payments exceeding 50℥. Gold may be weighed in bulk.

Gold of Great-Britain, Portugal and America together, & that of Spain and France together.

A deduction to be made of two-thirds of a grain for each piece weighed.

Gold of Great-Britain, Portugal & America to be computed at 89s. per ounce, & that of Spain & France at 87s. after deduction made.

No plugged gold to be a lawful tender.

king or receiving the same shall require it, such Gold shall be weighed in bulk and not in single pieces, that is to say—the Gold of *Great-Britain, Portugal* and *America* together, and that of *Spain* and *France* together, from the weight of which a deduction shall be made of two thirds of a grain Troy, for each piece of Gold Coin so weighed, as a compensation for the loss that may accrue by paying away the same in detail; and in all payments so made the Gold Coin of *Great-Britain, Portugal* and *America*, shall be computed at the rate of eighty-nine shillings Currency for each ounce Troy, and that of *Spain* and *France* at the rate of eighty-seven shillings Currency for each ounce Troy therein contained, after such deduction made, and so in proportion for a greater or lesser quantity.

IV. *And be it further enacted*, That no plugged Gold of any kind, shall from and after the passing of this Act, be a lawful tender in this Province.

### CAP. V.

An ACT to CONTINUE an Act, intituled, “An Act for the better SECURING the NAVIGATION of “PASSAMAQUODDY BAY, within DEER ISLAND.”  
Passed the 5th of March, 1805.

Preamble.

WHEREAS an Act made and passed in the Forty-first year of His Majesty's reign, intituled, “An Act for the better securing the Navigation of “*Passamaquoddy Bay* within *Deer-Island*,” will expire on the Fourteenth day of *February*, One Thousand Eight Hundred and Six. AND WHEREAS it is found necessary to continue the same on account of the expence which was formerly incurred in erecting Beacons, not being yet defrayed, and likewise the further expence arising from replacing by Buoys those Beacons which have been at different times carried away in consequence of gales of Wind and other accidents.

*Be*

*Be it therefore enacted by the PRESIDENT, Council and Assembly,* That the said herein before recited Act continue and be in force from the said Fourteenth day of *February*, One Thousand Eight Hundred and Six, and that it shall be lawful for such Commissioners as his Honor the PRESIDENT, or the Commander in Chief for the time being shall appoint, to demand, sue for, recover, and receive from any Person or Persons whatever, indebted for Monies received, or which they are otherways indebted for by virtue of the said Act, and also to keep in repair or replace such Buoyes or Beacons as are required to be placed or erected on the respective places mentioned in the said Act.

Former Act continued.

Commissioners empowered to sue for and recover monies.

## CAP. VI.

An ACT for the more effectual PREVENTION of DESERTION from His MAJESTY'S FORCES. Passed the 5th of March, 1805.

**W**HEREAS the provisions and penalties in an Act made and passed in the Thirty-third year of the reign of His present MAJESTY, intituled, "An Act for apprehending Deserters from His MAJESTY'S service, and for punishing unlawful dealings with Soldiers" have been found ineffectual—

Preamble.

I. *Be it therefore enacted by the PRESIDENT, Council and Assembly,* That the said Act be and the same is hereby repealed.

Former Act repealed.

II. *And be it further enacted,* That if any person or persons after the passing of this Act, shall harbour, conceal or assist any Deserter from His MAJESTY'S service, knowing him to be such, every such person so offending shall for every offence on conviction forfeit the sum of Twenty Pounds.

Persons harboring, concealing, or assisting Deserters to forfeit 20*l.*

III. *And be it further enacted,* That if any person shall knowingly buy, exchange or detain, or otherwise receive from any Soldier or Deserter upon any account whatsoever, any Arms, Clothing, Caps, or other furniture belonging to the KING, or any such articles

Persons buying, exchanging, or detaining from any soldier or deserter, any cloa-

thing or necessaries, or any provisions without consent of Officer commanding the Company, to forfeit 5*l*.

articles belonging to any Soldier or Deserter as are generally deemed Regimental necessaries according to the custom of the Army, or shall exchange, buy or receive from any Soldier any provisions unless by consent of the Officer commanding the Company to which such Soldier shall belong, every person so offending shall incur the penalty of Five Pounds.

First mentioned penalty to be recovered before two Justices, & the last before one Justice of the Peace,

IV. *And be it further enacted*, That the first mentioned penalty shall and may be recovered before any two Justices of the Peace, and the last mentioned penalty before any one Justice in the County where such offences may be committed, upon conviction on the Oath of one or more credible witnesses or witnesses, to be levied by warrant of distress under the hand of such Justice, by distress and sale of the goods and chattels of the offender, one moiety of which penalties shall be paid into the Province Treasury for the purpose of encouraging the apprehension of Deserters, the other moiety to such persons as shall prosecute the same offences to conviction; and in case no sufficient goods or chattels can be found whereon to levy such distress every offender shall by such Justice be committed to the common Gaol in such County, there to remain without bail or main prize for a term not exceeding Three Months.

and levied by warrant of distress.

Penalties to be paid, half to the Province Treasurer, and half to the Prosecutor.

For want of goods offender to suffer imprisonment not more than three months.

V. *AND for the better encouragement for apprehending Deserters, Be it further enacted*, That any person or persons who shall apprehend any Deserter or Deserters from His MAJESTY'S forces and deliver up such Deserter to any Officer commanding any Military Post in this Province, shall for each and every Deserter so apprehended and delivered up receive a reward of Ten Pounds on producing a certificate of such apprehension and delivery, specifying the name or names of such Deserter and to what Regiment or Corps he or they belong, signed by such commanding Officer and one Justice of the Peace for the County or District before whom such Deserter

Persons apprehending Deserters & delivering them up to a military Post to receive 10*l*. on producing a certificate specifying the apprehension and the name of such Deserter, and to what regiment he belongs.



Deferter or Deserters shall be brought. *Provided* the rewards so to be given out of the Province Treasury shall not in any one Year exceed One Hundred Pounds.

Rewards not to exceed 100*l.* in any one year.

VI. *And be it further enacted*, That it shall be the duty of all keepers of His MAJESTY'S Gaols on the Road between the place or places where such Deferter may be apprehended and the place of his or their final destination, to receive such Deferter into their custody without any fee or reward, whether such Deferter be conveyed by virtue of a warrant from any Justice of the Peace or under Military escort by an order of the commanding Officer of His MAJESTY'S forces or of the War office.

Gaolers on the road to receive Deserters without Fee.

VII. *And be it further enacted*, That the Treasurer of the Province be, and he is hereby authorized and required on producing such certificate signed as aforesaid, to pay such reward above mentioned to the person or persons producing the same, provided the same do not exceed the sum of One Hundred Pounds limited as aforesaid.

Treasurer authorized to pay rewards on producing the certificate.

VIII. *And be it further enacted*, That this Act shall continue in force during the present War and no longer.

Limitation

### CAP. VII.

An ACT to ALTER and AMEND an Act, intituled, "An Act for SECURING the NAVIGATION of the "River MAGAGUADAVIC." Passed the 5th of March, 1805.

**W**HEREAS the erection of Saw-Mills, and other improvements on the River *Magaguadavic*, are found to be of great Public advantage; and that for the securing and further promoting thereof some alterations and amendments are required to the Act, intituled, "An Act for securing the Navigation of "the River *Magaguadavic*."

Preamble.

I. *Be it therefore enacted by the PRESIDENT, Council and*

Dams or Booms may be placed across the River *Magagaudavic*,

and *Assembly*, That for erecting of Mills, and securing of Logs and other purposes, it shall and may be lawful to throw a Dam or Dams, a Boom or Booms, across the said River *Magagaudavic*, where the same may be found convenient, at or near the second Falls or other parts of the said River. *Provided always*, That such Dam or Dams, Boom or Booms, be so constructed as to secure a sufficient Sluice way or passage for conveying Boats, rafts of Boards or other Lumber through the same.

provided a sufficient sluice way be left for boats and rafts.

CAP. VIII.

AN ACT TO REGULATE the WINTER ROADS in the Counties of YORK and SUNBURY. Passed the 5th of March, 1805.

I. **B**E it enacted by the PRESIDENT, Council and *Assembly*, That from and after the passing of this Act, the Commissioners of Highways or the major part of them for the time being, in the several Towns and Parishes in the Counties of *York* and *Sunbury*, along which it may be necessary to break Winter Roads on the River *Saint John*, in the said Counties, shall order the Surveyors of Highways in their several districts, so soon as the Ice shall be sufficiently strong to bear a Team or Teams, and immediately after the first fall of Snow, to summon the Inhabitants of the said Parishes to labor on the said Winter Roads, by marking the same in lines as straight as may be, with One Row of Evergreen or other Bushes, erected at distances not exceeding Four Rods from each other. And there shall be erected on the said Roads, not exceeding Sixty Rods from each other, nor nearer than One Rod to the said row of Evergreen or other Bushes, one large single Evergreen bush, to designate a place where Travellers may pass each other.

Commissioners to order Surveyors to summon the Inhabitants to mark the roads with one row of bushes.

A large single evergreen bush to be erected every 60 rods, to mark a place where travellers may pass.

II. *And be it further enacted*, That all persons travelling on the said Winter Roads with their Horses, Cattle, Sleds, and Carriages of every denomination

Travellers to keep the large

tion, shall, and they are hereby obliged to travel on that Road, so as to leave the said large single Evergreen bush always on the Left hand, and in all cases when Travellers meet each other, below *Fredericton*, those who are going down the River, shall be obliged to stop at the first and nearest single Evergreen bush; and whenever it shall happen that Travellers meet each other above *Fredericton*, those going up the River shall in like manner be obliged to stop at the said first and nearest single Evergreen bush: And in all cases where it shall happen that any person or persons travelling on the said Winter Road, shall overtake slow moving Sleds or Cattle, the person or persons driving or owning the same, shall be obliged to stop at the said first and nearest single Evergreen bush to enable any Traveller or Travellers to pass on forwards, so that all Travellers with their Horses, Cattle, Sleds and Carriages of every denomination, may be enabled to pass each other, under the penalty of Ten Shillings for each and every offence committed contrary to the true intent and meaning of this Act, to be recovered with costs upon complaint to any one of His Majesty's Justices of the Peace for the said Counties where the offence shall be committed, to and for the use of the Informer.

single bush on the left hand,

Travellers going from *Fredericton* to stop at the nearest single bush.

Slow moving sleds when overtaken by Travellers to stop at the nearest single bush,

under penalty of 10s. to be recovered before a Justice of Peace,

to the use of the Informer.

Commissioners to lay out roads on the same side of the row of bushes on which the single bushes are erected, excepting that thro' the Town of *Fredericton*, the road shall be laid out on both sides of the bushes—and persons travelling there to keep the bushes on the left hand,

III. *And be it further enacted*, That the said Commissioners or the major part of them, shall proceed to lay out the said Winter Road or Roads on the same side of the Bushes on which shall be erected the said large single Evergreen bush. *Provided always*, that from the lower landing place to the upper and usual landing place above *Fredericton*, and along the front Street of the same the said Commissioners or the major part of them are hereby required to lay out the said Winter Road on each side, and within Six feet of the said One row of Bushes erected as aforesaid, and all persons travelling with their Horses, Cattle, Sleds and Carriages of every denomination, are hereby obliged to travel on that

Road within the aforesaid limits, so as to leave the said One row of Bushes always on the Left hand, under the penalty of Ten Shillings for each and every offence, to be recovered and applied as aforesaid.

Commissioners to determine the distances to be worked by their respective Parishes.

IV. *And be it further enacted*, That the said Commissioners or the major part of them, shall and they are hereby required to agree and determine the distance upon the said River, which is to be worked by their respective Towns or Parishes, and the Surveyors of Highways shall proceed to break the said Winter Roads agreeably to Law.

Roads to be laid out from the lower boundary of Sunbury, to Savage Island.

V. *And be it further enacted*, That the Winter Roads so to be marked on the River *Saint John*, shall be laid out from the lower Boundary of the County of *Sunbury* to the lower Boundary of the County of *York*, from thence to the landing place at *Frederickton*, and from thence through the front Street of the Town Plat until the same descends upon the River *Saint John* at the usual landing place, and from thence to the lower end of *Savage Island*.

Persons cutting or destroying bushes to forfeit 30s.

VI. *And be it further enacted*, That if any person shall wilfully cut or take down, or destroy, any of the Bushes so to be erected, shall forfeit and pay the sum of Thirty Shillings upon conviction before any one of His MAJESTY'S Justices of the Peace, upon the Oath of one or more credible witness or witnesses, to be levied by warrant of distress and sale of the offender's goods, rendering the overplus, if any, after deducting the costs and charges to the offender, to and for the use of the Informer; and for want of such effects to levy on, the said offender or offenders, shall be imprisoned for a time not less than Six nor exceeding Ten days.

to the use of the Informer.

Inhabitants keeping Teams, to send the same on being summoned, with a good driver to work as the Surveyors

VII. *And be it further enacted*, That every Inhabitant in the said Counties keeping a Team or any Carriage whatever drawn by one or more Horses, Ox or Oxen, shall be obliged, on being duly summoned, to send his Team or Carriage with a competent driver, to work in such manner as the said Sur-

veyors

veyors shall direct. And on such person or persons neglecting or refusing to send his Team or Carriage and a good driver, or not performing such reasonable work as the said Surveyors shall direct, the owner of such Team or Carriage shall forfeit the sum of Ten Shillings. And every Commissioner or Surveyor who shall refuse or neglect to perform the duty enjoined and required by this Act, shall forfeit and pay for every such refusal or neglect the sum of Three Pounds, the fines aforesaid to be recovered on complaint, with costs of suit, before any one of His MAJESTY'S Justices of the Peace, and the forfeiture applied for repairing the Highways, under the direction of the Commissioners or the major part of them, of the Towns or Parishes where the said forfeiture shall accrue. *Provided always*, That such person or persons keeping a Pleasure Sleigh or Sleighs only, shall not be obliged by this Act to perform any other labour on the said Winter Roads, except to break the same when duly summoned so to do.

shall direct, under the penalty of 10s.

Commissioners or Surveyors for neglect of duty, to forfeit 3s.

Forfeitures applied for repairing the highways

Persons keeping Pleasure sleighs only, to do no labor but breaking roads.

VIII. *And be it further enacted*, That no person or persons summoned as aforesaid, shall be obliged to go further from their respective homes than three Miles, or to work on the said Winter Roads more than Four days in any one Winter.

No person to go more than three miles from home.

IX. *And be it further enacted*, That whenever the Surveyors of Highways on the Rivers *Nashwack* and *Penniack*, in the Parish of *Saint Mary's* and County of *York*, shall during the Winter season deem the labour of Men necessary, it shall and may be lawful for such Surveyors forthwith to summon such and so many of the Inhabitants with their Shovels or such other proper implements as the said Surveyors or Surveyor shall direct, not exceeding Four times in any one Year, nor a greater distance than Three miles from their own houses, and in case of refusal or neglect shall forfeit and pay for each and every offence the sum of Three Shillings, to be recovered with costs of suit in manner described in the seventh section of this Act.

Surveyors on the *Nashwack* & *Penniack* when necessary to summon Inhabitants to work with shovels, not more than 4 times in 1 year, nor more than three miles from home,

under penalty of 3s.

Single Horse or Ox sleds used on the *Nashwack* & *Penniack* to be 3 feet 8 inches wide, under penalty of 5s.

Not to extend to sleds a Man may use on his own Farm only, or to Pleasure sleighs.

Persons travelling with single Horse or Ox sleds to the settlements on the *Nashwack* or *Penniack* to go on the highway on the westerly side of the *Nashwack*, under penalty of 10s.

Forfeitures to be paid to the Prosecutor.

X. *And be it further enacted*, That all Sleds made use of for the purpose of transporting Wood, Hay, or other heavy materials to or from or in the Settlements on the Rivers *Nashwack* and *Penniack* aforesaid, and drawn by one Horse or one Ox, shall not be less or more than Three feet Eight inches from outside to outside of the runners thereof: And if any person or persons whatever shall make use of any single Horse or Ox Sled as aforesaid of less dimensions, and be thereof convicted by the Oath of one or more credible witness or witnesses, before any one of His Majesty's Justices of the Peace or on view of such Justice, shall forfeit and pay the sum of Five Shillings, the same to be recovered and applied in manner directed in the seventh section of this Act. *Provided always*, That nothing herein contained shall be construed to extend to any Sled a Man may use upon his own Farm only, or to any Pleasure Sleigh whatever.

XI. *And be it further enacted*, That all persons travelling to the Settlements on the Rivers *Nashwack* or *Penniack* above the great Rapids so called, with Sleds or Sleighs drawn by one Horse or one Ox, shall at all times be obliged to travel on the Highway as now laid out, on the westerly side of the said River *Nashwack*, leading from the *Moncton* Ferry to the said Settlements, under the penalty of Ten Shillings, to be recovered as aforesaid, all which forfeitures shall be paid to the person or persons prosecuting the same to conviction.

## CAP. IX.

An ACT in ADDITION to an Act, intituled, "An Act for REGULATING JURIES and DECLARING the QUALIFICATION of JURORS." Passed the 5th of March, 1805.

Preamble.

WHEREAS in and by an Act made and passed in the Twenty-sixth year of His Majesty's reign, intituled, "An Act for regulating Juries and declaring

declaring the qualifications of Jurors," no provision is made respecting the Fees to be paid to Jurymen returned to serve on special Juries under the authority of the said Act.

*Be it therefore enacted by the PRESIDENT, Council and Assembly,* That any person who shall after the first day of *May* next serve upon any special Jury appointed or returned by authority of the said Act, shall be allowed to take for serving on such Jury no more than the sum of money which the Judge who tries the issue or issues shall think just and reasonable, not exceeding the sum of Five Shillings per day, and that the Sheriff for summoning and returning such Jury shall be intitled to receive a sum not exceeding Thirty Shillings, to be taxed at the discretion of the Judge.

Special Jurors to be allowed at discretion of the Judge, not exceeding 5s. per day.

Sheriff to receive no exceeding 30s.

## CAP. X.

An ACT for ALTERING ONE of the TERMS of HOLDING the INFERIOR COURT of COMMON PLEAS in the County of SUNBURY. Passed the 5th of March, 1805.

**W**HEREAS the THIRD Tuesdays in *April* appointed by Law as an additional Term for the sitting of the Inferior Court of Common Pleas in the County of *Sunbury*, have been found inconvenient, owing to the dangerous state of travelling.

Preamble.

I. *Be it therefore enacted by the PRESIDENT, Council and Assembly,* That the said Court shall be holden on the FOURTH Tuesdays in *March*, instead of the THIRD Tuesdays in *April*.

Court to be holden on the fourth Tuesday in *March*.

II. *And be it further enacted,* That no Procefs shall abate, or other business of what nature or kind soever be discontinued by reason of the alteration of the said Term, but shall or may be proceeded upon, heard and determined at the time herein appointed in the same manner, as they might have been proceeded upon had no alteration been made.

No procefs to abate by reason of alteration.

CAP.

## CAP. XI.

An ACT to PROVIDE for PUNCTUALITY of PAYMENT at the TREASURY, by issuing NOTES to the amount of the PUBLIC APPROPRIATIONS. Passed the 5th of March, 1805.

Preamble.

WHEREAS from the capture of Vessels belonging to this Province and the uncertainty of the terms at which the Duties imposed by the Legislature may become payable, a want of punctuality has been experienced at the Treasury, and thereby payment of some of the public Creditors and the contemplated improvements on the Roads unavoidably deferred.

Notes to the amount of 5000*l.* to be issued—  
to wit:—  
200 of 20 dollars each;  
400 of 10 dolls.  
600 of 8 dollars;  
600 of 6 dollars;  
900 of 4 dollars;  
to bear an interest of five per cent.

I. *Be it therefore enacted by the PRESIDENT, Council and Assembly,* That Notes to the amount of Five Thousand Pounds be issued forthwith after the passing of this Act, as follows, to wit: Two hundred Notes of Twenty dollars each, Four hundred Notes of Ten dollars each, Six hundred Notes of Eight dollars each, Six hundred Notes of Six dollars each, and Nine hundred Notes of Four dollars each; making in all Twenty Thousand dollars, equal to Five Thousand Pounds, which Notes shall bear an Interest of Five per cent. per annum from their dates, and shall be indented and impressed with the words *New-Brunswick*, and signed by the Treasurer, and also countersigned by His Majesty's Attorney and Solicitor General and by William Pagan, Esquire, or any two of them, and containing the following figures and words, to wit.

TREASURER'S-OFFICE, NEW-BRUNSWICK.

Form of the Note.

Number \_\_\_\_\_  
\_\_\_\_\_ Dollars.

This Note shall be estimated at the Treasurer's-Office of equal value as Gold or Silver, to the amount of \_\_\_\_\_ Dollars, with Interest at Five-



Five per cent. from its date, and be received as such in all payments at the Treasury.

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All which Notes shall be of the same date, and shall when so completed and signed be delivered to the Treasurer, by the persons appointed to countersign the same, which Treasurer shall be accountable for such Notes so delivered to him.

II. *And be it further enacted*, That when and as often as money shall become due or payable by virtue of any Act or Acts already passed, or that may be passed during the present session of the Legislature of this Province, and warrants for the same are produced for payment at the Treasurer's-office; the Treasurer shall pay the amount of such warrants on demand in Gold or Silver, or in the said Notes, estimating and adding such Interest from their date as may be then due to the person or persons intitled to receive the same on their voluntary acceptance thereof, which Notes shall be again received at the Treasury at their specified value, equal to the like value of Gold or Silver, when and as often as the same are presented and offered in payment of duties, and the like Interest from their dates, estimated and allowed in such payment. And the Treasurer and his Deputies are hereby required and directed to keep a regular account of all Interest so received or allowed by them.

III. *And be it further enacted*, That if any person or persons whatsoever, shall presume to counterfeit any of the Notes aforesaid, issued by virtue of this Act, or alter any of the same so that they shall appear to be of greater value than when originally filled up, numbered and signed, or shall knowingly pass or give in payment any of the Notes aforesaid so counterfeited or altered, every person guilty of so counterfeiting or altering any such Note, or knowingly

Notes to be the same date & delivered to the Treasurer who is to account for them.

Treasurer to pay the amount of warrants to the persons intitled in Cash, or in Notes on their voluntary acceptance thereof, estimating and adding the interest.

Notes to be received at the Treasury at their specified value, & interest from the date, allowed in payment.

Persons counterfeiting Notes guilty of Felony without benefit of Clergy.

ingly passing or giving in payment any such altered or counterfeited Note, shall be deemed guilty of Felony, without benefit of Clergy.

No paper of any Foreign Kingdom to have currency in this Province.

IV. *And be it further enacted*, That no Bank Bill, Note or other paper currency of any Foreign Kingdom or State, shall be received in payment or have currency in this Province.

When the Treasury will admit the calling in of 200*l.* Treasurer to give 30 days Notice by Advertisement,

V. *And be it further enacted*, That when and as often as the state of the Treasury will admit the calling in to the value of Two hundred Pounds and upwards of the Notes so issued and paid out; the Treasurer shall by Advertisement in the ROYAL GAZETTE, appoint the time at which he will receive such Notes, and pay the amount of the same, together with the Interest due thereon in Gold and Silver, giving Thirty days notice of such redemption, and mentioning the numbers of the Notes so required to be produced for payment, calling in first those of the largest amount then in circulation, and on failure of producing such Notes at the time limited, all future Interest on the same shall cease, and no other or greater amount of Interest shall be recovered on such Notes so called in than was due and payable at the date the same were required to be presented for payment at the Treasury.

and mentioning the numbers of the Notes to be produced for payment beginning with those of the largest amount, from which time the interest on such Notes to cease.

Persons appointed to complete the Notes.

VI. *And be it further enacted*, That the Province Treasurer, together with the persons appointed to countersign the same, be and hereby are appointed to contract for and superintend the completing of the Notes to be issued by virtue of this Act.

## CAP. XII.

AN ACT FOR ENCOURAGING and EXTENDING LITERATURE in this Province. Passed the 5th of March, 1805.

Preamble

WHEREAS the Education of Youth is of the utmost importance in Society, and Public attention to that object has by experience been found to be attended with the most beneficial effects.

I. *Be*;

I. *Be it therefore enacted by the PRESIDENT, Council and Assembly,* That a Public Grammar School be and the same is hereby established in the City of *Saint John*.

Grammar-school established at *St. John*.

II. *And be it further enacted,* That the Rector of Trinity Church in the said City for the time being, the Mayor of the said City for the time being, and the Recorder of the said City for the time being, together with the Honorable *George Leonard, Esquire, Jonathan Blifs, William Pagan, John Robinson, John Black,* and *Thomas Wetmore, Esquires,* Inhabitants of the said City be, and they are hereby appointed Trustees and Directors of the said School, and the said Rector of Trinity Church always to be President of the Board: And that the said President and Directors shall be and they are hereby incorporated by the name of the PRESIDENT and DIRECTORS of the PUBLIC GRAMMAR SCHOOL in the City of *Saint John*, and shall by that name have perpetual succession and be enabled to sue and be sued, implead and be impleaded, answer and be answered unto, and to receive, take and hold gifts and grants of Lands and real Estate (the annual income of which shall not exceed One thousand Pounds) and to accept and receive donations for the erection of a Building for and the endowment of the said School.

Corporation appointed,

of which the Rector of Trinity Church to be President,

to have perpetual succession, & sue and be sued, &c.

and hold real estate not exceeding £1000 per annum.

III. *And be it further enacted,* That the President and Directors of the said Grammar School and their successors, or the major part of them, when duly summoned and assembled, shall form a Board for dispatch of business, and such Board of Directors or the major part of them so assembled, are hereby empowered to point out and procure a proper place whereon to erect the Building for the said School; to contract for and superintend the Building thereof; to provide a Master and one or more Ushers or Tutors, as they shall judge expedient, and from time to time to make and establish Bye Laws, Ordinances, and Regulations, for the government of the said School, and to enforce obedience to the same by

President & Directors when duly summoned, to form a Board, and such Board or the major part to procure a place for erecting a building, & contract for the same, & provide a master and ushers, and make bye Laws for the regulation of the School.

finis and expulsions, or other public censures, as they may judge proper.

In the absence of the Rector, Mayor or of the City to act as President,

or the Recorder in the absence of both the Rector and Mayor.

IV. *And be it further enacted,* That during any vacancy or absence of the Rector of the said Church, the Mayor of the said City shall act as President, and it shall be the duty of the President at all times to summon a Board of Directors whenever the same shall be requested by three or more of the said Directors, and in case of sickness or absence of the said Rector, the Board may be summoned by the said Mayor, and in case of the inability or absence of both the said Board may be summoned by the said Recorder.

In case of death or removal of any who are not ex officio Members,

Board within 3 months to elect others, to be approved of by the Commander in Chief of the Province.

V. *And be it further enacted,* That in case of death or removal from the said City of any of the said Directors not being permanent by office, the remaining Directors at a Board for that purpose, to be summoned within Three Months after, shall elect another fit person being an Inhabitant of the said City for his successor, who being approved of by the Commander in Chief of the said Province for the time being, shall be one of the Directors of the said School, and every other vacancy shall be filled from time to time in like manner.

President & Directors to hold public visitations twice a year.

VI. *And be it further enacted,* That the said President and Directors shall hold public Visitations and Examinations of the said School twice in every Year, to wit, on the first Monday in *April* and first Monday in *September*.

Free Scholars may be admitted not exceeding eight.

VII. *And be it further enacted,* That whenever the said President and Directors shall think proper they may admit any number not exceeding Eight to be free Scholars of the said Grammar School, without any charge for their tuition.

£100 per annum granted for the support of a master,

VIII. *And be it further enacted,* That One hundred Pounds annually be included in the Estimate for the ordinary expences of the Province, and granted to the said President and Directors of the said Public Grammar School, to be applied by them for or towards the support of the Master thereof, and that the

the sum of One hundred Pounds be granted to the said President and Directors, for the purpose of assisting them to purchase or erect a Building for the said School; and that they the said President and Directors shall be accountable from time to time to the Legislature of the Province for their conduct and management of the property so vested and to be vested in them by virtue and in pursuance of this Act. *Provided always*, That as soon as the annual sum of said Grammar School, in whatever manner the same may arise, shall amount to Six hundred Pounds, then and in such case the annual sum of One hundred Pounds hereby granted shall cease.

IX. *And be it further enacted*, That there be and are hereby established in each and every of the Counties in this Province for Six years (except the County of *Saint John*) two Schools, and in the said County of *Saint John* one School for instructing the Youth of both sexes in the English language, and Writing and Arithmetic, which Schools shall be under the regulation, direction, controul and management of the Justices in the General Sessions of the Peace for the said Counties respectively, who are hereby authorized and empowered in such General Sessions respectively, to appoint the Masters for the said Schools from time to time and to displace them at their pleasure: And to direct and appoint the places where such Schools shall be kept or holden from time to time, so that only one of the said Schools shall be kept or holden in any one Parish at one and the same time, and when appointed for such Parish shall be kept or holden in the same for one continued Year and no longer; and shall then be removed to another Parish and shall there continue in like manner, and so toties quoties, until each and every Parish shall have received the benefit of having such School held within the same for one Year, before the same School shall return to the Parish where it has been once holden. *Provided always*, That the said School for the County of *Saint John*,

and the sum of  
£100 towards  
procuring a building—

Board to be accountable to the Legislature,

£100 per annum  
to cease when the  
Funds of the  
School amount  
to £600 per annum.

Schools established for 6 years in each of the Counties,

under the direction of the Justices in Sessions,

who are to appoint masters, & direct where the Schools to be held,

only one School to be held in one Parish at a time.

Schools to be moved once a year, to another Parish.

County School for *St. John*, not

*John*,

to be held in the City—and those for York County not to be held in Frederickton.

*John*, shall never be held in the City or Parish of *Saint John*, and provided further that neither of the said Schools for the said County of *York*, shall be held in the Town or Parish of *Frederickton*, any thing herein contained to the contrary notwithstanding.

£375 annually, being 25*l.* for each School, granted to the Justices in the Counties.

X. *And be it further enacted*, That there shall be included in the estimate for the ordinary Expenses of the Province the sum of Three hundred and Seventy-five pounds annually, and granted to the Justices of the Peace for the said several and respective Counties towards the support of the Masters of such English Schools respectively, that is to say, to the Justices of the Peace of the Counties of *Westmorland*, *Charlotte*, *Northumberland*, *King's County*, *Queen's County*, *York* and *Sunbury*, each Fifty Pounds, and to the Justices of the Peace of the City and County of *Saint John*, Twenty-five Pounds, so that each Master shall receive at the rate of Twenty-five Pounds per annum for his services.

Schools to be visited twice a year by the Rectors of the Parishes wheretheschools are held, and by Committees appointed by the Sessions,

XI. *And be it further enacted*, That the said English Schools respectively, shall be visited and examined twice in each and every Year, at such times as the said several Courts of General Sessions of the Peace shall appoint, by the Rectors or Missionaries of the several and respective Parishes or places in each County where such School may happen to be kept or held, together with Committees to be for the purpose annually appointed by the said Courts of General Sessions in each Year, or in case there shall be no Rector or Missionary in any of the said Parishes or places at the time, then such visitation and examination to be had by such Committees respectively: And it shall be the duty of such persons after due examination to report from time to time to the said Courts of General Sessions of the Peace respectively, the state and condition of the said Schools.

In case there shall be no Rector, then by the said Committees,

who are to report to the Sessions.

Free Scholars may be admitted

XII. *And be it further enacted*, That whenever the said Courts of General Sessions of the Peace respectively shall think proper they may admit any number,

ber not exceeding Four, to be free Scholars of such English Schools respectively, without any charge for their tuition. not exceeding four.

XIII. *And be it further enacted*, That the said several and respective Courts of General Sessions shall from time to time be accountable to the Legislature of the Province for their conduct and management of the Monies granted to them by this Act.

Sessions to account to the Legislature.

### CAP. XIII.

An ACT to ENABLE the COMMISSIONERS of HIGHWAYS in the Parishes of MAGERVILLE, SHEFFIELD, and WATERBOROUGH, to lay out Highways, and to appropriate part of the Statute labor for securing the Bank of the River in front of those Parishes. Passed the 5th of March, 1805.

**W**HEREAS great damage frequently happens to the Bank of the River *Saint John* in front of the Parishes of *Magerville, Sheffield, and Waterborough*, and to the Highways laid out thereon.

Preamble.

I. *Be it therefore enacted by the PRESIDENT, Council and Assembly*, That the Commissioners of the Highways for the time being, in such Parishes shall and they are hereby empowered to alter the said Highways in the Parishes aforesaid that have been or hereafter may be washed away, or otherwise damaged by the freshes, as may appear to them convenient and necessary.

Commissioners may alter Highways damaged by the Freshes.

II. *And be it further enacted*, That the Surveyors of Highways in the Parishes aforesaid, shall, after the first day of *April* in every year, when required by the said Commissioners so to do, summon every male Inhabitant in their districts, with their Teams and such Implements as may be necessary, who are liable to work on the Highways, giving them at least Six days notice, to labor thereon by planting the said Bank with Willows or Alders, or otherwise bushing the same, as the said Commissioners may deem

Surveyors, when required, to summon Inhabitants to work

with teams, &c. in planting the bank with bushes to be allowed as part of the labor they are by Law to perform,

deem most effectual for the preservation thereof. And such labor so done, shall be allowed by the said Commissioners in part of the labor which the said Inhabitants by Law are liable to perform, under the penalty of Five Shillings, and for every neglect of Teams turning out with a competent driver, Ten Shillings for each and every offence or neglect, to be recovered on complaint of any one of the said Commissioners to any one of His Majesty's Justices, to be levied by warrant of distress and sale of the offender's goods and chattels, rendering the overplus, if any, to the owner or owners, to be laid out under the direction of the said Commissioners in the districts where the same shall be recovered.

under penalty of five shillings—  
and 10s. for neglecting to send teams—  
to be recovered on complaint of a Commissioner to a Justice of Peace,  
to be laid out on the Highways.

## CAP. XIV.

An ACT for the REGULATION of BOOMS for securing MASTS, LOGS, and LUMBER, in the County of CHARLOTTE. Passed the 5th of March, 1805.

Preamble.

**W**HEREAS it has been found necessary to erect Booms on several of the Rivers and Streams in the County of *Charlotte*, for the purpose of securing such Timber as may be hauled out and thrown into the same in a general deposit, until it can be conveniently conveyed by the respective owners to the different places of destination. AND WHEREAS it is necessary that proper regulations should be established to secure the safe delivery of the same to the owners.

Justices in Sessions to make regulations respecting Booms.

*Be it therefore enacted by the PRESIDENT, Council and Assembly,* That it shall and may be lawful for the Justices of the Peace for the County of *Charlotte*, in their General Sessions, to make and establish such regulations as to them may appear necessary respecting such Booms as have been erected or may be hereafter erected in said County, and to appoint Boom-Masters from time to time, and fix their Fees for attending such Booms and superintending the safe

&amp; appoint boom masters and fix their Fees.



safe delivery of the Lumber passed through the same. *Provided always*, That it shall not be lawful for said Justices to grant permission for erecting any Boom or Booms which may impede the Navigation of any River or Stream in said County.

No Booms to be erected so as to impede the Navigation.

## CAP. XV.

An ACT for granting AID in SUPPORT of the COLLEGE of NEW-BRUNSWICK, incorporated by CHARTER and established at FREDERICTON. Passed the 5th of March, 1805.

**B**E it enacted by the PRESIDENT, Council and Assembly, That there be included from time to time and at all times in the estimate of the Ordinary Expense of this Province, the annual sum of One Hundred Pounds, and that the same be granted to the Governor and Trustees of the College in *Frederickton*, to be applied by them towards the Tuition of the Pupils of the said College. *Provided always*, that when the Funds of the said College shall amount to One Thousand Pounds annually, then and in that case the said Grant of One Hundred Pounds shall cease and determine.

£100 per annum granted to the Trustees of the College,

to cease when the Funds of the College amount to £1000 per an.

## CAP. XVI.

An ACT to CONTINUE an Act made and passed in the Thirty-sixth Year of His MAJESTY'S reign, intituled, "An Act for regulating, laying out and repairing HIGHWAYS and ROADS." Passed the 5th of March, 1805.

**B**E it enacted by the PRESIDENT, Council and Assembly, That an Act made and passed in the Thirty-sixth year of His MAJESTY'S reign, intituled, "An Act for regulating, laying out and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several

Former act continued till 11th February, 1810.

“several Towns or Parishes in this Province, and for suspending for a limited time all the Laws now in force relating to the same,” be continued, and the same is hereby continued and declared to be in force until the Eleventh day of *February*, in the year One thousand Eight hundred and Ten, and no longer.

## CAP. XVII.

An ACT to CONTINUE an Act made and passed in the Forty-third Year of His MAJESTY's reign, intituled, “An Act for raising a REVENUE in this Province. Passed the 5th of March, 1805.

Continued till  
1st April, 1807.

**B**E it enacted by the PRESIDENT, Council and Assembly, That an Act made and passed in the Forty-third year of His MAJESTY's reign, intituled, “An Act for raising a REVENUE in this Province,” be further continued, and the said Act and every clause, matter and thing therein contained, is hereby continued and declared to be in full force until the first day of *April*, which will be in the year of our LORD, One thousand Eight hundred and Seven.

## CAP. XVIII.

An ACT for ERECTING the EASTERN part of the County of WESTMORLAND into a distinct Town or Parish.

Parish of Botsford erected.

**B**E it enacted by the PRESIDENT, Council and Assembly, That all that Tract of Land in the County of *Westmorland*, lying East of the prolongation of the North line, between the Parishes of *Westmorland* and *Sackville*, to *Northumberland* freights, from thence Eastward to *Chemogue*, and round the Capes *Tormentin* and *Saint Lawrence*, along the *Bay Verte*, until it meets the Boundary of the Parish of *Westmorland*, and extending Westerly to the first Boundary, be one distinct Town or Parish, distinguished by the name of the Town or Parish of *Botsford*;

*ford*; and that the Justices of any special Sessions may appoint such Town or Parish officers for the current year, as they may deem necessary to continue in office, until further appointments in the General Sessions.

Justices in Special Sessions to appoint Parish Officers.

## CAP. XIX.

AN ACT to CONTINUE sundry ACTS of the GENERAL ASSEMBLY that are near expiring. Passed the 5th of March, 1805.

**B**E it enacted by the PRESIDENT, Council and Assembly, That an ACT passed in the Thirty-ninth year of His MAJESTY'S reign, intituled, "An ACT for regulating the Fisheries in the County of Northumberland;" also an ACT made and passed in the Forty-first year of His MAJESTY'S reign, intituled, "An ACT for the support and relief of Confined Debtors;" also an ACT made and passed in the Forty-first year of His MAJESTY'S reign, intituled, "An ACT for the further and better support of the Poor in the City of *Saint John*;" also an ACT made and passed in the Forty-first year of His MAJESTY'S reign, intituled, "An ACT for preserving the Bank of the River *Saint John*, in front of the Parish of *Lincoln*, in the County of *Sunbury*;" also an ACT made and passed in the Forty-first year of His MAJESTY'S reign, intituled, "An ACT to continue an ACT," intituled, "An ACT for preserving the Bank of the River *Saint John*, in front of the Parishes of *Magerville*, *Sheffield*, and *Waterborough*;" and an ACT made and passed in the Forty-second year of His MAJESTY'S reign, intituled, "An ACT for the easy and speedy recovery of Small Debts, and for regulating the proceedings thereon," be further continued, and the said ACTS and every clause, matter and thing therein contained, are hereby continued and declared to be in full force, until the first day of *March*, which will be in the year of our LORD, One thousand Eight hundred and Ten.

ACT for regulating the Fisheries in Northumberland.

ACT for support of confined Debtors.

ACT for the better support of the Poor in *St. John*.

ACT for preserving the Bank of the river in front of the Parish of *Lincoln*.

ACT to continue the ACT for preserving the bank of the River, in front of *Magerville*, *Sheffield*, & *Waterborough*.

ACT for the speedy recovery of Small Debts.

Continued till 1st of March, 1810.

## CAP. XX.

An ACT to AMEND an Act for regulating the EXPORTATION of BUTTER. Passed the 5th of March, 1805.

Preamble.

**W**HEREAS the restriction in the Act for regulating the Exportation of Butter, that the "same should be packed in Firkins of hard seasoned wood," has been found inconvenient, for remedy whereof—

Butter may be packed in seasoned Wood of any kind, except Pine and Cedar.

I. *Be it enacted by the PRESIDENT, Council and Assembly,* That all Butter hereafter to be shipped for Exportation, may be packed in any Firkins of seasoned Wood other than Pine or Cedar, so as the same be free of sap, tight and well hooped.

Recited Act to remain in force, except as hereby altered.

II. *And be it further enacted,* That the said in part recited Act and every clause thereof, except wherein the same is hereby altered, shall continue and be in full force, any thing to the contrary herein contained notwithstanding.

## CAP. XXI.

An ACT to APPROPRIATE the PUBLIC REVENUE. Passed the 5th of March, 1805.

Sums to be paid out of the Treasury :

**B**E it enacted by the PRESIDENT, Council and Assembly, That there be allowed and paid out of the Treasury of this Province, unto the several persons hereafter mentioned, to wit:—

Speaker.

To the *Speaker* of the House of Assembly, the sum of Fifty Pounds.

Members of the Assembly.

To the *Members* of the House of Assembly, for defraying their Expences of travelling and actual attendance, reckoning Twenty miles to each day's travel, to be certified by the *Speaker*, the sum of Ten Shillings per diem.

Chaplain to the Council.

To the *Chaplain* of the Council in General Assembly, for his services, the sum of Twenty Pounds.

Chaplain of the Assembly.

To the *Chaplain*, of the House of Assembly, for his services, the sum of Twenty Pounds.

To

- To the *Clerk* of the Council in General Assembly, for his services during the present Session, Ten Shillings per diem, and for other services the sum of Fifty Pounds; and the further sum of Twenty-five Pounds for services during the year Eighteen hundred and Four. Clerk of the Council.
- To the *Clerk* of the House of Assembly, for his services during the present Session, Ten Shillings per diem, and for other services the sum of Fifty Pounds; and the further sum of Twenty-five Pounds for his services during the year Eighteen hundred and Four. Clerk of the Assembly.
- To the *Serjeant at Arms* attending the Council in General Assembly, the sum of Ten Shillings per diem. Serjeant at Arms to the Council.
- To the *Serjeant at Arms* attending the House of Assembly, Ten Shillings per diem. Serjeant at Arms to the Assembly.
- To the *Door-keeper* of the Council in General Assembly, Five Shillings per diem. Doorkeeper of the Council.
- To the *Door-keeper* of the House of Assembly, Five Shillings per diem. Doorkeeper of the Assembly.
- To the *Messenger* of the Council in General Assembly, Five Shillings per diem. Messenger of the Council.
- To the *Messenger* of the House of Assembly, Five Shillings per diem. Messenger of the Assembly.
- To the *Clerk* of the House of Assembly, for Fuel, Stationary, and other expences of the present Session, the sum of Forty-two Pounds, Fifteen Shillings and Six Pence. Clerk of the Assembly for Fuel, &c.
- To the *Treasurer* of the Province, for his services from the first day of *March*, One thousand Eight hundred and Three, to the first day of *March*, One thousand Eight hundred and Four, the sum of One Hundred and Eighty Pounds; and the like sum of One Hundred and Eighty Pounds, for his services, ending the first day of *March*, One thousand Eight hundred and Five. Treasurer of the Province.
- To the *Tide Surveyor* in the City of *Saint John*, from the first day of *March*, One thousand Eight hundred and Three, to the first day of *March*, One thousand Eight hundred and Four, for his services and Tide-Surveyor of St. John.

and for expences incurred in performing the same, the sum of Forty Pounds; for the like services and expences incurred for the year ending the first day of *March*, One thousand Eight hundred and Five, the like sum of Forty Pounds.

*William & Thos. Knox, Esqrs.* for their services as Agents.

To *William Knox*, Esquire, for his services as Agent to the Province, previous to the year One thousand Eight hundred and Three, the sum of One Hundred Pounds, sterling.

To *William and Thomas Knox*, Esquires, for their services as Joint-Agents for the Province in the year One thousand Eight hundred and Four, the sum of One Hundred Pounds; and the like sum of One Hundred Pounds, for their services for the year One thousand Eight hundred and Five.

To the President for contingencies,

To His Honor the PRESIDENT, or Commander in Chief for the time being, for defraying the contingent expences of the Province, the sum of One Hundred Pounds, for the year One thousand Eight hundred and Five; and the like sum of One Hundred Pounds, for the year One thousand Eight hundred and Six.

For repairing the Province Hall & seating the House of Assembly.

To His Honor the PRESIDENT, or Commander in Chief for the time being, for painting the outside and repairing the Roof of the Province-Hall, the sum of One Hundred and Twenty-five Pounds; and a further sum not exceeding Seventy-five Pounds, to compleat a Seating for the Members of the House of Assembly, according to a plan exhibited, under the superintendance of the Clerk of this House.

Clerk of the Assembly for a book case.

To the *Clerk* of the House of Assembly, Seventeen Pounds, for compleating a Book Case, for the use of the House of Assembly.

For repairing the Light House.

To His Honor the PRESIDENT, or Commander in Chief for the time being, a sum not exceeding One Hundred Pounds, for the purpose of repairing and altering the Light-House on *Partridge-Island*, to be laid out under the care and management of *William Pagan, Munson Jarvis, Hugh Johnston, and William Donald*, Esquires.

To

To His Honor the PRESIDENT, or Commander in Chief for the time being, the sum of Thirty Pounds, to defray the expence of Printing the Votes and Journals of the House of Assembly, during the present Session.

For printing the Journals of the present Session.

To the *Clerk* of the House of Assembly, a sum not exceeding Five Pounds, for the purpose of collecting and having bound in One or more Volumes, Three sets of the Journals, for the use of the House of Assembly.

To the Clerk of the Assembly for binding the Journals.

To *Jacob S. Mott*, the sum of Eleven Pounds, One Shilling and Three Pence, being the balance of his account for printing the Votes and Journals of the House of Assembly during the last Session.

To *J. S. Mott*, the balance of his account for printing Journals.

To *John Ryan*, the sum of Forty-two Pounds and Ten Pence, in full of all accounts exhibited by him to this time, as appears by his account up to the Twenty-eighth of *November*, Eighteen hundred and Four.

To *John Ryan*.

To the *Sheriff* of the County of *Westmorland*, for returning a Member from that County to serve in General Assembly, the sum of Five Pounds, Fifteen Shillings.

Sheriff of *Westmorland*, for returning a Member.

To the *Sheriff* of the County of *Saint John*, for returning a Member to serve in General Assembly, the sum of Sixteen Pounds, Five Shillings.

Sheriff of *Saint John*.

To such person as His Honor the PRESIDENT, or Commander in Chief for the time being may appoint, for the purpose of aiding in establishing for the term of Two years, by a Packet, the communication between *Saint John* and *Saint Andrews*, a sum not exceeding One Hundred Pounds.

For a Packet from *St. John* to *St. Andrews*.

To *Hugh McKay*, Esquire, the sum of Fourteen Pounds, Seventeen Shillings and Nine Pence, to complete certain works commenced to facilitate the crossing of the River *Magaguadavic* at the public landing thereof, and purchasing Ropes for that purpose.

For crossing the River *Magaguadavic*.

To the *Commissioners* for building a Bridge over *Salmon River*, in *King's County*, below Mr. *Hallett's*,  
the

For a Bridge over *Salmon river*.

the further sum of Eighteen Pounds, Five Shillings, in addition to the sum of Eighty-one Pounds, Fourteen Shillings and Four Pence, granted during the last Session of the General Assembly.

To be paid by warrant with advice of Council, giving a preference to the ordinary services of this Session.

II. *And be it further enacted,* That all the before mentioned several sums of Money shall be paid by the Treasurer by Warrant of His Honor the PRESIDENT, or Commander in Chief for the time being, by and with the advice of His MAJESTY'S Council, out of the Monies now in the Treasury, or as payments may be made at the same, the Officers and Servants of the General Assembly, together with the Ordinary services of the present Session, having a preference in payment to any other sums granted by any Act or Acts previous to or during the present Session, where the services contemplated by such Act or Acts have not been performed.



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AN  
I N D E X  
TO

The ACTS of the GENERAL ASSEMBLY,  
OF THE  
Province of NEW-BRUNSWICK,  
From the TWENTY-SIXTH to the FORTY-FIFTH Year of the  
Reign of *GEORGE* III. both inclusive.

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A,

*Absconding Debtors.*

1. **D**EBTOR absconding, Judge of Supreme Court on affidavit of Debtor and proof of absconding, to issue warrants of attachment against all his Estate. 26 G. 3. c. 13. § 1.
2. Notice to be published in Royal Gazette. 26 G. 3. c. 13. § 2.
3. Perishable Goods may be sold by order of Judge. 26 G. 3. c. 13. § 3.
4. How Sheriff to proceed where claim of property by Stranger. 26 G. 3. c. 13. § 4.
5. Payment or delivery to Debtor after Notice published, deemed fraudulent. 26 G. 3. c. 13. § 5.
6. Sales by Debtor after such Notice void. 26 G. 3. c. 13. § 6.
7. *Supersedeas* when to be granted and with Costs. 26 G. 3. c. 13. § 7.
8. Debtor not appearing, &c. in Three Months, Judge to appoint Trustees. 26 G. 3. c. 13. § 8.
9. Trustees to give Public Notice and call to account Debtors and Creditors. 26 G. 3. c. 13. § 9.
10. Trustees to take Debtor's estate and effects, and empowered to sue, and to sell and convey. 26 G. 3. c. 13. § 10.
11. Concealer of Debts and Effects to forfeit double value, and answer on oath. 26 G. 3. c. 13. § 11.
12. Swearing falsely subject to the penalties of Perjury. 26 G. 3. c. 13. § 12.
13. Discoverer of concealed Effects intitled to 10 per cent. on value. 26 G. 3. c. 13. § 13.

## *Absconding Debtors.*

14. Power to Trustees to settle accounts, examine upon oath, &c. 26 G. 3. c. 13. § 14.
15. To refer controversies, mode of appointing Referees. 26 G. 3. c. 13. § 15.
16. Further duty of Trustees. 26 G. 3. c. 13. § 16.
17. Creditors where Money not become due to be paid with rebate of Interest. 26 G. 3. c. 13. § 17.
18. Neglecting to deliver accounts and adjust disputes when to be excluded. 26 G. 3. c. 13. § 18.
19. Creditors out of the Province to act by Attorney. 26 G. 3. c. 13. § 19.
20. Judge of Inferior Court of C. P. authorized to issue warrant when debt does not exceed £10. Proviso where warrants issue from both Courts. 26 G. 3. c. 13. § 20.
21. Judge to report all proceedings to the Court, to be entered and to be conclusive evidence. 26 G. 3. c. 13. § 21.
22. Judge to allow appointment of Trustees to be recorded, record conclusive evidence. 26 G. 3. c. 13. § 22.
23. Affidavit, process, &c. to be filed in Clerk's office, appointment of Trustees selling Real Estate to be proved and recorded, their conveyances a good Title. 26 G. 3. c. 13. § 23.
24. Trustees accounts to be open to inspection; their proceedings subject to order of Court, to render an account on oath, may retain 5 per cent. for their services. 26 G. 3. c. 13. § 24.
25. Persons sued for any thing done under this Act may give the special matter in evidence under the general Issue. 26 G. 3. c. 13. § 25.
26. The Estate of Debtor *departing* from the Province, subjected to same Process and disposal as Estates of *Absconding Debtors*. 28 G. 3. c. 2. § 1.
27. Acts relative to Absconding Debtors continued to 1st April, 1898. 43 G. 3. c. 8.

## *Actions.*

See Arrest, Circuit Court, Damages, Joint Debtors, Mutual Debts.

## *Acts.*

Acts of the General Assembly when to commence. 36 G. 3. c. 1.

## *Administrators.*

See Wills—13, 15, 16, 17, 18, 19. Frauds, &c, 4, 10.

*Adultery.* See Marriage, 15, 16, 17.

*Affirmation.* See Depositions, 5. Quakers. Register, &c. 6.

## *Aliens.*

1. No Person, not being a British Subject, to bring or sell any Merchandise within the Province. 45 G. 3. c. 3. § 1.
2. Penalty therefor and how recovered and applied. § 2.
3. Treasurer and his Deputies to enforce this Act, § 3.
4. Act limited to three Years. § 4. See Treasurer of the Province, 5.

*Alnwick.*

*Alnwick.* Parish of, described. 26 G. 3. c. 1. § 9.

*Apprentices.* See Poor, 2. Servants, &c. Taverns, 2, 3.

### *Appropriation.*

Act to appropriate the Public Revenue for the Year 1805. 45 G. 3. c. 21.

### *Arrest.*

1. No Person to be held to Bail on process of Supreme Court for less than £10. nor of Inferior Court for less than 40s. In other cases, copy of process to be served and Plaintiff may file common Bail for Defendant. 26 G. 3. c. 25. § 1.
2. To hold to Bail *affidavit* must be made of the cause of action, and the sum indorsed on the Writ. 26 Geo. 3. c. 25. § 2.
3. No Seaman belonging to any Vessel to be arrested for any Debt not exceeding £10, contracted without the knowledge and allowance of the Master, until the end of the voyage. 26 G. 3. c. 53. § 1.
4. Where cause of action amounts to upwards of £3, on affidavit made and filed Defendant may be held to Bail on process from Inferior Courts. 35 G. 3. c. 2. § 3. Altered to £5; by 42 G. 3. c. 5. § 1. & c. 7. § 1. For other matters see *Justices of the Peace*, 12.

*Assembly.* See Elections.

### *Assessments.*

See County Rates, 1, 3, 8. Highways, 24, 25. Poor.

### *Assessors.*

See City of St. John, 4. County Rates, 1, 3, 8. Town or Parish Officers, 1.

### *Attornies.*

1. Of the Supreme Court authorized to practise in Inferior Courts. 26 G. 3. c. 8. § 2.
2. No Attorney to be retained in civil causes before Justices of the Peace. 42 G. 3. c. 5. § 3.
3. Fees of Attornies in summary Actions. 35 G. 3. c. 2. § 8.

### *Auctions and Auctioneers.*

1. Goods sold at Auction, subjected to a duty of 2½ per cent. 26 G. 3. c. 44. § 1.
2. Articles exempted from the duty. 26 G. 3. c. 44. § 2.
3. Auctioneer to give security for the duties, to render account on oath, and pay under penalty of £50, to be sued for by Treasurer of the Province. 26 G. 3. c. 44. § 3.
4. Persons selling by Auction before security given for the duties forfeit £100. 26 G. 3. c. 44. § 4.
5. Act continued to 1st April, 1808. 43 G. 3. c. 8.

For other matters see *Sales of Damaged Goods*, 1, 2, 3.

## B.

*Bail.* See Arrest.

*Ballast.* See Harbours.

### *Banks.*

1. Regulations for preserving the Banks of the River *St. John*, in front of *Magerville, Sheffield* and *Waterborough*. 34 G. 3. c. 9. § 1.
2. Mode of recovering Penalties against Offenders. *ibid* and § 2.
3. Justices of the Peace in their Sessions authorized to make further regulations, by erecting Swing-Gates, &c. 34 G. 3. c. 9. § 3.
4. Act continued to 1810. 45 G. 3. c. 19. See *Lincoln*.

### *Bastards.*

1. Mode of apprehending putative Fathers of Bastard Children. 32 G. 3. c. 3. § 1.
2. To be released if the Woman die, or be married before delivery, or miscarry. 32 G. 3. c. 3. § 2.
3. How otherwise to be discharged. 32 G. 3. c. 3. § 3.
4. No Woman to be sent for till one Month alter delivery, to be examined concerning her pregnancy. 32 G. 3. c. 3. § 4.
5. Nor to be compulsorily examined till delivered. *ibid*.  
See *Marriage*, 17.

*Beacons.* See *Passamaquoddy Bay*.

*Bells.* : See *Highways*, 18.

### *Bills of Exchange and Promissory Notes.*

1. Damages on protested Bills drawn here on Persons in Europe, 10 per cent. with charges and interest. 26 G. 3. c. 22. § 1.
2. Drawn here on Persons in America, 5 per cent. with charges and interest. 26 G. 3. c. 22. § 2.
3. The same damages when drawn out of the Province and demanded here. 26 G. 3. c. 22. § 3.
4. Promissory Notes assignable as inland Bills of Exchange, 26 G. 3. c. 23.
5. Damages on protested Bills drawn here on Persons in the West-Indies, 10 per cent. with charges and interest. 34 G. 3. c. 6.
6. Stealing Bills of Exchange and Promissory Notes, made Felony. 26 G. 3. c. 61.
7. Damages on Bills of Exchange not Usury. 26 G. 3. c. 17 § 1.

*Booms.* See *Rivers*, 3, 7, 8, 9, 10.

*Botsford.* Parish of, erected and described. 45 G. 3. c. 18.

*Bottomry.* Not Usury. 26 G. 3. c. 17. § 1.

*Boundaries.*

## Boundaries.

1. The Counties of *Saint John, Westmorland, Charlotte, Northumberland, King's, Queen's, York and Sunbury*, as created and limited by Letters Patent, particularly described, confirmed and established. 26 G. 3. c. 1. § 1.
2. Subdivided into Towns or Parishes. 26 G. 3. c. 1. § 2, 3, 4, 5, 6, 7, 8, 9.
3. Shire Towns of the several Counties established. 26 G. 3. c. 1. § 10. 41 G. 3. c. 6. § 1.
4. Parish of *Dorchester* created and bounded. 27 G. 3. c. 7. § 1. Made Shire Town. 41 G. 3. c. 6. § 1.
5. Parish of *Salisbury* created and bounded. 27 G. 3. c. 7. § 1.
6. Boundary line between the County of *Westmorland* and the Counties of *King's* and *Queen's* altered and described. 27 G. 3. c. 7. § 2.
7. Direction of lateral Boundary lines of Grants how to be ascertained. 31 G. 3. c. 8. § 1.
8. Direction of lateral Boundary lines of Lots how to be ascertained. 31 G. 3. c. 8. § 2.
9. Boundary lines of Grants under the Seal of the Province of *Nova-Scotia*, how to be regulated. 31 G. 3. c. 8. § 3.
10. Points of commencement of Boundary lines, how to be ascertained. 31 G. 3. c. 8. § 4.
11. Proceedings relative to fixing permanent Land-marks, to be registered by the Surveyor-General. 31 G. 3. c. 8. § 5.
12. Such registry good evidence. *ibid.*
13. Penalty upon Persons defacing or destroying permanent Land-marks. 31 G. 3. c. 8. § 6.
14. Commissioners appointed to adjust and assess the expense of a survey of the Lands in *Sackville*. 33 G. 3. c. 8. § 1.
15. Mode of recovering assessment. 33 G. 3. c. 8. § 2.
16. No possession under the survey to be deemed adverse against the real Owner. 33 G. 3. c. 8. § 3.
17. Sum to be assessed, limited. 33 G. 3. c. 8. § 4.
18. Plan of the survey to be inspected *gratis*, previous to the assessment. 33 G. 3. c. 8. § 5.
19. Parishes of *Norton, Greenwich* and *Hampton* created and bounded. 35 G. 3. c. 3. § 2, 3, 4.
20. Boundaries of *Suffex, Springfield* and *Kingston* altered and described anew. *ibid* § 1.
21. Boundary line between the County of *Northumberland* and the adjoining Counties altered and established. 43 G. 3. c. 4. § 1.
22. Island of *Cambo-Belle* erected into a Parish. 43 G. 3. c. 4. § 2.
23. Parish of *Wakefield* in *York* County erected. 43 G. 3. c. 5. § 1.
24. Parish of *Botsford* in the County of *Westmorland* erected and bounded. 45 G. 3. c. 18.

*Bribery.* See Elections, 10.

*Burton.* Parish of, described: 26 G. 3. c. 1. § 7, 10.

*Butter.*

## Butter.

1. Mode of packing and inspecting Butter for Exportation. 43 G. 3. c. 6. § 1.
  2. Inspectors how appointed and regulated. 43 G. 3. c. 6. § 2.
  3. Penalties for exporting Butter not inspected and marked. 43 G. 3. c. 6. § 3.
  4. May be packed in Firkins of any seasoned Wood except Pine or Cedar. 45 G. 3. c. 20.
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## C.

*Campo-Bello.* Island erected into a Parish. 43 G. 3. c. 4. § 2.

## Cattle.

1. Persons maliciously killing or wounding Horses, Cattle, Swine, Sheep, &c. forfeit treble damages. 26 G. 3. c. 35.  
For other matters see *Trespases*, 6, 7, 8.

*Certiorari.* See County Rates, 11. Justices of the Peace, 19.

*Challenge of Jurors.* See Felons and Felony, 8.

## Charlotte.

County of, described. 26 G. 3. c. 1. Preamble, § 1.

For other matters, see *Courts Com. Pleas* 5. *Infectious Distempers* 2, 3, 4, 5. *Rivers*, 9.

## Church.

1. No Person capable to be admitted to any Benefice before Ordination. 26 G. 3. c. 4. § 1.
2. Beneficed Clergymen to read the Common Prayer, and service of the Liturgy, and administer the Sacraments, &c. under penalty of £5. 26 G. 3. c. 4. § 2.
3. Convicted on Indictment, &c. of using any other Form or Rites, in Church, &c. to be punished by deprivation, &c. 26 G. 3. c. 4. § 3.
4. Proviso in favour of Dissenters for liberty of Conscience, choosing Ministers and Public Worship according to their own opinions. 26 G. 3. c. 4. § 4.
5. Dissenting Ministers not allowed to officiate in places of Public Worship, unless elected or licensed by the Governor; and none of any denomination to officiate before taking the Oath of Allegiance on pain of Fine and Imprisonment:—But Quakers are allowed Public Worship as accustomed. 26 G. 3. c. 4. § 5.
6. The Parish of *Trinity Church* in the City of *Saint John*, co-extensive with the City, to be called the Parish of *St. John*. 29 G. 3. c. 1. § 1.
7. Corporation of *Trinity Church* created, annual rents and profits of their property not to exceed £500. 29 G. 3. c. 1. § 2.

## Church.

8. Parishioners to choose Church-Wardens and Vestry annually on Easter Monday. 29 G. 3. c. 1. § 3.
9. The Church and Lands belonging to it vested in the Corporation.— 29 G. 3. c. 1. § 4.
10. Corporation to dispose of the Pews and other property, to finish and repair the Church, pay salaries, and other expenses. 26 G. 3. c. 1. § 5.
11. Rector, Church-Wardens, and Vestries of the several Churches, erected or to be erected in the Province, incorporated. 29 G. 3. c. 1. § 6.
12. Church-Wardens and Vestries to have the full power of the Corporation in cases of the death or absence from the Province of the Rector. 29. G. 3. c. 1. § 7.
13. No Corpse to be interred under any Church, or within One hundred Yards from the Walls of Trinity-Church, in the City of *Saint John*. 29 G. 3. c. 1. § 8.

*Church-Wardens.* See Church, 8, 11, 12.

### *City of Saint John.*

1. The City shall be a Body Corporate for ever, and all Letters Patent, &c. are ratified and confirmed. 26 G. 3. c. 46. § 1.
2. Corporation shall have all rights, liberties, estates, &c. granted by Charter. 26 G. 3. c. 46. § 2.
3. This to be taken as a public Act. 26 G. 3. c. 46. § 3.
4. Corporation of the City authorized to appoint Assessors and Collectors of Taxes, subject to the same rules, penalties, &c. as Parish Assessors and Constables. 27 G. 3. c. 8.
5. Bounds of the Four Wards on the Eastern side of the Harbour altered and described. 43 G. 3. c. 3. § 1.
6. Mode of Election of Aldermen in *Guy's Ward* and *Brook's Ward* pointed out. 43 G. 3. c. 3. § 2.

For other matters, see *Church*, 6. *Courts of Common Pleas*, &c. 8.—*Dogs*, 3. *Elections*, 14, 15. *Ferries*, 1. *Fires and Firemen*. *Fish*, &c. 8. *Fisheries*, 9. *Harbours*, 3. *Hay*, 1. *Infectious Distempers*, 7, 8. *Justices of the Peace*, 23. *Pilots*, 4, 5. *Poor*, 3.—*Schools*, 1. *Taverns*, &c. 12. *Weights and Measures*, 3. *Westmorland*, 7. *Wharfe*, &c. 8.

### *City or Clerk's Court.*

1. Jurisdiction of Clerk's Court in the City of *Saint John*. extended to £5. 42 G. 3. c. 5. § 10.

### *Circuit Court.*

1. Causes at issue in Supreme Court may be heard and determined by the Justices in Circuit Courts to be appointed without express commission. 26 G. 3. c. 8. § 1.

### *Clergy.*

See *Church*, 1, 2, 3, 4, 5. *Felons and Felony*, 2, 3, 4. *Treasurer of Province*, 4.

*Clerk*

*Clerk of the Crown in Chancery.* See Crown Lands, 3.

*Clerk of the Market.*

See Town or Parish Officers, 1. Weights and Measures, 2.

*Clerk of Supreme Court.* See Frauds, &c. 11. Lands, &c. 7, 9.

*Coin.*

1. The value and currency of Coin and Money of different species regulated and established. 26 G. 3. c. 16.

See further *Gold Coin.*

*Collectors.*

See City of *Saint John*, 4. County Rates, 3, 5, 6, 10. Town or Parish Officers, 1.

*College.* See Schools, 18.

*Commission.* See Depositions, 7. Supreme Court.

*Commissioners of Highways.*

See Highways, 1, 6, 14, 25, 28, 32, 37. *Lincoln*, 3.

*Commissioners of Sewers.*

1. Appointed by the Governor with advice of Council, their Powers and Duties. 26 G. 3. c. 45. § 1.

2. May lease or sell Lands of Delinquents for payment of assessments.— 26 G. 3. c. 45. § 2.

3. Penalty on Owners of Marsh, &c. not labouring when notified. 26 G. 3. c. 45. § 3.

4. On sudden breaches, extraordinary work required, on penalty. 26 G. 3. c. 45. § 4.

5. Owners of Lands damaged in the execution of this Act, to be compensated. 26 G. 3. c. 45. § 5.

6. Appeal allowed to Governor and Council. 26 G. 3. c. 45. § 6.

7. Commissioners restrained from dyking or draining, &c. without consent of Proprietors of half the Lands. 34 G. 3. c. 8. § 1.

8. Accounts to be stated, and Notice given, previous to Warrant of Distress. 34 G. 3. c. 8. § 2.

9. Appeals allowed to Supreme Court, &c. 34 G. 3. c. 8. § 3.

10. Former Act confirmed, except as here amended. *ibid.* § 4.

*Commons.* See Public Uses, 3.

*Confined Debtors.* See Debt and Debtors.

*Constables.*



### *Constables.*

See County Rates, 3, 5, 6. Fish, &c. 2. Justices of the Peace, 1, 2, 4, 5, 6, 13, 20, 24, 30, 32. Town or Parish Officers, 1. Vagrants, 3.

*Counsel.* See Justices of the Peace, 10.

### *Counties.*

See Boundaries, 1, 2, 3, 6, 21. Elections, 14. Register, &c. 2. Schools, 10.

### *County Rates.*

1. Justices of Peace in Sessions empowered to raise Money for building Gaols and Court-Houses, and grant Warrants for assessing, levying, and collecting the same. 26 G. 3. c. 42. § 1.
2. Upon presentment of Grand Jury may make rates and contracts for reparation of Gaols. 26 G. 3. c. 42. § 2.
3. Assessments may be levied by Warrant of distress and sale—all Monies to be paid to the County Treasurer; his appointment and duties.—26 G. 3. c. 42. § 3.
4. Method of his keeping and rendering books of Entries and Accounts, 26 G. 3. c. 42. § 4.
5. Constables duty in levying and rendering Account; liable to be committed for neglect; Accounts, &c. to be deposited with Clerk of the Peace. 26 G. 3. c. 42. § 5.
6. Receipts of Treasurer discharges to Constables—Majority of Sessions may discharge Treasurer. 26 G. 3. c. 42. § 6.
7. General Sessions may continue and remove Treasurer at pleasure, and settle his pay not exceeding £15 per annum. 26 G. 3. c. 42. § 7.
8. Assessors of Towns judged to be over-rated may appeal in that behalf to General Sessions—the rates of other Towns not affected thereby. 26 G. 3. c. 42. § 8.
9. No new rate to be made till three-fourths of former collections expended. 26 G. 3. c. 42. § 9.
10. Rates quashed—Collector not liable to action—Payers in such cases to have allowance in the next rates. 26 G. 3. c. 42. § 10.
11. No Certiorari to remove rates, &c. but on motion in Term, next after limitation of appeals, and affidavit that the merits will come in question, nor without security for costs: Rates not to be quashed for want of form. 26 G. 3. c. 42. § 11.
12. Actions to be brought within three Months, and in the County where &c. Defendant may give special matter in evidence under general issue and recover treble costs. 26 G. 3. c. 42. § 12.
13. Where Sessions purchase a house for a Gaol or Court-House, may raise Money therefor to be assessed, levied and collected as provided for 26 G. 3. c. 42.—29 G. 3. c. 3. § 2.
14. In no case to levy more than £300 for the purposes in either Act mentioned. 29 G. 3. c. 3. § 3.

See *Crimes and Offences* 2. *Juries* 11.

## County Treasurer.

See County Rates, 3, 4, 6, 7. Crimes and Offences, 2. Juries, 11.

## Courts.

See Circuit Court. City or Clerk's Court. Court-Martial. Court of Common Pleas. Justices of the Peace. Marriage, 11, 12, 13, 14. Supreme Court.

### *Courts of Common Pleas, Inferior and Courts of Sessions.*

1. Time of holding Inferior Court of Common Pleas and Court of General Sessions of the Peace in the County of *Westmorland*. 31 G. 3. c. 9. § 1.—35 G. 3. c. 2. § 1.—42 G. 3. c. 3.
2. In *King's County*. 31 G. 3. c. 9. § 1.—35 G. 3. c. 2. § 1.—42 G. 3. c. 2.
3. In *Queen's County*. 31 G. 3. c. 9. § 1. 35 G. 3. c. 2. § 1.
4. In the County of *Northumberland*. 32 G. 3. c. 4.
5. In the County of *Charlotte*. 34 G. 3. c. 4.—35 G. 3. c. 2. § 1.
6. In the County of *Sunbury*. 35 G. 3. c. 2. § 1.—45 G. 3. c. 10.
7. In the County of *York*. 35 G. 3. c. 2. § 1.—45 G. 3. c. 2.
8. In the City and County of *Saint John*. 31 G. 3. c. 9. § 1.
9. Concurrent jurisdiction with the Supreme Court given to the Inferior Courts of Common Pleas in all transitory actions, except where the title of Lands in question. 35 G. 3. c. 2. § 2.
10. Impowered to issue Subpœnas for witnesses in any County. *ibid*.
11. Defendant may remove the cause by *Habeas Corpus* where the sum above £10. *ibid*.
12. Either party may bring writ of error where the judgment for more than £10. *ibid*.
13. Defendant to be held to Bail on the usual affidavit where the sum more than £3. 35 G. 3. c. 2. § 3. Altered to £5. by 42 G. 3. c. 5. § 1.—and c. 7. § 1.
14. Before whom affidavit to be made. 35 G. 3. c. 2. § 4.
15. Actions for sums not more than £10, to be proceeded upon in a summary way. 35 G. 3. c. 2. § 5.
16. Mode of proceeding summarily. 35 G. 3. c. 2. § 6.
17. Mode of entering judgments in summary actions. 35 G. 3. c. 2. § 7.
18. Fees in summary actions. 35 G. 3. c. 2. § 8.
19. No Defendant to be held to Bail in any action in any Inferior Court of Common Pleas, unless on affidavit of demand exceeding £5. 42 G. 3. c. 7. § 1.
20. In all actions for sums not exceeding £20, proceedings to be summary, and declaration inserted in the writ. 42 G. 3. c. 7. § 2.
21. No action to be removed into the Supreme Court, unless the sum exceed £20, unless by writ of error after judgment. 42 G. 3. c. 7. § 3.
22. Actions for sums not exceeding £20, confined to the Inferior Courts. 42 G. 3. c. 7. § 4.

For other matters of which cognizance is given to the Judges of the Courts of Common Pleas, see *Absconding Debtors*, 20. *Feme Covert*, 1. *Pilots*, &c. 1. *Register*, &c. 6. *Usury*, 1. *Wills*, 7.

## *Courts of Common Pleas, Inferior and Courts of Sessions.*

For other matters of which cognizance is given to the Courts of General Sessions, see *Banks*, 3. *Bastards*, 1, 2. *Butter*, 2. *County Rates*, 1, 7, 8, 13. *Ferries*. *Fish*, &c. 8. *Fisheries*, 2. *Hay*, 1. *Highways*, 1. *Infectious Distempers*, 5. *Passamaquoddy Bay*, 3. *Poor*, 1, 3.—*Public Uses*. *Rivers*, 6, 9, 10. *Servants*, &c. 9. *Taverns*, 5, 10, 11. *Town or Parish Officers*, 1. *Trespasses*, 3, 4, 9. *Vagrants*, 4. *Weights and Measures*, 2. *Westmorland*, 5.

*Court-Houses.* See *County Rates*, 1, 13.

*Court-Martial.* See *Militia*, 30, 31, 32, 33.

*Cranage.* See *Wharfage*, 4, 5.

### *Crimes and Offences.*

1. Under Grand Larceny, where offender in Gaol and refuses to give Bail may be heard and determined summarily by three Justices of the Peace. 26 G. 3. c. 59. § 1.
2. The Costs not exceeding 15*s.* to be paid out of County Treasury. 26 G. 3. c. 59. § 2.

For other matters, see *Felons and Felony*. *Witnesses*.

### *Crown Lands.*

1. In what cases Lands already granted may be resumed by the Crown for Public purposes. 43 G. 3. c. 1.
2. Mode of proceeding in such cases. 43 G. 3. c. 1. § 1.
3. Amount of valuation of such Lands to be deposited with the Clerk of the Crown in Chancery, for the use of the owners. 43 G. 3. c. 1. § 2.
4. Inquisition being made and amount deposited, such Lands to revert to and vest in the King. 43 G. 3. c. 1. § 3.

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## D.

*Damaged Goods.* See *Sales*, &c.

### *Damages.*

1. Courts impowered to assess damages in actions on the case on judgment by default. 26 G. 3. c. 21.

### *Debt and Debtors.*

1. Debtors confined for a sum not exceeding £200 and unable to support themselves may apply for a discharge; mode of proceeding thereon. 41 G. 3. c. 5. § 1.
2. Penalty for making false oath. 41 G. 3. c. 5. § 2.
3. Act continued to the year 1810. 45 G. 3. c. 19.

For other matters, see *Absconding Debtors*. *Justices of the Peace*, 4. *Lands*, &c. *liable to Debts*. *Mutual Debts*. *Small Debts*.

*Depositions.*

## Depositions.

1. Depositions of certain witnesses taken *de bene esse* after declaration filed, and certified by a Judge to be admitted as evidence. 26 Geo. 3. c. 20. § 1.
2. Proof required of notice to adverse party. 26 G. 3. c. 20. § 2.
3. Not allowed to be read if witness be in the Province and able to attend. 26 G. 3. c. 20. § 3.
4. Exceptions to the credit of Deponents saved. 26 G. 3. c. 20. § 4.
5. Quakers may make affirmation instead of oath. 26 G. 3. c. 20. § 5.
6. Persons swearing or affirming falsely liable to the pains and penalties of perjury. 26 G. 3. c. 20. § 6.
7. Supreme Court authorized to issue Commissions in civil causes there depending, for taking the Depositions of witnesses residing out of the Province. 31 G. 3. c. 10.

## Deserters.

1. Act 33 G. 3. c. 3. Repealed. 45 G. 3. c. 6. § 1.
2. Penalty for knowingly concealing or assisting Deserters. 45 G. 3. c. 6. § 2.
3. Penalty for knowingly buying, receiving, &c. from any Soldier, any Arms, Clothing, Provisions, &c. 45 G. 3. c. 6. § 3.
4. Penalties how to be recovered and applied. § 4.
5. Reward for apprehending Deserters, 45 G. 3. c. 6. § 5.
6. Gaolers' to receive Deserters without fee. 45 G. 3. c. 6. § 6.
7. Province Treasurer to pay rewards. § 7.
8. Limitation of the Act. § 8.

*Devises.* See Wills.

*Disorderly Persons.* See Vagrants.

*Dissenters.* See Church, 4, 5.

*Distempers.* See Infectious Distempers.

*Divorce.* See Marriage, 11, 12, 13, 14, 16, 17, 18.

## Dogs.

1. Dogs killing Sheep or Lambs to be killed, or owner subject to a penalty. 32 G. 3. c. 6. § 1.
2. Penalty upon Persons keeping Dogs accustomed to bite Sheep. 32 G. 3. c. 6. § 2.
3. Corporation of the City of *Saint John*, authorized to lay an annual Tax on Dogs, for the support of the Poor. 41 G. 3. c. 8.—Continued to the year 1810. 45 G. 3. c. 19.

*Dorchester.* See Boundaries, 4.

*Dower.* See Feme Covert, 1, 2, 3. Marriage, 18. Wills, 12.

*Drunkenness.* See Lord's Day.

## E.

### *Elections.*

1. Regulation of Elections of Representatives in General Assembly. 31 G. 3. c. 17. 183,
2. Forty days between teste and return of Writs and manner of executing them. 31 G. 3. c. 17. § 1.
3. No fee to the Sheriff unless a Poll demanded, then, and in case of Scrutiny, allowance *per diem* to himself and Clerk payable out of Province Treasury. 31 G. 3. c. 17. § 2.
4. Qualifications of Electors and Candidates. 31 G. 3. c. 17. § 3.
5. Elections where to be held. 31 G. 3. c. 17. § 4.
6. Sheriff's Oath. 31 G. 3. c. 17. § 5.
7. Aft to be read at the time of Election. 31 G. 3. c. 17. § 6.
8. Poll how to be taken. 31 G. 3. c. 17. § 7.—21.
9. Penalty for swearing falsely. 31 G. 3. c. 17. § 8.
10. Penalty for Bribery. 31 G. 3. c. 17. § 9, 18, 19.
11. Poll when and where to be held and when closed. 31 G. 3. c. 17. § 10, 12.
12. Scrutiny how to be conducted. 31 G. 3. c. 17. § 11.
13. Sheriff authorized to administer oaths on Scrutiny. 31 G. 3. c. 17. § 13.
14. Number of Members for the respective Counties. 31 G. 3. c. 17. § 14.
15. City Members how and by whom to be chosen. 31 G. 3. c. 17. § 14, 15.
16. Copy of the Poll demandable. 31 G. 3. c. 17. § 16.
17. No Elector or Candidate to be a minor. 31 G. 3. c. 17. § 17.
18. Penalty for not returning Writ. 31 G. 3. c. 17. § 20.
19. Penalty for false return. 31 G. 3. c. 17. § 22.
20. Duration of Assemblies. 31 G. 3. c. 17. § 23.

### *Entails.*

1. Estates Tail how to be barred. 36 G. 3. c. 4. § 1.
2. By Females Covert. 36 G. 3. c. 4. § 2.

*Error.* See Courts of Common Pleas, 11, 21.

*Execution.* See Frauds, &c. 13. Lands, &c. Mutual Debts, 2.

*Executors.* See Frauds, &c. 4, 10. Wills, 7, 10, 11, 18, 19.

*Exportation.* See Butter, Fish and Lumber.

## F.

### *Felons and Felony.*

1. Stealing Bills of Exchange, Bonds, Warrants, Promissory Notes, &c. is Felony of same nature as stealing money or goods of the value so secured. 26 G. 3. c. 61.
2. Courts empowered to punish persons convicted of Felony within the benefit of Clergy, by Fine. 29 G. 3. c. 7. § 1.

## *Felons and Felony.*

3. Or, except in cases of manslaughter by whipping, which shall have the same effect as burning. *ibid.*
4. Courts also empowered in addition to the fine or whipping to sentence to the house of correction, work-house, or prison, there to be kept at hard labour. 29 G. 3. c. 7. § 2.
5. Grand Larceny, what. 31 G. 3. c. 7.
6. Petit Larceny, what. 31 G. 3. c. 7.
7. Persons indicted of Felony, or of a misdemeanor, standing mute, shall be convicted as by verdict or confession. 26 G. 3. c. 60. § 1.
8. Persons indicted of capital Crimes not allowed to challenge peremptorily more than Twenty. 26 G. 3. c. 60. § 2.

For other matters see *Crimes and Offences*. *Treasurer of the Province*,  
4. *Witneses*.

## *Feme Covert.*

1. No Feme Covert to be barred of her right of Dower, unless a party to the Deed, and her separate acknowledgment taken before one of the Council or a Judge of the Supreme, or of some Inferior Court of Common Pleas. 27 G. 3. c. 9.
2. Where the Consideration money does not exceed £ 200, wife's acknowledgment may be made before any Justice of the Peace, or the Register of Deeds in the County where the Lands lie. 33 G. 3. c. 5.
3. Where the wife lives out of the Province, manner of her making acknowledgment to bar her right of Dower. 32 G. 3. c. 2.
4. Conveyances of Estates of Freehold and Inheritance by Femmes Covert to be acknowledged in the same manner as those to bar their right of Dower. 32 G. 3. c. 2.

For other matters see *Entails*, 2. *Marriage*, 18. *Wills*, 17.

## *Fences and Fence Viewers.*

See *Trespases*, 2. *Town or Parish Officers*, 1.

## *Ferries.*

1. Justices of the Peace in General Sessions in the several Counties except *Saint John*, to make rules and establish rates and fares for Markets and Ferries. 28 G. 3. c. 8.
2. Continued to 1st April, 1808. 43 G. 3. c. 8.

## *Fires and Firemen.*

1. Common Council of *Saint John* to appoint Firemen, their number not to exceed 32, their qualifications and duties. 26 G. 3. c. 47. § 1.
2. Firemen removeable at pleasure. 26 G. 3. c. 47. § 2.
3. Exempted from divers offices and services, their names to be registered, how to claim privilege. 26 G. 3. c. 47. § 3.
4. Common Council to make ordinances for them with penalties.—  
26 G. 3. c. 47. § 4.

## Fires and Firemen.

5. Duties of Sheriffs and Peace-Officers, upon breaking out of Fires.—  
26 G. 3. c. 47. § 5.
  6. Number of Firemen may extend to 40. 28 G. 3. c. 3. § 1.
  7. Further exemptions and privileges granted to them. 28 G. 3. c. 3. § 2.
- For other matters see *Woods*, &c.

## Fish and Lumber.

1. Fish for exportation, in what barrels to be packed. 37 G. 3. c. 4. § 2.
2. In case of non-compliance, barrels to be condemned on complaint to two Justices of the Peace and burnt by the Constable. *ibid.*
3. Quality of merchantable Fish for the several Foreign Markets.—  
37 G. 3. c. 4. § 3.
4. Penalty for shipping any other. *ibid.*
5. Quality of merchantable Boards and other Lumber for exportation, with allowances for defects, and for surveying the same. 37 G. 3. c. 4. § 4.
6. Quality of Shingles for exportation, and allowance for surveying the same. 37 G. 3. c. 4. § 5.
7. Quality of square Timber and Spars for the British market, and allowance for surveying the same. 37 G. 3. c. 4. § 6.
8. Justices of the Peace at their General Sessions, or Mayor, Aldermen, and Commonalty of *Saint John*, to appoint Surveyors of Lumber.—  
37 G. 3. c. 4. § 7.
9. Fines and Penalties how recoverable, and how to be disposed of.—  
37 G. 3. c. 4. § 8.
10. Prosecutions to be commenced within Six Months after the offence.  
37 G. 3. c. 4. § 9.
11. Cullers and Surveyors of Fish how appointed. 26 G. 3. c. 28. § 1.
12. Merchantable Boards to be square edged. 43 G. 3. c. 7. § 1.
13. Quantity of Plank allowed. 43 G. 3. c. 7. § 2.
14. Allowance to Surveyors. 43 G. 3. c. 7. § 3.

## Fisheries.

1. Penalties for erecting incumbrances to obstruct the natural course of the Fish in any River. 33 G. 3. c. 9. § 1.
2. Justices in Sessions to appoint Overseers of the Fisheries. 33 G. 3. c. 9. § 2.
3. Nets set contrary to Law to be seized. 33 G. 3. c. 9. § 3.
4. Compensation to Overseers. 33 G. 3. c. 9. § 4.
5. Penalty upon Overseers neglecting their duty. 33 G. 3. c. 9. § 5.
6. Sheriff or Constable to act in default of Overseers. 33 G. 3. c. 9. § 6.
7. Length of Nets to be set in the Rivers *Saint John* and *Kennebeckacis*:  
33 G. 3. c. 9. § 7.
8. Width of the branches of these rivers how ascertained. 33 G. 3. c. 9. § 8.
9. Regulation of the Fishery below the Boar's Head, and in the harbour of *Saint John*. 33 G. 3. c. 9. § 9.—34 G. 3. c. 3. § 1, 2.

## Fisheries.

10. Offenders how to be punished, where no goods found. 34 G. 3. c. 3. § 3.
11. Time of Fishing in the Rivers *Miramichi* and *Restigouche* limited. 39 G. 3. c. 5. § 8.
12. No Fishery permitted between sun-set on Saturday night and sun-rise on Monday morning. 33 G. 3. c. 9. § 9.
13. Fisheries in the County of *Northumberland* regulated. 39 G. 3. c. 5. Which Act is continued to 1st March, 1810. 45 G. 3. c. 19.

## Forestallers and Regraters.

1. What acts make a Man a Forestaller. 26 G. 3. c. 48. § 1.
2. What acts make a Man a Regrater. 26 G. 3. c. 48. § 2.
3. Offenders convicted before three Justices of the Peace, liable to Fine, not exceeding £ 10, and for non-payment to imprisonment. 26 G. 3. c. 48. § 3.

*Fornication.* See Marriage, 15.

## Frauds and Fraudulent Conveyances.

1. Estates of Land made by parol or without writing signed, have the force of Leases at will only. 26 G. 3. c. 14. § 1.
2. Leases not exceeding three years, excepted. 26 G. 3. c. 14. § 2.
3. Leases and interests of Lands not to be assigned but by Deed or writing signed, or operation of Law. 26 G. 3. c. 14. § 3.
4. Contracts to charge Executor, &c. in his own right, or one for debt, &c. of another; or upon Marriage, or sale of Lands, &c. or not to be performed in one year must be in writing signed. 26 G. 3. c. 14. § 4.
5. Declarations of trusts of Lands, not in writing signed, to be void.— 26 G. 3. c. 14. § 5.
6. Trusts arising by implication or construction of Law excepted.— 26 G. 3. c. 14. § 6.
7. Grants and assignments of trusts not in writing signed, to be void.— 26 G. 3. c. 14. § 7.
8. Lands, &c. held in trust liable to Execution against *cestuy que trust*, and trusts shall be assets in hands of Heirs. 26 G. 3. c. 14. § 8.
9. But Heir not chargeable out of his own estate by reason of such trusts. 26 G. 3. c. 14. § 9.
10. Estates *pur auter vie* deviseable, if not devised, to be assets in hands of Heir, if he be occupant, if no occupant, then in hands of Executor or Administrator. 26 G. 3. c. 14. § 10.
11. The day of signing any judgment shall be set down and entered by Judge or proper Officer. 26 G. 3. c. 14. § 11.
12. Judgments as against purchasers shall relate to the time of signing. 26 G. 3. c. 14. § 12.
13. Writs of Execution bind the goods, but from time of delivery to Officer which he is to indorse. 26 G. 3. c. 14. § 13.



## *Frauds and Fraudulent Conveyances.*

14. Contracts for sale of goods to £ 10, not good unless part be delivered, or earnest given or some note in writing signed. 26 G. 3. c. 14. § 14.
15. Recognizances bind Lands in hands of Purchasers but from time of enrolment. 26 G. 3. c. 14. § 15.

For other matters, see *Lands, &c. liable to Debts. Sales, &c.*

*Frederickton.* Parish of described. 26 G. 3. c. 1. § 8, 10.

See Highways, 27. Schools, 18.

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## G.

*Gagetown.* Parish of, described. 26 G. 3. c. 1. § 6. 10.

## *Gaming.*

1. Securities for money won by gaming, or betting at games or lent for gaming or betting are void, and mortgages so made of Lands shall enure to such persons as would be intitled to the Estate if Grantor were dead. 26 G. 3. c. 26. § 1.
2. Plaintiff in any action accruing by wager or gaming to be non-suited. 26 G. 3. c. 26. § 2.
3. Persons losing above 20*s* by gaming or betting at one meeting, may sue for and recover same with costs. 26 G. 3. c. 26. § 3.
4. Money won from Infants may be recovered by Guardians with treble value and costs. 26 G. 3. c. 26. § 4.
5. Persons winning by fraud or deceit in play or betting and convicted on indictment, &c. forfeit five times the value to such as shall sue for the same. 26 G. 3. c. 26. § 5.
6. Two Justices of Peace to order public gaming tables to be removed, or may break them, if owners refuse; who are to find sureties for good behaviour, &c. or be committed, and on conviction, fined or imprisoned. 26 G. 3. c. 26. § 6.
7. Persons having no visible Estate, &c. and suspected of supporting themselves by gaming, on information of a Grand Juror are to find sureties, &c. or be committed. 26 G. 3. c. 26. § 7.

*Gaols.* See County Rates, 1, 13.

*Gates.* See Banks, 3. Lincoln, 3, 4.

*Gaugers.* How appointed. 26 G. 3. c. 28. § 1.

*General Assembly.* See Acts. Elections.

*General Sessions of Peace.* See Courts of Common Pleas, &c.  
See also Banks, 3. Bastards, 1, 2. Butter, 2. County Rates, 1, 7, 8, 13.  
Ferries. Fish, &c. 8. Fisheries, 2. Hay, 1. Highways, 1. Infec-  
C. tious

## General Sessions of Peace.

tious Distempers, 5. Pallamaquoddy Bay, 3. Poor, 1, 3. Public Uses. Rivers, 6, 9, 10. Schools, 12, 14, 15, 16, 17. Servants, &c. 9. Taverns, &c. 5, 10, 11. Town or Parish Officers, 1. Trespaffes, 3, 4, 9. Vagrants, 4. Weights and Measures, 2. Westmorland, 5. York, 2.

*Goats.* See Trespaffes, 6, 7, 8.

## Gold Coin

1. Weight and Rates of Gold Coin regulated. 45 G. 3. c. 4. § 1.
2. Allowance for extra weight and deduction when under Standard weight. § 2.
3. When to be weighed in bulk, rate and allowance. § 3.
4. No plugged Gold to be a lawful tender. § 4.  
See *Coin*.

## Grand Jury.

See County Rates, 2. Gaming, 7. Juries, 1, 3, 7. Taverns and Tavern-keepers, 10.

*Grants.* See Boundaries, 7, 9, 10, 11, 12. Letters Patent, &c.

*Greenwich.* Parish of, described. 35 G. 3. c. 3 §. 3.

## H.

*Habeas Corpus.* See Courts of Common Pleas, &c. 11, 21.

*Hampstead.* Parish of, described. 26 G. 3. c. 1. § 6.

*Hampton.* Parish of, described. 35 G. 3. c. 3. § 4.

## Harbours.

1. Penalty for throwing ballast or rubbish into any harbour. 33 G. 3. c. 2. § 1.
2. Mode to be observed in ballasting and unballasting vessels. 33 G. 3. c. 2. § 2.
3. This Act not to extend to the City of *Saint John*. *ibid*.

## Hay.

1. Justices of the Peace in General Sessions, except in the County of *Saint John*, authorized to erect or permit the erection of machines for weighing Hay, to ordain regulations, establish rates, and affix penalties. 39 G. 3. c. 7.
2. Fees of Surveyors and weighers of Hay, regulated. 26 G. 3. c. 28. § 2. These Officers how appointed. *idem*. § 1.

## Highways.

1. Commissioners and Surveyors of Highways how to be appointed and sworn. 36 G. 3. c. 7. § 2.

## Highways.

2. Highways how to be laid out and altered. 36 G. 3. c. 7. § 3.
3. Penalties for incumbrances in Highways. 36 G. 3. c. 7. § 4.
4. Width of Roads. 36 G. 3. c. 7. § 5.
5. Description of Persons liable to work on Highways. 36 G. 3. c. 7. § 6, 10, 11.
6. Duty of Commissioners. 36 G. 3. c. 7. § 7, 11, 12, 13, 15, 19, 22, 23. 26 G. 3. c. 33.
7. Sum to be paid in lieu of labour. 36 G. 3. c. 7. § 8.
8. Season for working on Highways. 36 G. 3. c. 7. § 9.—37 G. 3. c. 6.
9. Penalty on Delinquents. 36 G. 3. c. 7. § 11.
10. Duty of Surveyors. 36 G. 3. c. 7. § 9, 11, 15, 16, 19, 23.—26 G. 3. c. 33.
11. Highways to be registered. 36 G. 3. c. 7. § 12.
12. Private Roads how to be laid out. 36 G. 3. c. 7. § 13.
13. Damage to owners of Land, through which Roads are laid out, how to be ascertained. 36 G. 3. c. 7. § 14.
14. Roads how to be marked in the Winter. 36 G. 3. c. 7. § 15, 16, 17.
15. Penalty for destroying Winter marks. 36 G. 3. c. 7. § 18.
16. Roads how to be broke in the Snow. 36 G. 3. c. 7. § 19.
17. Width of Sleds. 36 G. 3. c. 7. § 20.
18. Bells required on Horses in Sleighs and Sleds. 36 G. 3. c. 7. § 21.
19. Penalty on Commissioners neglecting to give in an account to the Sessions of the labour and money done and received. 36 G. 3. c. 7. § 22.
20. Privileges and exemptions of Commissioners and Surveyors. 36 G. 3. c. 7. § 23.
21. Time of prosecution for penalties limited. 36 G. 3. c. 7. § 24.
22. Act of 36 G. 3. c. 7. continued to the year 1810. 45 G. 3. c. 16.
23. Non-resident Proprietors of Lands to pay their proportion of all assessments and of labour on Highways. 26 G. 3. c. 40. § 1.
24. Lands of delinquent absent Proprietors to be leased for payment of such charges, or, not being sufficiently productive, to be sold. 26 G. 3. c. 40. § 2.
25. Commissioners in *York* and *Sunbury* to order Surveyors to summon Inhabitants to mark Winter Roads on the ice with bushes. 45 G. 3. c. 8. § 1.
26. Manner of travelling on the marked Roads prescribed, penalty, &c. 45 G. 3. c. 8. § 2.
27. Mode of laying out the Winter Roads on the river and in the Town of *Frederickton* prescribed. 45 G. 3. c. 8. § 3.
28. Commissioners to determine the distances upon the river to be worked by the respective Parishes. 45 G. 3. c. 8. § 4.
29. Extent of the Winter Roads. 45 G. 3. c. 8. § 5.
30. Penalty for destroying bushes. 45 G. 3. c. 8. § 6.
31. Teams and Drivers to be furnished by the Owners of them to work on the Winter Roads, penalty, &c. 45 G. 3. c. 8. § 7.
32. Penalty on Commissioners and Surveyors neglecting their duty. *ibid*.
33. Distance from home and time Inhabitants are to work. § 8.

## Highways.

34. How and when the Inhabitants on the *Nashwaack* and *Penniack*, are to work on the Winter Roads, penalty, &c. § 9.
  35. Size of their Sleds prescribed, penalty, &c. § 10.
  36. How Persons are to travel above the great rapids on those Rivers, penalty, &c. § 11.
  37. Commissioners of Highways in *Magerville*, *Sheffield*, and *Waterborough* empowered to alter Highways damaged by the Freshes. 45 G. 3. c. 13. § 1.
  38. Surveyors there, to summon Inhabitants to work, and plant the Bank of the River for it's preservation. § 2.
  39. Penalties what and how to be recovered and applied. *ibid.*
- For other matters see *Magerville*, 2. *Rivers*, 1, 2.

*Hillsborough*. Parish of. 26 G. 3. c. 1. § 3.—27 G. 3. c. 7. § 1.

*Hogreeve*. See Town or Parish Officers, 1. Trespassee, 8.

*Hogsheads*. See Lime. Town or Parish Officers, 1.

*Hopewell*. Parish of. 26 G. 3. c. 1. § 3.

*Horses*. See Cattle. Trespassee, 6, 7, 8.

*House of Assembly*. See Elections. Petitions.

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## I.

### *Idle and Disorderly Persons,*

See Gaming, 7. Poor, 2. Vagrants.

### *Impost Duties.*

1. No Person concerned in the collection of Impost Duties to own any part of a vessel trading to or from the Province, or deal in dutiable articles: Penalty therefor. 32 G. 3. c. 9.

*Incest*. See Marriage, 15.

### *Infectious Distempers.*

1. No Person coming from any place where such Distempers prevail, to land in any County without permission from a Justice of the Peace under certain penalties. 39 G. 3. c. 8. § 1.
2. Penalty for landing any such Person in the County of *Charlotte*. 39 G. 3. c. 8. § 2.
3. Tavern-keepers in the County of *Charlotte* to make report of such Persons. 39 G. 3. c. 8. § 3.
4. Justices of Peace there authorized to remove them in case of suspicion. 39 G. 3. c. 8. § 4.

## *Infectious Distempers.*

5. Justices of Peace in General Sessions in the several Counties authorized to make further regulations. 39 G. 3. c. 8. § 5.
6. Fines and Penalties how recoverable. 39 G. 3. c. 8. § 6.
7. Act not to extend to the City of *Saint John*. 39 G. 3. c. 8. § 7.
8. Vessels coming from infected places to the City of *Saint John*, how to be regulated, when and how long to perform quarantine, and under what penalties. 39 G. 3. c. 9. § 2. 205.
9. Penalties on Masters of Vessels not complying with Regulations.— 39 G. 3. c. 9. § 3.
10. Common Council to appoint inspecting Physicians, and establish their Fees, who are to report in writing. 39 G. 3. c. 9. § 4.
11. Penalty on Masters of Vessels not making true discovery to the Physicians. 39 G. 3. c. 9. § 5.
12. Time within which none but Physicians to go on board. 39 G. 3. c. 9. § 6.
13. Under pain of being detained on board. 39 G. 3. c. 9. § 7.
14. Penalty on such Person unlawfully coming on shore, and on Master permitting it. *ibid*.
15. Penalties how to be recovered and divided. 39 G. 3. c. 9. § 8.

*Inferior Court of Common Pleas.* See Courts of Common Pleas, &c.

*Inns.* See Taverns, &c.

*Inspectors.* See Butter. Town or Parish Officers, 1.

*Interest of Money.* See Usury.

*Intestate Estates.* See Wills.

## *Joint Debtors.*

1. In actions against Joint Debtors, if either party shall be taken, Plaintiff may proceed to Judgment, but Execution not to be served against those not found, till *scire facias*. 26 G. 3. c. 24.

## *Islands.*

1. Proprietors of Islands authorized to make rules for their better cultivation. 27 G. 3. c. 2.—38 G. 3. c. 1.
2. Rules to be in writing and deposited with the Clerks of the Peace, and to be in force only one year. 27 G. 3. c. 2. § 2.
3. Water surrounding Islands to be deemed a lawful Fence. 27 G. 3. c. 2. § 4.—38 G. 3. c. 1.
4. Act continued to 1st April, 1808. 43 G. 3. c. 8.  
See *Boundaries*, 22.

## *Juries.*

1. Grand Jurors to have Freehold of £ 10 *per annum* or personal estate of £ 100. Petit Jurors to have 20s *per annum* freehold, or £ 10 personal estate. 26 G. 3. c. 6. § 1. 2.

## Juries.

2. No Juror to be returned summoned short of six days notice, to be served personally or left at his house. 26 G. 3. c. 6. § 2.
  3. Sheriff to summon 24 Grand Jurors and 24 Petit Jurors at each Term, &c. for trying all causes in civil actions; 12 to be chosen by ballot.— 26 G. 3. c. 6. § 3.
  4. For default of Jurors, *tales de circumstantibus* to be added to the Panel, in all causes criminal and civil. 26 G. 3. c. 6. § 4.
  5. How to be impanelled where a view is granted. 26 G. 3. c. 6. § 5.
  6. Special Jury in Supreme Court in what cases and manner to be struck, and at whose cost and charge. 26 G. 3. c. 6. § 6.
  7. Grand Jurors in Court of General Sessions of Peace, shall be the Grand Inquest till another be sworn. 26 G. 3. c. 6. § 7.
  8. Persons exempted from serving as Jurors. 26 G. 3. c. 6. § 8.
  9. Jurors duly summoned, not appearing when called, subject to a fine for every default, not to exceed in the whole £ 3 in one Term. 26 G. 3. c. 6. § 9.
  10. Sheriffs to return to Clerk of Peace annually list of Jurors, under penalty of £ 10, and to impanel none other on any trial in any Court of Record. 31 G. 3. c. 6. § 1.
  11. Sheriffs to be paid for this service out of County Treasury. *ibid.* § 2.
  12. Fees of Special Jury and summoning regulated. 45 G. 3. c. 9.
- See *Challenge of Jurors. Justices of the Peace*, 6, 7, 8, 9, 11.

## Justices of the Peace.

1. Justices of the Peace authorized to indorse warrants against offenders escaping into their Counties from the County where the offence was committed. 34 G. 3. c. 2. § 1.
2. Mode of proceeding against offenders escaping from one County to another. *ibid.*
3. Justice of the Peace indorsing warrant not liable to any action. 34 G. 3. c. 2. § 2.
4. Debts and demands to the value of £ 5, recoverable before a Justice of the Peace. 42 G. 3. c. 5. § 1.
5. Ordinary process to be by Summons, directed to the Constable and served six days before trial by reading the same or leaving a copy. *ibid.*
6. Constable to make return to the Justice who shall proceed to trial unless Defendant shall demand a Jury. 42 G. 3. c. 5. § 2.
7. Three Jurors to be summoned. *ibid.*
8. In case of challenge others to be summoned. *ibid.*
9. Witnesses to be sworn—Defendant allowed a set off—Judgment to be given for the balance, not exceeding £ 5—Verdict to be conclusive. *ibid.*
10. No party to *retain* Counsel to appear for him before a Justice. 42 G. 3. c. 5. § 3.
11. Penalty on Jurors and Witnesses refusing to appear, unless cause shewn on oath. 42 G. 3. c. 5. § 4.
12. On affidavit that Debtor is about to abscond Justice may issue a *Capias* and order bail. 42 G. 3. c. 5. § 5.

## Justices of the Peace.

13. Constable to take the body of Defendant and bail for his appearance. *ibid.*
14. Debtor refusing bail to be committed. *ibid.*
15. Justice to enter all causes in a book—in case of default to assess damages—may adjourn trial on affidavit of the want of a material witness. 42 G. 3. c. 5. § 6.
16. No oath of parties or *ex parte* affidavit to be admitted. *ibid.*
17. Mode of proceeding in actions of trespass wherein Defendant pleads title. 42 G. 3. c. 5. § 7.
18. Proceedings not to be removed by writ of error or false judgment. 42 G. 3. c. 5. § 8.
19. In what cases a Certiorari grantable and how to be proceeded upon. *ibid.*
20. Executions to be directed to the Constables of the Parish in which Defendant resides. 42 G. 3. c. 5. § 9.
21. For want of goods Debtor to be committed. *ibid.*
22. No Execution to issue where title of Lands in question, nor in cases of Assault and Battery or Slander. *ibid.*
23. Jurisdiction of Clerk's Court in the City of *Saint John* extended to £5—No other part of the Act to extend to this City. 42 G. 3. c. 5. § 10.
24. Justices and Constables fees. 42 G. 3. c. 5. § 11. This Act continued to the year 1810. 45 G. 3. c. 19.
25. Manner of serving notices on Justices of Peace before issuing process against them as such. 41 G. 3. c. 2. § 1.
26. Justices may tender amends; consequence thereof. 41 G. 3. c. 2. § 2.
27. No recovery to be had without proof of notice of process having been given. 41 G. 3. c. 2. § 3.
28. Justices neglecting to tender amends may pay money into Court. 41 G. 3. c. 2. § 4.
29. No evidence to be given of any cause of action not contained in the notice. 41 G. 3. c. 2. § 5.
30. Constables acting under warrants of Justices of the Peace how to be sued and how far liable. 41 G. 3. c. 2. § 6.
31. When Plaintiff intitled to double Costs. 41 G. 3. c. 2. § 7.
32. Limitation of actions against Justices of the Peace and Constables.— 41 G. 3. c. 2. § 8.

For other matters see *Aliens*, 2. *Banks*, 2. *Bastards*, 1, 3. *Boundaries*, 13. *Butter*, 2. *Commissioners of Sewers*, 3, 4. *County Rates*, 3. *Crimes and Offences*, 1. *Deserters*, 4. *Dogs*, 1. *Feme Covert*, 2.—*Fish*, &c. 2, 9. *Fisheries*, 1, 10. *Forestallers*, &c. 3. *Gaming*, 6. *Harbours*, 1. *Highways*, 3, 9, 15, 18, 19, 25, 26, 30, 31, 34, 35, 36, 39. *Infectious Distempers*, 1, 6. *Islands*, 1. *Light House*, 1. *Lime*, 3. *Lincoln*, 4. *Lord's Day*. *Marriage*, 1, 2, 3, 4, 5, 6, 10. *Pas-samaquoddy Bay*, 4, 5. *Poor*, 2. *Register*, &c. 6. *Rivers*, 2, 7.—*Seamen*, 2. *Servants*, 4, 5, 8. *Taverns*, &c. 2, 7, 8. *Town or Parish Officers*, 1. *Trespases*, 8. *Vagrants*, 1, 3. *Weights*, &c. 1. *Wharfage*, &c. 2. *Wolves*, 2. *Woods*, &c. 1.

## K.

*King.* See Crown Lands.

*Kingsclear.* Parish of, described. 26 G. 3. c. 1. § 8.

### *King's County.*

1. County described and established. 26 G. 3. c. 1.—Preamble and § 1.

2. Altered. 27 G. 3. c. 7. § 2.

See *Boundaries*, 1, 2, 3, 19. *Courts of Common Pleas, &c.* 2. *Elections*, 14.

*Kingston.* Parish of, described. 26 G. 3. c. 1. § 5. 35 G. 3. c. 3. § 1.

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## L.

*Lancaster.* Parish of, described. 26 G. 3. c. 1. § 2.

### *Lands, &c. liable to Debts.*

1. Lands and Hereditaments, made Chattels for satisfaction of Debts, and may be seized and sold therefor as personal estate. 26 G. 3. c. 12. § 1.

2. Provided, Sheriff shall first take personal estate if to be found. 26 G. 3. c. 12. § 2.

3. Time and place of sale of real estate to be advertised by Sheriff Six Months, and to be by Auction between 12 and 5 o'clock. 26 G. 3. c. 12. § 3.

4. Where *part* of Lands taken in execution sufficient to satisfy; Defendant to have his election, and Sheriff to sell the part he shall signify. 26 G. 3. c. 12. § 4.

5. Sheriff empowered to make conveyances of Lands, &c. sold on execution. 26 G. 3. c. 12. § 5.

6. Purchaser shall hold free of other Judgments not executed. 26 G. 3. c. 12. § 6.

7. Record of Judgment and process to be inspected and certified by Judge of Supreme Court, and recorded in book by Clerk. 26 G. 3. c. 12. § 7.

8. Reversal of Judgment not to affect *bona fide* purchaser who shall hold the Land, &c. and Plaintiff shall restore in value to Defendant. 26 G. 3. c. 12. § 8.

9. Record of Judgment, process, &c. in Clerk's book, good evidence. 26 G. 3. c. 12. § 9.

10. Same priority in executions against real as against personal estates. 26 G. 3. c. 12. § 10.

11. Sheriff, &c. liable to action and double costs for neglect of duty. 26 G. 3. c. 12. § 11.

See *Wills*.

### *Larceny.*

See Crimes and Offences, 1. Felons and Felony, 1, 4, 5, 6. Witnesses.

*Laws.* See Acts.

*Leather.*



*Leather.* Sealers of, how appointed. 26 G. 3. c. 28. § 1.

### *Letters Patent and Grants of Land.*

1. Under Great Seal of *Nova-Scotia* to be registered in Secretary's Office. 26 G. 3. c. 2. § 1.
2. Originals or Exemplifications to be brought to Secretary in one year. 26 G. 3. c. 2. § 2.
3. Not registered in one year to be void and of no effect against the KING or his Grantees under Seal of this Province. 26 G. 3. c. 2. § 3.

*Legacies.* See Wills, 9, 11, 18.

*Lewdness.* See Marriage, 15.

*Licences.* See Marriage, 5. Taverns, &c. 5, 6, 7, 8, 9, 10.

### *Light-House.*

1. Duties payable on vessels for support of the Light-House. 28 G. 3. c. 4. § 1.
2. What fishing vessels and coasters liable to the duties. 28 G. 3. c. 4. § 2.—33 G. 3. c. 4.
3. Amount to be paid by coasters in lieu of duties. 28 G. 3. c. 4. § 3.
4. All monies arising from the duties to be applied to the support of the Light-House and issued by warrant from the Governor; surplus to be disposed of by Act of Assembly. 28 G. 3. c. 4 § 4.

### *Lime.*

1. Size of Lime Hogsheds. 33 G. 3. c. 7. § 1.
2. Penalty for shipping Lime in Hogsheds of a smaller size or not brand. ed. 33 G. 3. c. 7. § 2.
3. Mode of recovering penalties. 33 G. 3. c. 7. § 3.
4. Not to extend to Hogsheds gauged and marked. 33 G. 3. c. 7. § 3.

### *Lincoln.*

1. Parish described. 26 G. 3. c. 1. § 7.
2. Persons pasturing intervale Land fronting on the River *Saint John*, in this Parish, to keep up a Fence to protect the slope of the Bank from the Cattle, on pain of their being impounded. 41 G. 3. c. 9. § 1.
3. Commissioners of Highways authorized to erect a Swing-Gate across the road on the upland adjoining the intervale. 41 G. 3. c. 9. § 2.
4. Penalty for injuring or destroying Swing-Gate. 41 G. 3. c. 9. § 3.
5. Act continued to the year 1810. 45 G. 3. c. 19.

### *Lord's Day, or Sunday.*

2. Diversions, sports, frequenting Tipling-Houses, and servile labour prohibited on Sunday; Drunkenness and disturbance of Public Worship on all days, under penalty of Three Shillings, and for want of effects to be fet in the Stocks, on conviction before one Justice of the Peace, fines to be to the use of the Poor—complaint limited to ten days after offence committed. 26 G. 3. c. 5.

*Lots.* See Boundaries, 8, 10, 11, 12.

*Lumber.* See Fish and Lumber.

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## M.

### *Magerville.*

1. Parish described. 26 G. 3. c. 1. §7, 10.
  2. Season for working on Highways there. 37 G. 3. c. 6.
- See Banks, 1. Highways, 37.

*Maggaugaudavic River.* See Rivers, 2, 4, 5, 6, 7, 8.

### *Markets.*

See Ferries. Town or Parish Officers, 1. Weights and Measures, 2.

### *Marriage.*

1. Banns of Marriage to be published on three Sundays successively by some Clergyman of the Church of England; or, if none such in the Parish, by some Justice of Peace in the County. 31 G. 3. c. 5. § 1.
2. If no lawful impediment such Clergyman or Justice may solemnize the Marriage. *ibid.*
3. Provided, in case either of the Parties are under age, the consent of the Father or Guardian of such Party be first had. *ibid.*
4. Provided also, that any Marriage to be solemnized by a Justice of Peace shall be performed in such manner and form as the Governor shall direct. *ibid.*
5. Penalty on Clergyman or Justice solemnizing Marriage before publication of Banns, unless by license from the Governor. 31 G. 3. c. 5. § 2.
6. Penalty on any other than such Clergyman or Justice solemnizing or assisting in making any Marriage. 31 G. 3. c. 5. § 3.
7. Not to extend to Ministers of the *Kirk of Scotland* solemnizing Marriage between Persons of that Communion. *ibid.*
8. Nor to *Quakers* in case both Parties to the Marriage are *Quakers*.—*ibid.*
9. Nor to *Roman Catholic* Priests between Persons of that Communion. *ibid.*
10. Marriages by Justices of Peace to be registered and certified within Three Months to the Clerk of the Peace. 31 G. 3. c. 5. § 4.
11. All suits concerning Marriage and Divorce to be determined by the Governor and Council, who are made a Court for that purpose. 31 G. 3. c. 5. § 5.
12. But not to control the rights of any other Court or any Person's right of action. *ibid.*
13. Terms of holding the Court of Governor and Council. 31 G. 3. c. 5. § 6.
14. Governor may appoint a Vice-President of the Court. 31 G. 3. c. 5. § 7.

## Marriage.

15. Incest, Adultery, Fornication, and acts of Lewdness to be punished by Fine and Imprisonment. 31 G. 3. c. 5. § 8.
16. Causes of Divorce. 31 G. 3. c. 5. § 9.
17. Issue not bastardized by sentence of Divorce. 31 G. 3. c. 5. § 10.
18. No wife barred of Dower unless expressly adjudged. 31 G. 3. c. 5. § 10.

## Militia.

1. Male Inhabitants from 16 to 60 years of age to be inrolled in their respective districts. 45 G. 3. c. 1. § 2.
2. Extent of districts to be determined by the Commanding Officer in the County. *ibid.*
3. Captains of Companies to inroll Inhabitants. *ibid.*
4. Captains once a year to make returns to their Colonels. *ibid.*
5. Colonels to the Brigadier General, who shall report to the Commander in Chief. *ibid.*
6. Militia to be formed into regiments by Counties. 45 G. 3. c. 1. § 3.
7. No Company or Troop to consist of more than 60 men rank and file. *ibid.*
8. Commissioned Officers of Companies to appoint and displace Serjeants, Corporals, Drummers, &c. *ibid.*
9. Penalty on Non-commissioned Officers refusing to accept or neglecting their duty. *ibid.*
10. Every Regiment to be called out by Companies twice a year;—by Regiments or Detachments, once a year. 45 G. 3. c. 1. § 4.
11. Place of rendezvous to be appointed by the Colonels, &c. *ibid.*
12. Every Independent Company or Troop to be called out three times a year. *ibid.*
13. Fifteen days notice of training to be given. *ibid.*
14. No Company obliged to go more than 12 miles from its usual rendezvous. *ibid.*
15. An Adjutant to be appointed to each Regiment. 45 G. 3. c. 1. § 5.
16. Adjutants duty and pay when employed. *ibid.*
17. Annual amount of pay to Adjutants in the several Counties limited. *ibid.*
18. Captains of Independent Companies or Troops to report once a year to the Commanding Officer in the County. 45 G. 3. c. 1. § 6.
19. Independent Companies or Troops in case of Invasion to be under the command of the Commanding Officer of the Regiment. *ibid.*
20. Every person called out to appear armed and accoutred. 45 G. 3. c. 1. § 7.
21. Fines to defray contingent expences. *ibid* and § 8.
22. Officers to appear with side arms. *ibid.*
23. Penalty for not appearing, neglect of duty, &c. 45 G. 3. c. 1. § 8.
24. Persons exempted from being inrolled. *ibid.*
25. Quakers when and in what manner to be exempted. 45 G. 3. c. 1. § 9.
26. In what manner Militia to be called out in case of Invasion. 45 G. 3. c. 1. § 10, 11.
27. When to march from one County to another. § 12.

## *Militia.*

28. Militia ordered for actual service to be drafted by ballot. 45 G. 3. c. 1. § 13.
  29. Exempts when and how subject to draft by ballot. *ibid.*
  30. Penalty for refusing to serve when drafted. *ibid.*
  31. In what manner Officers and Men to be tried and punished when on actual service. 45 G. 3. c. 1. § 14.
  32. Deserters how to be tried and punished. 45 G. 3. c. 1. § 15.
  33. Oath of Members of Courts Martial and appointment and pay of Judge Advocate. 45 G. 3. c. 1. § 16.
  34. Sentence of Court-Martial how to be approved. 45 G. 3. c. 1. § 17.
  35. Rate of pay to Militia when on actual service. 45 G. 3. c. 1. § 18.
  36. In what cases boats to be provided and used for defence. 45 G. 3. c. 1. § 19, 20.
  37. Free Blacks to serve as Pioneers in case of Invasion, &c. 45 G. 3. c. 1. § 21.
  38. Penalty for selling or sending away arms furnished by Government.— 45 G. 3. c. 1. § 22.
  39. Persons wounded in service how to be provided for. 45 G. 3. c. 1. § 23.
  40. Limitation of Militia Act. 45 G. 3. c. 1. § 24.
- Monckton.* Parish of, described. 26 G. 3. c. 1. § 3—27 G. 3. c. 7. § 1.

*Money.* See Coin.

*Mortgage.* See Register, 16.

## *Mutual Debts.*

1. To be set one against the other, Form of pleading and notice. 26 G. 3. c. 18. § 1.
2. Form of pleading where they accrue by penalty; judgment to be entered for no more than is due to Plaintiff after set off—And if Jury find for Defendant, he shall have Execution for sum found due and costs.— 26 G. 3. c. 18. § 2.

*Mute.* See Felons, &c. 7.

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## N.

*Nashwaack.* See Highways, 34, 35, 36.

*Newcastle.* Parish of, described. 26 G. 3. c. 1. § 9.

*Nisi Prius.* See Circuit Court. Commissioners of Sewers, 9.

*Northampton.* Parish of, described. 26 G. 3. c. 1. § 8.

*Northumberland.* County described. 26 G. 3. c. 1. Preamble & § 1. See *Boundaries*, 21. *Courts of Common Pleas*, 4. *Fisheries*, 13.

*Norton.*

*Norton.* Parish of, described. 35 G. 3. c. 3. § 2.

*Nova-Scotia.*

1. No Law passed in the General Assembly of the Province of *Nova-Scotia* before the erection of this Province, to be of force here. 31. G. 3. c. 2.
- See *Boundaries*, 9. *Letters Patent*, &c.
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O.

*Oaths.* See Church, 5. Quakers, 1.

*Officers.* See Militia. Town or Parish Officers.

*Outlawry.* See Joint Debtors.

*Overseers of the Fisheries.* See Fisheries.

*Overseers of the Poor.* See Poor.

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P.

*Parishes.*

See *Boundaries*, 2, 4, 5, 19, 22, 23. Church, 6. *Trespassee*, 9.

*Partners.* See Joint Debtors.

*Partridge-Island.* See Light-House.

*Passamaquoddy Bay.*

1. Commissioners to be appointed by the Governor, to erect and repair Beacons to secure the Navigation. 41 G. 3. c. 4. § 1, 5.
2. Beacons where to be erected. 41 G. 3. c. 4. § 2.
3. Commissioners to account to the Court of Sessions. 41 G. 3. c. 4. § 6.
4. Duties on Vessels for building and supporting Beacons, and penalty for not paying the same. 41 G. 3. c. 4. § 3, 4.
5. Penalties for cutting down and destroying Beacons, and how recoverable. 41 G. 3. c. 4. § 7. Act limited to 5 years. § 8.
6. Act further continued. 45 G. 3. c. 5.
7. *Passamaquoddy Bay*, part of western boundary of the Province. 26 G. 3. c. 1. Preamble.

*Pennfield.* Parish of, described. 26 G. 3. c. 1. § 4.

*Penniack.* See Highways, 34, 35, 36.

*Petitions.*

1. What Petitions to the Governor or Council or House of Assembly, are tumultuous and illegal. 26 G. 3. c. 58.

*Petit Larceny.*

See Crimes and Offences. Felons and Felony. Witnesses.

*Pilots.*

## *Pilots and Wardens.*

1. Wardens of Ports and on their recommendation, Branch Pilots to be appointed by Justices of the Common Pleas; to be paid for Pilotage when service duly offered. 26 G. 3. c. 52. § 1.
2. Not to extend to Coasters, &c. *ibid.* § 2.
3. Said Justices and Wardens to make regulations, establish rates of Pilotage, &c. 26 G. 3. c. 52. § 3.
4. Powers of Common Council of *Saint John*, not affected by the Act. 26 G. 3. c. 52. § 4.
5. Pilots appointed by Common Council to have same privileges and fees as others. 26 G. 3. c. 52. § 5.

## *Poor.*

1. Overseers to lay before the first Court of Sessions annually, the state of the Poor. Justices to grant warrants to assess sum allowed, to be collected as County Rates. 26 G. 3. c. 43. § 1.
2. Overseers with consent of two Justices of Peace to oblige idle and disorderly Persons to labour; to bind Poor Children apprentices, purchase houses and materials, and make contracts for support of the Poor, expences to be allowed and assessed by General Sessions. 26 G. 3. c. 43. § 2.
3. Justices at any General Sessions may examine and allow Overseers accounts; but not more than two assessments to be made in *Saint John* in one year. 33 G. 3. c. 6. See *Dogs*, 3.

*Portland.* Parish of, described. 26 G. 3. c. 1. § 2.

## *Pound and Pound Breach.*

See Trespasses, 7, 8, 9. Town or Parish Officers, 1.

*Prince William.* Parish of, described. 26 G. 3. c. 1. § 8.

*Promissory Notes.* See Bills of Exchange.

*Province Treasurer.* See Treasurer of the Province.

## *Public Uses.*

1. Justices of the Peace for the time being, empowered to take Lands granted for Public Uses. 26 G. 3. c. 38. § 1.
2. To maintain actions of Trespasses and Ejectment and lease Lands not specially limited. 26 G. 3. c. 38. § 2.
3. General Sessions to make rules and orders for Commons with penalties. 26 G. 3. c. 38. § 3. See *Crown Lands*.

*Public Worship.* See Lord's Day. Church, 1, 2, 3, 4, 5.

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## Q.

### *Quakers.*

1. Permitted to make affirmation instead of oath. 26 G. 3. c. 19. § 1.

## Quakers.

2. Penalties for false affirmation same as for perjury. 26 G. 3. c. 19. § 2.
3. In criminal causes extending to life or limb, affirmation not allowed as evidence. 26 G. 3. c. 19. § 3.
4. Who are to be deemed Quakers. 26 G. 3. c. 19. § 4.

For other matters see *Church*, 5. *Depositions*, 5. *Marriage*, 8. *Militia*, 25. *Register*, &c. 6, 15.

*Quarantine.* See *Infectious Distempers*, 8.

*Queensbury.* Parish of, described. 26 G. 3. c. 1. § 8.

## Queen's County.

1. County described and established. 26 G. 3. c. 1. Preamble and § 1.
  2. Altered. 27 G. 3. c. 7. § 2.
- See *Boundaries*, 1, 2, 3. *Elections*, 14.
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## R.

*Real Estate.* See *Lands*, &c. *Register*, &c.

*Rector.* See *Church*, 11, 12.

## Register and Registry of Deeds, &c.

1. Deeds, Conveyances, and Wills of Lands to be registered or deemed fraudulent and void against subsequent Purchasers. 26 G. 3. c. 3. § 1.
2. One Public Office in each County—Registers to be appointed by the Governor. 26 G. 3. c. 3. § 2.
3. Registers to be under oath. 26 G. 3. c. 3. § 3.
4. Guilty of neglect liable to treble damages. 26 G. 3. c. 3. § 4.
5. Certificate of Registry to be indorsed and be evidence. Books how to be kept. 26 G. 3. c. 3. § 5.
6. Deeds and Wills how to be proved and acknowledged before registering; copies of entries good evidence if originals lost. 26 G. 3. c. 3. § 6.
7. Time allowed for registering of Wills. 26 G. 3. c. 3. § 7.
8. Proviso, in case of Wills contested or other unavoidable delay. 26 G. 3. c. 3. § 8.
9. But in case of concealment or suppression, purchaser not to be affected after three years delay. 26 G. 3. c. 3. § 9.
10. Bargains and Sales and all Conveyances acknowledged and registered, effectual to pass estate without *livery of seisin*. 26 G. 3. c. 3. § 10.
11. Deeds registered and copies of registries good evidence. 26 G. 3. c. 3. § 11.
12. Method of proceeding and proof, where grantor lives out of the Province or dies before acknowledgment. 26 G. 3. c. 3. § 12.
13. Register's fees and duty. 26 G. 3. c. 3. § 13, 14.
14. To give security in £300. 26 G. 3. c. 3. § 15.

## Register and Registry of Deeds, &c.

15. Penalty for forging entries, certificates, &c. and for false swearing. 26 G. 3. c. 3. § 16.
16. Certificate of discharge of Mortgage, how to be registered, or, how discharge may be entered and signed in margin of book. 26 G. 3. c. 3. § 17.
17. Act not to extend to Leases not exceeding three years. 26 G. 3. c. 3. § 18.
18. The place for keeping the Office to be appointed by Governor. 26 G. 3. c. 3. § 19.
19. The words *Grant*, *Bargain* and *Sell*, imply Covenants. 26 G. 3. c. 3. § 20. See *Feme Covert*, 2.

*Regraters.* See *Forestallers*.

*Representatives.* See *Elections*. *Petitions*.

*Retailers.* See *Taverns*, &c.

## Revenue.

Act for raising a Revenue, continued to 1st April, 1807. 45 G. 3. c. 17.

## Rivers.

1. Powers and duties of Commissioners and Surveyors of Roads extended to Rivers and pointed out. 26 G. 3. c. 33. § 1.
2. No tree or log to be felled and left on Banks on penalty of 20*l*. Inhabitants to work as on Highways. 26 G. 3. c. 33. § 2.
3. No Dam nor Boom to be placed across River *Maggaugaudavic* on penalty of 20*l*. 26 G. 3. c. 34. § 1.
4. Carrying place near first Falls excepted. 26 G. 3. c. 34. § 2.
5. Mill Dams permitted above the Falls half across the River. 26 G. 3. c. 34. § 3.
6. Above grand Forks Dams with sluices permitted—Court of Sessions may inflict fines and abate nuisances. 26 G. 3. c. 34. § 4.
7. Two Justices may remove Booms. 26 G. 3. c. 34. § 5.
8. Booms permitted for certain purposes. 45 G. 3. c. 7.
9. Booms in the County of *Charlotte* to be regulated by the Sessions.—45 G. 3. c. 14.
10. Sessions to appoint Boom-masters and establish their fees. *ibid*.

For other matters see *Banks*. *Fisheries*. *Islands*, 1, 2, 3. *Lincoln*.—*Saint Croix*. *Saint John*.

*Roads.* See *Highways*. *Rivers*, 1, 2.

*Rubbish.* See *Harbours*.

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## S.

*Sackville*. Parish of. 26 G. 3. c. 1. § 5.

See *Boundaries*, 14, 15, 16, 17, 18.

*Saint*



### *Saint Andrews.*

1. Parish described, including Island. 26 G. 3. c. 1. § 4, 10.  
See *Passamaquoddy Bay*.

### *Saint Croix.*

1. River, part of the Western boundary of Province. 26 G. 3. c. 1. Preamble.

*Saint David.* Parish of, described. 26 G. 3. c. 1. § 4.

*Saint George.* Parish of, described. 26 G. 3. c. 1. § 4.

### *Saint John.*

1. *River.* See Banks. Fisheries, 7, 9. Islands, 1, 2, 3. Lincoln.— Rivers, 1, 2.
2. *County.* Described and established. 26 G. 3. c. 1. Preamble & § 1. See Boundaries, 1, 2, 3. Elections, 14. Hay, 1. Schools, 11.
3. *City.* See City of Saint John.
4. *Parish.* See Church, 6.

*Saint Martin's.* Parish of, described. 26 G. 3. c. 1. § 2.

*Saint Mary's.* Parish of, described. 26 G. 3. c. 1. § 8.

*Saint Patrick.* Parish of, described. 26 G. 3. c. 1. § 4.

*Saint Stephen.* Parish of, described. 26 G. 3. c. 1. § 4.

### *Sales of Damaged Goods Imported.*

1. Damaged goods sold on account of Insurers, shall be surveyed by Warden, and under his direction sold at Auction, invoice being produced.— 26 G. 3. c. 51. § 1.
2. Warden and Auctioneer to subscribe accounts of surveys; Warden to certify same. 26 G. 3. c. 51. § 2.
3. Wardens fees; Warden or Auctioneer offending forfeit £20; no sales to be made on account of Insurers, nor demand for loss otherwise than here directed, under penalty of double value. 26 G. 3. c. 51. § 3.
4. Act continued to 1st April, 1808. 43 G. 3. c. 8.

For appointment of Wardens, see *Pilots*, &c.

*Salisbury.* See Boundaries, 5.

*Scrutiny.* See Elections, 3, 12, 13.

### *Schools.*

1. Public Grammar School erected in the City of *Saint John*. 45 G. 3. c. 12. § 1.
2. Trustees and Directors appointed with perpetual succession. § 2.
3. The Board of Directors to provide a School, and Master, and Ushers, and to make regulations. § 3

## Schools.

4. Board how to be summoned. § 4.
5. Vacancies at the Board how to be supplied. § 5.
6. Board to hold visitations twice a year. § 6.
7. Number of free Scholars to be admitted. § 7.
8. Sum granted for the School and it's annual support, & when to cease. § 8.
9. Board accountable to the Legislature of the Province. *ibid.*
10. Schools established for six years in each County of the Province, except *Saint John*. 45 G. 3. c. 12. § 9.
11. One School in the County of *Saint John*. *ibid.*
12. County Schools to be under the direction of the Sessions. *ibid.*
13. Where to be kept. *ibid.*
14. Sum granted for their support. § 10.
15. Visitors appointed. § 11.
16. Number of free Scholars to be admitted by the Sessions. § 12.
17. Sessions to be accountable to the Legislature of the Province. § 13.
18. Annual Sum granted to the Governor and Trustees of the College at *Fredericton*. 45 G. 3. c. 15.

## Seamen.

1. Not to be arrested for Debt not exceeding £10, while belonging to a ship, if contracted without Master's allowance. 26 G. 3. c. 53. § 1.
  2. Seamen neglecting duty may be committed, and charges deducted from wages. 26 G. 3. c. 53. § 3.
  3. No Seaman bound to serve, unless by contract in writing expressing wages and voyage. 26 G. 3. c. 53. § 4.
  4. Master or other Person hiring or harbouring Seaman, knowing him to have deserted, forfeits £20; and Seaman deserting, besides other penalties, forfeits all wages. 38 G. 3. c. 2. § 2.
- See *Taverns*, &c. *Wills*, 6.

*Secretary of the Province*. See Letters Patent, 1.

## Servants and Apprentices.

1. Bound by Indenture are to have, at the expiration of their Term, a certificate and discharge from Masters. 26 G. 3. c. 37. § 1.
  2. Not to be hired or harboured knowingly, without such certificate, under penalty of £5. 26 G. 3. c. 37. § 2.
  3. Absenting themselves to make satisfaction by service. 26 G. 3. c. 37. § 3.
  4. Justice of Peace to give certificate, &c. if Masters unreasonably refuse. 26 G. 3. c. 37. § 4.
  5. Justice to certify Servants' or Apprentices' consent to assignment, &c. 26 G. 3. c. 37. § 5.
  6. Master of Vessel harboring them on board to forfeit £10. 26 G. 3. c. 37. § 6.
  7. Masters to provide for them according to agreement. 26 G. 3. c. 37. § 7.
  8. Two Justices to hear complaints against Masters and order relief or discharge. 26 G. 3. c. 37. § 8.
  9. Appeal allowed from such order to next General Sessions. 26 G. 3. c. 37. § 9.
  10. No action lies for articles sold on credit to Servants and Apprentices. 26 G. 3. c. 37. § 10.
- For other matters, see *Taverns*, &c. 1, 2, 3.

*Sessions*

## *Sessions of the Peace.*

See Courts of Common Pleas, and General Sessions.

*Set off.* See Justices of the Peace, 9. Mutual Debts.

*Sewers.* See Commissioners of Sewers.

*Sheep.* See Trespasses, 6, 7, 8. Dogs, 1, 2.

*Sheffield.* Parish described. 26 G. 3. c. 1. § 7.

See Banks, 1. Highways, 37.

### *Sheriffs.*

See Absconding Debtors, 4. Elections, 3, 6, 7, 8, 11, 12, 13, 18, 19. Fires, &c. 5. Fisheries, 6. Frauds, &c. 13. Juries, 3, 10, 11, 12. Lands, &c.

*Shire-Towns.* See Boundaries, 3. Westmorland, 4.

*Sleds and Sleighs.* See Highways, 17, 18.

*Small Debts.* See Justices of the Peace, 4.

*Soldiers.* See Deserters. Wills, 6.

*Special Jury.* See Juries, 6.

*Springfield.* Parish of, described. 26 G. 3. c. 1. § 5.—35 G. 3. c. 3. § 1.

### *Summary Action.*

See Courts of Common Pleas, 15, 16, 17, 18, 20. Crimes and Offences, 1. Taverns, &c. 11.

### *Sunbury.*

1. County described and established. 26 G. 3. c. 1. Preamble and § 1.

See Banks, 1, 2, 3. Boundaries, 1, 2, 3. Courts of Common Pleas, 6.

Elections, 14. Highways, from 25 to 33.

*Sunday.* See Lord's Day. Fisheries, 12.

### *Supreme Court.*

1. Supreme Court authorized to issue Commissions in civil causes there depending, for taking the Depositions of Witnesses residing out of the Province. 31 G. 3. c. 10.

For other matters, see *Absconding Debtors*, 1. *Circuit Court*, 1. *Commissioners of Sewers*, 9. *Feme Covert*, 1. *Infectious Distempers*, 15. *Juries*, 6. *Lands*, &c. 7.

*Surveyor-General.* See Boundaries, 7, 11.

*Surveyors of Cord Wood.* See Woods, &c. 2.

*Surveyors of Highways.* See Highways, 1, 10, 14, 25, 32, 33.

*Surveyors of Lumber.* See Fish, &c. 5, 6, 7, 8. Town or Parish Officers, 1.

*Suffex.* Parish of, described. 26 G. 3. c. 1. § 5.—35 G. 3. c. 3. § 1.

*Swine.* See Trespasses, 6, 7, 8. T.

*Taverns and Tavern-Keepers.*

1. Debts for Liquors sold to Soldiers, Sailors, or Servants, of more than 5*s* value, not to be recovered. 26 G. 3. c. 36. § 1.
2. Pawns and Pledges for such Debts to be restored by warrant from Justice of the Peace, or satisfaction made. 26 G. 3. c. 36. § 2.
3. No Retailer, &c. to harbour Apprentices or Servants, nor sell or give them Liquors under penalty of 10*s* and costs. 26 G. 3. c. 36. § 3.
4. Act not to extend to supplies upon credit, to travellers or boarders.— 26 G. 3. c. 36. § 4.
5. Justices of the Peace in General Sessions authorized to grant Licenses to Tavern-Keepers and Retailers of Spirituous Liquors. 27 G. 3. c. 6. § 1.
6. Licensed Persons to find sureties, to keep orderly houses, and obey orders of Sessions. 27 G. 3. c. 6. § 2.
7. Penalty for selling by retail without License. 27 G. 3. c. 6. § 3.
8. Penalty for keeping a Tavern without License. 27 G. 3. c. 6. § 4.
9. License to keep Tavern, to include License to Retail. *ibid.*
10. Act empowering Justices to grant Licenses to be read and given in charge to the Grand Jury at every General Sessions, with lists of all Licensed persons. 27 G. 3. c. 6. § 5.
11. Justices to proceed upon and determine summarily, offences presented by the Grand Jury. *ibid.*
12. This Act not to extend to the City of *Saint John*. 27 G. 3. c. 6. § 6.  
See *Servants*, 10.

*Towns.* See *Boundaries*, 2, 3, 4, 5, 19, 20.

Also the names of the several Towns in their proper places.

*Town or Parish Officers.*

1. To be appointed annually by Justices of General Sessions of the Peace, enumeration of them, their duties, and oath, and penalty for refusal or neglect—how vacancies to be filled. 26 G. 3. c. 28. § 1.
- See *Fish*, &c. 8. *Hay*, 2. *Poor*.

*Treasurer of the Province.*

1. Treasury Notes to be issued and signed by the Treasurer, &c. 45 G. 3. c. 11. § 1.
  2. Treasurer to pay warrants in Cash or Notes, at the option of the person intitled. § 2.
  3. Treasurer to receive Notes in payment of duties. *ibid.*
  4. Felony without benefit of Clergy to counterfeit Notes. § 3.
  5. No foreign paper currency to be received in this Province. 45 G. c. 11. § 4
  6. When and in what manner Treasury Notes to be called in. 45 G. 3. c. 11. § 5.
  7. By whom to be superintended. § 6.
- See *Aliens*, 3. *Auctions*, &c. 3. *Deserters*, 7. *Impost Duties*. *Wolves*, 2.

*Trespasses.*

1. Act to prevent them. 41 G. 3. c. 3.

## *Trespasses.*

2. Division Fences between improved Lands of different Proprietors, how to be erected, repaired and regulated. 41 G. 3. c. 3. § 2.
3. Justices of Peace in General Sessions authorized to make regulations to prevent Trespasses by Cattle, &c. 41 G. 3. c. 3. § 3.
4. Also respecting Islands and low Lands, and to determine what Waters and Water Fences are sufficient to protect the same. *ibid.*
5. Occupiers of unimproved barren Land not obliged to make any division Fence. 41 G. 3. c. 3. § 4.
6. Damages by Cattle, &c. trespassing, how to be ascertained. 41 G. 3. c. 3. § 5.
7. Cattle, &c. trespassing, to be impounded and advertised. *ibid.*
8. Penalties for rescuing Cattle, &c. and for Pound-breach, and how recoverable. 41 G. 3. c. 3. § 6.
9. Every Parish to have a Pound in such place as General Sessions shall think fit, at the expence of the Inhabitants of the Parish. 41 G. 3. c. 3. § 7.

*Trusts.* See Frauds, &c. 5, 6, 7, 8, 9.

*Tumults.* See Petitions.

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## V.

### *Vagrants.*

1. Description of such as are to be deemed idle and disorderly Persons, to be apprehended by warrant of Justice of Peace, and examined. 26 G. 3. c. 27. § 1.
2. Shall be committed to Prison or House of Correction. 26 G. 3. c. 27. § 2.
3. Constables required on notice, to apprehend them and bring before Justice, under penalty of 10*s.* 26 G. 3. c. 27. § 3.
4. Appeal allowed from Justice to next General Sessions. 26 G. 3. c. 27. § 4. See *Gaming*, 7. *Poor*, 2.

*Vestry.* See Church, 8, 11, 12.

*View.* See Juries, 5.

### *Usury.*

1. Interest for loan of Money, &c. limited to six per cent.—Bonds and contracts for greater rate void.—Penalty for taking more, and how recoverable; certain contracts, &c. excepted. 26 G. 3. c. 17. § 1.
  2. Penalties to be sued for within Twelve Months. Act not to extend to contracts for the loan or hire of grain, cattle, live stock, &c. on certain terms. 26 G. 3. c. 17. § 2.
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## W.

*Wakefield.* Parish of, erected and described. 43 G. 3. c. 5.

*Wardens.*

*Wardens of Ports.* See Pilots, &c. 1. Sales, &c. 1, 2, 3.

*Warrants.* See Justices of the Peace, 1, 2, 3, 12.

*Waterborough.* Parish described. 26 G. 3. c. 1. § 7.  
See *Banks*, 1. *Highways*, 37.

*Water Fences.* See *Islands*, 3. *Trespases*, 4.

### *Weights and Measures.*

1. But one weight and measure according to the standard of the Exchequer shall be used, none other to be kept for buying or selling, on penalty of 5*s*, on conviction before one Justice of the Peace. 26 G. 3. c. 15. § 1.
2. Clerk of the Market to procure a set, and assay and seal all brought to him, his fees, duty, and forfeiture for neglect, on conviction before the Sessions. 26 G. 3. c. 15 § 2.
3. Saving the Corporation rights of *Saint John*. *ibid*.

*Westfield.* Parish of, described. 26 G. 3. c. 1. § 5.—35 G. 3. c. 3. § 1.

*West-Isles.* Parish of, described. 26 G. 3. c. 1. § 4.

### *Westmorland.*

1. County described and established. 26 G. 3. c. 1. Preamble and § 1.
2. Town or Parish of. 26 G. 3. c. 1. § 3.
3. County line altered. 27 G. 3. c. 7. § 2.
4. *Dorchester* made the Shire Town of the County. 41 G. 3. c. 6. § 1.
5. Justices in Sessions authorized to contract to build a Court-House and Gaol, and make assessments. 41 G. 3. c. 6. § 2.
6. Penalty upon assessors and collectors for neglect. 41 G. 3. c. 6. § 2.  
3, 4, 5.
7. Felons to be committed to the Goal in the City of *Saint John*, till Gaol built in *Westmorland*. 41 G. 3. c. 6. § 6.
8. Penalties how to be applied. 41 G. 3. c. 6. § 7.

See *Boundaries*, 1, 2, 3, 4, 5, 6, 24. *Courts of Common Pleas*, 1.—  
*Elections*, 14.

### *Wharfage and Cranage.*

1. Rates of Wharfage established. 26 G. 3. c. 49. § 1.
2. Masters to remove vessels from Wharf on due notice, penalty for neglect 40*s*, recoverable before one Justice. 26 G. 3. c. 49. § 2.
3. Ship made fast to another, fastened to Wharf, to pay half rates. 26 G. 3. c. 49. § 3.
4. Rates of Cranage. 26 G. 3. c. 49. § 4.
5. Owners of Wharves and Cranes may remove incumbrances, if owners of Goods refuse, and detain for charges. 26 G. 3. c. 49. § 5.
6. Master, owner, or agent of vessel, liable to pay Wharfage and Cranage, but agent not liable unless demanded before ship leaves port. 26 G. 3. c. 49. § 6.
7. City rights saved. *ibid*.

*Wickham.*

• *Wickham*. Parish of, described. 26 G. 3. c. 1. § 6.

*Wife*. See Entails, 2. Feme Covert. Marriage, 18.

### *Wills.*

1. Devises of Lands must be in writing, signed and attested by three Witnesses. 26 G. 3. c. 11. § 1.
2. Not revoked but by writing of same form, or by burning, cancelling, &c. 26 G. 3. c. 11. § 2.
3. Nuncupative Wills of more than £30, to be proved by three Witnesses, and made at Testator's house, sudden death excepted. 26 G. 3. c. 11 § 3.
4. Not allowed to be proved after Six Months, unless by testimony committed to writing within Six Days after the making of such Will. 26 G. 3. c. 11. § 4.
5. Nor Probate to pass of such Will till 14 days after the death, and process issued to cite Widow or next of kin. 26 G. 3. c. 11. § 5.
6. Wills in writing of Personal Estate, how revokeable.—Act not to affect Soldiers' or Seamens' Will, nor alter the jurisdiction of the Governor in Probate of Wills. 26 G. 3. c. 11. § 6.
7. Executor wilfully neglecting to prove Will, or to renounce in 30 days, forfeits £5 a month, recoverable by action of Debt, in the Inferior Court, or information in the Supreme Court. 26 G. 3. c. 11. § 7.
8. Person suppressing a Will liable to same penalty. 26 G. 3. c. 11. § 8.
9. Legacies recoverable by action at Common Law. 26 G. 3. c. 11. § 9.
10. Executor to exhibit Inventory in due time, or forfeit £5 a month.— 26 G. 3. c. 11. § 10.
11. Executor, residuary Legatee, may have action against co-Executor—other Legatees may have like remedy. 26 G. 3. c. 11. § 11.
12. Intestates Heir at Law, to have two shares of Real Estate, (saving Dower) remainder to be divided equally among Children, including half blood, and where no Children, to next of kin, portions advanced to be deducted, so as to make all equal, except Heir at Law, who is to have two shares of the whole. 26 G. 3. c. 11. § 12.
13. Persons intitled, refusing Administration, to be granted to Creditors. Judge to take security, call to account, and make distribution. 26 G. 3. c. 11. § 13.
14. How and to whom Personal Estate is to be distributed. 26 G. 3. c. 11. § 14.
15. Distribution not to be in one year, unless by special order, and security given to refund in case, &c. 26 G. 3. c. 11. § 15.
16. Administration *cum testamento annexo*, to be as before. 26 G. 3. c. 11. § 16.
17. Act not to extend to estates of *Femes Covert* intestate, whose husbands shall have their right to administer, &c. 26 G. 3. c. 11. § 17.
18. Personal assets deficient, Real Estate to be sold for debts and legacies. Course of proceeding in such case. 26 G. 3. c. 11. § 18.
19. Before such sale, Executor to give bond for the distribution of the Money. 26 G. 3. c. 11. § 19.

For other matters, see *Frauds, &c.* 4, 8, 9, 10. *Register, &c.* 1, 6, 7, 8, 9.

### *Witnesses.*

No Person shall be an incompetent Witness, by reason of a conviction for Petit Larceny. 42 G. 3. c. 4.

### *Wolves.*

1. Reward for killing Wolves. 32 G. 3. c. 5. § 1.
2. Their heads to be brought to a Justice of the Peace, who shall give a certificate directed to the Province Treasurer, specifying the reward.— 32 G. 3. c. 5. § 2.

### *Woods and Wood.*

1. Persons kindling fire in Woods, Fields, and leaving the same not extinguished nor secured, shall, on conviction before a Justice of the Peace, forfeit £3. 26 G. 3. c. 30.
2. Surveyors of Cord Wood, how appointed. 26 G. 3. c. 28. § 1.

*Woodstock.* Parish of, described. 26 G. 3. c. 1. § 8.

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## Y.

*Yellow Fever.* See Infectious Distempers.

### *York.*

1. County described and established. 26 G. 3. c. 1. Preamble and § 1.
- See *Boundaries*, 1, 2, 3, 23. *Courts of Common Pleas*, 7. *Elections*, 14. *Highways*, from 25 to 36.
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## *ERRATUM in INDEX.*

Under the article "For other matters of which cognizance is given to the Courts of General Sessions" between "Rivers, 6, 9, 10," and "Servants," insert "Schools, 12, 16, 17."



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TERMS of the SITTINGS of the SUPREME COURT HOLDEN  
at FREDERICTON.

1st TUESDAY in *February, May, July, and October.*

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TERMS of the SITTINGS of the COURTS of GENERAL SESSIONS  
of the PEACE and INFERIOR COURTS of COMMON PLEAS, in the  
several COUNTIES.

*Saint John.* 3d TUESDAY in *March*, 1st TUESDAY in *June, September*  
and *December.*

*Westmorland.* 2d TUESDAY in *June* and *December.*

Additional TERMS of COMMON PLEAS, 2d TUESDAY in *March* and  
*September.*

*Charlotte.* 2d TUESDAY in *April*, 3d TUESDAY in *September.*

Additional TERMS of COMMON PLEAS, 2d TUESDAY in *July* and  
*December.*

*King's.* 1st TUESDAY in *March*, 1st TUESDAY in *July.*

Additional TERMS of COMMON PLEAS, 1st TUESDAY in *May* and  
*November.*

*Queen's.* 4th TUESDAY in *January* and *June.*

Additional TERMS of COMMON PLEAS, 4th TUESDAY in *April* and  
*October.*

*Sunbury.* 3d TUESDAY in *January* and *June.*

Additional TERMS of COMMON PLEAS, 4th TUESDAY in *March* and  
3d TUESDAY in *October.*

*York.* 2d TUESDAY in *January* and *June.*

Additional TERMS of COMMON PLEAS, 3d TUESDAY in *March*, and  
2d TUESDAY in *October.*

*Northumberland.* 1st TUESDAY in *March* and *August.*