

THE
A C T S
OF THE
GENERAL ASSEMBLY
OF
HIS MAJESTY'S PROVINCE
OF
NEW-BRUNSWICK,

FROM THE
FORTY-SEVENTH to the FIFTY-SEVENTH
Year of the REIGN of
KING GEORGE THE THIRD.

WITH A COPIOUS INDEX.



FREDERICTON :

PRINTED BY GEORGE K. LUGRIN, PRINTER TO THE KING'S MOST
EXCELLENT MAJESTY.

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MDCCCXVII.

A
T A B L E
OF THE
ACTS OF THE GENERAL ASSEMBLY,
CONTAINING
The TITLES of the ACTS

PASSED FROM THE FORTY-SEVENTH TO THE FIFTY-SEVENTH YEAR OF THE REIGN OF
GEORGE THE THIRD INCLUSIVE.

Anno 47 Georgii III.

1. **A**N Act for the more effectual punishment of such Persons as shall seduce Soldiers to Desert.
2. An Act for the further relief of Debtors, with respect to the imprisonment of their persons.
3. An Act to ascertain the Rights of Fishery.
4. An Act in alteration and amendment of an Act, for establishing the rates to be taken for Wharfage and Cranage,
5. An Act to confirm the proceedings of the Justices of the Peace in King's County, and to authorise the said Justices to build and finish a Gaol and Court-House in the said County.
6. An Act to render Justices of the Peace more safe in the execution of their duty.
7. An Act to prevent divers misdemeanors in idle and disorderly Persons.
8. An Act to enable the owners of stray Cattle more easily to recover the same.
9. An Act to provide for the redeeming and cancelling the Treasury Notes that have been issued in this Province.
10. An Act for raising a Revenue in this Province.
11. An Act to enable the Justices of the County of York in their General Sessions to assess the same for the purpose of completing the Gaol of the said County.
12. An Act in addition to an Act, intituled, *An Act for the better regulating the Militia in this Province.*

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13. An Act to empower the Justices of the Peace for the County of Charlotte, in their General Sessions, to regulate the Fisheries in the said County.
14. An Act to appropriate the Public Revenue.
15. An Act to make perpetual sundry Acts of the General Assembly which are near expiring.
16. An Act to prevent illicit and clandestine Trade, and for imposing a duty upon articles illegally imported or brought into this Province, to be levied and paid after the condemnation and sale thereof.

Anno 48 Georgii III.

1. An Act for the greater security of this Province by the better regulating the Militia thereof.
2. An Act for making Process in Courts of Equity effectual against Persons who reside out of this Province and cannot be served therewith.
3. An Act to alter and amend an Act, intituled, "*An Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery and Fornication.*"
4. An Act to make more effectual provision for repairing the Aboideau or Bridge across the Marsh Creek in the City and County of Saint John.
5. An Act to continue an Act, intituled, "*An Act for raising a Revenue in this Province.*"
6. An Act to appropriate the Public Revenue.

Anno 50 Georgii III.

1. An Act to authorise the Sheriff or other Executive Officer serving Process at the Parish of Saint Martin's, to convey any prisoner there arrested to the Gaol in the City of Saint John, by way of the public Road leading through a part of King's County.
2. An Act for making further provisions to prevent the destroying and murdering of Bastard Children, and for the further prevention of the malicious using of means to procure the miscarriage of women.
3. An Act to revive, continue and amend, "*An Act for the better securing the navigation of Passamaquoddy Bay, within Deer Island.*"
4. An Act to continue for a limited time, 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.*"
5. An Act for the better security of the navigation of certain Harbours in the County of Northumberland.
6. An Act for regulating, laying out, and repairing Highways and Roads, and for appointing

- appointing Commissioners and Surveyors of Highways, within the several Towns and Parishes in this Province.
7. An Act to provide for the more easy partition of Lands in co-parcenary, jointenancy, and tenancy in common.
 8. An Act in addition to the Act to prevent the encumbering or filling up of Harbors.
 9. An Act for better regulating the Militia in this Province,
 10. An Act to continue an Act, intituled, "*An Act to prevent illicit and clandestine Trade, and for imposing a duty upon articles illegally imported or brought into this Province, to be levied and paid after the condemnation and sale thereof.*"
 11. An Act to authorise the Justices of the Sessions in the City and County of Saint John, to levy an assessment for the purpose of repairing and adding to the Gaol of the said City and County.
 12. An Act in amendment of the Acts now in force for regulating Seamen.
 13. An Act to continue and amend an Act, intituled, "*An Act for regulating Pilots.*"
 14. An Act to continue and amend an Act, intituled, "*An Act for raising a Revenue in this Province.*"
 15. An Act for the preservation of Oysters in the Counties of Westmorland and Northumberland.
 16. An Act to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John.
 17. An Act for the more easy and speedy recovery of small Debts.
 18. An Act in addition to an Act, intituled, "*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.*"
 19. An Act to make perpetual an Act, for the further and better support of the Poor in the City of Saint John.
 20. An Act for the further regulation of Fisheries, and for preventing their decay.
 21. An Act to regulate the proceedings in actions of Replevin, and to enable the sale of Goods distrained for Rent, in case the Rent be not paid in a reasonable time, and for the more effectual securing the payment of Rents, and preventing Fraud by Tenants.
 22. An Act to prevent the destruction of Moose on the Island of Grand Manan.
 23. An Act to explain and amend the Laws now in force for regulating the exportation of Fish and Lumber.
 24. An Act to authorise the Justices of the Peace in their General Sessions, to establish Ferries in their respective Counties.
 25. An Act to repeal an Act, intituled, "*An Act to render Justices of the Peace more safe in the execution of their duty.*"
 26. An Act in addition to an Act, intituled, "*An Act for the more effectual prevention of Desertion from His Majesty's Forces.*"
 27. An Act to declare the qualification of Church Wardens and Vestrymen, in the several Parishes in this Province, and of the persons having voices in their election.
 28. An Act to repeal an Act, intituled, "*An Act to make more effectual Provi-*

tion for repairing the Aboideau or Bridge across the Marsh Creek, in the City and County of Saint John."

29. An Act to revive and continue sundry Acts of the General Assembly, that have expired.
30. An Act to revive and make perpetual an Act, intituled, "*An Act for the support and relief of confined Debtors,*" and further to extend the provisions of the same."
31. An Act to provide for the erection of Fences, with Gates across Highways, leading through Intervale Lands in Queen's County, and the County of Sunbury, where the same may be found necessary.
32. An Act for regulating the importation of certain articles into this Province.
33. An Act to continue the establishment of County Schools, as provided for by an Act, intituled, "*An Act for encouraging and extending Literature in this Province.*"
34. An Act to appropriate a part of the Public Revenue for the services therein mentioned.
35. An Act to grant and appropriate certain sums of money for Roads and Bridges.
36. An Act in addition to an Act, intituled, "*An Act for regulating Elections of Representatives in General Assembly, and for limiting the duration of Assemblies in this Province.*"

Anno 52 Georgii III.

1. An Act to continue and amend the Act for raising a Revenue in this Province, and the Act in amendment thereof.
2. An Act to amend an Act, intituled, "*An Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultry and Fornication.*"
3. An Act to continue for a limited time 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 and Parishes in this Province.*"
4. An Act to repeal an Act passed in the thirty-first year of His Majesty's Reign, intituled, "*An Act for fixing permanently the Boundary Lines between the different Grants in this Province.*"
5. An Act to appropriate a sum of money as an aid to His Majesty in the defence of the Province.
6. An Act to impose a Duty on certain articles imported into this Province.
7. An Act to authorise the Justices of the Peace for the Counties of York and Charlotte respectively, to regulate the Assize of Bread in the towns of Fredericton and Saint Andrews.
8. An Act to amend and continue for a limited time an Act, intituled, "*An Act for better regulating the Militia in this Province.*"
9. An Act for erecting a Court-House and Gaol in the County of Northumberland.

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10. An Act to authorise the Justices of the Peace for the County of Charlotte, to levy an assessment for paying off the County debt, and for finishing and completing the County Gaol and Court-House, lately erected in said County.
11. An Act to authorise the Common Council of the City of Saint John to appoint Coastables for such Wards of the City as shall omit to choose the same.
12. An Act more effectually to prevent the incumbering or filling up of Harbors, and to authorise the appointment of Harbour-Masters.
13. An Act to authorise the Justices of the Peace in the City and County of Saint John, in their General Sessions, to levy an additional assessment for the purpose of finishing the Gaol of the said City and County, and to discharge the debt already contracted in adding to the said Gaol.
14. An Act to establish a Winter Road from Bates's Mill Pond to the River Kennebeckacis, at or near the site of the old Court-House in King's County.
15. An Act to alter and amend an Act, intituled, "An Act for the further regulation of Fisheries, and for preventing their decay."
16. An Act authorising the Mayor, Aldermen and Commonalty of the City of Saint John, to make regulations for the more effectual prevention of Fires within the said City.
17. An Act in further addition to an Act, intituled, "An Act for better extinguishing Fires that may happen within the City of Saint John."
18. An Act in amendment of an Act, made and passed in the forty-fifth year of His Majesty's Reign, intituled, "An Act to regulate the Winter Roads in the Counties of York and Sunbury."
19. An Act to amend an Act, intituled, "An Act to provide for the more easy partition of Lands in co-parcenary, join-tenancy, and tenancy in common."
20. An Act supplementary to the Acts now in force for the public registering of Deeds, Conveyances and Wills, and other incumbrances of, or which may affect any Lands, Tenements or Hereditaments within this Province, and for more effectually securing the title of purchasers of real Estates, against claims of Dower.
21. An Act more effectually to provide for the public registering of all Marriages solemnized within this Province.
22. An Act to provide for the payment of the ordinary services of the Province.
23. An Act to provide for opening and improving Roads, and erecting Bridges throughout the Province.
24. An Act to encourage the erection of a Passage Boat to be worked by Steam, for facilitating the communication between the City of Saint John and Fredericton.

Anno 53 Georgii III.

1. An Act for regulating the Militia.
2. An Act to enlarge the limits of the Parish of Saint Stephen in the County of Charlotte.
3. An Act in amendment of and in addition to an Act, intituled, "An Act for transferring

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fering to and vesting in the Crown such Lands and Tenements of any person or body politic on which it may be judged suitable or 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."

4. An Act to alter and extend the provisions of an Act, intituled, "An Act to encourage the erection of a Passage Boat to be worked by Steam, for facilitating the communication between the City of Saint John and Fredericton," and to relieve the persons named in the same Act from the penalty of a Bond given by them to His Majesty in pursuance of the provisions of the same Act.
5. An Act for laying additional duties on certain articles imported into this Province.
6. An Act to provide for the accommodation and billeting of His Majesty's Troops and the Militia, when on their march.
7. An Act to appropriate the Public Money.
8. An Act to explain an Act, intituled, "An Act for regulating the Militia."

Anno 54 Georgii III.

1. An Act to make perpetual several Acts of the General Assembly which are near expiring.
2. An Act in addition to an Act, intituled, "An Act for regulating the exportation of Fish and Lumber, and for repealing the Laws now in force, regulating the same."
3. An Act to continue several Acts of the General Assembly that are near expiring.
4. An Act to continue an Act, intituled, "An Act to provide for the accommodation and billeting of His Majesty's Troops and the Militia, when on their march."
5. An Act for the preservation of Partridges.
6. An Act for the better regulation of Licenses to Inns, Taverns and Houses for selling strong Liquors by retail.
7. An Act further to continue for a limited time 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 and Parishes in this Province."
8. An Act in amendment of an Act, intituled, "An Act to repeal all the Acts now in force relating to Trespasses and for making new regulations to prevent the same."
9. An Act to repeal an Act, intituled, "An Act in alteration and amendment of an Act for establishing the rates to be taken for Wharfage and Cranage," and for substituting other alterations and amendments of the same Act therein recited in lieu thereof.
10. An Act for the indemnification of Commissioners of Sewers.
11. An Act to authorise the Rector, Church Wardens and Vestry of Saint Andrew's Church, in the Parish of Saint Andrews, to convey to the King's Majesty, a certain

tain piece of Glebe Land of the Parish, for the purpose of erecting Military fortifications thereon.

12. An Act in addition to an Act, intituled, " An Act more effectually to provide for the public registry of all Marriages solemnized within this Province."
13. An Act to empower and authorise the Justices of the County of Westmorland, at their General Sessions, of the Peace to regulate the grazing and depasturing of the several Marshes, low Land or Meadows within the said County.
14. An Act to give full effect to, and to prevent the evasion of an Act, intituled, " An Act for the further increase of the Revenue of this Province."
15. An Act to enlarge the limits of the Parishes of Saint Patrick and Saint George, in the County of Charlotte.
16. An Act to continue for a limited time, " An Act to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John."
17. An Act in further addition to an Act, intituled, " An Act for the better ascertaining and confirming the Boundaries of the several Counties within this Province, and for sub-dividing them into Towns or Parishes."
18. An Act to continue an Act for raising a Revenue in this Province, and the Acts in amendment thereof.
19. An Act for laying additional duties on certain articles imported into this Province.
20. An Act to authorise the Justices of the Peace for the County of Northumberland, to hold a Special Session for the purpose of appointing Town or Parish Officers for the present year.
21. An Act to continue and amend an Act, intituled, " An Act for regulating the Militia."
22. An Act to appropriate a part of the Public Revenue for the services therein mentioned.
23. An Act to provide for the opening and improving Roads and erecting Bridges throughout the Province.

Anno 56 Georgii III.

1. An Act to increase the number of Constables in the City of Saint John.
2. An Act to increase the number of Firemen in the City of Saint John.
3. An Act in amendment of an Act, intituled, " An Act for regulating the Fisheries in the County of Northumberland."
4. An Act to alter an Act, intituled, " An Act for the further regulation of Fisheries, and for preventing their decay ;" and also to alter another Act, intituled, " An Act to alter and amend an Act, intituled, " An Act for the further regulation of Fisheries, and for preventing their decay."
5. An Act to provide for the punishment of Horse-stealing.
6. An Act for the organization and regulation of the Militia of this Province.

7. An Act to provide for the purchase of a place for the residence and accommodation of the Governor or Commander-in-Chief of this Province.
8. An Act to give two additional terms in each year for the sittings of the Inferior Court of Common Pleas in the County of Northumberland.
9. An Act to prevent the cutting or breaking down the bank of any River, Seabank or Dyke, and for the preservation of the same.
10. An Act to constitute the Island of Grand Manan and its appurtenances in the County of Charlotte, into a distinct Town or Parish.
11. An Act to explain and amend an Act, intituled "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."
12. An Act to continue and make perpetual two Acts of the General Assembly that are near expiring.
13. An Act in addition to and to explain an Act, intituled, "An Act to explain and amend the Laws now in force for regulating the exportation of Fish and Lumber."
14. An Act in addition to an Act, intituled, "An Act for erecting a Court-House and Gaol in the County of Northumberland."
15. An Act for establishing a Grammar School in the Town of Saint Andrews, in the County of Charlotte.
16. An Act to exclude ignorant and unskilful persons from the practice of Physic and Surgery.
17. An Act more effectually to provide for the support of a Nightly Watch in the City of Saint John.
18. An Act to authorise the Justices of the General Sessions of the Peace for the County of York, to levy an assessment for building a County Court-House.
19. An Act to continue certain Acts of the General Assembly, which are near expiring.
20. An Act for granting further aid in support of the College of New-Brunswick, and of the Public Grammar School in the City of Saint John.
21. An Act to establish Grammar Schools in several Counties of this Province.
22. An Act for the establishment, regulation and improvement of the Great Roads of Communication through the Province.
23. An Act to encourage the establishment of Schools in this Province.
24. An Act farther to continue 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 and Parishes in this Province."
25. An Act further to continue an Act, intituled, "An Act to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John."
26. An Act to encourage the Fisheries of this Province.
27. An Act to erect into a separate Parish all the Lands in Queen's County, in the rear of the Parishes of Wickham and Waterborough.
28. An Act to enable the Minister and Elders, for the time being, of the Church in Communion with the Kirk of Scotland, lately erected in the City of Saint John

- John, to hold the same to them and their successors forever, and for other purposes therein mentioned.
29. An Act to continue and amend the several Acts now in force for raising a Revenue in this Province.
 30. An Act to appropriate a part of the Public Revenue for the services therein mentioned.
 31. An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province, and improving the navigation of the River Saint John and its branches.
 32. An Act for the encouragement of the Trade of this Province in Plaster of Paris otherwise called Gypsum.

Anno 57 Georgii III.

1. An Act to prohibit the exportation of Corn, Meal, Flour and Potatoes, out of the Province for a limited time.
2. An Act further to continue the several Acts now in force for raising a Revenue in this Province.
3. An Act to amend and explain an Act, intituled, "An Act to encourage the Fisheries in this Province.
4. An Act in addition to and amendment of an Act, intituled, "An Act for regulating Pilots."
5. An Act to encourage the raising of Bread Corn on new Land.
6. An Act in amendment of an Act, intituled, "An Act more effectually to prevent the encumbering or filling up of Harbors, and to authorise the appointment of Harbor Masters."
7. An Act to provide for the necessities of the Province, occasioned by the failure of the late Crop.
8. An Act to regulate the exportation of dutiable articles from and out of this Province.
9. An Act for appointing Firewards in the Towns of Fredericton and Saint Andrews, and ascertaining their power and duty, and more effectually to prevent Fires in the said Towns,
10. An Act in addition to and in amendment of an Act, intituled, "An Act for the establishment, regulation and improvement of the Great Roads of Communication throughout the Province.
11. An Act to appropriate a part of the Public Revenue for the services therein mentioned.

AT the time of the publication of the former Volume of the revised Edition of the Acts of the General Assembly in 1805,

President LUDLOW

was in the Administration of the Government of the Province; and continued to administer the same until his death, which happened the 12th February, 1808; when the Government devolved upon

EDWARD WINSLOW, Esquire,

who administered the same by the style of *President of His Majesty's Council and Commander-in-Chief of the Province*, until the 24th day of May in the same Year; when

Major-General MARTIN HUNTER,

having been appointed President of His Majesty's Council, arrived, and assumed the Civil and Military command of the Province; and administered the Government by the above-mentioned style until the 24th June, 1812; with the exception of the time when he was absent twice to Nova-Scotia, in the Military command there: during which the Government devolved, by the Royal Instructions, upon the Officer commanding the Troops for the time being; and was administered as follows: by

Lieutenant-Colonel GEORGE JOHNSTONE,

from the 17th December, 1808, to the 28th April, 1809---and by

Major-General WILLIAM BALFOUR,

from the 11th September to the 14th November, 1811.

General Hunter was succeeded by

Major-General GEORGE STRACEY SMYTH;

who was appointed to the Administration of the Government (in the absence of the Lieutenant-Governor) by His Majesty's Commission bearing date the 9th April, 1812; and the same was administered by him by the style of *President and Commander-in-Chief of the Province*, until August, 1813; when he went to England, on leave of absence, and the Government devolved upon

Major-General Sir THOMAS SAUMAREZ,

and was administered by him until the return of

General SMYTH,

who resumed the Government in August, 1814, and continued in the Administration thereof until he again left the Province, the 25th June 1816, to Administer the Government of the Province of Nova-Scotia, from which time to the 1st July, 1817, the Government was administered by

Lieutenant-Colonel HARRIS WILLIAM HAILES,

as *President and Commander-in-Chief*, when he was superceded by the return of

General SMYTH,

who, on the death of *Lieutenant-Governor Carleton*, was appointed by His Majesty's Commission, bearing date the 28th day of February, 1817,

LIEUTENANT-GOVERNOR *of the* PROVINCE,

and is now in the Administration of the Government thereof.

THE
ACTS
OF THE
GENERAL ASSEMBLY,
Etc.

Anno Regni GEORGII III.
Britanniarum Regis,
Quadragesimo 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 eight hundred and three, in the forty-third year of the Reign of our said Sovereign Lord GEORGE the Third, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, King, Defender of the Faith, Etc. and from thence continued by several Prorogations, to Tuesday the twenty-seventh day of January, one thousand eight hundred and seven; being the third Session of the Fourth General Assembly convened in the said Province.

CAP. I.

An Act for the more effectual punishment
of such Persons as shall seduce Soldiers to
Desert. [Exp.]

CAP.

CAP. II.

An Act for the further relief of Debtors, with respect to the imprisonment of their Persons.

Preamble.

WHEREAS it might tend to the discharge from imprisonment of many Prisoners in execution for debt, if their Creditors were enabled to discharge such Debtors without losing the whole benefits of the Judgments obtained against such Debtors.

Creditors may by writing, consent to the discharge of their debtors in custody on execution

I. *Be it therefore enacted by the President, Council and Assembly,* That from and after the passing of this Act, it shall be lawful for any creditor or creditors at whose suit any debtor or debtors is or are, or shall be in Prison and taken or charged in execution for any sum of money, by writing signed by such creditor or creditors, or by one of them for and in behalf of himself or herself and the others of them (being complainants in the same action) to signify or declare his, her or their consent to the discharge of such debtor or debtors from the Gaol or Prison in which he, she or they is, are or shall be confined in execution at the suit of such creditor or creditors, without losing the benefit of the Judgment upon which the execution against such debtor or debtors issued, except as herein after provided; and that, notwithstanding the discharge of any debtor or debtors in pursuance of such consent as aforesaid, the Judgment upon which such debtor or debtors was or were taken or charged in execution, shall continue and remain in full force to all intents and purposes, except as herein after

without losing the benefit of the judgment upon which the execution issued.

Judgment upon which such debtor was taken or charged in execution shall continue in force.

after provided: and it shall be lawful for such creditor or creditors at any time to take out execution on every such Judgment against the lands, tenements, hereditaments, goods and chattels of such debtor or debtors, or any of them (other than and except the necessary apparel and bedding of him, her or them, or his, her or their family, and the necessary tools of his or their trade or occupation, not exceeding the value of *ten pounds* in the whole) or to bring any action or actions on every such Judgment, or to bring any action or use any remedy for the recovery of his, her or their demand, against any other person or persons liable to satisfy the same, in such and the same manner as such creditor or creditors could or might have had or done in case such debtor or debtors had never been taken or charged in execution upon such Judgment. *Provided always*, That no debtor or debtors who shall be discharged in pursuance of this Act, shall at any time afterwards be taken or charged in execution or arrested upon any Judgment herein before declared to continue and remain in full force, or in any action which may be brought on any such Judgment; and that no proceeding by *fiery facias*, action, or otherwise, shall be had against any Bail in the action in which such Judgment was obtained.

II. *And be it further enacted*, That the Executors and Administrators of any such creditor as aforesaid, shall and may consent to the discharge of any debtor or debtors to their testator or intestate in such and the same

Creditor may take out execution against the lands and goods of the debtor other than bedding, apparel and tools to the value of £10.

Or bring any action or use any remedy for the recovery of the demand as if debtor had never been taken in execution.

Debtor once discharged shall not be again arrested upon the same judgment.

No proceeding to be had against the bail.

Executors and Administrators may consent to the discharge of debtors.

same manner, and with the same advantages and consequences in all respects as such creditor, if living, might or could have done in pursuance of this Act, and such Executors or Administrators respectively shall not, by reason of any such discharge in pursuance of this Act, be deemed guilty of a *devastavit*, or chargeable with the debt due from the person or persons so discharged.

and shall not be thereby chargeable with the debt.

Sheriff, gaoler or keeper within 24 hours after consent in writing,

III. *And be it further enacted,* That every Sheriff, Gaoler or Keeper in whose Prison, Gaol or custody any debtor or debtors is, are or shall be confined or detained in execution, shall and every of them is hereby required, within twenty four hours next after such consent in writing of any creditor or creditors as herein before mentioned, shall have been produced to and left with such Sheriff, Gaoler or Keeper, or his deputy or agent at such Prison or Gaol, (the hand writing or mark of such creditor or creditors to such consent in writing being duly proved by an affidavit of some credible person to be thereunto annexed, and to be sworn before one of the Judges of the Court out of which the execution against such debtor or debtors issued, or a Commissioner duly authorised to take affidavits in the County where such debtor or debtors shall be confined) to discharge and set at liberty the debtor or debtors to whose discharge such consent shall be signified or declared as aforesaid, if he, she or they shall be kept or detained in custody only upon the execution issued at the suit

produced and left with him,

and proved by an affidavit annexed thereto,

to discharge the debtor if detained only upon the execution at the suit of the creditor consenting.

of the creditor or creditors signifying or declaring such consent.

IV. *And be it further enacted,* That from and after the passing of this Act, in all cases wherein a writ of *feri facias* shall be issued upon any Judgment obtained or to be obtained in any Court in this Province, it shall not be lawful for the Sheriff or other Officer executing such writ to seize or levy upon the necessary apparel and bedding of the debtor or debtors against whom such Judgment shall be obtained, or of his, her or their family, or against the necessary tools of his or their trade or occupation, in satisfaction of such Judgment. *Provided always,* that such apparel, bedding and tools so to be exempted from being seized or levied upon as aforesaid, shall not exceed the value of *ten pounds* in the whole, which value shall be ascertained by the oath of three indifferent Freeholders in the County, to be appointed by such Sheriff or other Officer to appraise the same, which oath such Sheriff or other Officer is hereby authorised and empowered to administer.

Sheriff or officer executing a *feri facias* not to seize or levy upon bedding, apparel or tools of debtor or his family.

Bedding, &c. exempted from seizure not to exceed £10. in value.

Value to be ascertained by oath of three Freeholders, to be administered by the Sheriff, &c.

CAP. III.

An Act to ascertain the Rights of Fishery.

Passed the 5th of March, 1807.

[Disallowed by His Majesty in Council.]

CAP. IV.

An Act in alteration and amendment of an Act for establishing the Rates to be taken for Wharfage and Cranage. [Rep.]

Passed the 5th of March, 1807.

See further 54 Geo. 3, c. 9.

CAP. V.

An Act to confirm the Proceedings of the Justices of the Peace in King's County, and to authorise the said Justices to build and finish a Gaol and Court-House in the said County. Passed the 5th of March, 1807. [Exp.]

CAP. VI.

An Act to render Justices of the Peace more safe in the execution of their duty. Passed the 5th of March, 1807. [Rep.]

CAP. VII.

An Act to prevent divers Misdemeanors in idle and disorderly Persons.

Passed the 5th of March, 1807.

Preamble.

WHEREAS the unlawful cutting or taking away of corn and grain growing, robbing of orchards, gardens and other plantations, digging up, taking away or injuring fruit trees, breaking of pales or other fences, cutting or spoiling of woods or underwoods standing or growing, and such like offences, are now more commonly committed than in former times, and the said offences are great causes of the maintaining of idleness, and the persons who commit the same are for the most part unable to make satisfaction, for remedy whereof,

Persons unlawfully cutting and carrying away grain growing,

robbing orchards, gardens, or other plantations, or entering inclosures in the night with intent to rob, or

I. *Be it enacted by the President, Council and Assembly,* That all and every person and persons who, from and after the passing of this Act, shall cut and unlawfully take away any corn or grain of any kind whatsoever, growing, or shall rob any orchards, gardens or other plantations of the fruit, vegetables, or other things therein growing, or in the night

night shall enter into any garden or other inclosure with intent to rob the same, or break or cut any hedge, pales, rails, or fence, or shall wantonly throw down the same, or cut up, destroy, or take away any logs, rails, or other materials prepared for erecting any fence, and their procurer and procurers, receiver and receivers, knowing the same, being thereof lawfully convicted by the confession of the party or by the testimony of one sufficient witness upon oath before any one of His Majesty's Justices of the Peace in and for the County, City or place where the offence shall be committed or the offender be apprehended, shall forfeit and pay such sum not exceeding *five pounds*, and within such time as such Justice shall order and appoint, together with costs of such prosecution, one moiety thereof to the party complaining and prosecuting the same to effect, and the other moiety to the Overseers of the Poor where the conviction shall be had.

II. *And be it further enacted,* That all and every person and persons, who shall hereafter dig, pull up, take away, or wilfully break or otherwise injure any fruit tree or fruit trees in any orchard, garden or elsewhere, or shall cut or spoil any woods, underwoods, poles, or trees standing, or shall take and carry away any wood that may have been felled, or may have been blown down, without the consent of the owner or owners thereof; or shall come upon the land of any person or persons and dig, quarry or carry away any Stone, being fit for building or other

cutting, breaking or throwing down fences, &c. or destroying or taking away materials, prepared for erecting fence and their procurers, &c.

on conviction to forfeit not exceeding £5 with costs of prosecution,

half to the complainant, remainder to the Overseers of the Poor.

Persons wilfully injuring fruit trees

or cutting or spoiling woods, &c.

or carrying away wood, or digging or carrying away stone without permission,

other

other purposes, without the consent of the owner or owners thereof, and all and every person and persons aiding or procuring the same to be done, and being thereof lawfully convicted in manner aforesaid, before any one of His Majesty's Justices of the Peace as aforesaid, shall give to the party and parties complaining, such recompence and satisfaction for his and their damages, and within such time as such Justice shall order and appoint, together with costs and charges of prosecution.

on conviction to
make satisfaction
at the discretion of
a Justice.

III. *And be it further enacted,* That when any person or persons convicted of any of the offences herein before mentioned shall be thought in the discretion of the Justice before whom such offender shall be convicted, to be not able or sufficient, or shall neglect or refuse to pay such sum or make such recompence and satisfaction in manner and form above mentioned, such Justice shall commit all and every such offender and offenders to the common Gaol or House of Correction of the County, City or place, there to remain without bail or mainprize, for a term not exceeding Thirty days, nor less than Five days.

Persons unable or
refusing to make
payment to be
committed to gaol

IV. *And be it further enacted,* That the parents, guardians, or masters of all persons under age, who may be convicted of any of the offences aforesaid, shall be and hereby are made respectively liable to make good the damages and penalties adjudged to be paid by such offender or offenders, and in case of refusal or neglect, such offender or offenders, shall be committed as aforesaid.

Parents, guardians
and masters, made
responsible for of-
fenders under age-

CAP. VIII.

An Act to enable the Owners of Stray Cattle more easily to recover the same.

Passed the 5th of March, 1807.

WHEREAS from the want of a sufficient quantity of Land inclosed, many of the Inhabitants in different parts of the Province suffer their Horses, Neat Cattle and Sheep to run at large; and from the very extensive range in wilderness Land, it frequently happens that they stray to a great distance from where they were turned out, whereby the owner or owners are put to great trouble and expence, and very often after the most diligent search are unable to find them.

Preamble.

I. *Be it therefore enacted by the President, Council and Assembly, That from and after the passing of this Act, any person or persons whatsoever, who at any time hereafter between the first day of November, and the first day of May in each and every year, shall have any strayed Horses, Neat Cattle or Sheep, upon their inclosed Land, shall within twenty days thereafter, deliver or cause to be delivered to the Clerk of the Town or Parish where such Horses, Neat Cattle or Sheep shall happen to be, a note in writing containing their several ages, colours and marks, natural and artificial, as near as may be, together with the place of abode of such person or persons, and that for so doing, such person or persons shall have for their trouble one shilling per head for every such Horse or Neat Cattle, and three-pence for every Sheep so notified: And that on receipt*

of

Persons having strayed Cattle in their possession to give notice in writing to the Clerk of the Parish describing the Cattle.

of such notice the said Clerk shall make full entry thereof at large in a Book to be provided by him for that purpose; for which entry so made he shall be paid by the person or persons giving such notice the sum of *one shilling* for each and every such Horse or Neat Cattle, and *three pence* for every Sheep so entered as aforesaid, which several sums, for the notice given and entry as aforesaid made, shall be paid to the possessor by the respective owner or owners of such Horses, Cattle or Sheep, together with reasonable charges for the keeping of the same.

II. *And be it further enacted*, That if no owner or owners shall claim the said Horses, Cattle or Sheep, within the space of *six months* after notice given and entry made by the Clerk as aforesaid; then the possessor is hereby required to sell them at Public Auction to the highest bidder, first giving at least *ten* days notice by advertisement to be posted up at three or more of the most public places within the said Town or Parish where the said Horses, Neat Cattle or Sheep have been kept, of the time and place of sale, and to retain the money arising from such sale in his or their hands until the owner or owners shall appear, unto whom shall then be paid the remaining part of the money by the possessor, after deducting the aforesaid allowance and reasonable charges for keeping and sale as aforesaid. *Provided always*, that such owner or owners as do not demand the same within *six months* after such sale, shall

Clerk to enter notice in a Book.

Clerk's fee.

No owner claiming in six months, Cattle to be sold at auction.

The money, when the owner appears to be paid to him.

Owner not appearing in six months, precluded from recovering the money, which

shall be, and hereby are precluded and debarred for ever after from recovering of the possessor, all or any part of the money arising from such sale. And the remainder after the aforesaid deduction, shall be paid into the hands of the Overseers of the Poor of the Town or Parish where the said Horses, Neat Cattle or Sheep may happen to be sold, to be applied by them towards the support of the Poor of the said Parish.

after deducting costs and charges, to be paid to the Overseers of the Poor.

III. And that the good intent of this Act may not be evaded, *Be it further enacted*, that if the possessor or possessors of the remaining money arising from the sales of such Horses, Neat Cattle or Sheep as aforesaid, shall not within *three months* after the time limited above, pay the same to the Overseers of the Poor of the Town or Parish where such Horses, Neat Cattle and Sheep shall happen to be taken up, and sold in manner as aforesaid, every such defaulter shall forfeit and pay double the sum so remaining in his or their hands for the use above-mentioned, to be recovered over and above the said remaining money, with costs of suit, by the said Overseers of the Poor of the Town or Parish where such default shall happen, by action of debt, bill, plaint or information, in any Court within the County where the cause of action shall arise competent to determine the same. And the said Overseers of the Poor are hereby respectively vested with full power and authority to sue for and recover the same.

Overseers of the Poor may sue for money withheld from them.

IV. *And be it further enacted*, That any person

person or persons whatsoever, who shall be-
tween the first day of *November* and the first
day of *May*, in each and every year hereaf-
ter, knowingly have any such Horses, Neat
Cattle and Sheep as aforesaid, in his or their
inclosed land or possession, and do not ac-
quaint the owner or owners therewith, or
give notice as prescribed by this Act within
twenty days thereafter, such person or per-
sons so offending shall not only forfeit any
demand they might otherwise have for keep-
ing and feeding such Horses, Neat Cattle
and Sheep as aforesaid, but shall also forfeit
to the owner or owners thereof for every
wilful neglect, for each and every Horse or
Neat Cattle, the sum of *twenty shillings*, and
for each and every Sheep the sum of *two*
shillings, to be recovered before any Justice
of the Peace within the said County where
such neglect may happen, with full costs of
suit.

Persons not giv-
ing notice of stray
Cattle to forfeit
20s. over and a-
bove any demand
for keeping the
same, and 2s. for
every Sheep.

Books kept by the
Clerks of the Pa-
rishes to be open
to inspection.

Fee for searching.

Ear-marks to be
registered.

V. *And be it further enacted*, That the Books
as aforesaid to be provided and kept by the
respective Clerks of each Town or Parish,
shall by them be kept free and open for any
person or persons who at any time shall have
occasion to search therein, for which search
the said Clerk shall be intitled to receive *six*
pence and no more. And it shall be the duty
of the Town Clerks in the respective Towns,
and Parishes, to enter and register such Ear-
mark in a Book for that purpose, as any
owner of any Sheep or Cattle shall request
to have entered, for which such owner shall
pay *six-pence*, which mark shall be the pro-
per

per mark of such owner and of no other person in such Parish. *Provided always,* That no owner of any such stray Sheep or Cattle, shall be entitled to any benefit from this Act until he shall have entered and registered a proper ear-mark in the manner herein before mentioned.

Persons not recording marks not intitled to any benefit of this Act.

CAP. IX.

An Act to provide for the redeeming and cancelling the Treasury Notes that have been issued in this Province. Passed the 5th of March, 1807. [*Obsolete.*]

CAP. X.

An Act for raising a Revenue in this Province. Passed the 5th of March, 1807.

I. **B**E it enacted by the President, Council and Assembly, That from and after the first day of *April* next, there be and hereby is granted to the KING'S Most Excellent MAJESTY, his Heirs and Successors, for the use of this Province, and for the support of the Government thereof, the several rates and duties on the Articles herein after mentioned, which shall or may be brought or imported into any port or place within this Province, to be paid by the Importer or Importers thereof---that is to say:---For every gallon of Rum, *seven pence half-penny*; and an additional *one penny half-penny* per gallon on all Rum to be imported as aforesaid, when two-thirds of such Rum is not purchased with the produce of this Province, and the same is not imported in a vessel or vessels,

Duties per gallon on Rum, Wine, Brandy, &c.

Molasses and
Brown Sugar.

no part whereof is owned therein. For every gallon of Wine, *nine-pence*; and an additional *three-pence* per gallon on all Wines not purchased with the produce of this Province, nor imported in a vessel or vessels no part whereof is owned therein. For every gallon of Brandy, Gin and all other distilled Spirituous Liquors, *nine-pence*. For every Gallon of Molasses, *one penny*. For every pound of Coffee, *one penny*. For every gross hundred weight of Brown Sugar on the amount of the original invoice, allowing twenty-five per cent. for tare and wastage, *two shillings and six-pence*, where two-thirds of such Sugar has been purchased with the produce of this Province, and imported in a vessel or vessels part whereof is owned therein; and *four shillings* per hundred weight on all Brown Sugar otherways imported.

To be paid at the
time of importa-
tion,

unless they are
imported to upwards
of Ten Pounds,
then Bonds to be
taken.

II. *And be it further enacted*; That the said rates and duties shall be paid at the time of the importation of such articles into the City and County of *Saint John*, unto the Treasurer of the Province or his deputy there; and at every other port or place to the Deputy of the said Treasurer for the port or place where the same shall be imported, unless such rates and duties on any one cargo shall amount to upwards of *Ten Pounds*, in which case and where the same shall not amount to *Fifty Pounds*, it shall be lawful for the said Treasurer or his Deputy or Deputies respectively, to take a Bond duly executed by the owner or importer of such dutiable articles, with one good and sufficient surety in double the amount of the rates and duties

duties payable upon the articles specified in the report of such cargo for the payment of the same, one half in three months, and the other half in six months; and where the rates and duties arising on any one cargo (as specified in the report of such cargo) shall amount to *Fifty Pounds*, and shall not exceed *One hundred Pounds*, then it shall be lawful for the said Treasurer or his Deputy or Deputies respectively, to take a Bond executed in like manner for the payment of the same, one third in three months, one third in six months, and the remaining third in nine months; and where the rates and duties arising on any one cargo (as specified in the report of such cargo) shall exceed *One hundred Pounds*, then it shall be lawful for the said Treasurer or his Deputy or Deputies respectively, to take a Bond executed in like manner for the payment of the same, one fourth in three months, one fourth in six months, one fourth in nine months, and the remaining fourth in twelve months. All which Bonds shall be taken in the name of the Treasurer, payable to him or to the Treasurer of the Province for the time being, and conditioned for the payment of the amount of the said rates and duties respectively, at the time or times specified therein, either to the Treasurer himself or to the Treasurer for the time being or his Deputy if taken in *Saint John*, or to the Deputy Treasurer for the time being, at the port or place where the same may be taken.

Bonds to be taken in the name of the Treasurer, & payable to the Treasurer for the time being

III. *And be it further enacted*, That every
Master

Masters within 24
hours to report in
writing under oath

Master of any ship or vessel, coming into any Port or Harbour of this Province, shall within twenty-four hours after his arrival and before breaking bulk, make report to the said Treasurer or his Deputy there in writing, by him subscribed and under oath, of all the packages or articles whether dutiable or not, on board such ship or vessel, describing and specifying the same, and shall in the same report state that there has not to his knowledge or belief, been landed or taken from on board such ship or vessel any such articles or any part thereof within this Province, since the sailing of such ship or vessel from the port or place where such articles were laden on board the same for exportation: And in case of refusal or neglect of any such Master he shall forfeit and pay the sum of *One hundred Pounds*, to be recovered by information to be made and filed by His Majesty's Attorney-General in the Supreme Court of Judicature of this Province, upon the filing whereof the first process in all cases shall be a *Capias*, to be directed to the Sheriff or Coroner of the place where the offender may be found; by virtue of which process the said offender shall be held to bail for his appearance at the return of the process, to answer the matters charged in such information, and if it shall appear, or there shall be reasonable cause to suspect that such articles hereby made dutiable have been clandestinely landed, brought or imported into this Province, before entry and report made as aforesaid, or not being duly entered

and state that no-
thing has been lan-
ded,

under penalty of
£100.

How recovered.

Dutiable articles
landed contrary to
law, or found on
board not entered,
to be forfeited,

entered

entered as aforesaid, shall be found on board any ship or vessel after such entry and report, or if any such articles shall have been landed from any ship or vessel after entry and report made as aforesaid, other than were specified in such report, or for which a permit shall not have been obtained agreeably to the provisions of this Act, such dutiable articles so landed or found on board contrary to the true intent and meaning of this Act, shall be and the same are hereby declared to be forfeited, and shall and may be seized and detained by the said Treasurer or his Deputy or Deputies respectively, and information made by His Majesty's Attorney-General and proceedings to condemnation had in the Supreme Court. And the Master of such ship or vessel and each and every person concerned, shall also be liable to the penalty of *One hundred Pounds*, to be recovered in manner as is herein first before set forth; all which penalties and forfeitures after deducting the costs and charges of prosecution, together with all reasonable charges that may have accrued, shall be paid as follows, that is to say, one half part to the officer seizing and prosecuting the same articles to condemnation or complaining against and prosecuting such offender or offenders to conviction, and the other half into the hands of the Treasurer of the Province for the use thereof. And it shall and may be lawful for the said Treasurer and his Deputy or Deputies respectively, at all times to enter on board any ship or vessel and to examine

and the master and every person concerned, to forfeit £100.

Forfeitures how applied.

Treasurer to enter and search vessels, and seize articles made liable to seizure,

mine

mine and search throughout the same for dutiable articles, and there to seize and from thence to carry away all such as are by this Act made liable to seizure; and being authorized by writ of assistance under the seal of His Majesty's Supreme Court or of the Inferior Court of Common Pleas of the County in which the articles herein after mentioned shall be found (which writ the proper officers of such Courts respectively are hereby authorized and required to issue upon the allowance or fiat of one of the Justices of such Court, to be filed together with the affidavit upon which the same is grounded) to take the High Sheriff in person or his Deputy, or any Coroner of the County, and in the day time to enter and go into any house, store, warehouse or out-house, and in case of resistance to break open doors, and open and examine casks, chests or other packages, and there to seize and from thence to carry away any such dutiable articles whatsoever so landed, brought or imported as aforesaid, contrary to the provisions and the true intent and meaning of this Act.

IV. *And be it further enacted,* That in addition to the entry and report herein before required to be made by the Master of any ship or vessel, arriving in any port or place in this Province, the owner or consignee of the dutiable articles on board such ship or vessel (and in cases where there may be several owners or consignees of the same cargo, each owner or consignee thereof) shall make report in writing by him subscribed, under oath

and being authorized by writ of assistance,

to examine houses stores, &c.

Owner or consignee to report in writing, and under oath.

oath before the said Treasurer or either of his Deputies, of all dutiable articles belonging to or consigned to him as aforesaid, on board such ship or vessel, and before such entry and report shall be made by the owner or consignee as aforesaid, the said articles shall not be permitted to be landed from on board such ship or vessel.

V. *And be it further enacted,* That for the recovery of all such duties as are imposed by this Act and shall not be paid at the several times limited for the payment thereof respectively as aforesaid, the said Treasurer or his Deputy of the port or place in which such Bonds may have been taken, is hereby directed to cause process to be issued against all and every person and persons so standing indebted, and to pursue the same, if necessary, to final judgment and execution: And if the said Treasurer or either of his Deputies as aforesaid, shall not within one month after the time limited for the payment of any one sum so becoming due as aforesaid, cause process to be issued as aforesaid, the said Treasurer or such Deputy so neglecting shall be answerable for and chargeable with the same.

Treasurer to put bonds in suit, if not paid in time

or be answerable for the same.

VI. *And be it further enacted,* That it shall be the duty of the Treasurer of the Province for the time being, to appoint fit persons (to be approved by the Lieutenant-Governor or Commander-in-Chief) to be his Deputies in the several ports and places in this Province, where the same may be necessary to perform the duties and services in and by this

Treasurer to appoint Deputies to be approved of by the Lieut.-Governor,

who are to give security,

and shall have power to make seizures, &c.

Allowed Ten per Cent.

Treasurer in case of sickness, &c. to appoint a deputy in St. John,

who has no allowance.

this Act required, which persons so appointed shall give good and sufficient security, by Bond to His Majesty, for the faithful discharge of their duty respectively, and be accountable to the said Treasurer when thereunto required, for all sums so to be received by virtue of this or any former Act; and that such Deputies shall have the same powers to make seizures and proceed to condemnation, as are given to the Treasurer by virtue of this Act, and shall and may retain *Ten Pounds* for every *Hundred Pounds* they shall so receive, in full for their services, exclusive of their proportion of the proceeds of the penalties and forfeitures incurred by this Act.

VII. *And be it further enacted*, That it shall and may be lawful for the Treasurer of the Province, in case of sickness or necessary absence from the City and County of *Saint John*, to appoint a fit person to act as his Deputy there, for whose acts the said Treasurer shall be responsible; which Deputy shall have the same powers and authority in every respect during his continuance in office as the said Treasurer hath by virtue of this Act when present, and capacitated to execute the duties incident to his office.---
Provided always, That such Deputy or Deputies in the City of *Saint John*, shall not be entitled to any allowance whatever from the public Treasury for his services, excepting his proportion of the proceeds of any penalties and forfeitures incurred by this Act, which may arise in consequence of any seizure
made

made by him, any thing herein contained to the contrary thereof in any wise notwithstanding.

VIII. *And be it further enacted,* That the Tide Surveyor for the City and County of *Saint John*, now appointed or who shall hereafter be appointed by the Lieutenant-Governor or Commander-in-Chief, shall in all respects be subordinate to, and under the direction and controul of the Treasurer of the Province or his Deputy there; and that from and after the entry of any ship or vessel at the Treasurer's office at that place, there shall be a permit or permits made out and directed by the said Treasurer to the said Tide Surveyor, expressing therein the quantities of the several dutiable articles contained in the cargo of the said ship or vessel as entered at the said Treasurer's office: And no dutiable articles shall be landed from on board any ship or vessel within the said City and County of *Saint John*, without such permit or permits so to be given as aforesaid; and that it shall be the particular duty of the said Tide Surveyor to attend to the unloading of any such ship or vessel under the permits so to be given by the said Treasurer or his Deputy there; and if any dutiable articles shall be found landed from on board any such ship or vessel within the said City and County, before entry and report made, and a permit or permits obtained as is herein-before required, or if there shall be found on board any such ship or vessel any such dutiable articles not mentioned

Tide Surveyor in *St. John* to be under the direction of the Treasurer.

Permits to be made out by the Treasurer,

without which no dutiable goods to be landed.

Tide Surveyor to attend to the unloading of vessels,

and if dutiable goods are landed or found on board contrary to this Act,

tioned in the same permit or permits, or if any such dutiable articles shall at any time be found to have been landed there from any ship or vessel, or otherways brought or imported contrary to the provisions of this Act, it shall be the duty of the said Tide Surveyor, and he is hereby required forthwith to take possession of and detain the same, and immediately make report thereof to the said Treasurer or his Deputy there, in order that the same articles may be seized and prosecuted to condemnation in manner as is herein before provided. And the said Tide Surveyor, for taking and detaining such articles, shall have and receive one moiety of the part of such forfeitures herein before directed to be paid to the officer seizing and prosecuting the same.

to detain the same
and report to the
Treasurer.

Forfeitures how
applied.

Duties to be paid
or secured at the
time of entry.

Articles intended
for exportation in
the same vessel to
be mentioned,

and if actually ex-
ported in the same
vessel, duties to be
repaid.

IX. *And be it further enacted,* That the rates and duties arising by virtue of this Act, shall be paid or secured to be paid in manner as is herein-before provided, at the time of entry and report of the ship or vessel having on board such dutiable articles, and before bulk be broken. And if the whole or any part of such dutiable articles shall be intended for exportation in the same bottom, the same shall be mentioned and such articles particularly specified in the entry and report, which is by this Act required to be made of such vessel and cargo, at the Treasurer's office; and in case such articles so reported for exportation shall be actually exported in the same bottom in which they were imported, to any port or place without

the

the limits of this Province, then any mofies which may have been paid for the rates and duties arising thereon, shall be repaid, and the Bonds so taken to secure such duties, so far as may relate to them, shall be cancelled and considered of no validity. *Provided* always, that the evidence to be required of such exportation, shall be the following oath, to be taken and subscribed by the Master of such ship and vessel, before the said Treasurer or either of his deputies, to wit:

Master to make oath.

I do swear, that the following articles, to wit: are now actually on board the whereof I am Master; that the same articles were imported into this Province in the same vessel, and are the same articles mentioned and specified in the entry and report of the same vessel and cargo at this office, on the day of that the said articles are now in the same state and condition in which they were at the time of importation into this Province; that no part thereof hath been landed since the entry and report thereof as aforesaid; and that the same or any part thereof are not to be landed in any part of this Province, to the best of my knowledge and belief. So help me GOD.

And further, That the owner or consignee of the same articles shall at the same time make and subscribe an affidavit (to be indorsed upon the said affidavit of the said Master) before the said Treasurer or one of his Deputies, stating that he is the owner or consignee of such articles, and that the con-

Owner or consignee to make affidavit.

tents of such affidavit so made by the said Master are just and true, according to the best of his knowledge and belief.

X. *And be it further enacted,* That if at any time it shall be found that all or any of the articles so reported for exportation, have been landed contrary to the provisions of this Act, every ship or vessel in which the same were imported, together with all and every of such articles shall be forfeited, and shall and may be seized and prosecuted to condemnation, and the proceeds thereof applied in the manner herein before mentioned.

XI. *And be it further enacted,* That if at any time within one year after the report so made of the articles intended to be exported in the same bottom in which they were imported, it shall be discovered that any of those articles have been fraudulently landed in any part of this Province, the owner or consignee of such articles and the Master or owner of such ship or vessel shall severally forfeit and pay the sum of *One hundred Pounds* for each offence, to be recovered by information to be made and filed by His Majesty's Attorney General, in manner as before mentioned and applied, (after deducting the costs and charges) one half to the informer and the other half to be paid into the hands of the Treasurer of the Province for the use thereof.

XII. *And be it further enacted,* That upon the following dutiable articles which shall be imported into this Province after the commencement of this Act, and upon which the

rates

Articles reported for exportation being landed contrary to this Act. vessel and goods to be forfeited.

If discovered within one year, that articles reported for exportation have been fraudulently landed, the owner or consignee and master or owner of the ship to forfeit 100/ each.

How recovered and applied.

rates and duties herein before imposed have been paid or secured to be paid as aforesaid, there shall be allowed upon exportation of the same the following drawback, to wit: For every gallon of Rum, six-pence half-penny; for every gallon of Wine, Brandy or Gin, eight-pence; and for every hundred weight of Brown Sugar, two shillings.---Provided always, that one hundred gallons or more of Liquor, in the original package or cask, or ten hundred weight or more of Brown Sugar are exported in one ship or vessel at one time; and also that the same be exported within Six Months from the time of the Importation thereof.

Drawback allowed upon articles exported.

Proviso.

XIII. And be it further enacted, That the drawbacks herein before allowed, shall be paid by the Treasurer or one of his Deputies as aforesaid, to the owner or importer thereof, out of the monies arising from the duties on the same articles so exported when the same Monies shall be received and not before. Provided always, that previous to any part of such drawback being paid, the owner or importer of such articles shall at the time of exporting the same, make and subscribe the following oath before the Treasurer or one of his Deputies, to wit:

Drawback to be paid out of the duties on the articles exported.

Proviso.

I do swear, that the by me now shipped on board the whereof is Master, was lawfully imported into this Province in the ,

Oath of the importer.

Master, from and that the duties thereon have been paid by me or secured to be paid at this office; and that the same

same or any part thereof is not intended to be re-landed in any part of this Province, to the best of my knowledge and belief. So help me GOD.

And provided also, That the Master of the ship or vessel in which the same articles are to be exported, shall make and subscribe the following oath, to be indorsed on the last mentioned affidavit before the Treasurer or one of his Deputies, to wit:

I do swear that the articles shipped by _____ as mentioned in the affidavit upon the other side hereof, are now actually on board the _____ whereof I am Master, bound for _____ and that the same or any part thereof are not again to be re-landed in any part of this Province, to the best of my knowledge and belief. So help me GOD.

Oath of the Master.

Importer to produce certificates,

And provided also, That it shall be incumbent on the owner or importer of such dutiable articles, to produce to the Treasurer or to the Deputy, to whom the duties shall have been secured, a certificate under the hand and seal of the Collector or principal officer of the Customs, at the port or place to which the same shall be exported, or if sent to a Foreign port, a certificate under the hands of two of the principal Merchants there residing, (authenticated under the seal of office of a public Notary) that the same articles have been there landed: *And provided also,* that it shall be further incumbent on the owner or importer (upon producing such certificate and requiring the drawback as aforesaid) to make and subscribe the following

following oath before the Treasurer or one of his Deputies, to wit: and make oath.

I do swear, that the articles by me exported on board the _____, Master, a certificate of the landing of which is now by me exhibited, have been really and *bona fide* landed at _____ and that the same or any part thereof are not again to be landed in any part of this Province, to the best my knowledge and belief. So help me GOD.

XIV. *And be it further enacted,* That if any of the before specified articles shall be fraudulently reloaded in any part of this Province, after shipment for exportation as aforesaid, the same shall be forfeited, proceeded against and applied in the manner herein before directed. Articles fraudulently reloaded to be forfeited.

XV. *And be it further enacted,* That if it shall be discovered at any time before or within one year after the drawback shall be so received, upon the exportation of any dutiable articles as aforesaid, that any of those articles have been fraudulently reloaded in any part of this Province, the owner or importer of such articles shall forfeit and pay the sum of *One hundred Pounds* for each offence, to be recovered by information to be made and filed by His Majesty's Attorney-General, in manner as before mentioned, and applied, (after deducting the costs and charges) one half to the informer and the other half to be paid into the hands of the Treasurer of the Province for the use thereof. If discovered within one year after articles have been fraudulently reloaded, owner or importer to forfeit £100.

How recovered and applied.

XVI. And in order to deter and prevent
as

Treasurer to be vigilant.

Dutiable goods seized and sold at the Custom House to pay duties.

Purchasers to report to the Treasurer,

and pay or secure the duties,

as much as possible persons from being engaged in illicit trade, which if practised will operate greatly to the prejudice of the fair dealer as well as to the public Revenue of this Province, *Be it further enacted*, That it shall be the duty of the Treasurer of the Province and all and every of his Deputies, as also of the Tide Surveyor in the City of *Saint John*, to be vigilant in detecting all persons that may be so engaged, as well as all articles made liable to duty by virtue of this Act, illegally introduced or smuggled into any part of this Province: And all articles in and by this Act made dutiable, which shall be seized and condemned and sold at the Custom-House or by any officer of the King's customs in any part of this Province, for having been illegally introduced or smuggled into the same, shall be liable to the same rates and duties as if those articles had been legally imported and entered at the Treasurer's office, as required by this Act: And the purchaser or purchasers of any such articles at such Custom-House sales, shall within twenty-four hours after the same purchases shall be made, and before any part of such articles shall be vended or consumed, make report to the said Treasurer or his Deputy at that place in writing, and under oath before the said Treasurer or his Deputy aforesaid, of the articles so purchased as aforesaid, and the duties arising thereon shall at the same time be paid or secured to be paid, in the same manner and under the same regulations as duties arising upon such articles

when

when legally imported as aforesaid: And in case of refusal and neglect so to make report and entry of such articles so purchased, the same are hereby declared forfeited, and shall and may be searched for, seized, condemned, sold and applied in the same manner as is herein before provided by the third section of this Act. And if such articles or any part thereof cannot be found, then the purchaser thereof shall forfeit and pay the sum of *One hundred Pounds*, to be recovered and applied in the same manner and to the same uses as is provided in and by the same section of this Act.

and for refusal or neglect to forfeit the articles purchased,

and if such articles cannot be found, to forfeit £100.

XVII. *And be it further enacted*, That upon the exportation of any such articles so purchased at the Custom-House sales as aforesaid, and upon which the duties have been paid or secured to be paid, the purchaser shall be entitled to the like drawback as is herein before allowed upon the exportation of similar articles under and subject to the like regulations, provisos and restrictions, as are herein before made and provided.

Drawback allowed on exportation of purchased articles.

XVIII. *And be it further enacted*, That the quantities of dutiable Liquors and Molasses, shall be ascertained by the instrument commonly called Gunter's Callipers, and by no other instrument whatever, and shall be gauged by a sworn Guager or Guagers, legally appointed or to be appointed for that purpose, if in the City of *Saint John*, by the Lieutenant Governor or Commander in Chief, and in the several Counties by the Justices in their General Sessions, or any

Rum, &c. to be gauged by Gunter's Callipers, by sworn Gaugers.

No Gauger to
gauge his own pro-
perty.

Special Sessions for that purpose holden--
Provided that no Guager shall guage any
dutiabie article which shall be his own pro-
perty or consigned to him.

Goods Imported
into this Province
and consigned to
Nova-Scotia not
liable to duties.

XIX. *Provided always, and be it further
enacted,* That no goods imported into this
Province and consigned to any person in the
Province of *Nova-Scotia*, shall be liable to
any of the duties imposed by this Act, but
such goods may be landed and re-shipped
for the said Province, provided they are ex-
ported within ninety days after landing, in
the same casks or packages in which they
were landed; and the consignee or person to
whose charge or care such goods may be
sent or committed, make oath before the
Treasurer or either of his Deputies, that such
goods were originally shipped for the pur-
pose of being conveyed into the Province of
Nova-Scotia and not intended for sale or con-
sumption in this Province; and that the said
goods are re-shipped in the same state and
casks or packages they were landed and re-
ceived by him.

Treasurer autho-
rized to admini-
ster oaths.

XX. *And be it further enacted,* That the
said Treasurer of the Province and all and
every of his Deputies, are hereby authoriz-
ed and empowered to administer the several
oaths herein required to be made and taken,
and every person who shall be convicted of
making or taking a false oath to any of the
facts herein directed or required to be sworn
to, shall be deemed guilty of perjury, and
shall be liable to the pains and penalties to

False oath made
perjury.

which

which persons are by law liable for wilful and corrupt perjury.

XXI. *And be it further enacted,* That all Monies arising by virtue of this Act, shall remain in the Treasury until the same shall be disposed of by an Act or Acts of the General Assembly of this Province, to be passed for that purpose.

Monies to remain in the Treasury until disposed of by Law.

XXII. *And be it further enacted,* That this Act shall continue and be in force until the first day of *April*, which will be in the year of our LORD, one thousand eight hundred and nine, and no longer, except for the recovery of any of the penalties and forfeitures herein before inflicted and incurred.

Limitation.

See further--- 48 Geo. 3, c. 5.
 50 Geo. 3, c. 14.
 52 Geo. 3, c. 1.
 53 Geo. 3, c. 5.
 54 Geo. 3, c. 14, 18, 19.
 56 Geo. 3, c. 29.
 57 Geo. 3, c. 2.

CAP. XI.

An Act to enable the Justices of the County of York in their General Sessions, to Assess the same for the purpose of completing the Goal of the said County. Passed the 5th of March, 1807. [Exp.]

CAP. XII.

An Act, in addition to an Act, intituled an Act for the better regulating the Militia in this Province. Passed the 5th of March, 1807. [Repealed.]

CAP.

CAP. XIII.

An Act to empower the Justices of the Peace for the County of Charlotte, in their General Sessions to regulate the Fisheries in the said County. Passed the 5th of March, 1807.

WHEREAS the local situation of the Fisheries in the County of *Charlotte* render further and other regulations than those contained in the several Acts for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province, necessary for carrying said Acts into effect---

BE it therefore enacted by the President, Council and Assembly, That it shall and may be lawful for the Justices of the County of *Charlotte*, in their General Sessions, to make such further regulations relating to the Fisheries in said County, as they may find necessary. *Provided always*, That such regulations are not contrary to and do not interfere with the general regulations and restrictions contained in any Act of Assembly or private right.

Preamble.

Justices in their General Sessions may make regulations

not to interfere with the general regulations established by Law.

CAP. XIV.

An Act to appropriate the Public Revenue. Passed the 5th of March, 1807.

[Expired.]

CAP. XV.

An Act to make perpetual sundry Acts of the General Assembly which are near expiring. Passed the 5th of March, 1807.

BE it enacted by the President, Council and Assembly, That an Act made and passed

sed 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-eight year of His Majes-
 ty'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 re-
 "gulate the sale of Goods 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 into
 "this Province"---Also an Act made and pas-
 sed in the twenty-seventh year of His Ma-
 jesty's Reign, intituled "An Act to autho-
 "rise 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"--And an Act made and pas-
 sed 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 re-
 "gulations respecting Markets and Ferries
 "within such Counties as may be found neces-
 "sary"---be, and the same are hereby made
 perpetual.

Act for relief a-
 gainst absconding
 Debtors,

and the Act in ad-
 dition thereto.

Act to regulate
 the sale of Goods
 at Public Auction.

Act to prevent
 fraud in the sale
 of damaged Goods

Act to authorise
 the proprietors of
 Islands to make
 regulations.

Act to empower
 the Justices of the
 Sessions to regu-
 late Markets and
 Ferries,

made perpetual.

And the style of **CAP. XVI.**
 An Act to prevent illicit and clandestine Trade, and for imposing a Duty upon Articles illegally imported or brought into this Province, to be levied and paid after the condemnation and sale thereof.

Passed the 5th of March, 1807.

WHEREAS the practice of carrying on illicit and clandestine Trade contrary to the provisions of divers Acts of Parliament in that behalf made, is not only highly detrimental to the public interests, but is injurious and ruinous to the fair Trader.--- And it is expedient so far as may be practicable to encourage the Officers of the Public Revenue in this Province, to be vigilant in detecting such practices and carrying the Laws of Trade into execution.

Preamble.

AND WHEREAS the imposing of a Duty upon all Articles clandestinely imported into this Province, to be levied and paid after the condemnation and sale thereof, for the use of this Province and for the support of the Government thereof, would be attended with the most beneficial consequences---

I. *Be it enacted by the President, Council and Assembly,* That from and after the operation of this Act, if any prohibited goods whatsoever shall be imported or brought into this Province, contrary to the true intent and meaning of any Act or Acts of Parliament in such cases made and provided, it shall and may be lawful for the Treasurer of the Province or his Deputies in the several and respective Counties and places for which such Deputies

Prohibited goods imported may be seized by the Province Treasurer and prosecuted, and upon condemnation, one third to be paid to the Collector of the Customs, one third to the Commander in Chief of the Province, one third to seizing Officer.

Deputies shall be appointed to seize all such prohibited goods, and to prosecute the same to condemnation and forfeiture in the Supreme Court, or in the Court of Vice-Admiralty in this Province, and that all such prohibited goods so seized and prosecuted, shall upon the condemnation and sale thereof be divided, paid and applied as follows, that is to say, after deducting the charges of prosecution from the gross produce thereof, one third part of the net produce shall be paid into the hands of the Collector of His Majesty's Customs for the port of *Saint John*, for the use of His Majesty, his Heirs and Successors, one third part to the Governor or Commander in Chief of this Province, and the other third part to the Treasurer or his Deputy, who shall seize in form, and sue for the same.

II. *And be it further enacted*, That there be and hereby is granted to the King's most excellent Majesty, his Heirs and Successors for the use of this Province, and for the support of the Government thereof, a Duty of *ten per cent.* on the gross amount of all Articles whatsoever so seized, condemned and sold under and by virtue of this Act.

A duty of 10 per cent. on all articles condemned sold under this Act.

And that the purchaser or purchasers of any such Articles at the Sales thereof, pursuant to such condemnation, shall within twenty-four hours after the same purchases shall be made, and before any part of such articles shall be vended or consumed, make report to the Treasurer or his Deputy at the place where such articles shall be sold, in writing

Purchasers to report amount to the Treasurer under oath,

and pay or give
security for the
duty,

otherwise articles
may be seized and
sold,

and if not to be
found, the pur-
chaser to forfeit
£100.

Lawful for the
Treasurer or his
Deputies to search
vessels and seize
prohibited arti-
cles,

writing and under oath before the said Treas-
urer or his Deputy as aforesaid, which oath
the said Treasurer and his Deputies respec-
tively are hereby authorised and required to
administer of the articles so purchased as
aforesaid, and the Duties aforesaid arising
thereon shall at the same time be paid or se-
cured to be paid in the same manner and
under the same regulations, as are made and
prescribed respecting the Duties imposed by
an Act made and passed in this Session, in-
titled "An Act for raising a Revenue in
this Province;" and in case of refusal and
neglect so to make report and entry of such
articles so purchased, the same are hereby
declared forfeited and shall and may be
searched for, seized, condemned, sold and
applied in the same manner as is prescribed
in and by the third Section of the said herein
before recited Act; and if such articles or
any part thereof cannot be found, then the
purchasers thereof shall forfeit and pay the
sum of *one hundred pounds*, to be recovered
and applied in the same manner and to the
same uses as is provided in and by the same
third Section of the said herein before recited
Act.

III. *And be it further enacted*, That it shall
and may be lawful for the said Treasurer or
his Deputies respectively, at all times to en-
ter on board any ship or vessel arriving in
this Province, and to examine and search
throughout the same for prohibited articles,
and there to seize and from thence to carry
away all such prohibited articles; and being
authorised

authorised by Writ of Assistance under the Seal of His Majesty's Supreme Court, or of the Inferior Court of Common Pleas of the County in which the prohibited articles shall be found, which Writ the proper Officers of the said Courts are hereby authorised and required to issue upon the allowance or fiat of one of the Justices of the said Courts, to be filed together with the Affidavit upon which the same is grounded, to take the High Sheriff in person or his Deputy, or any Coroner of the County, and in the day time to enter and go into any House, Store, Warehouse or Out-house, and in case of resistance to break open doors, and open and examine Casks, Chests or other Packages, and there to seize and from thence to carry away any prohibited articles whatsoever which shall have been landed from any Ship, Vessel or Boat, or otherways imported contrary to the provisions and the true intent and meaning of any Act or Acts of Parliament in that behalf made.

and with a Writ of assistance,

to enter any House Store, &c. and in case of resistance to break open packages, &c. and seize prohibited articles landed from any ship or boat.

IV. *And be it further enacted,* That if any prohibited goods shall be seized by virtue and in pursuance of this Act, and any dispute shall arise whether the same have been lawfully imported, then and in such case the proof thereof shall lie upon the owner or claimant of such goods, and not upon the Treasurer or his Deputy who shall seize or stop the same, any Law, usage or custom to the contrary notwithstanding.

In case of dispute, proof shall lie upon the claimant or owner of the goods.

V. *And be it further enacted,* That this Act shall be and continue in force until the first day

Limitation of this Act.

day of April, which shall be in the Year of our Lord, one thousand eight hundred and ten, and no longer.

VI. *And be it further enacted,* That this Act shall not be in force, before His Majesty's Royal approbation shall be had thereon.

Not to be in force till approved by His Majesty.

This Act was "confirmed, finally enacted and ratified by an Order of His Majesty in Council, dated the 26th day of August; 1807."

See further--- 50 Geo. 3, c. 10.

54 Geo. 3, c. 1.

Anno Regni GEORGII III.
Britanniarum Regis.
Quadragesimo 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 eight hundred and three, in the forty-third year of the Reign of our said Sovereign Lord GEORGE the Third, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, King, Defender of the Faith, &c. and from thence continued by several Prorogations, to Tuesday the fifth day of July, one thousand eight hundred and eight; being the fourth Session of the fourth General Assembly convened in the said Province.

CAP. I.

An Act for the greater security of this Province, by the better regulating the Militia thereof. Passed the 30th of July, 1808.
[Repealed.]

CAP. II.

An Act for making Process in Courts of Equity effectual against Persons who reside out of this Province and cannot be served therewith. Passed the 30th of July, 1808.

Preamble.

WHEREAS sometimes persons have withdrawn themselves out of the limits of this Province, and thereby rendered it impracticable to serve them with Process for their appearance in the Court of Chancery of this Province; for remedy of the inconveniences thence ensuing---

Defendant not appearing to Subpœna or other process,

I. Be it enacted by the President, Council and Assembly, That if in any suit which hath been or hereafter shall be commenced in the said Court of Chancery, any defendant or defendants against whom any Subpœna or other Process shall issue, shall not cause his, her or their appearance to be entered upon such Process within such time and in such manner as according to the rules of the Court the same ought to have been entered in case such Process had been duly served, and an affidavit or affidavits shall be made to the satisfaction of the said Court, that such defendant or defendants is or are out of the limits of this Province, or that upon inquiry at his, her or their usual place of abode, he, she or they could not be found so as to be served with such Process, and that there is full ground to believe that such defendant or defendants is or are gone out of this Province, or otherwise abscond to avoid being served with the Process of the said Court,

and affidavit made that such defendant is out of the Province or cannot be found.

OR

or that such defendant or defendants departed from this Province after the cause of action upon which such suit hath been or shall be commenced, accrued, and have or hath not resided within this Province for the term of twelve months next preceding the commencement of such suit; or that the Heirs, Executors or Administrators of any person dying in this Province, or of any person who shall have so absented him or herself from this Province, in cases in which such Heirs, Executors or Administrators may be made defendant or defendants in such suit, reside without the limits of this Province, then and in such case the said Court may make an order directing and appointing such defendant or defendants to appear at a certain day therein to be named, and a copy of such order shall within fourteen days after such order made, be inserted in the Royal Gazette, published by the King's Printer in this Province, and shall continue to be inserted in the same Gazette for the space of three months thence next ensuing; and also a copy of such order shall within the time aforesaid of fourteen days, be posted in some public place in the Town or Parish in which such defendant or defendants last dwelt within this Province; and if such defendant or defendants do not appear within the time limited by such order or within such further time as the Court shall appoint, then on proof made of such publication of such order as aforesaid, the Court being satisfied of the truth thereof, may order the plaintiff's Bill

or that the Heirs, Executors or Administrators of persons dying within or absenting themselves from the Province, reside without the limits thereof,

the Court may make an order for defendant's appearance,

which shall be published in the Royal Gazette,

and also posted up in the Parish where the defendant last dwelt;

if defendant do not appear, the Court may order the plaintiff's bill to be taken pro confesso, and make such decree thereon as shall be thought just, and issue process to compel performance,

to

to be taken *pro confesso*, and make such decree thereon as shall be thought just, and may thereupon issue process to compel the performance of such decree, either by an immediate sequestration of the real and personal estate and effects of the party so absenting, if any such can be found, or such part thereof as may be sufficient to satisfy the demands of the plaintiff or plaintiffs in such suit, or by causing possession of the estate or effects demanded by the Bill to be delivered to the plaintiff or plaintiffs, or otherwise as the nature of the case shall require; and the said Court may likewise order such plaintiff or plaintiffs to be paid and satisfied his, her or their demands out of the estate or effects so sequestered according to the true intent and meaning of such decree, such plaintiff or plaintiffs first giving sufficient security in such sum as the Court shall think proper to abide such order, touching the restitution of such estate or effects as the Court shall think proper to make, concerning the same upon the defendant or defendants appearance to defend such suit, and paying such costs to the plaintiff or plaintiffs as the Court shall order; but in case the plaintiff or plaintiffs shall refuse or neglect to give such security as aforesaid, then the said Court shall order the estate or effects so sequestered or whereof possession shall be decreed to be delivered, to remain under the direction of the Court, either by appointing a receiver thereof or otherwise as to such Court shall seem meet, until the appearance

of

and may order the plaintiff's demand to be paid upon security given to abide such order, touching restitution as the Court shall make upon the defendant's appearance and paying costs;

if no security given, the estate and effects of defendant to remain under the direction of the Court

of the defendant or defendants to defend such suit, and his, her or their paying such costs to the plaintiff or plaintiffs as the said Court shall think reasonable, or until such order shall be made therein as the Court shall think just.

II. *Provided always*, That if any decree shall be made in pursuance of this Act against any person or persons being out of this Province or absconding in manner aforesaid at the time such decree is pronounced, and such person or persons shall within three years after the making of such decree, return or become publicly visible, then and in such case he, she or they shall be served with a copy of such decree within a reasonable time after his, her or their return or public appearance shall be known to the plaintiff or plaintiffs; and in case any defendant against whom such decree shall be made, shall, within three years after the making of such decree, happen to die before his or her return into this Province or appearing openly as aforesaid, or before his or her being served with a copy of such decree, then his or her Heir, if such defendant shall have any real estate sequestered or whereof possession shall have been delivered to the plaintiff or plaintiffs, and such Heir may be found, or if such Heir shall be a feme covert, infant, or non compos mentis, the husband, guardian or committee of such Heir respectively, or if the personal estate of such defendant be sequestered or possession thereof delivered to the plaintiff or plaintiffs, then his or her Executor or Ad-
 ministrator

Persons absent or absconding, against whom any decree is made returning within three years, or the legal representatives of persons dying before their return, to be served with a copy of such decree.

ministrator (if any such there be) may and shall be served with a copy of such decree, within a reasonable time after it shall be known to the plaintiff or plaintiffs that the defendant is dead, and who is his or her Heir, Executor or Administrator, or where he, she or they respectively may be served therewith.

Persons served with a copy of the decree, not appearing within six months, the decree to be confirmed.

II. *Provided always,* That if any person or persons so served with a copy of such decree, shall not within six months after such service, appear and petition to have the said cause reheard, such decree so made as aforesaid, shall stand absolutely confirmed against the person and persons so served with a copy thereof, his, her or their respective Heirs, Executors and Administrators, and all persons claiming or to claim by, from or under him, her or them or any of them, by virtue of any Act done or to be done subsequent to the commencement of such suit.

Persons appearing within six months after service of copy of decree or in three years after making thereof, and paying costs may answer the bill in like manner as if no decree had been made.

IV. *Provided nevertheless,* That if any person so served with a copy of such decree, shall within six months after such service, or if any person not being so served shall within three years next after the making of such decree, appear in Court and petition to be heard with respect to the matter of such decree, and shall pay down or give security for payment of such costs as the Court shall think reasonable in that behalf, the person or persons so petitioning his, her or their respective Representatives, or any person or persons claiming under him, her or them respectively by virtue of any Act done before

fore the commencement of the suit, may be admitted to answer the Bill exhibited, and issue may be joined, and witnesses on both sides examined, and such other proceedings, decree and execution may be had thereon as there might have been in case the same party had originally appeared and the proceedings had then been newly begun, or as if no former decree or proceedings had been in the same cause.

V. *Provided nevertheless, and be it further enacted,* That if any person or persons against whom such decree shall be made, his, her or their Heirs, Executors or Administrators shall not within three years next after the making of such decree, appear and petition to have the cause reheard, and pay down or give security for payment of such costs as the Court shall think reasonable in that behalf; such decree made as aforesaid shall stand absolutely confirmed against the person and persons against whom such decree shall be made, his, her and their Heirs, Executors and Administrators, and against all persons claiming or to claim by, from or under him, her or them or any of them by virtue of any Act done or to be done subsequent to the commencement of such suit; and at the end of such three years it shall and may be lawful for the Court to make such further order as shall be just and reasonable according to the circumstances of the case.

For want of appearance within three years and payment of costs, the decree confirmed and the Court may make such further order as shall be just.

CAP. III.

An Act to alter and amend an Act, intituled
 “ An Act for regulating Marriage and Di-
 vorce, and for preventing and punishing
 Incest, Adultery and Fornication.” Pas-
 sed the 30th of July, 1808.

Refer to 31 Geo.
3, c. 5.

Preamble.

WHEREAS in and by an Act made
 and passed in the thirty-first year
 of His Majesty's Reign, intituled “ An Act
 “ for regulating Marriage and Divorce, and
 “ for preventing and punishing Incest, Adul-
 “ tery and Fornication,” it is enacted that
 the fixed and stated Terms of holding the
 Court of Governor and Council for the pur-
 poses and causes therein mentioned, shall be;
 and commence on the first Tuesday in Fe-
 bruary, and the third Tuesday in July in each
 and every year: And whereas it is expedi-
 ent to alter the commencement of one of the
 said Terms.

I. *Be it therefore enacted by the President,
 Council and Assembly, That from and after
 the first day of January next, the fixed and
 stated Terms of holding the said Court of
 Governor and Council for the purposes and
 causes in the said herein before recited Act
 mentioned, shall be, and commence on the
 first Tuesday in February, and the first Tues-
 day in July in each and every year, any thing
 in the said herein before recited Act to the
 contrary thereof in any wise notwithstand-
 ing.*

July Term alter-
ed.

Every thing in for-
mer Act not here-
by altered, to con-
tinue in force.

II. *And be it further enacted, That every
 clause, matter, and thing in the said herein
 before recited Act contained, not hereby al-
 tered*

tered, shall be and remain in full force, any thing herein before contained to the contrary thereof in any wise notwithstanding.

See further---52 Geo. 3, c. 2.

CAP. IV.

An Act to make more effectual provision for repairing the Aboideau or Bridge across the Marsh Creek in the City and County of Saint John. Passed the 30th of July, 1808. *[Repealed.]*

CAP. V.

An Act to continue an Act, intituled "An Act for raising a Revenue in this Province." Passed the 30th of July, 1808.

Refer to 47 Geo. 3, c. 10.

BE it enacted by the President, Council and Assembly, That an Act passed in the forty-seventh year of His Majesty's Reign, intituled "An Act for raising a Revenue in this Province," be and the same is hereby continued to the first day of April, in the year of our Lord one thousand eight hundred and ten.

Continued to 1st April, 1810.

See further---50 Geo. 3, c. 14,

CAP. VI.

An Act to appropriate the Public Revenue. Passed the 30th of July, 1808.

[Expired.]

Anno Regni GEORGII III.
 Britanniarum Regis.
 Quinquagesimo.

AT the General Assembly of the Province of New-Brunswick, begun and holden at Fredericton, on the twenty-seventh day of January, in the year of our Lord one thousand eight hundred and ten, in the fiftieth year of the Reign of our said Sovereign Lord GEORGE the Third, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, King, Defender of the Faith, &c. being the first Session of the fifth General Assembly convened in the said Province.

CAP. I.

An Act to authorise the Sheriff or other Executive Officer serving process at the Parish of Saint Martin's, to convey any Prisoner there arrested to the Gaol in the City of Saint John, by way of the public Road leading through a part of King's County. Passed the 14th of March, 1810.

WHEREAS the only communication by land between the City of *Saint John*, where the Gaol of the City and County of *Saint John* is, and the Parish of *Saint Martin's* in the same County, is by the public Road from the said City to the said Pa-
 rish

rish, which passes through a part of King's County, by means whereof no prisoner arrested at the said Parish, can legally be conveyed to the said Gaol in any other way than by water, which may be at times more dangerous and inconvenient, as well as more expensive than by the said public Road; for remedy whereof,

I. *BE it enacted by the President, Council and Assembly,* That any person or persons who may be legally arrested at the said Parish of *Saint Martin's* upon any process, civil or criminal, may be conveyed from thence to the City of *Saint John*, to be committed to the said Gaol there, or for other legal purposes by the way of the said public Road, which passes as aforesaid, through a part of King's County, from the said Parish to the said City, as such prisoner or prisoners might have been conveyed in case the said public Road passed through the County of *Saint John*, only. *Provided*, that in the conveying of any such prisoner or prisoners, no other deviation shall take place than resorting to such house or houses upon or near to the said Road as may be requisite for rest or refreshment.

Prisoners arrested at Saint Martin's, may be conveyed to Saint John, by the Road leading through a part of King's County.

CAP. II.

An Act for making further provisions to prevent the destroying and murdering of Bastard Children, and for the further prevention of the malicious using of means to procure the miscarriage of women.---
Passed the 14th of March, 1810.

Preamble.

WHEREAS it is expedient to make further provisions by Law, for the prevention and punishment of the offences of destroying and murdering Bastard Children, and of the malicious using of means to procure the miscarriage of Women.

Trials of Women charged with murder of bastard issue of their bodies to be similar to other trials for murder.

I. *Be it enacted by the President, Council and Assembly,* That the Trials of Women charged with the Murder of any issue of their Bodies, male or female, which, being born alive, would by Law be bastard, shall proceed and be governed by such and the like rules of evidence and of presumption as are by Law used, and allowed to take place in respect to other Trials for Murder, any Law, usage or custom to the contrary thereof in any wise notwithstanding.

Jury may find, if it shall so appear in evidence, that the prisoner was delivered of issue, which, if born alive, would have been bastard, and endeavored to conceal the birth.

II. *Provided always, and be it enacted,* That it shall and may be lawful for the Jury by whose verdict any prisoner charged with such Murder as aforesaid, shall be acquitted, to find, in case it shall so appear in evidence, that the prisoner was delivered of Issue of her Body, male or female, which, if born alive, would have been bastard, and that she did, by secret burying or otherwise, endeavor to conceal the birth thereof, and thereupon it shall be lawful for the Court, before
which

which such prisoner shall have been tried, to adjudge that such prisoner shall be committed to the common Gaol or House of Correction for any time not exceeding two years.

Prisoner in such case shall be committed to gaol, not exceeding two years.

III. *And be it further enacted,* That if any person or persons shall wilfully, maliciously, and unlawfully administer to, or cause to be administered to, or taken by any Woman, then being quick with Child, any deadly poison, or other noxious and destructive substance or thing, with intent such Woman thereby to murder, or thereby to cause and procure the miscarriage of such Woman then being quick with Child, that then, and in every such case, the person or persons so offending, his, her or their counsellors, aiders and abettors, knowing of and privy to such offence, shall be, and are hereby declared to be Felons, and shall suffer death as in cases of Felony, without benefit of Clergy.

Using means to murder, or to procure the miscarriage of a woman quick with child, Felony without benefit of clergy.

IV. *And Whereas,* It may sometimes happen that poison or some other noxious and destructive substance or thing may be given, or other means used, with intent to procure miscarriage or abortion, where the Woman may not be quick with Child at the time, or it may not be proved that she was quick with Child: *Be it therefore further enacted,* That if any person or persons shall wilfully and maliciously administer to, or cause to be administered to, or taken by any Woman, any Medicine, Drug or other substance or thing whatsoever, or shall use or employ or cause or procure to be used or employed, any instrument

Using means to procure miscarriage of a woman not quick with child, made Felony.

strument or other means whatsoever, with intent thereby to cause or procure the miscarriage of any Woman not being, or not being proved to be quick with Child at the time of administering such things or using such means, that then, and in every such case, the person or persons so offending, his, her or their counsellors, aiders and abettors, knowing of and privy to such offence, shall be and are hereby declared to be guilty of Felony, and shall be liable to be fined, imprisoned, set in and upon the Pillory, publicly or privately whipped, or to suffer one or more of the said punishments at the discretion of the Court, before which such offender or offenders shall be tried and convicted.

How punished.

CAP. III.

An Act to revive, continue and amend “ An Act for the better securing the Navigation of Passamaquoddy Bay, within Deer Island.” Passed the 14th of March, 1810.

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*,” has been found insufficient for the purposes intended by the said Act. And whereas it is necessary for the greater security and conveniency of said Navigation, that a Beacon be erected on the reef of rocks on the Western side of *Saint Andrew’s* harbour, that the depth of water on the Bar on the Western side of said harbour

Preamble.

bour should be increased, and a Slip built in said harbour, and that further provisions should be made for defraying the expence of such improvements, and likewise for replacing and repairing the same as well as the Buoys and Beacons already erected, as they may be injured or carried away by ice, gales of wind or other accidents.

I. *Be it therefore enacted by the President, Council and Assembly,* That it shall and may be lawful for such Commissioners, or the major part of them, as His Honor the President shall appoint, to erect a Beacon on the reef of rocks on the Western side of *St. Andrew's* harbour, to widen and deepen the channel of the Bar on the Western side of said harbour, in such manner as to increase the depth of the channel on said bar at high water, that vessels of a large draught of water may more easily and safely come into, or sail from that harbour, and likewise to build a Slip in said harbour.

Commissioners to erect a Beacon on the Reef of Rocks on the western side of Saint Andrew's Harbour, and deepen the Channel of the Bar

and to build a Slip

II. *And be it further enacted,* That from and after the time it shall be certified under the hands of the Justices of the Common Pleas, or the major part of them, to the Deputy Treasurer of the said County, that the said Beacon is erected, and the channel on said bar widened and deepened; there be and hereby is granted to His Majesty, his heirs and successors, for defraying the expence of such improvements, and for replacing and keeping the same in repair, as well as the Buoys and Beacons already erected, so often as they may be carried away or injured; an

After the said Beacon shall be erected and the Channel deepened, an additional duty of one-half-penny per ton to be paid for all vessels other than coasters, for each time they arrive within Deer Island.

additional tonnage duty of *one half-penny* per ton on all inward bound vessels (coasting craft excepted) entering *Passamaquoddy Bay* within *Deer Island*, for every ton they respectively admeasure agreeably to register, for each time they arrive in *Passamaquoddy Bay* within *Deer Island* aforesaid.

Duties to be collected, applied and accounted for, as directed by the former Act.

III. *And be it further enacted*, That the said tonnage duty hereby granted, shall be collected, applied and accounted for in the same manner and under the same regulations and penalties as the tonnage duty granted in and by the herein before recited Act.

Ten per cent. allowed for collecting.

IV. *And be it further enacted*, That ten per cent. shall be allowed for collecting the said tonnage duty instead of five per cent. the sum allowed in and by the fifth section of the herein before recited Act.

Former Act revived with this Act for ten years.

V. *And be it further enacted*, That the said herein before recited Act, and every part thereof not hereby altered, shall be revived and continue, and together with this Act, be in full force for the term of ten years and no longer.

CAP. IV.

An Act to continue for a limited time 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." Passed the 14th of March, 1810.

BE it enacted by the President, Council and Assembly, That an Act made and passed in the thirty-ninth year of His Majesty's Reign

Reign, intituled “ An Act for regulating the
 “ Fisheries in the County of Northumber-
 “ land,” be continued; and the said Act and
 every clause, matter and thing therein con-
 tained, is hereby continued and declared to
 be in full force for ten years, and from thence
 to the end of the then next Session of the
 General Assembly and no longer.

Continued for ten
 years.

See further---56 Geo. 3, c. 3.

CAP. V.

An Act for the better security of the Navi-
 gation of certain Harbours in the County
 of Northumberland. Passed the 14th of
 March, 1810.

WHEREAS for the greater safety and
 conveniency of the Navigation of
 the Bay and Harbours of *Miramichi, Buc-*
touche, Richibucto and Cocagne, it is necessa-
 ry that Beacons or Buoys be erected in said
 Bays and Harbours, and that provision be
 made for defraying such expences as may be
 incurred in erecting, repairing and replacing
 such Beacons or Buoys.

Preamble.

I. *Be it therefore enacted by the President,*
Council and Assembly, That it shall and may
 be lawful for such Commissioners as His
 Honor the President or Commander in Chief
 for the time being shall appoint, or the ma-
 jor part of them, to cause to be erected in
 said Bays and Harbours, such a number of
 Beacons and Buoys as they or the major part
 of them, shall think necessary for the safety
 and conveniency of the navigation of the
 same.

Commissioners to
 cause Beacons and
 Buoys to be erect-
 ed

When the Beacons or Buoys shall be erected, a half-penny per ton granted on all vessels other than coasters, for defraying the expence.

II. *And be it further enacted,* That so soon as the said Beacons or Buoys shall be erected, and the same certified to the satisfaction of the Commissioners, or major part of them, to be appointed in manner herein before mentioned, there be and hereby is granted unto His Majesty, his heirs and successors, for defraying such expences as may be incurred in erecting, repairing, or replacing such Beacons or Buoys, that is to say, on all vessels entering the Bay and Harbours of *Miramichi, Buctouche, Richibucto and Cocagne,* the tonnage duties herein after mentioned, to wit, on all vessels, (coasting craft excepted,) *one half-penny* for each and every ton such vessels admeasure per Register, for each and every time such vessel or vessels arrive in any of the said Harbours.

Duties to be collected by the Deputy Province Treasurer, or by persons to be appointed by him, who shall render an account on oath to the Commissioners when required, of all sums received, deducting ten per cent for collecting.

III. *And be it further enacted,* That the tonnage duties herein imposed shall be collected by the Deputy Province Treasurer for the County of *Northumberland,* or such person or persons as he may appoint for that purpose, and that the said Commissioners shall have full power and authority to call upon the said Deputy Province Treasurer and the persons to be appointed by him as aforesaid, for such sum and sums of money as they shall from time to time respectively have collected; an account of which sum, so to be collected by the persons to be appointed by the said Deputy Province Treasurer as aforesaid, shall be by them respectively, when called upon as aforesaid, rendered upon oath to the said Commissioners, deducting

ducting from the amount collected ten per cent. which it shall be lawful for such Deputy Province Treasurer to retain for his trouble in collecting the same.

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, or such person as he may appoint for said County or place, and pay to him such tonnage duties as are herein before imposed within five days after his arrival, shall forfeit and pay for such neglect the sum of *three pounds*, to be sued for by the said Deputy Province Treasurer or other person authorised to receive the same, and recovered before any one of His Majesty's Justices of the Peace, and applied for the purpose of erecting, repairing, and replacing such Beacons and Buoys.

Masters of vessels neglecting or refusing to call and pay duties, to forfeit £3 to be recovered by the Deputy Province Treasurer before a Justice of the Peace.

V. *And be it further enacted,* That the Commissioners to be appointed in pursuance of this Act, shall at the first Court of General Sessions of the Peace, held in the County of *Northumberland*, in each and every year, render an account yearly of the monies from time to time received and expended in pursuance of this Act, the balance if any to be applied by the said Commissioners, or the major part of them, for the purpose of further improving the navigation of said Bays and Harbours.

Commissioners to account annually at the first Court of General Sessions for monies received and expended,

balance to be applied for further improving the Navigation.

VI. *And be it further enacted,* That if any person or persons shall take away, destroy, deface or remove any of the said Beacons or Buoys, such offender or offenders shall on

Penalty of £5 for removing or injuring the Beacons or Buoys to be recovered before a Justice of the Peace;

due

on failure of payment or for want of goods whereon to levy; offender to be committed to gaol not exceeding one month

due conviction thereof by the oath of one or more credible witness or witnesses before any one of His Majesty's Justices of the Peace, forfeit and pay the sum of *five pounds*, to be recovered and applied as aforesaid, and on failure of the payment thereof, or want of goods and chattels whereon to levy; such offender or offenders shall be committed by such Justice to the County Gaol for a space of time not exceeding one month.

VII. *And be it further enacted*, That this Act shall be and continue in force for the term of five years and no longer.

Continued for 4 years by 54 Geo. 3, c. 3.

Limitation.

CAP. VI.

An Act for regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways, within the several Towns and Parishes in this Province. Passed the 14th of March, 1810.

Commissioners & Surveyors appointed by virtue of former Acts to continue till others shall be appointed and sworn.

I. ***BE*** it enacted by the President, Council and Assembly, That the Commissioners and Surveyors already appointed by virtue of any Act now in force for laying out Highways, Roads and Streets, shall continue in their respective 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 three fit persons to be Commissioners to lay out and regulate Highways, Roads and Streets in the Town or Parish for
which

Three Commissioners and a competent number of Surveyors to be appointed in each

which they shall be so appointed, and the said Justices at the same time shall appoint a competent number of fit persons to be Surveyors of the said Highways, Roads and Streets in each Town or Parish, who are to oversee and repair in the manner herein after directed, the several Highways, Public Roads and Streets 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 *five 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. *Provided always and be it further enacted*, That in case of the death or removal or other incapacity of any person so appointed and sworn, or of the neglect or refusal of any person so appointed to accept of the said office, it shall be lawful for the three Justices in or nearest to the Parish for which such per-

Parish, to oversee and repair the Highways,

to be sworn to the faithful discharge of their duty,

for refusal or neglect of duty to forfeit £5 to be recovered before two Justices.

In cases of vacancy other persons to be appointed and liable to the same penalty for neglect or refusal.

son was appointed, or for the Justices at the general or any special Sessions of the Peace to appoint another in his stead; and that such person so appointed, shall be liable to the same penalty for refusing to qualify within fourteen days after being notified of the same appointment, or for neglect or refusal to do the duty after being qualified as is herein before provided for the persons to be first appointed and so *toties quoties*.

II. *And be it further enacted*, That the Commissioners or the major part of them, in the respective Towns or Parishes for which they shall be appointed Commissioners, are hereby empowered and authorised 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 Highways, Roads and Streets 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 Highways, Roads and Streets lie, to be summoned by the High Sheriff, his Deputy, or any Constable in 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 Highways, Roads or Streets lie, then the said Commissioners shall alter the same, and the said

Commissioners may lay out Highways and alter 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

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 said Justices.---
Provided always, that nothing in this clause shall extend to prevent the Commissioners from altering any Highways or Roads with the consent of the inhabitants of such Parish, without the necessity of summoning such Jury: The said inhabitants to be notified in writing by the Commissioners one month previous to any alteration whatever, in three of the most public places of such Parish aforesaid.

with the consent of the Inhabitants of the Parish with out such jury.

III. *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 Public Road by laying timber, wood, carts, trucks or any thing 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 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,

Persons altering, stopping up, or encroaching on any Street or Highway, to forfeit for every offence forty shillings.

the same shall be recovered by the sale of so much of the Timber or Wood, and the Carts and Trucks or other things incumbering or stopping up such Highways, Roads or Streets 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 forfeiture 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 the Public Roads, Highways or Streets 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.

IV. *And be it further enacted,* That the width of all Highways or 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 Highways or Roads may be laid out, so that they do not exceed in breadth six rods, and are not less than two rods.

V. *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 all male inhabitants of the age of sixteen years and upwards (except as herein after mentioned) shall either in person or by able sufficient men in their stead in each and every year, provided with such necessary implements

Width of Roads to be not more than six nor less than two rods.

Inhabitants of the age of sixteen years and upwards to work six days in the Parishes where they dwell, excepting those under twenty-one years, apprentices and hi-

implements as shall be directed by the respective Surveyors, work six days (allowing eight hours to each days work) on the said Highways, Roads, Streets and Bridges within the Town or Parish where they respectively dwell. *Provided always*, that Persons above sixteen and under twenty-one years of age, apprentices and hired servants, shall be obliged to work three days and no more, common labourers and journeymen 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 at their discretion, lessen the number of days labour to be performed by any indigent person.

red servants who are to work three days, and common labourers & journeymen mechanics, are to work four days.

Justices may lessen the labour of indigent persons.

VI. *And be it further enacted*, That the Commissioners in each Town or Parish for the time being, shall by the first day of May 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 Surveyors in their respective districts with a list of such inhabitants; and the number of days work so to be done by each, and shall within fifteen days 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 May, unless they produce a certificate of their having performed their

Commissioners by the first of May to publish lists of Inhabitants in their Parishes with the number of days labour to be performed,

and within fifteen days direct Surveyors at what place the work shall be done.

Persons coming to the Parish after the first of May to be added to the list.

their respective proportions of labour in some other Town or Parish.

Commissioners
may receive four
shillings per day
in lieu of labour,

the money to be
laid out on the
Highways, &c.

VII. *And be it further enacted,* That if any persons in such list named, prefer paying money to doing such labour, it shall and may be lawful for such Commissioners to take and receive from such persons, the sum of *four shillings* per day for each days labour required to be done by them; and the monies which may be paid in lieu of such labour, 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 Highways, Streets, Roads 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.

Surveyors to sum-
mon Inhabitants
between first of
May and first of
November, giving
six days notice, to
work on the
Roads, and to
oversee the work,

and if necessary
may call out carts,
ploughs, &c.
which with two
oxen or horses to
be equal to two
days labour.

VIII. *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 persons 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 waggons, carts, trucks, ploughs or harrows more necessary than the labour of men, in that case
he

he may call on any person within his district keeping any waggon, cart, truck, plough or harrow with two oxen or two horses, which waggon, cart, truck, plough or harrow, with two oxen or two horses, with a competent driver, shall be equal to two days labour, and such Surveyors of Highways shall be excused from any other service on the Highways than the summoning, ordering and directing thereof.

IX. *And be it further enacted,* That if any person or persons when so summoned to labour as aforesaid by the Surveyors of their respective districts, shall neglect or refuse to appear and labour agreeably to such summons, it shall be the duty of such Surveyor, forthwith to make report of such delinquency to some one of the Commissioners, who shall without delay make complaint to a Justice of the Peace, against every such delinquent, which Justice shall on conviction, adjudge every such delinquent to pay the sum of *four shillings* for every day he has so neglected to appear and labour, together with costs of suit to be levied by warrant of distress and sale of such offenders goods and chattels under the hand and seal of such Justice, directed to any Constable in the Town or Parish to which such offender may belong, 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; and if any person who shall appear agreeably to such summons and being under the direction of such Surveyor, shall refuse or neglect to work, or shall

Persons neglecting or refusing to labour agreeably to summons, to forfeit four shillings for every day's neglect or refusal, to be recovered on complaint of a Commissioner before a Justice of the Peace,

and levied with costs by warrant of distress and sale

and for want of goods, the offender to be imprisoned not more than six days.

Persons not working to the satisfaction of the Surveyor, to be dismissed and proceeded against in like manner.

shall not work in such manner as to satisfy such Surveyor, he is hereby empowered to dismiss such person from the work, and shall forthwith make complaint against him to some one of the Commissioners, who shall immediately proceed against him in the same manner as is herein before directed to be done against persons neglecting to appear and labour after being duly summoned, and the person so dismissed by such Surveyor, for such delinquency, shall be adjudged to pay the sum of *four shillings* for every day he shall have neglected or refused to work to the satisfaction of such Surveyor agreeably to such summons, or be liable to imprisonment not exceeding six days in the manner herein before mentioned.

X. *And be it further enacted,* That in case any person keeping any waggon, cart, truck, plough or harrow with two oxen or two horses when called upon as aforesaid by such Surveyor, shall refuse or neglect to furnish such waggon, cart, truck, plough or harrow, with two oxen or two horses, with a competent driver, agreeably to such direction of such Surveyor, it shall in like manner be the duty of such Surveyor forthwith to make complaint of such offender last mentioned, to some one of the Commissioners, who shall immediately proceed against him in the same manner as is directed in the last preceding section, and such offender last mentioned shall be adjudged to pay the sum of *eight shillings* for every day he shall so have neglected or refused to furnish such waggon, cart, truck, plough or harrow, with two oxen
or

Persons refusing to furnish carts, &c. and teams, to forfeit eight shillings per day, to be recovered in the manner directed by the last preceding Section.

or two horses, with a competent driver, agreeably to such direction of such Surveyor, or be liable to imprisonment, not exceeding six days in the manner in the same Section mentioned. *Provided always*, that if any person shall produce a certificate from any Commissioner appointed by virtue of this Act, that he has in the current year done his tour of labour or any part thereof in any Parish in this Province, he shall be excused from doing such labour or such part thereof that year, as may be so certified in any other Parish.

Persons producing a certificate of having worked in any Parish, to be excused from working in any other Parish.

XI. *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 within three months after such Highway or Road shall be laid out or altered as aforesaid, make a return thereof into the office of the Clerk of the Peace for the County in which such Highways 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 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 the sum of *three pounds* to be recovered and applied as aforesaid.

Returns of Highways to be made to the Clerks of the Peace and by them registered.

Commissioners for refusing or neglect of duty to forfeit £3.

XII. *And whereas*; it may be necessary to lay

Commissioners, if on the oath of twelve Freeholders it shall appear to be necessary, may lay out private Roads,

but not without the consent of the owner of the Land or paying him the value of the Land laid into the Road with the damages to be estimated by agreement, or by the oath of the Freeholders:

Charges for private Roads to be paid by the applicant to whose sole use the Road shall be, unless the owner of the Land shall at the time of estimating the damage signify his intention to use it.

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, the 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 or paying to him or them the value of the land so to be laid out into such Road, 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 expences 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

ascertain the value of the land, and 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.

XIII. *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.

Damages by public Roads through improved Lands being greater than allowance for Roads in the Grant to be estimated by a Jury and paid for as other contingent County charges.

XIV. *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 authorised 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 or carrying bushes, or marking ways; and such person not attending, or re-

Commissioners to order Surveyors to summon inhabitants to mark ways in the snow.

Persons neglecting or refusing to work, forfeit four shillings for each day.

Rivers when frozen made part of the Parishes to which they are opposite for the purposes mentioned in this clause

Teams with competent drivers to be sent when summoned by the Surveyors under the penalty of eight shillings.

Ways to be marked where the Commissioners shall direct, with ever-green bushes and if marks are displaced, Surveyors to summon Inhabitants to replace them.

fusing to perform the said work as directed by the said Surveyors, shall forfeit the sum of *four shillings* for each days 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 for the Towns or Parishes opposite to each other upon any river, are hereby authorised 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.

XV. *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 *eight shillings*.

XVI. *And be it further enacted*, That the said way shall be marked in such place as the said Commissioners shall direct, with ever-green bushes 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

person so offending shall forfeit the sum of *four shillings* for each man and *eight shillings* for each team, for each day so summoned.---

Persons refusing to pay four shillings.

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 labour 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.

Fines to be applied for performing the service.

The work required by this clause to be accounted as part of the work required to be done on the highways.

XVII. *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, 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 witness or witnesses, 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 offender or offenders shall be imprisoned for a time not exceeding six days.

Penalty of 20s for destroying the marks to be recovered before a Justice of the Peace and levied by warrant of distress.

XVIII. *And be it further enacted*, That the said Surveyors of the Highways by the direction

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Winter Roads to
be broken in the
snow.

tion 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 Highways, Roads and Bridges, in and by this Act.

Width of sleds to
be four feet eight
inches from out-
side to outside of
the runners, un-
der the penalty of
20s.

XIX. *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 whoever shall make use of any ox or horse sled of less dimensions, and be thereof convicted by the oath of one or more credible witness or witnesses, 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*; 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 man-

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ner with 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.

XX. *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, to be fastened to such sled or sleigh, or to the harness thereof, so as distinctly to be heard, 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.

Sleds and sleighs to be furnished with bells under the penalty of 5s.

XXI. *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 into 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

Commissioners to account to the Courts of Sessions for monies received, under the penalty of £4.

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, repairing, and amending the Roads, Highways, public 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 *Four 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.

Commissioners not required to work. Surveyors to superintend the work six days, and where wanted for a longer time to be paid 5s. per day.

XXII. *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 Surveyors are wanted for a greater number of days, the Commissioners shall pay them at the rate of *five shillings* per day out of the monies voluntarily paid into their hands or collected for fines by virtue of this Act.

Prosecutions for penalties to be brought within six months.

XXIII. *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

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the offence intended to be prosecuted; *Provided nevertheless*, that nothing in this Act shall be construed to extend to prevent those intrusted with public money, by virtue of any of the herein after recited or any other Acts, from being held accountable for all monies so received by them.

XXIV. *And be it further enacted*, 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 and 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 two years, or during the operation of this Act.

Former Laws relating to Highways suspended.

XXV. *And be it further enacted*, That nothing in this Act contained, shall extend to the City of *Saint John*, or be construed to abridge or diminish the rights, powers and privileges of the Mayor, Aldermen and Commonalty of the said City, as granted to them by the Charter of the said City, any thing herein contained to the contrary thereof in any wise notwithstanding.

This Act not to extend to the City of Saint John.

XXVI. *And be it further enacted*, That this

Limitation.

Act shall continue and be in force two years and no longer. *Continued to 1818.*

See 52 Geo. 3. c. 3.

54 Geo. 3. c. 7.

56 Geo. 3. c. 24.

CAP. VII.

An Act to provide for the more easy partition of Lands in co-parcenary, joint-tenancy, and tenancy in common.

Passed the 14th of March, 1810.

WHEREAS the proceedings upon writs of partition between co-parceners, joint-tenants, and tenants in common are tedious, chargeable and often times ineffectual, by reason of the difficulty of discovering the persons and estates of the tenants of the lands, tenements, and hereditaments to be divided, and the defective or dilatory executing and returning of the process of summons, attachment and distress, and other impediments in making and establishing partitions, by reason of which divers persons having undivided parts or purparts may be greatly oppressed and prejudiced, and the premises may be wasted and destroyed, or lie uncultivated and un-manured, so that the profits of the same may totally or in a great measure be lost, for remedy whereof:

Preamble.

The first part of this Section repealed by the 52d Geo. 3. c. 19. §1.

Upon petition of any one or more co-parceners, joint-tenants or tenants in common, the Supreme

I. *Be it enacted by the President, Council and Assembly,* That upon the petition of any one or more co-parceners, joint-tenants, or tenants in common to the Supreme Court, praying a division of the lands in which they may be interested to the proprietors in severalty, according to their respective shares and rights, it

it shall and may be lawful for the said Court to examine the title of the petitioners preferring such petition, and the quantity of their respective parts and purparts, and accordingly as they shall find their respective rights, parts and purparts to be, to award a writ of partition as nearly as may be in the form for that purpose established in the register of judicial writs, and directed to the Sheriffs of the several and respective Counties in this Province, to be executed by them respectively in the presence of two of the Justices of the Peace in their several and respective Counties, in manner following, that is to say, that in assigning the shares in severalty in virtue of such writ of partition, the lands actually occupied and improved shall be set off and assigned to all such proprietors respectively, who shall have so occupied and improved the same to the extent of their several and respective rights and shares therein; and that in assigning the rights to lands unimproved, after division thereof into shares according to the number of grantees in each Grant, Deed, Will, or other conveyance, or of the persons intitled to such lands as co-heirs or co-parceners in any manner whatsoever, each number shall be written on a separate paper, which papers shall be rolled up and placed in a box, from which each grantee present shall, in the order in which he is named in the Parent, Grant, Deed, Will or other conveyance, or by seniority in cases of co-heirs, or co-parceners as aforesaid, draw out one of the said papers in the presence of the Jury summoned by the said Sheriffs respectively by virtue of

Court may examine the title and shares of the petitioners,

and award a writ of partition directed to the Sheriff, to be executed in presence of two Justices of the Peace of the County.

In assigning the shares, the lands actually occupied and improved to be assigned to the proprietors, who shall have occupied and improved the same. Unimproved lands to be divided into shares according to the number of persons intitled, and the numbers to be writteth on separate papers, and drawn for by the grantees in the order in which they are named in the grant, &c. or by seniority in cases of co-heirs or co-parceners, in presence of the jury; the number so drawn to be accordingly assigned.

Sheriffs to give notice to the tenants, or if they cannot be found to the wife, son or daughter (being of age) of the tenant. forty days before the execution of the writ.

If it appear to the Court upon the return of the writ, by affidavit, that persons so notified neglected to appear, judgment shall be given by default against them, and final judgment against those who were present.

If the persons against whom judgment shall be given by default, do not at the term next after being notified of the judgment, apply to the Court and shew a good and probable matter in bar, judgment to be made final,

such writ; and the number so drawn shall be expressed in the Inquisition to be found by such Jury, and accordingly assigned by such Sheriffs and Justices respectively in their return of such writ of partition, and shall be confirmed by the judgment of the said Court, and the said Sheriffs respectively are hereby required to give due notice to the tenants or occupiers of the lands respectively, or if they cannot be found, to the wife, son or daughter, being of the age of twenty-one years and upwards, of the tenant or tenants, or to the tenant in actual possession, by virtue of any estate of freehold or for term of years, or uncertain interest or at will, of the lands, tenements or hereditaments whereof the partition is demanded, forty days before any such Sheriff shall proceed to execute the said writ of partition, and if it shall appear to the said Court, upon return of any such writ of partition, by the affidavit or affidavits of one or more credible person or persons that such notice shall have been given, and if it shall so appear that any of the persons notified neglected to appear, judgment shall be given by default as against them, and a final judgment for partition shall be given against such persons as were present at the time of executing such writ, and if any persons against whom the judgment shall be so given by default, shall not at the term of the Supreme Court next after serving them respectively with notice of the said judgment, apply to the said Court by motion, and shew a good and probable matter in bar of the said partition, the said judgment by default shall be confirmed, and final

final judgment entered, which shall be good and conclude all persons whatsoever after notice as aforesaid, whatever right or title they may have or may at any time claim to have in any of the lands, tenements and hereditaments mentioned in the said judgment and writ of partition, although all persons concerned may not be named in any of the proceedings, nor the title of the tenants truly set forth.

and conclude all persons after notice.

II. *Provided nevertheless*, That if the tenants or persons concerned, admitting the title, parts and purparts of the petitioners, shall shew to the Court any inequality in the partition, the Court may award a new partition to be made in presence of all persons concerned, if they will appear, notwithstanding the return and filing upon record the former, which said second partition returned and filed shall be good and firm forever against all persons whomsoever, except infants, femmes covert, and persons of non-sane memory, who shall within one year after the respective disabilities shall be determined, be intitled to apply to the said Court, and shew a good and probable matter in bar of the said partition, in which case the said Court may suspend or set aside such judgment, and award a new writ of partition to be executed in presence of all persons concerned, which partition shall be final and conclusive against all persons whatsoever. *Provided*, that all persons absent from the Province may, within one year after such judgment of partition publicly notified in the Royal Gazette three weeks successively, by their Agents or Attornies, apply to the said Court

Tenants concerned, shewing any inequality in the partition. the Court may award a new partition, which shall be good against all persons excepting infants, femmes covert, and persons of non-sane memory, who may have a new partition upon shewing a good and probable matter in bar.

The like relief for persons absent from the Province

Court and shew a good and probable matter against the said partition, in which case the said Court may award such new partition and judgment as aforesaid, which shall conclude such absent persons, and all others claiming and deriving title under such Patents, Grants, Deeds, Wills or other conveyances, or as co-heirs or co-parceners as aforesaid, to the lands of which the said partition shall be made as aforesaid. *Provided likewise*, that in such second writs of partition, no lands that shall have been built upon, ploughed or otherwise improved *bona fide* by the proprietor, intitled under the former judgment of partition, shall be divested out of such proprietor, but that the equality of partition shall be made out of the unimproved lands.

In second partition, no proprietor shall be divested of lands improved under the first partition.

No plea in abatement to be admitted.

Appellant to pay costs where the first judgment is confirmed.

III. *And be it further enacted*, That no plea in abatement shall be admitted or received in any suit for partition, nor shall the same be abated by reason of the death of any tenant, and that in all cases where the former judgment shall upon such application or appeal as aforesaid be confirmed; the person so appealing shall be awarded to pay costs.

Sheriffs, &c. to give due attendance for executing writs of partition,

or be liable to costs and damages not exceeding £5

IV. *And be it further enacted*, That the respective Sheriffs and all Justices of the Peace within their respective Counties, shall give due attendance to the executing of such writ of partition, unless reasonable cause be shewn to the Court upon oath, and there allowed of, or otherwise be liable every of them to pay unto such petitioner or petitioners, such costs and damages as shall be awarded by the Court, not exceeding *Five pounds*, for which such petitioner or petitioners may bring his, her or their

their action in the said Court; and the said Court shall award what each person shall receive, having respect to the distance of the place from their respective habitations, and the time they must necessarily spend about the same, to be assessed, levied, collected and paid in the manner herein after mentioned.

V. *And whereas*, The usual method of executing writs of partition by the Sheriffs summoning the Jury to attend on the lands, in order to view and make division of the same, may be often times attended with an expence equal to or exceeding the value of the premises, and in many cases be very difficult, if not impracticable from the nature, situation, and large extent of the lands to be divided.

Be it further enacted, That it shall and may be lawful for the respective Sheriffs upon receiving any writ of partition for dividing any lands, to proceed to the execution thereof in any place within the County in which the lands shall be, by a Jury of the said County, who shall accordingly make a division of the same agreeably to the bounds expressed in the Patent, Grant, Deed, Will or other conveyance, or otherwise howsoever, and the best information that can be procured of the value, nature and quality of the lands; and such division, so made, shall be as valid and effectual, to all intents and purposes whatsoever, as if the same had been made on the lands to be divided by virtue of such writ. *Provided*, that the said division be made in every respect agreeably to the directions of this Act.

Partition may be made at any place within the County, provided it be done conformably to the provisions of this Act.

VI. *And whereas*, difficulties may arise in the recovery of the charges and expences attending

Charges and expences of partition to be laid before the Supreme Court,

and assessed on the several shares and levied out of the profits of the land or the goods of the proprietor or possessor, and paid to a receiver appointed by the Court.

tending the executing of writs of partition, unless the same be provided for by Law. *Be it further enacted*, that all accounts of charges and expences which may hereafter arise for the obtaining and executing of writs of partition for the division of lands in any County in this Province, until final judgment thereon, together with the charges of Surveying the said lands, and all other incidental expences relative thereto shall be laid before the said Supreme Court, and when the same shall have been allowed by the said Court, two or more persons shall be appointed by the said Court to assess the amount thereof in due proportion on the several shares allotted to each and every proprietor, and the same shall be levied out of the profits and other goods and chattels thereon, or belonging to each proprietor respectively, or to the person in possession of the respective shares or any part thereof, and shall be paid to the person or persons appointed by the said Court to collect and receive the same.

In case of refusal or neglect to pay the assessment, the same to be levied by warrant of distress.

VII. *And be it further enacted*, That if any proprietor or other person in possession of any land allotted and assigned as aforesaid, shall refuse or neglect to pay the sum assessed as his dividend or proportion of the charges aforesaid, it shall and may be lawful for any one of His Majesty's Justices of the Peace, on complaint of the collector and receiver appointed as aforesaid, to issue a warrant of distress and sale of the delinquents goods and chattels, for the recovery of the sum so assessed with the charges of prosecution.

VIII. *And be it further enacted*, That in case

no person be resident on any lands allotted and assigned as aforesaid, nor any goods and chattels thereon; whereout the sum due as aforesaid may be levied, and any non-resident proprietor shall neglect or refuse to pay his or her proportion of any such assessment made as aforesaid, it shall and may be lawful upon the petition of such collector and receiver as aforesaid to the said Supreme Court, setting forth such refusal or neglect, to direct a sale to be made at public auction to the highest bidder, of so much of such non-resident proprietor's lands or timber thereon as shall be sufficient to pay his or her proportion of such assessment, together with the charges arising from such sale, and good and sufficient Deeds of conveyance of the land so sold, to be made and executed, by and in the name of the Sheriff of the County, in which such lands may respectively lie, reasonable means having been previously used by the said Court, according to its discretion, for the ascertaining of such proprietor, and for the enabling him by due notice, to prevent the necessity of such sale, by satisfying the said charges and expences, with the costs attending such inquiry and notice as aforesaid.

If no person be resident on the land or non-resident proprietor do not pay the assessment,

the Supreme Court, upon petition of the receiver, may order a sale of so much of the land or the timber thereon as shall be sufficient to pay the same with the charges,

and deeds to be executed in the name of the Sheriff, reasonable means having been first used to notify the proprietor.

See further---52 Geo. 3. c. 19.

CAP. VIII.

An Act in addition to the Act to prevent the encumbering or filling up of Harbours.

Passed the 14th of March, 1810.

Repealed by 52 Geo. 3. c. 12.

CAP.

CAP. IX.

An Act for better regulating the Militia in this Province.

Passed the 14th of March, 1810.

[*Repealed.*]

CAP. X.

An Act, to continue an Act, intituled "An Act to prevent illicit and clandestine Trade, and for imposing a duty upon articles illegally imported or brought into this Province, to be levied and paid after the condemnation and sale thereof."

Passed the 14th of March, 1810.

The Act continued, is made perpetual by 54 Geo. 3. c. 1.

CAP. XI.

An Act to authorise the Justices of the Sessions in the City and County of Saint John, to levy an assessment for the purpose of repairing and adding to the Gaol of the said City and County.

Passed the 14th of March, 1810.

[*Obsolete.*]

CAP. XII.

Refer to 38 Geo. 3. c. 2. An Act in amendment of the Acts now in force for regulating Seamen.

Passed the 14th of March, 1810.

Preamb'e.

WHEREAS in and by an Act made and passed in the thirty-eighth year of His Majesty's Reign, intituled "An Act in addition to, and in amendment of an Act for the regulation of Seamen: The penalty of *Twenty pounds* is liable to be incurred for the

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the offence mentioned in the second Section of the said Act, but no person is authorised to prosecute for the same.

Be it therefore enacted by the President, Council and Assembly, That it shall be the duty of the Chamberlain of the City of *Saint John*, if the offence shall be therein committed, or the Treasurer of any County where such offence may be committed, to sue for and prosecute for the recovery of the said penalty by action of debt, in the Supreme Court, or the Mayor's Court of the City of *Saint John*, or either of the Inferior Courts of Common Pleas of the several Counties where such offence may be committed, and such Chamberlain or Treasurer is hereby authorised to prosecute for such penalty, and when recovered, to apply the same in manner as in and by the said Act is directed.

Chamberlain of the City of *Saint John*, and the Treasurers of the respective Counties to prosecute for penalties.

CAP. XIII.

An Act to continue and amend an Act, intituled "An Act for regulating Pilots."

Refer to 26. Geo. 3, c. 52.

Passed the 14th of March, 1810.

WHEREAS it has been found that several Pilots appointed by virtue of an Act, made and passed in the twenty-sixth year of His Majesty's Reign, intituled "An Act for regulating Pilots," have refused or neglected to perform the duties required of them by said Act. And whereas no power is given by said Act, to remove or displace such Pilots as may refuse or neglect to perform the duties required of them in and by said Act.

Preamble.

I. *Be it therefore enacted by the President,*
M
Council

The Justices of the Common Pleas on complaint & proof that any Pilot has neglected or refused to perform his duty may displace him and prohibit him from acting as a Pilot.

Council and Assembly, That it shall and may be lawful for the Justices of the Common Pleas, in such Counties where Pilots are, or may be appointed, on complaint and proof before them, that any Pilot has neglected or refused to perform the duties required of him as a Branch Pilot, by virtue of said Act, to displace and remove any Pilot so convicted of neglect or refusal, and to declare him prohibited and restrained from exercising the duties of a Pilot for the port or place to which he was appointed a Pilot.

Former Act continued in force, except wherein it is hereby altered.

II. *And be it further enacted*, That the said Act, and every part thereof, not hereby altered and amended, be and remain in full force and virtue, any thing herein contained to the contrary notwithstanding.

See further---57 Geo. 3, c. 4.

CAP. XIV.

Refer to 47 Geo. 3, c. 10—48 Geo. 3, c. 5.

An Act to continue and amend an Act, intituled “An Act for raising a Revenue in this Province.”

Passed the 14th of March, 1810.

I. **B**E it enacted by the President, Council and Assembly, That an Act made and passed in the forty-seventh year of His Majesty's Reign, intituled “An Act for raising a Revenue “in this Province,” and since continued to the first day of April next; be, and the same is hereby further continued (excepting wherein the same is hereby amended and altered) and declared to be in full force, until the first day of April, which will be in the year of Lord one thousand eight hundred and twelve.

Continued to the first of April, 1812.

II. *And be it further enacted*, That no draw-back

back whatever, on any duties shall be hereafter allowed on any Rum, Wine, Brandy, Gin or brown Sugar, exported from this Province, and landed at any port or place in the United States to the eastward of *Machias* harbour.

No drawback allowed on articles exported and landed to the eastward of *Machias* Harbour.

*See further---*52 Geo. 3, c. 1.
57 Geo. 3, c. 8.

CAP. XV.

An Act for the preservation of Oysters in the Counties of Westmorland and Northumberland.

Passed the 14th of March, 1810.

[*Expired.*]

CAP. XVI.

An Act to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John.

Passed the 14th of March, 1810.

WHEREAS the Mayor, Aldermen and Commonalty of the City of *Saint John*, by the Charter of the said City, ratified by an Act of the General Assembly, are authorised and empowered “to make, lay out, alter, amend and repair the Streets, Highways and Bridges in and throughout the said City, and the vicinity thereof, and also beyond the limits of the said City, or either side thereof, throughout the County of *Saint John*.” And by the same Charter “the Citizens of the said City during the time of their being inhabitants thereof, are not liable to perform any duty without the limits of the said City, except for the laying out
“ Roads

Preamble.

“ Roads and Highways in other parts of the
 “ said City and County, and the working,
 “ clearing, amending and repairing the same.”
 And whereas it is just, equitable and expedi-
 ent, that the Freemen and inhabitants of the
 said City, should do, and perform an equal
 number of days work as the other inhabitants
 of the Province, for the purpose of complet-
 ing and amending the public Roads and
 Bridges. And whereas it is necessary for the
 more perfect discharge of the duties imposed
 upon, and the execution of the powers vested
 in the said Mayor, Aldermen and Commonal-
 ty as aforesaid, that they should be enabled
 to call forth the labour of the inhabitants and
 residents of the several Towns and Parishes
 in the said County, as well as of the freemen,
 inhabitants and residents of the said City:
 And whereas doubts have prevailed as to the
 powers and duties of the said Mayor, Alder-
 men and Commonalty, in the making, laying
 out, clearing and amending the Highways and
 Bridges, in and throughout the said County
 of *Saint John*.

I. *Be it therefore declared and enacted by the
 President, Council and Assembly, That it was,*
 and is the duty of the said Mayor, Aldermen
 and Commonalty, not only to establish, ap-
 point, order and direct the making and laying
 out of all other Streets, Highways and Bridges,
 not made and laid out at the time of granting
 the said Charter, but also to alter, amend and
 repair all such Streets, Highways and Bridges
 before that time made, laid out or used, or
 since that time made, laid out or used, or here-
 after to be made, laid out or used; not only
 in

Duty of the May-
 or, Aldermen, &c.
 to alter, amend &
 repair all Streets,
 Highways and
 Bridges through-
 out the County of
 Saint John.

in and throughout the said City and the vicinity thereof, but also beyond the limits of the said City, or either side thereof, throughout the said County of *Saint John*.

II. *And be it further enacted*, That the inhabitants and residents of the said City and County shall be, and they are hereby made liable, to do and perform an equal number of days labour, in the clearing, maintaining and repairing of the Roads, Highways, Streets and Bridges in and throughout the said City and County, as other inhabitants and residents in the Province, by Law are liable to in their respective Parishes, and be subject to the same fines and penalties, and to the payment of like sums of money, for neglect of duty, to be recovered if within the said City, in the City Court thereof, otherwise before any one of His Majesty's Justices of the Peace, of the said City and County, at the suit of the Surveyors of the respective districts by action of debt, with costs of suit as is established by Law, for the recovery of small debts.

Inhabitants and residents of the City and County of Saint John to perform an equal number of days labour upon the Highways as the other inhabitants in the Province, and be subject to the like fines and penalties for neglect.

III. *And be it further enacted*, That all the Roads, Streets and Highways heretofore laid out, and which are now used as such, and also all public bridges heretofore built, and now used as such, shall be, and the same are hereby deemed and established to be the public Roads, Highways, Streets and Bridges of the said City and County; and shall continue so to be, until the same shall be altered by the Mayor, Aldermen and Commonalty of the said City.

All Roads, &c. heretofore laid out and now used to be deemed public Highways until altered by the Mayor, Aldermen, &c.

IV. *And be it further enacted*, That the said Mayor, Aldermen and Commonalty of the said

Surveyors of the Highways to be annually appointed under the Common Seal, and districts assigned to them,

said City, in Common Council convened, are hereby authorised and required on the third Tuesday in March (or within the next four successive days) in each and every year to appoint by Warrants under the Common Seal of said City, a competent number of fit persons to be Surveyors of the Highways for the said City and County, assigning to each of the said Surveyors in such warrant, the limits of the district within and over which he shall exercise the duties and powers incident to his office, both with respect to the times and places where the work is to be performed, and the persons to be summoned to perform such work; and in case of the refusal of any such person to accept of such office, or in case of any vacancy by death or removal, or other incapacity of any Surveyor to perform the duties of his office, the said Mayor, Aldermen and Commonalty, are authorised and required in like manner to appoint another in his place.

in case of refusal to accept the office, or other vacancy, another person to be appointed.

The Common Clerk to transmit the warrants of appointment to the several Surveyors, who shall within fourteen days after receiving the same be sworn.

V. *And be it further enacted,* That it shall be the duty of the Common Clerk of the said City, immediately after the making of any appointment as aforesaid, to deliver or transmit to the said several Surveyors so appointed, their warrants of appointment, and that each and every person so appointed, shall within fourteen days after receiving the same warrant, be duly sworn to the faithful performance of the duties of his office, before the Mayor, Recorder or either of the Aldermen of the said City or either of His Majesty's Justices of the Peace for the said City and County, which oath they are hereby severally

ly authorised and required to administer, and to indorse a Certificate thereof upon each of the said warrants of appointment.

VI. *And be it further enacted,* That each and every person so to be appointed, who shall neglect or refuse to accept of the office of Surveyor as aforesaid, and to take the oath herein before required within the time limited as aforesaid, or shall neglect or refuse to do and perform any of the duties herein required of him, shall for each and every offence, forfeit and pay the sum of *three pounds*, to be recovered before any one of His Majesty's Justices of the Peace as aforesaid, upon the oath of one or more credible witness or witnesses, and levied with costs of prosecution by warrant of distress and sale of the Goods and Chattels of the persons so offending, and when recovered, to be paid into the hands of the Chamberlain of the said City, to be laid out on the Highways, Streets and Bridges within the said City and County.

VII. *And be it further enacted,* That it shall be the duty of the several Surveyors of Highways within the said City and County, on or before the first day of May in each and every year, to make out and transmit to the Chamberlain of the said City, lists of all persons within their respective districts, who are by Law liable to work upon the Highways, Streets and Bridges, specifying the number of days each person is bound to work, and to add thereto from time to time, the names of any persons who may afterwards come to reside within the same; and to summon the said persons to work and to superintend them, and to
summon

Persons neglecting or refusing to accept the office of Surveyor, and to be sworn, to forfeit £3 to be recovered before a Justice of the Peace,

and paid to the Chamberlain of the City to be laid out on the Highways.

Surveyors by the first of May, to transmit to the Chamberlain lists of persons liable to work on the Highways specifying the number of days,

and to summon the persons to work as directed

by the Law, for regulating Highways in other parts of the Province,

and to receive money paid in lieu of labour and collect fines, and render an account of the same to the Chamberlain, with accounts and vouchers of all monies expended,

and pay over monies remaining in hand.

Surveyors, when directed by the Mayor, &c. to work at any particular place in their districts, or to take persons belonging to their districts into that next adjacent.

summon their teams to work when necessary, in any part of their respective districts, at their discretion in the same manner as is provided in the Laws for regulating and repairing Highways and Bridges in other parts of the Province, and to receive such sums of money as shall be paid in lieu of labour, at the rate established by such Laws, and to recover and collect from all delinquents the fines incurred by them for neglecting or refusing to work when called upon as aforesaid; and by the first day of December in each and every year or sooner if thereunto required by the said Mayor, Aldermen and Commonalty, to render accounts of all sums so received and collected by them respectively, (stating from whom received) to the Chamberlain of the said City, and at the same time render accounts, with vouchers of all monies which they may respectively have expended by order of the said Mayor, Aldermen and Commonalty, upon the said Highways, Streets and Bridges; and at the same time or before if required, pay to the said Chamberlain any monies remaining in their hands.

VIII. *Provided always, and be it further enacted,* That whenever the said Mayor, Aldermen and Commonalty, shall direct any Surveyor to work in a particular part of or any particular place or bridge within his district, or to take any number of persons belonging to his district, out of such district, into the next adjacent district, it shall be the further duty of the said Surveyor to attend to the same, and to perform such duty so required of him.

IX. *And be it further enacted,* That the said Chamberlain of the said City, shall keep an account of the monies received by him by virtue of this Act, separate and distinct from the accounts of other funds in his hands, and obey all orders of the Common Council of the said City, for the expenditure of the monies which he may so receive, and on or before the first day of March in each and every year, shall make out an account with vouchers of all monies received and paid by him as aforesaid, and lodge the same with the Clerk of the Peace of the said City and County, together with the lists and accounts which he may have received from the Surveyors of Highways as aforesaid, to be laid before the General Quarter Sessions of the Peace, for the said City and County.

Chamberlain to keep separate accounts of monies received by virtue of this Act, & on the first of March yearly to lodge an account with vouchers, with the Clerk of the Peace, together with the lists and accounts received from the Surveyors, to be laid before the Sessions.

X. *Provided always, and be it further enacted,* That nothing herein contained shall be construed to abridge the powers of the said Mayor, Aldermen and Commonalty, to make any Laws or Ordinances for the regulation of any of the Streets, Highways, Roads, Lanes, Alleys, Bridges, Ships, Piers and Wharves within the limits of the said City, in manner as heretofore accustomed, so as the same Laws and Ordinances shall not be repugnant to this Act, any thing herein contained to the contrary thereof notwithstanding.

Not to abridge the powers of the Mayor, &c. to make Laws or Ordinances (not repugnant to this Act) for regulating the Streets, &c. within the City.

XI. *And be it further enacted,* That this Act shall be and continue in force for the term of four years and no longer.

Limitation.

Continued to 1818, and to the end of the then next Session.

See 54 Geo. 3, c. 16. & 56 Geo. 3, c. 25.

CAP. XVII.

An Act for the more easy and speedy recovery of small debts.

Passed the 14th of March, 1810.

I. **B**E it enacted by the President, Council and Assembly, That all and every person and persons who now have or hereafter shall have any debt or debts owing unto him, her or them, not exceeding *five pounds*, shall or may cause the debtor or debtors to be proceeded against for the recovery of such debt or debts, before any one of His Majesty's Justices of the Peace, in the several and respective Counties in this Province, in which such debtor or debtors respectively shall reside or may be found, and that the ordinary Process against such debtor or debtors shall be by Summons under the hand and seal of such Justice, directed to a Constable of the Town or Parish where such debtor or debtors shall reside or may be found, which process shall express the time and place of appearance and cause of action, and shall be served six days at least before the time of trial, and such service shall be by reading the same in the hearing of such debtor or debtors, or by leaving a true copy thereof at the usual place of abode of such debtor or debtors, and where any debt shall be due, owing or demanded from any two or more persons jointly, by reason or on account of such persons being partners in trade or otherwise jointly concerned, the like service of any such Summons as aforesaid, on any one of such two or more partners, shall be as good and sufficient as if each were separately summoned as aforesaid.

Debts not exceeding five pounds may be recovered before a Justice of the Peace.

Ordinary Process to be by summons directed to a Constable of the Parish where the debtor shall be found,

to express time and place of appearance and cause of action, and be served six days before trial by reading it in the hearing of the debtor or leaving a copy at his place of abode.

In case of joint-debtors, service on one to be sufficient.

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 plaintiff or defendant two days before, 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 defendant or defendants shall be allowed to set off any account or demand he, she or 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 favor of the defendant, for the sum found due, and execution issued thereon, provided the same shall not exceed five pounds.

Constable to return the Process to the Justice who shall try and determine the cause unless it be put to issue by a Jury,

in which case he shall issue a Venire to a Constable to summon three Jurors who shall be sworn, and their verdict shall be conclusive.

Witnesses to be sworn.

Set off allowed.

III. *And be it further enacted,* That every person

Jurors or witnesses not appearing, or refusing to serve to be fined.

person impanelled 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 Justice) such fine or fines, not exceeding the sum of *ten shillings*, as the said Justice shall think reasonable to impose.

Debtor about to abscond shall be arrested, and if he refuse to give bail, he shall be committed to gaol.

IV. *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 debtors 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.

Justice to enter in a book all causes determined before him

V. *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 him, with or without a Jury; and all judgments entered on default of the defendants appearance, in which case he shall assess the damages or debt as shall appear

pear 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 may adjourn the hearing of a cause on account of the absence of a material witness not more than three months, if done on application of defendant, bail to be taken to abide final judgment.

Oath of parties or *ex parte* affidavits not to be admitted but by consent.

VI. *And be it further enacted*, That in every case where a debt not exceeding the sum of *five pounds*, shall be contracted for necessaries, by any person under the age of twenty-one years, it shall be lawful for the person or persons to whom such debt shall be due, to sue for and recover such debt, before any Justice of the Peace as aforesaid, in the same manner, as if the person by whom the same shall be contracted, were of full age; and that in every case where any wages not exceeding the sum of *five pounds* shall be due to any menial or other servant, under the age of twenty-one years, it shall be lawful for such servant, to sue for and recover such debt, before such Justice as aforesaid, in the same manner as if he or she were of full age; and such Justice is hereby fully authorised and required to take cognisance of, and proceed concerning such debts in the same manner, and shall have such and the same powers, in regard thereto, as if

Debts contracted for necessaries by Persons under age may be recovered before a Justice of the Peace.

Servants under age may recover wages not exceeding five pounds, before a Justice, as if they were of full age.

the

the plaintiffs and defendants were all of full age.

Persons guilty of false swearing or affirming, to incur the pains and penalties of wilful perjury.

VII. *And be it further enacted,* That in case any person or persons shall make oath, or being of the people called Quakers, shall make affirmation or give evidence, in any cause depending before any Justice of the Peace, under the authority of this Act, whereby any such person shall commit any wilful or corrupt perjury, or be guilty of wilful and false affirming and thereof be duly convicted according to Law, then every such person shall incur and suffer the like pains and penalties as any other person convicted of wilful perjury, according to the Laws of this Province.

No privilege allowed to exempt Attornies or other Officers of the Courts of law or Equity from the jurisdiction of the Justices court.

VIII. *And be it further enacted,* That no privilege shall be allowed to exempt any person from the jurisdiction of the said Justices Court, on account of his being an Attorney, or Solicitor or any other officer of the Courts of Law or Equity, but that all Attornies, Solicitors and officers, shall be subject to the several Processes, Orders, Judgments and Executions of the said Justices Court, in the same manner as any other persons are subject to the same by this Act.

Not to extend to debts where title to Freehold or lease of lands shall come in question, or to debt by specialty not for a sum certain.

IX. *Provided always, and it is hereby declared,* That this Act or any thing herein contained shall not extend to any debt, where any title of freehold or lease for years of any lands or tenements, shall come in question, or to any debt by specialty, which shall not be for payment of a sum certain, although the same respectively, shall not exceed *five pounds*, any thing herein contained to the contrary notwithstanding.

X. And be it further enacted, That if any action or suit shall be commenced in any other Court, than the said Justices Court, for any debt not exceeding the sum of five pounds, and recoverable by virtue of this Act, in the said Justices Court, then and in every such case, the plaintiff or plaintiffs in such action or suit, shall not by reason of a verdict or judgment for him, her or them or otherwise, have or be intitled to any costs whatsoever, and if the verdict or judgment shall be given for the defendant or defendants, in such action or suit, and the Judge or Judges, before whom the same shall be tried or heard, shall think fit to certify, that such debt ought to have been recovered in the said Justices Court, then and so often such defendant or defendants, shall have double costs, and shall have such remedy for recovering the same, as any defendant or defendants may have for his, her or their costs, in any cases by Law.

If a suit for any debt not exceeding five pounds be brought in any other than the Justices Court, the Plaintiff shall not have costs,

and in case of a verdict or judgment for the defendant, if the judge shall certify that the debt ought to have been recovered in the Justices Court the defendant shall have double costs.

XI. Provided always, That nothing herein contained, shall extend, or be construed to extend, to prevent or restrain any person or persons from making distress, or bringing any action or actions whatsoever for rent, and thereby recovering such rent, with costs, although the same rent should not exceed the sum of five pounds.

Not to extend to distresses or actions for rent; which may be recovered with costs though under five pounds.

XII. And for removing all doubts, whether the statute of limitations may be pleaded in the said Justices Court, It is hereby further enacted and declared, that as well plaintiffs in cases of set off, as defendants, in that Court, shall be allowed to plead or claim the benefit of any statute of limitations, and every such plaintiff

Either party may plead and have the benefit of the Statute of Limitations.

plaintiff or defendant, so pleading or claiming, shall have and receive such and the like advantage and relief thereby, as such plaintiff or defendant would have been intitled to, in case this Act had not been made, and such defendant had been sued for the same debt, or other cause of action in any other Court in this Province.

XIII. *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 sum recovered with costs, in case such judgment shall be reversed, and if any judgment given under this

No judgment to be reversed for circumstantial error,

nor removed without affidavit shewing just cause.

Execution not to be stayed by certiorari, if security be given to restore the sum recovered in case the judgment be reversed.

Act

Act, be removed into the Supreme Court, and be there affirmed, the party in whose favour such judgment shall be rendered, shall recover his costs; and if such judgment be reversed, the party procuring such Certiorari, shall recover their costs.

Certs allowed on affirmance or reversal of judgment.

XIV. *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 or may be found, commanding him to levy of the goods and chattels of the debtor, the amount of the judgment, and for want of goods and chattels to satisfy the same, together with his fees, to commit such debtor to the 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.

Executions to be directed to a constable.

For want of goods debtor to be committed.

Execution to be returnable.

Constable liable for neglect.

XV. *And be it further enacted,* That no action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act, or on account of any order, determination or judgment of any Justice of the Peace, under the authority and by virtue of this Act, until fourteen days notice shall be given thereof in writing, to be delivered to or left at the dwelling house or place of abode of such Justice, or after sufficient satisfaction, or tender thereof, has been made to the party or parties aggrieved, or after three calendar

No action to be had against any Justice for any thing done under this Act, until after fourteen days notice,

or after satisfaction or tender thereof made, or after three months

Defendant may plead the general issue, and give special matter in evidence,

and if judgment be for the defendant, he shall have double costs.

months next after the cause of action shall arise, and the defendant or defendants, in such actions and suits, and every of them may plead the general issue, and give this Act, and the special matter in evidence, at any trial or trials which shall be had thereon; and if the plaintiff shall be non-suited, or if a verdict or judgment shall be given for the defendant or defendants therein, then and in either of the said cases, such defendant or defendants shall have double costs, and shall have such remedy for recovering the same, as any defendant or defendants may have for his, her or their costs in any cases by Law.

Debts recoverable before a Justice to be recoverable in like manner in the Clerk's Court of Saint John.

Forms of Process in that Court to be as heretofore accustomed.

Executions from

XVI. *And be it further enacted,* That all debts not exceeding *five pounds* as aforesaid, made recoverable before any Justice of the Peace, by virtue of this Act, shall in case the debtor or debtors reside, or may be found, in the City of *Saint John*, be recoverable in the Clerk's Court, in the said City, as the same are made recoverable before any Justice of the Peace, in any County, by virtue of this Act, and subject to the like provisions and exceptions in every respect, excepting and provided always that the forms of the Process and proceedings for the recovery thereof, shall be as hath at any time heretofore been accustomed, under and by virtue of the Charter of the said City, and the Act of Assembly, made and passed in the twenty-sixth year of His Majesty's Reign, intituled "An Act for regulating the Courts of Law, as established in the several Counties for the trial of causes to the value of *forty shillings*."---*Provided also,* that all executions to be issued from the

the said City Court, shall be made returnable at the first or second sitting of the said Court, next after the time of issuing such execution, as the Clerk of the said Court, in his discretion, shall think fit.

the Clerk's Court
to be returnable.

XVII. *And be it further enacted*, That no greater or other costs, shall be allowed or taxed in actions brought before any Justice of the Peace, by virtue of this Act, than the following to wit. Justices Fees---Summons, *six-pence*, Capias and Affidavit, *one shilling*, Trial and Judgment, *one shilling*, Subpœna, *four-pence*, Venire, *six-pence*, Execution, *nine pence*. To every witness who shall appear in the opinion of the Justice to have been necessary for attendance, *one shilling* per day, and *three pence* per mile, from his place of residence to that of the Justice by whom the Process has been issued. Constable or proper officer for serving a Capias or Summons, *six-pence*, serving an Execution, for every pound *six-pence*, mileage for one mile or under, *one shilling*, for every mile more, *three-pence*; the travel to be computed from the place of residence of the officer to that of the defendant, or where he shall be found, and from thence to the Justices residence, before whom the process is returnable. Constable for summoning a Jury, *one shilling*, for serving a Subpœna for less than one mile, *six-pence*, and *three-pence* for every other mile. Jurors, *one shilling* each.

Costs.

Justices Fees.

Witnesses Fees.

Constables Fees.

Jurors Fees.

XVIII. *Provided always, and be it further enacted*, That the Justices of the Peace, in the several Counties, shall respectively have concurrent jurisdiction with the Clerk's Courts, where the matter in demand does

Justices to have
concurrent juris-
diction with the
Clerk's Courts,
where the matter
in demand does

in

not exceed forty
shillings.

in the respective Counties, in all causes by Law cognizable by the same Courts, where the sum or thing in demand does not exceed *forty shillings*, any Law, usage or custom to the contrary notwithstanding.

See 26 Geo. 3, c. 10*

CAP. XVIII.

An Act, in addition to an Act, intituled "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."

Refer to 28, Geo.
3, c. 8.

Passed the 14th of March, 1810.

Preamble.

WHEREAS it may be convenient to extend the powers given to the Justices of the General Sessions of the Peace, in the several Counties in this Province, in and by an Act made and passed in the twenty-eighth

* *This Act being revived and now in force by the expiration of the temporary Acts suspending it; and having been omitted in the revised Edition of the Acts published in 1805, is now printed.*

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*.

Preamble.

WHEREAS it is necessary for the effectual administration of justice in the Clerk's Courts of the respective Counties, and in the City Court of the City of *Saint John*, that further powers be given to the Justices of the Peace and Aldermen presiding therein, and that further regulations and restrictions be adopted, the more fully to obtain the purposes for which they were instituted :--

Three impartial
persons to be re-
turned, if requir-
ed, instead of
twelve jurors.

I. *Be it enacted by the Governor, Council and Assembly*, That the Constables and Marshals appointed to summon the Juries for trial of causes in said Courts, shall summon and return three impartial men in the stead of twelve Jurors to each of the said respective Courts on the
stated

eighth year of His Majesty's Reign, intituled
 " An Act to empower the Justices in the Ses-
 " sions of the several Counties in this Pro-
 " vince, to make such regulations respecting
 " Markets and Ferries, within such Counties
 " as may be found necessary." And to enable
 the said Justices in like manner to make re-
 gulations respecting causeys, promenades or
 walks, made and provided for the accommo-
 dation of foot passengers in the public Streets
 or squares in the several Towns and Parishes,
 where the same may be found necessary. *Be*
it enacted by the President, Council and Assem-
bly, That in such of the Towns and Parishes in
 the several and respective Counties wherein
 any causey, promenade, walk, pavement or
 other structure shall be made and provided
 for the accommodation of foot passengers in
 the public streets, squares or other public
 places in any such Town or Parish, except
 the Parish of *Saint John*, in the County of
Saint John, it shall and may be lawful for the
 Justices

Justices in Ses-
 sions may make
 regulations res-
 pecting Causeys,
 Promenades,
 Walks, &c pro-
 vided for the ac-
 commodation of
 foot passengers in
 the public streets,
 squares or other
 public places in
 any Town or Pa-
 rish, except Saint
 John.

stated monthly terms or days of trial and no officer, in case the Clerks
 of said Courts shall respectively signify that the attendance of three
 such persons is then necessary, for the trials of causes at issue and not
 otherwise, which three persons so returned, shall try all causes at issue
 in said courts respectively, in the room and stead of a Jury, consist-
 ing of twelve Jurors as heretofore ordained.

And it shall nevertheless be in the election of the defendant whether
 the cause shall be heard and determined by the Judge and Clerk of the
 said Court only or by three such persons, and the defendant shall on
 being served with a summons, notify the Clerk of said Court that he
 wishes three such persons to be summoned, and if such notice is not
 given none shall be returned.

Causes to be tried
 by the judge and
 clerk, with or
 without three
 other persons at
 the election of de-
 fendant.

II. *And be it further enacted,* That the presiding Justice and no other
 person shall have full power and authority to determine and limit the
 term of imprisonment or length of time the defendant shall suffer con-
 finement, to be inserted in the execution against the body by the
 Clerk,

Term of impri-
 sonment limited
 by the presiding
 justice.

And for preventing injuries to the same under the like penalties as are provided by the recited Act.

Justices of the General Sessions of the Peace, in the several and respective Counties to make such orders, rules and regulations respecting the same, and to prevent any injury being done to the same by riding with horses, carts or carriages over the same, or by wilfully cutting down, injuring or destroying any posts, railings, trees or other defences placed and erected for the ornament or protection of the same, or otherwise howsoever, as such Justices in their discretion shall from time to time think expedient and necessary, under such and the like penalties, to be recovered, levied and applied in like manner as is provided in and by the said herein before recited Act, for carrying into execution the powers given and granted to such Justices, in and by the same Act, any Law, usage or custom to the contrary thereof in anywise notwithstanding.

CAP.

Clerk, in case the defendant shall not fulfil the judgment given against him, the said term not to exceed three months as heretofore ordained.

Places of Courts sitting, appointed by presiding Justice.

Judgment valid and final, want of form notwithstanding.

Clerk not to depute his judicial power.

III. *And be it further enacted*, That the said Courts shall be held in the most convenient place in each town, before some one of the Justices of the Peace of the County, and the Justice who is to preside at the said Court shall be the only person to appoint the place where said Court shall be held; and the several and respective judgments which shall be given in any of the said Courts, shall be valid and final between the parties notwithstanding any defect of form in the entries or pleadings made and had in the causes so determined.

IV. *Provided always, and be it further enacted*, That nothing in this Act shall be construed to give the Clerk any authority to depute his judicial power to any person to act as deputy, but that in cases where a deputy shall be appointed, the Justice shall be the sole judge, any thing in any law or ordinance to the contrary in anywise notwithstanding.

CAP. XIX.

An Act, to make perpetual an Act, for the further and better support of the Poor in the City of Saint John.

Passed the 14th of March, 1810.

BE it enacted by the President, Council and Assembly, That 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" be, and the same is hereby made perpetual.

Made perpetual.

CAP. XX.

An Act for the further regulation of Fisheries, and for preventing their decay.

Refer to 33, Geo. 3, c. 9.

Passed the 14th of March, 1810.

WHEREAS 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 Boars Head, or in the harbour of *Saint John*, more than twenty fathoms in length: and whereas doubts have arisen as to the outward limits of the said harbour:

Preamble.

I. *Be it enacted by the President, Council and Assembly*, That no net more than twenty fathoms in length, shall be set in any part of the said harbour on the northerly side of Partridge Island, nor within or to the northward of straight lines to be drawn, the one from a point commonly called Black Point, on the western side of the said harbour to the most westerly point on the said Island; and the other

No net more than twenty fathoms in length to be set on the northerly side of Partridge Island or within lines drawn from the said Island to black Point and lower Battery Point, nor outside of the said limits more than thirty fathoms under the

penalty of ten pounds.

Nets set contrary to these regulations to be seized and sold.

No net to be set at the Shag-rocks, nor any two nets tied together be set, nor any drift net used below the Boar's head, nor in the harbour of Saint John, nor in the River Saint Croix, under the penalty of ten pounds, and seizure and sale of the nets.

No drift net to be used in the River Saint John or Kennebeckacis, more than thirty fathoms long, nor in any of the branches of the said Rivers more than one fourth of the width of such branch, under the penalty of five pounds.

other from the most easterly point on the same Island, to a Point called Lower-Battery Point, on the eastern side of the said harbour, under the penalty of *ten pounds* for each and every offence: and no net more than thirty fathoms in length shall be set any where on the outer or southerly side of the above described limits, under the like penalty of *ten pounds*; and every net that shall be set in violation of this regulation shall be liable to seizure and sale, in the manner and under the conditions and regulations prescribed in the third Section of the said Act for regulating the Fisheries in the different rivers, coves and creeks of this Province.

II. *And be it further enacted*, That no net shall be set at or upon the rocks commonly called Shag Rocks, lying between Partridge and Manawagonish Islands, nor shall any two nets tied or fastened together be set, nor any drift net be used for the purpose of catching fish, in the River *Saint John*, below the Boars Head, nor in the harbour of *Saint John*, as above limited, nor in any part of the river *Saint Croix*, within the limits of this Province, under the like penalty respectively of *ten pounds* for each and every offence, and the seizure and sale of the nets as aforesaid.

III. *And be it further enacted*, That no drift net, whether single or composed of two or more nets tied or fastened together, and of a length in the whole exceeding thirty fathoms, shall be used for taking fish above the Boars Head in the River *Saint John*, or in the river *Kennebeckacis*, under the penalty of *five pounds* for each and every offence; nor shall there

be

be used in any branch of either of the said rivers, any such net of a length exceeding in the whole one fourth part of the width of such branch respectively, under the like penalty of *five pounds*; nor shall any drift nets be any where made use of as aforesaid, within a less distance than thirty fathoms from each other, under the penalty of *ten pounds*; nor shall any net whatever remain in the water in any part of this Province, at any time between sun-set on Sunday, and sun-rise on the next ensuing Monday, under the penalty of *five pounds*. And all the several penalties imposed in this and the two preceding Sections (excepting the seizure and sale of nets,) shall be recovered, paid and applied in like manner as is directed in and by the first Section of the herein before recited Act.

Drift nets not to be used nearer together than thirty fathoms under the penalty of ten pounds.

No net to remain in the water between sun-set on Saturday, and sun rise on Monday, under the penalty of five pounds.

The Fourth Section repealed by 56, Geo. 3, C. 4.

V. *And be it further enacted*, That the Overseers of the Fisheries for any City or Parish bordering upon the Bay of Fundy, or upon any other arm of the sea, shall at all times have power and authority to seize and sell any nets set or used unlawfully in any arm of the sea adjacent to such City or Parish, in like manner as by Law they would have if the waters thereof were within the limits of such City or Parish; and that the Overseers of the Fisheries for the City of *Saint John*, shall have power to seize and sell as aforesaid, any nets set or used unlawfully, or that may be found drifting any where within the harbour of *Saint John*, or within the distance of two miles around Partridge Island.

Overseers of Fisheries for any place bordering on the Bay of Fundy or other arm of the sea, to have the same power to seize nets set there in as if set within the limits of such place.

VI. *And be it further enacted*, That in all

Mill Dams on rivers usually resorted to by fish, to have a fish-way sufficient for the fish to pass at proper seasons.

If any Mill Dam shall be found after the first of November next without such fish-way, and complaint on oath be made to the Justices of the County in Sessions (of which complaint the owner to be notified) a Jury to be summoned to view the premises.

Sheriff after due inquest made, to make return to the Sessions, who, if the complaint is found to be true shall make an order in writing, di-

Mill Dams or other fabrics which have been or hereafter shall be erected or placed on or across any river situate either wholly or in part within this Province, and which has been usually resorted to by Fish from the sea in considerable quantities at their seasons for spawning, there shall be a waste-gate or fish way, sufficient for such Fish, in the proper seasons, to pass up and return without any such hindrance or obstruction as may in future tend to divert them from such their usual resort: and if any Mill Dam or other fabric erected or placed as aforesaid, shall at any time after the first day of November next ensuing, be found without such waste-gate or fish-way as is hereby required, and complaint thereof be duly made on oath, to the Justices of the Peace of the County where such Mill Dam or other fabric, shall be so found, in their General Sessions of the Peace (of which complaint the owner or owners of such Mill Dam, or other fabric, shall have timely notice in writing,) it shall be lawful for the said Justices in such Sessions, and they are hereby directed forthwith to issue their Precept to the Sheriff in due form of Law, commanding him to empanel and swear a Jury of twelve good and lawful men of the said County, (but not of the Parish in which such Mill Dam, or other fabric shall be so found) and with such Jury, to view the Premises complained of. And the said Sheriff, after due inquest made by the said Jury, touching all matters and things set forth in such complaint, upon due examination of witnesses on oath, to be by him administered, shall make return of such inquest

inquest to the said Justices in their Sessions, who thereupon, in case the Jury do find the said complaint to be just and true, shall make an order in writing, to be endorsed upon the inquest so returned, thereby directing the owner or owners, occupier or occupiers of such Mill Dam or other fabric, to make or cause to be made therein such sufficient waste-gate or fish-way, as is hereby required within a reasonable time, to be in such order specified; and also requiring the offender or offenders so convicted to pay a fine not exceeding *twenty pounds* nor less than *ten pounds* immediately into the hands of the County Treasurer, for the use of the said County. And if any such offender or offenders shall refuse or neglect to pay such fine, together with reasonable charges of prosecution, to be taxed and allowed by the Court, it shall be lawful for the said Justices in their Sessions, and they are hereby directed to issue a warrant for levying such fine and charges by distress and sale of the goods and chattels of the said offender or offenders; and if no sufficient distress can be found, then on due return thereof made by the Sheriff, the said Justices in their Sessions shall by a further warrant to be by them issued in due form of Law, commit such offender or offenders to the public gaol of the County, wherein the offence shall have been committed, there to remain for the space of three months, or until the said fine and charges be paid.

recting a fish-way to be made,

and requiring the offender to pay a fine not exceeding £20, nor less than £10, which if he refuse to pay, with costs, shall be levied by warrant of distress;

if no sufficient distress can be found, the offender to be imprisoned three months, or until fine and charges be paid.

VII. *And be it further enacted,* That whenever the owner or owners, occupier or occupiers of any such Mill Dam or other fabric erected

Every twenty days continuance of any Mill Dam without a fish-way, after order and convic-

tion to be deemed a new offence, and the offender shall be liable to the same penalty.

erected or placed as aforesaid, shall after such order and conviction as aforesaid, continue for the space of twenty days, such Mill Dam or other fabric, without such sufficient wastegate or fish-way, as is hereby required, it shall be considered as a new offence, and the offender or offenders shall incur the like penalty, to be recovered before any general or special Sessions of the Peace to be holden in and for the same County, and applied as aforesaid; and every twenty days continuance shall be deemed a new offence, and may be prosecuted as such, and the penalty aforesaid recovered so often as the same may happen.

See further---52 Geo. 3, c. 15.

CAP. XXI.

An Act to regulate the proceedings in actions of Replevin, and to enable the sale of goods distrained for Rent, in case the Rent be not paid in a reasonable time, and for the more effectual securing the payment of Rents, and preventing fraud by Tenants.

Passed the 14th of March, 1810.

WHEREAS no County Courts are held by the Sheriffs of the several and respective Counties in this Province; and whereas the proceedings in actions of Replevin, by Writ issuing out of the Court of Chancery, are dilatory and expensive:

Preamble.

Actions of Replevin may be prosecuted by Writs issuing out of the Supreme Court and Courts of Common Pleas, tested and returnable in the said

I. Be it enacted by the President, Council and Assembly, That actions of Replevin, shall and may be prosecuted by Writ issuing out of the Supreme Court, and out of the several and respective Inferior Courts of Common Pleas, in the several and respective Counties in this Province ;

Province; and that such Writs of Replevin, shall be tested and made returnable in the said Courts respectively, as Writs in other causes within the jurisdiction and cognizance of such Courts; and that such Writs shall, as soon as may be, be framed by the Justices of the Supreme Court, conformably, as near as may be, to the Writs and Processes in that behalf used in England, any Law, usage or custom to the contrary thereof, in any wise notwithstanding.

Courts respectively.

Writs to be framed by the Judges of the Supreme Court as near as may be conformably to the writs used in England.

II. *And be it further enacted,* That such and the like proceedings shall be had upon such Writs, and upon the return and filing thereof, in all respects, and to all intents and purposes, in the said Courts respectively, as could or might be had in the said Supreme Court, in case such Writs had issued out of the Court of Chancery and been made returnable in the said Supreme Court.

The like proceedings to be had in the respective Courts as if the writs had issued out of Chancery, returnable to the Supreme Court.

III. *Provided always, and be it further enacted,* That if any thing touching the freehold or title to lands shall come in question, or the King shall be a party, or the taking of any distress, shall be in right of the Crown, that then, and in all such cases, no farther proceedings shall be had thereon in the said Inferior Courts, but the party desirous to proceed therein, shall remove such cause, by Certiorari into the Supreme Court, where the same shall be finally heard and determined, any thing herein before contained to the contrary notwithstanding.

If title to lands come in question, or the King be a party, the cause to be removed to the Supreme Court, and there determined.

IV. *And be it further enacted,* That when any goods and chattels shall be distrained for any rent reserved and due upon any demise, lease or contract whatsoever, and the tenant

Goods distrained for Rent may be appraised and sold

OR

or owner of the goods so distrained, shall not within five days next after such distress taken, and notice thereof (with the cause of such taking) left at the dwelling-house or other most notorious place on the premises charged with the rent distrained for, replevy the same, with sufficient security to be given to the Sheriff, according to Law, that then in such case, after such distress and notice as aforesaid, and expiration of the said five days, the person distraining, shall and may with the Sheriff, or under Sheriff of the County, or with a Constable of the Parish, City or place where such distress shall be taken (who are hereby required to be aiding and assisting therein,) cause the goods and chattels so distrained, to be appraised by two sworn appraisers (whom such Sheriff, under Sheriff or Constable are hereby empowered to swear) to appraise the same truly, according to the best of their understandings; and, after such appraisement, shall and may lawfully sell the goods and chattels so distrained, for the best price that can be gotten for the same, towards satisfaction for the rent, for which the said goods and chattels shall be distrained, and of the charges of such distress, appraisement and sale, leaving the overplus, if any, in the hands of the said Sheriff, under Sheriff or Constable, for the owners use.

Treble damages
for Pound Breach.

V. *And be it further enacted,* That upon any Pound Breach, or rescous of goods or chattels distrained for rent, the person or persons grieved thereby, shall, in a special action upon the case for the wrong thereby sustained, recover his and their treble damages and costs
of

of suit against the offender or offenders in any such rescous or Pound breach, any or either of them, or against the owner of the goods distrained, in case the same be afterwards found to have come to his use or possession.

VI. *Provided always, and be it further enacted,* That in case any such distress and sale as aforesaid, shall be made by virtue or colour of this Act, for rent pretended to be arrear and due, when in truth no rent is arrear or due to the person or persons distraining, or to him or them in whose name or names, or right, such distress shall be taken as aforesaid, that then the owner of such goods or chattels distrained and sold as aforesaid, his Executors or Administrators, shall and may, by action of trespass, or upon the case, to be brought against the person or persons so distraining, any or either of them, his or their Executors or Administrators, recover double of the value of the goods or chattels so distrained and sold, together with full costs of suit.

Double damages and costs against wrongful distrainer.

VII. *And be it further enacted,* That where any distress shall be made for any kind of rent justly due, and any irregularity or unlawful act shall be afterwards done by the party or parties distraining, or by his, her or their Agents; the distress itself, shall not be therefore deemed to be unlawful, nor the party or parties making it be deemed a trespasser or trespassers *ab initio*, but the party or parties aggrieved by such unlawful act or irregularity, shall or may recover full satisfaction for the special damage he, she or they shall have sustained thereby, and no more, in an action of trespass, or on the case at the election of the

Distresses for rent not unlawful, &c. for any irregularity in the disposition of them.

the plaintiff or plaintiffs: *Provided always*, that where the plaintiff or plaintiffs shall recover in such action, he, she or they shall be paid his, her or their full costs of suit, and have all the like remedies for the same as in other cases of costs.

Tenants not to recover by action on tender of amends.

VIII. *Provided nevertheless*, That no tenant or tenants, lessee or lessees, shall recover in any action for any such unlawful act or irregularity as aforesaid, if tender of amends hath been made by the party or parties distraining his, her or their agent or agents before such action brought.

Defendants in Replevin to avow, &c. that the plaintiff held the premises at a certain rent, &c.

IX. *And be it further enacted*, That it shall and may be lawful to and for all defendants in Replevin, to avow or make cognuzance, generally that the plaintiff in Replevin, or other tenant of the lands and tenements, whereon such distress was made, enjoyed the same under a Grant or demise, at such a certain rent, during the time wherein the rent distrained for incurred, which rent was then and still remains due; without further setting forth the grant, tenure, demise or title of such landlord or landlords, lessor or lessors, any law, usage or custom to the contrary notwithstanding. And if the plaintiff or plaintiffs, in such action, shall become non-suit, discontinue his, her or their action, or have judgment given against him, her or them, the defendant or defendants in such Replevin, shall recover double costs of suit.

To prevent vexatious Replevins.

X. And to prevent vexatious Replevins of distresses taken for rent.---*Be it further enacted*, That all Sheriffs and other officers, having execution and return of Writs of Replevin,

vin, may and shall in executing every Writ of Replevin, of a distress for rent, take in their own names from the plaintiff, and two responsible persons as sureties, a Bond in double the value of the goods distrained (such value to be ascertained by the oath of one or more credible witness or witnesses, not interested in the goods or distress, which oath the person executing such Writ of Replevin, is hereby authorised and required to administer) and conditioned for prosecuting the suit with effect, and without delay, and for duly returning the goods and chattels distrained, in case a return shall be awarded, before any deliverance be made of the distress, and that such Sheriff, or other officer as aforesaid, taking any such Bond, shall at the request and costs of the avowant or person making conusance, assign such bond to the avowant or person as aforesaid, by indorsing the same, and attesting it under his hand and seal in the presence of two or more credible witnesses ; and if the bond so taken and assigned, be forfeited, the avowant or person making conusance, may bring an action and recover thereon in his own name, and the Court where such action shall be brought, may, by a rule of the same Court, give such relief to the parties upon such bond as may be agreeable to justice and reason ; and such rule shall have the nature and effect of a defeasance to such bond.

Bonds may be assigned.

XI. *And be it further enacted,* That in case any tenant or tenants, lessee or lessees, for life or lives, term of years, at will, sufferance or otherwise, of any messuages, lands, tenements or hereditaments, upon the demise or

Landlords may distrain and sell goods fraudulently carried off the premises within 30 days.

holding whereof any rent is or shall be reserved, due or made payable, shall fraudulently, or clandestinely convey away, or carry off from such premises, his, her, or their goods or chattels to prevent the landlord or lessor, landlords or lessors, from distraining the same for arrears of rent, so reserved, due, or made payable, it shall and may be lawful, to and for every such landlord or lessor; landlords or lessors, or any person or persons by him, her, or them, for that purpose lawfully empowered, within the space of thirty days next ensuing such conveying away, or carrying off such goods or chattels as aforesaid, to take and seize such goods and chattels wherever the same shall be found, as a distress for the said arrears of rent; and the same to sell or otherwise dispose of in such manner, as if the said goods and chattels, had actually been distrained by such lessor or landlord, lessors or landlords, in and upon such premises for such arrears of rent, any Law, custom, or usage, to the contrary in any wise notwithstanding.

Unless sold to any person not privy to the fraud.

XII. *Provided always*, That no landlord or lessor, or other person entitled to such arrears of rent, shall take or seize any such goods or chattels as a distress for the same, which shall be sold *bona fide*, and for valuable consideration, before such seizure made, to any person or persons not privy to such fraud as aforesaid, any thing herein before contained to the contrary notwithstanding.

Landlords may break open houses to seize goods fraudulently secured therein.

XIII. *And be it further enacted*, That when any goods or chattels fraudulently or clandestinely conveyed or carried away by any tenant

OR

or tenants, lessee or lessees, his, her, or their servant or servants, agent or agents, or other person or persons, aiding or assisting therein, shall be put, placed, or kept, in any house, barn, stable, out-house, yard, close or place locked up, fastened or otherwise secured, so as to prevent such goods or chattels from being taken and seized as a distress for arrears of rent, it shall and may be lawful for the landlord or landlords, lessor or lessors, his, her, or their bailiff, receiver, or other person or persons empowered to take and seize as a distress for rent, such goods and chattels (first calling to his, her, or their assistance a Constable, or other Peace officer of the Parish, District or place, where the same shall be suspected to be concealed, who are hereby required to aid and assist therein), and in case of a dwelling house, (oath being also first made before some Justice of the Peace, of a reasonable ground to suspect that such goods or chattels are therein) in the day time, to break open, and enter into such house, barn, stable, out-house, yard, close and place, and to take and seize such goods and chattels for the said arrears of rent, as he, she, or they might have done by virtue of this Act, if such goods and chattels had been put in any open field or place.

XIV. *And be it further enacted,* That it shall and may be lawful, to and for any person or persons, lawfully taking any distress for any kind of rent to impound, or otherwise secure the distress so made, of what nature or kind soever it may be, in such place, or on such part of the premises chargeable with the rent,

Distresses may be secured and sold on the premises.

as

as shall be most fit and convenient for the impounding and securing such distress, and to appraise, sell, and dispose of the same, upon the premises in like manner, and under the like directions and restraints to all intents and purposes, as any person taking a distress for rent may do off the premises by virtue of this Act; and that it shall be lawful to, and for any person or persons whatsoever, to come and go to and from such place or part of the said premises, when any distress for rent shall be impounded and secured as aforesaid, in order to view, appraise and buy, and also in order to carry off, or remove the same on account of the purchase thereof; and that if any pound, breach or rescous, shall be made of any goods and chattels, or stock distrained for rent and impounded, or otherwise secured by virtue of this Act, the person or persons aggrieved thereby, shall have the like remedy as in cases of pound breach, or rescous is given and provided by this Act.

Rents how to be recovered where the demises are not by Deed.

XV. And to obviate some difficulties that many times occur in the recovery of rents, when the demises are not by deed: *Be it further enacted*, That it shall and may be lawful to and for the landlord or landlords, where the agreement is not by deed, to recover a reasonable satisfaction for the lands, tenements, or hereditaments, held or occupied by the defendant or defendants, in an action on the case for the use and occupation of what was so held or enjoyed; and if in evidence on the trial of such action, any parol demise or any agreement (not being by deed) whereon a certain rent was reserved shall appear, the plaintiff

plaintiff in such action shall not therefore be nonsuited, but may make use thereof, as an evidence, of the quantum of damages to be recovered.

XVI. *And be it further enacted,* That in case any tenant or tenants for any term of life, lives, or years, or other person or persons, who are, or shall come into possession of any lands, tenements, or hereditaments, by, from, or under, or by collusion with such tenant or tenants, shall wilfully hold over any lands, tenements, or hereditaments, after the determination of such term or terms, and after demand made and notice in writing given for delivering the possession thereof, by his or their landlords or lessors, or the person or persons to whom the remainder or reversion of such lands, tenements, or hereditaments, shall belong, his or their agent or agents, thereunto lawfully authorised, then and in such case, such person or persons so holding over, shall, for and during the time he, she, or they shall so hold over, or keep the person or persons entitled, out of possession of the said lands, tenements and hereditaments as aforesaid, pay to the person or persons, so kept out of possession, their executors, administrators or assigns, at the rate of double the yearly value of the lands, tenements, and hereditaments, so detained, for so long time as the same are detained, to be recovered in any Court of Record in this Province, having cognizance of the same, by action of debt, whereunto the defendant or defendants shall be obliged to give Special Bail, against the recovery of which said penalty there shall be no relief in equity.

Persons holding over lands, &c. after expiration of Leases, to p.y double the yearly value.

XVII.

Tenants holding after the time they notify for quitting, to pay double rent.

XVII. *And be it further enacted,* That in case any tenant or tenants shall give notice of his, her, or their intention to quit any premises by him, her, or them holden at a time mentioned in such notice, and shall not accordingly deliver up the possession thereof, at the time in such notice contained, that then the said tenant or tenants, his, her, or their executors or administrators, shall from thence forward pay to the landlord or landlords, lessor or lessors, double the rent or sum, which he, she, or they, should otherwise have paid: to be levied, sued for, and recovered at the same times and in the same manner, as the single rent or sum, before the giving such notice could be levied, sued for, or recovered, and such double rent or sum shall continue to be paid, during all the time such tenant or tenants shall continue in possession as aforesaid. *Provided always,* that when any houses, lands, tenements or hereditaments, shall be let by the year, three month's notice; when by the month, one month's notice; and when by the week, one week's notice shall be given, either to the tenant in possession to quit, or by the tenant to the landlord, of an intention to quit as aforesaid.

Notice regulated.

Defendants may plead the general issue, &c.

XVIII. *And be it further enacted,* That in all actions of trespass, or upon the case to be brought against any person or persons entitled to rents of any kind, his, her or their bailiff or receiver, or other person or persons relating to any entry by virtue of this Act, or otherwise upon the premises chargeable with such rents, or to any distress or seizure, sale or disposal of any goods or chattels

tels thereupon, it shall and may be lawful to and for the defendent or defendants in such actions, to plead the general issue, and give the special matter in evidence, any Law, usage or custom to the contrary notwithstanding---And in case the plaintiff or plaintiffs in such action shall become nonsuit, discontinue, his, her or their action, or have judgment against him, her or them, the defendant or defendants shall recover double costs of suit.

XIX. *And be it further enacted,* That it shall and may be lawful for any person or persons having any rent in arrear, or due upon any lease or demise for life or lives, to bring an action or actions of debt for such arrears of rent, in the same manner as they might have done, in case such rent were due and reserved upon a lease for years.

Debt may be brought against Tenant for life for rent.

XX. *And be it further enacted,* That it shall and may be lawful for any person or persons having any rent in arrear, or due upon any lease, for life or lives, or for years, or at will, ended or determined, to distrain for such arrears, after the determination of the said respective leases, in the same manner as they might have done if such lease or leases, had not been determined.

Rent in arrear upon a lease for life, &c. expired, may be distrained for after the determination of the lease.

XXI. *Provided* that such distress be made within the space of six calendar months, after the determination of such lease, and during the continuance of such landlord's title or interest, and during the possession of the tenant from whom such arrears became due.

Distress to be within six months after the end of the lease and during the landlord's title and tenant's possession.

XXII. *And be it further enacted,* That in cases between landlord and tenant, as often

On half a year's rent in arrear,

as

Landlord may re-enter, serving a declaration of ejectment.

as it shall happen that one half-year's rent shall be in arrear, and the landlord or lessor, to whom the same is due, hath right by Law, to re-enter for non-payment thereof, such landlord and lessor shall and may, without any formal demand or re-entry, serve a declaration in ejectment for the recovery of the demised premises; or in case the same cannot be legally served, or no tenant be in actual possession of the premises, then to affix the same upon the door of any demised messuage; or in case such ejectment shall not be for the recovery of any messuage, then upon some notorious place of the lands, tenements or hereditaments, comprised in such declaration in ejectment, and such affixing shall be deemed legal service thereof; which service or affixing such declaration in ejectment, shall stand in the place and stead of a demand and re-entry: and in case of judgment against the casual ejector, or nonsuit for not confessing lease entry and ouster, it shall be made appear to the Court, where the said suit is depending, by affidavit or be proved upon the trial, in case the defendant appears, that half a year's rent was due before the said declaration was served, and that no sufficient distress was to be found on the demised premises, countervailing the arrears then due, and that the lessor or lessors in ejectment had power to re-enter, then, and in every such case the lessor or lessors in ejectment, shall recover judgment and execution in the same manner as if the rent in arrear had been legally demanded, and a re-entry made; and in case the lessee or lessees, his, her or their assignee or assignees, or other person

When lessor in ejectment may recover judgment, &c.

person or persons, claiming or deriving under the said leases, shall permit and suffer judgment to be had and recovered in such ejectment and execution to be executed thereon, without paying the rent and arrears, together with full costs, and without filing any bill or bills, for relief in equity, within six calendar months after such execution executed, then and in such case the said lessee or lessees, his, her, or their assignee or assignees, and all other persons claiming and deriving under the said lease, shall be barred and foreclosed from all relief or remedy in law or equity, other than by writ of error, for reversal of such judgment, in case the same shall be erroneous, and the said landlord or lessor, shall from thenceforth hold the said demised premises discharged from such lease, and if in such ejectment verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall be nonsuited therein, except for the defendant or defendants not confessing lease, entry and ouster, then in every such case such defendant or defendants shall have, and recover his, her and their full costs.

Provided always, that nothing herein contained shall extend to bar the right of any mortgagee or mortgagees of such lease, or any part thereof, who shall not be in possession, so as such mortgagee or mortgagees, shall and do within six calendar months after such judgment obtained, and execution executed, pay all rent in arrear, and all costs and damages sustained by such lessor, person or persons intitled to the remainder or reversion as aforesaid, and perform all the covenants and agree-

Not to bar the right of any Mortgagee.

ments which on the part and behalf of the first lessee or lessees, are and ought to be performed.

Lessees filing Bill in Equity, not to have an injunction against proceedings at Law, &c.

XXIII. *And be it further enacted,* That in case the said lessee or lessees, his, her, or their assignee or assignees, or other person or persons claiming any right, title, or interest, in law or equity, of, in, or to the said lease, shall within the time aforesaid, file one or more bill or bills for relief in any Court of Equity, such person or persons shall not have or continue any injunction against the proceedings at law on such ejection, unless he, she, or they, do or shall within forty days next after a full and perfect answer shall be filed by the lessor or lessors of the plaintiff in such ejection, bring into Court, and lodge with the proper officer, such sum and sums of money as the lessor or lessors of the plaintiff in the said ejection, shall in his, her, or their answer, swear to be due, and in arrear, over and above all just allowances, and also the costs taxed in the said suit, there to remain till the hearing of the cause, or to be paid out to the lessor or landlord, on good security, subject to the decree of the Court; and in case such bill or bills shall be filed within the time aforesaid, and after execution is executed, the lessor or lessors of the plaintiff shall be accountable only for so much and no more, as he, she or they shall really and *bona fide*, without fraud, deceit or wilful neglect, make of the demised premises, from the time of his, her or their entering into the actual possession thereof, and if what shall be so made by the lessor or lessors of the plaintiff happen to be less

less than the rent reserved on the said lease, then the said lessee or lessees, his, her, or their assignee or assignees, before he, she, or they shall be restored to his, her, or their possession or possessions, shall pay such lessor or lessors, or landlord or landlords, what the money so by them made, fell short of the reserved rent for the time such lessor or lessors of the plaintiff, landlord or landlords, held the said lands.

XXIV. *Provided always, and be it further enacted,* That if the tenant or tenants, his or their assignee or assignees, do or shall at any time before the trial in such ejectment, pay or tender to the lessor or landlord, his executors or administrators, or his, her or their Attorney in that cause, or pay into the Court where the same cause is depending, all the rent and arrears, together with the costs, then, and in such case, all farther proceedings on the said ejectment, shall cease and be discontinued; and if such lessee or lessees, his, her or their executors, administrators or assigns, shall, upon such bill filed as aforesaid, be relieved in equity, he, she, or they, shall have, hold, and enjoy the demised lands according to the lease thereof made, without any new lease to be thereof made to him, her or them.

Tenant paying all rent with costs, proceedings to cease.

XXV. *And whereas* the expences attending the process in suing out Replevin in the Courts of Record in cases of trespasses, by horses, neat cattle, sheep, goats and swine, where the value of the damages does not exceed *forty shillings*, should be prevented.

Be it further enacted, That in all cases where a trespass or supposed trespass, shall have

Trespasses by Cattle, not exceeding 40s. may

been

be tried by a Justice of the Peace.

been committed by horses, neat cattle, sheep, goats, or swine, and the value of the damages alleged to be suffered, shall not exceed the sum of *forty shillings*, the same shall be heard and tried by one Justice of the Peace, in the same manner as in cases of debt to that amount.

Justices of the Peace may grant replevin in all cases as aforesaid where it may be necessary.

XXVI. *And be it further enacted*, That in all such cases as aforesaid, where it may become necessary, any Justice of the Peace in the County shall grant a Replevin, and take security for prosecuting the same with effect within a term not exceeding seven days, which Replevin shall be directed to a Constable of the Parish in which the same is to be made, and shall be in the form following, to wit,---

Form of the Writ.

You are hereby commanded to replevy to A. B. his _____ which C. D. unjustly, as is alleged, detains, under pretence of having committed a trespass not exceeding *forty shillings*; and also to summon the said C. D. to be, and appear before me on the _____ day of _____ at _____ o'Clock in the noon, then to answer such things as shall be objected against him by the said A. B. Witness my hand and seal this _____ day of _____

And shall hear the merits of the case between the parties and shall give judgment, and grant execution, as in other cases to the same amount, and shall receive no more, nor greater fees, than in such other cases as aforesaid.

XXVII. *And be it further enacted*, That the Clerk's Courts in the several and respective Counties, and the City Court in the City of *Saint*

The Clerk's Courts to have

Saint John, shall have the like powers as are given in the two last preceding Sections, to a Justice of the Peace, and shall and may proceed in the like cases, according to the form and course of proceedings in such Courts respectively.

the same powers as Justices.

CAP. XXII.

An Act to prevent the destruction of Moose on the Island of Grand Manan.

Passed the 14th of March, 1810.

WHEREAS the preservation of the breed of Moose on the Island of Grand Manan, may be beneficial to those who carried the first pair of Moose to said Island, and also highly useful, not only to the inhabitants of said Island, but of the whole Province.

Preamble.

I. *Be it therefore enacted by the President, Council, and Assembly*, That from and after the passing of this Act, no person or persons whosoever, shall, under any pretence whatsoever, take, kill, wound, or otherwise destroy any Moose on the Island of Grand Manan, except as hereinafter provided.

No Moose to be killed on Grand Manan.

II. *And be it further enacted*, That every person who shall take, kill, wound, or destroy any Moose, or shall sell or expose to sale, or buy, or cause to be bought, or shall have in his or her possession, any Moose, or the skin or flesh, or any part of the skin or flesh of any Moose so taken, killed, wounded, or destroyed, shall for each and every offence, forfeit and pay the sum of *fifteen pounds*, to be recovered with costs by action of debt, bill, plaint, or information in the Inferior Court of

Offenders against this Act to forfeit fifteen pounds.

of Common Pleas, for the County of Charlotte, one half; upon recovery thereof, to be paid to the Overseers of the Poor, for the use of the Poor of the said Island, and the other half to the person who shall inform and sue for the same.

III. *Provided always, and be it further enacted,* That nothing in this Act shall be construed to extend to prevent *Moses Gerrish*, the original importer of the said Moose, from killing, or from giving licence and permission to kill a certain number of Moose, in each and every year, such number to be directed by the Justices, in their Sessions, in the County of *Charlotte*, as they in their discretion shall think fit.

Not to prevent Moses Gerrish from killing, or permitting to be killed, such number of Moose as the Justices in Sessions shall direct.

Limitation.

IV. *And be it further enacted,* That this Act shall be, and continue in force for four years and no longer.

Continued for 4 years, and to the end of the then next Session; by 54 Geo. 3, c. 3.

CAP. XXIII.

An Act to explain and amend the Laws now in force for regulating the exportation of Fish and Lumber.

Refer to 37 G. 3.

c. 4.

43 G. 3 c. 7.

Passed the 14th of March, 1810.

WHEREAS the regulations contained in an Act, made and passed in the thirty-seventh year of His Majesty's Reign, intituled "An Act for regulating the exportation of Fish and Lumber, and for repealing the Laws, now in force, regulating the same"---and in another Act made and passed in the forty-third year of His Majesty's Reign, intituled "An Act to explain and amend

Preamble.

“amend an Act, intituled an Act for regulating the exportation of Fish and Lumber, and repealing the Laws, now in force, regulating the same,” have been found ineffectual for the purposes thereby intended.

I. *Be it therefore enacted by the President, Council, and Assembly,* That the fourth and sixth Sections of the first of the said herein before recited Acts be, and the same are hereby repealed.

4th and 6th Sections of the former Act repealed.

The Second Section Repealed by 56 G. 3, C. 13, § 6.

III. *And be it further enacted,* That no squared Timber for the British market shall be deemed merchantable, that is less than ten inches square, or shorter than sixteen feet, free from joints, smoothly hewn, and well squared, free from bark, shakes and rotten knots; no log less than fourteen inches square, shall have more than one inch wane, and no log above fourteen inches square, and not exceeding twenty inches square, shall have more than two inches of wane, and all logs above twenty inches square, shall not have more than three inches wane, to be measured on the wane, and such timber (spruce excepted) shall not taper more than one inch to every fourteen feet in length; and no log shall have a sweep unless it has two straight sides; that the Surveyor shall cause every log to be canted and carefully examine every side thereof, he shall survey no log until it is square butted, he shall mark the contents in figures on the butt end of every log, with the purchaser's mark, and his own initials, and shall be liable to a prosecution by the party injured, and to a forfeiture not exceeding *five shillings*

What shall be deemed merchantable timber for the British market.

Logs to be square butted and marked on the butt end.

Surveyors to keep
entries of Lumber
surveyed.

shillings per ton, for every log he may pass contrary to the provisions of this Act; he shall furnish the purchaser and seller immediately with a survey bill, and shall keep a book of entries of all lumber surveyed by him, noting the time of such survey, and the persons from whom and to whom it was surveyed, to be referred to at any time as evidence of such survey: It shall be lawful for a Surveyor to survey lumber in any part of the County in which he is appointed, and for extra services required by virtue of this Act, the Surveyor shall be paid at the rate of *eight-pence* per ton, instead of *six-pence* heretofore allowed, except for timber surveyed in the City and County of *Saint John*, which allowance shall be paid by the purchaser.

Merchantable
lathwood.

IV. *And be it further enacted*, That no lathwood shall be deemed merchantable, unless it be square butted, of straight rift, free of bark, knots and heart.

Forty shillings
penalty for plugging
masts or
timber.

V. And whereas some evil disposed persons are in the practice of plugging timber and masts, for the purpose of passing such timber or masts by such deceptions as merchantable: *Be it therefore enacted*, that any person convicted of plugging any timber or masts, where any defect is covered by such plugging, shall be liable to pay a fine of *forty shillings*, for each and every offence, which penalty, as well as the penalties before inflicted by this Act, shall be recovered before any one of His Majesty's Justices of the Peace, with costs of suit, upon the oath of one or more credible witness or witnesses; and levied by Warrant of distress and sale of the offender's

der's goods and chattels, rendering the overplus (if any) after deducting the costs and charges of prosecution to the offender, one half of such penalties to be for the benefit of the person complaining, and the other half for the benefit of the poor of the Parish, where such offence shall be committed.

VI. *And be it further enacted,* That the herein before recited Acts and every part of the same, not hereby repealed, altered or amended, be, and remain in full force and virtue; any thing herein contained to the contrary notwithstanding.

Former Acts continued in force.

See further---56 Geo. 3. c. 13.

CAP. XXIV.

An Act to authorise the Justices of the Peace in their General Sessions, to establish Feries in their respective Counties.

Passed the 14th of March, 1810.

[*Expired.*]

CAP. XXV.

An Act to repeal an Act, intituled "An Act to render Justices of the Peace more safe in the execution of their duty."

Passed the 14th of March, 1810.

WHEREAS Justices of the Peace are rendered sufficiently safe in the execution of their duty, by the Act of Assembly, passed in the forty-first year of His Majesty's Reign, intituled "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."

Preamble.

Former Law re-
pealed.

Be it therefore enacted by the President, Council, and Assembly, That an Act passed in the forty-seventh year of His Majesty's Reign, intituled " An Act to render Justices of the Peace more safe in the execution of their duty," be, and the same is hereby repealed. Provided always, that this Act shall have no retrospective force or operation.

CAP. XXVI.

An Act in addition to an Act, intituled " An Act for the more effectual prevention of " desertion from His Majesty's Forces."

Passed the 14th of March, 1810.

[*Expired.*]

CAP. XXVII.

An Act to declare the qualifications of Church Wardens and Vestrymen, in the several Parishes in this Province, and of the Persons having voices in their election.

Passed the 14th of March, 1810.

BE it enacted by the President, Council, and Assembly, That the inhabitants of the several and respective Parishes in this Province, who are Members of the Church of England, or who do, or shall regularly attend divine service in, and according to the forms, rites and ceremonies of the same Church, in the Parish where they shall or may be resident, or who shall be owners or proprietors of Pews in such Church, shall and may be qualified, and capable to be elected and appointed, and to have and hold the said offices or places of Church Wardens and of Vestrymen, and also

Refer to 29 G. 3
c. 1. § 3.

Inhabitants in the several Parishes who are members of the Church of England, or attend divine service therein, or are owners or proprietors of Pews in the Church, eligible as Wardens and Vestrymen, and to have votes and no other persons.

to have voices and votes in the election of all such Church Wardens and Vestrymen, in the several Parishes in which they shall respectively reside as aforesaid; and that no other person or persons whosoever, shall be qualified, or capable to hold or enjoy the said offices or places, or any, or either of them, or shall have voice or vote in the election or appointment of any such Church Wardens or Vestrymen, in any Parish in this Province: any Law, usage, or custom to the contrary notwithstanding.

CAP. XXVIII.

An Act to repeal an Act, intituled "An Act to make more effectual provision for repairing the Aboideau or Bridge across the Marsh Creek, in the City and County of Saint John.

Passed the 14th of March, 1810.

BE it enacted by the President, Council, and Assembly, That the Act made and passed in the forty-eighth year of His Majesty's Reign, intituled "An Act to make more effectual provision for repairing the Aboideau or Bridge, across the Marsh Creek in the City and County of Saint John," be, and the same is hereby repealed. Act repealed.

CAP. XXIX.

An Act to revive and continue sundry Acts of the General Assembly, that have expired.

Passed the 14th of March, 1810.

I. **B**E it enacted by the President, Council, and Assembly, That an Act made and passed in the forty-first year of Acts for preserving the bank of
of

the River in front
of Lincoln,

of His Majesty's Reign, intituled "An
" Act for preserving the bank of the Ri-
" ver 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 for preserving
" the bank of the River Saint John, in front

and in front of
Maugerville, Shef-
field, and Water-
borough, conti-
nued for six years.

" of the Parishes of *Maugerville*, *Sheffield* and
" *Waterborough*," be, and the same are hereby
revived and declared to be in full force for
six years and no longer.

Made perpetual by 56 Geo. 3, c. 12.

CAP. XXX.

An Act to revive and make perpetual an Act,

intituled " An Act for the support and re-

Refer to 41 G. 3.
c. 5.

" lief of confined debtors," and further to
extend the provisions of the same.

Passed the 14th of March, 1810.

WHEREAS 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," has lately ex-
pired; And whereas the support and relief
intended by the said Act, have been found
expedient and necessary; And whereas it is
deemed expedient further to extend the pro-
visions of the said Act,

Preamble.

I. *Be it therefore enacted by the President,
Council, and Assembly,* That the said Act shall
be revived and continued, and the same is
hereby declared to be revived, and to be in
full force, and made perpetual.

Made perpetual.

II. *And be it further enacted,* That each and
every debtor committed to Gaol in execution

Extended to
debtors in execu-

upon

upon any Judgment recovered before any Justice of the Peace, in such Justices Court, shall be intitled to the benefit of the said Act; and such Justice, or any other Justice of the Peace of the County, in the Gaol of which the debtor shall be confined, upon such application, notice and examination, as are prescribed in the cases mentioned in the said Act, shall make the like orders for the relief of such debtor, in every respect as if the execution against such debtor had issued out of either of the Courts mentioned in the said Act.

tion upon judgments recovered before a Justice of the Peace.

III. *And be it further enacted*, That every person who being sworn, under and by virtue of the provisions of this Act, shall be convicted of making or taking a false oath to any of the facts to which he may be required to swear, 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 swearing falsely, liable to the punishment of perjury.

CAP. XXXI.

An Act to provide for the erection of Fences, with Gates across Highways, leading through intervale lands in Queen's County and the County of Sunbury, where the same may be found necessary.

Passed the 14th of March, 1810.

I. **B**E it enacted by the President, Council, and Assembly, That when any proprietor or occupant of any intervale lands in Queen's County, or the County of Sunbury, over which any Highway or Public Road passes, shall think it necessary or expedient for the protection of such intervale land, that

Upon application of any proprietor of intervale lands in Queen's or Sunbury to two Justices of the Peace, five disinterested Freeholders to be appointed who shall examine and report on oath to the Sessions.

a fence or fences should be erected across such road or highway, with a swinging gate or gates therein, and with a fence or fences extending into the water, from the place or places where such road or highway may require fencing (if the same shall be at or near the shore of any river or other water,) it shall and may be lawful for such proprietor or occupant, to prefer a petition to any two of His Majesty's Justices of the Peace in the said respective Counties, stating particularly the object and grounds of such application, and praying for permission to erect such fence or fences; upon the presenting whereof, the said Justices are authorised and required forthwith, by order thereon indorsed, to appoint five substantial and disinterested freeholders of the said respective Counties, not resident in the Town or Parish in which such fence or fences is, or are proposed to be erected, to be Commissioners to examine and report upon such petition, which Commissioners shall be sworn to the faithful discharge of their trust, before the said Justices, or either of them; a certificate of which shall be indorsed upon the same petition: And the said Commissioners shall thereupon proceed to view the said place or places where the same fence or fences are proposed to be erected, and to report thereon in writing, to the then next Court of General Sessions of the Peace for the said respective Counties; And if it shall appear to the Justices of such Court from the report so made by the said Commissioners, or by any three of them, that it is necessary or expedient that the fence or fences prayed for, should be erected,

If it appear to the Sessions necessary or expedient, licence may be granted to erect the fence with a gate.

erected, they are hereby authorised and required to make an order for the erection of such fence or fences, with a good convenient swinging gate or gates in the same where such fence or fences cross the road, and to make such further order respecting the same as to them shall seem meet; and that it shall be lawful for the person or persons so petitioning at his, her or their own expence, to erect such fence or fences, with such swinging gate or gates, agreeably to the directions of the said Court.

II. *And be it further enacted,* That if any person or persons shall break, or throw down, or in any way destroy any fence or fences so to be erected, or any part thereof; or shall block up and fasten, or stake open, or take down, or destroy any gate or gates which may be erected by virtue and in pursuance of this Act, such offender or offenders shall upon conviction thereof, before any one of His Majesty's Justices of the Peace, of the said Counties respectively, upon the oath of one or more credible witness or witnesses, forfeit and pay the sum of *twenty shillings*, for each and every offence, to be levied with costs by warrant of distress and sale of the offender's goods, under the hand and seal of such Justice, directed to either of the Constables within the said respective Counties, and for want of goods whereon to levy the same, the offender or offenders shall be committed to the common gaol of the County, there to remain for the space of five days, unless the said sum with costs be sooner paid; which forfeiture, when recovered, shall be paid into
the

Persons breaking or destroying the fence, or fastening up, staking open, or destroying the gate, to forfeit twenty shillings.

To the use of the
Poor.

And be liable for
all damages.

If gates are not
kept in repair,
the Proprietor to
have no benefit
of this Act.

The fence to be
removed when
the reason for e-
recting it ceases.

the hands of the Overseers of the Poor of the Parish, where the offence shall be committed, for the use of the said Poor; and such offender or offenders shall be further liable for all damages sustained thereby, to be recovered with costs, by action or actions, at the suit of the party injured. *Provided always*, that if any gate or gates erected by virtue, or in pursuance of this Act, shall not be kept in good repair by the proprietor or proprietors thereof, at his, her, or their own expence, he, she, or they shall have no benefit or advantage from this Act.

III. *Provided always, and be it further enacted*, That whenever it shall appear to the said Justices in General Sessions by the report of any three or more of five Commissioners (freeholders as aforesaid) to be appointed and sworn in manner as aforesaid, that the reason for erecting any such fence or fences, has ceased to exist, it shall and may be lawful for the said Justices in their General Sessions; to order such fence or fences to be removed; and the proprietor or proprietors of such fence or fences, shall not after such order, have any further benefit or advantage from this Act; and the continuance of such fence or fences, shall thereafter be considered and adjudged to be a nuisance upon the highway.

Limitation.

IV. *And be it further enacted*, That this Act shall continue in force for four years and no longer.

Continued to 1818, and to the end of the then next Session, by 54 Geo. 3, c. 3.

CAP. XXXII.

An Act for regulating the Importation of certain Articles into this Province.

Passed the 14th of March, 1810.

[Expired.]

CAP. XXXIII.

An Act to continue the establishment of County Schools, as provided for by an Act, intituled "An Act for encouraging and extending Literature in this Province."

Passed the 14th of March, 1810.

[Expired.]

CAP. XXXIV.

An Act to appropriate a part of the Public Revenue for the services therein mentioned.

Passed the 14th of March, 1810.

[Obsolete.]

CAP. XXXV.

An Act to grant and appropriate certain sums of money for Roads and Bridges.

Passed the 14th of March, 1810.

[Obsolete.]

CAP. XXXVI.

An Act in addition to an Act, intituled "An Act for regulating Elections of Representatives in General Assembly, and for limiting the duration of Assemblies in this Province."

Refer to 31 Geo. 3, C. 17.

Passed the 14th March, 1810.

WHEREAS by an Act of the General Assembly of this Province, made and passed in the thirty-first year of His Majesty's

Preamble

ty's Reign, and afterwards confirmed and ratified by an Order of His Majesty in Council, intituled "An Act for regulating Elections of Representatives in General Assembly, and for limiting the duration of Assemblies in this Province," it is among other things enacted, that every Elector, before he is admitted to poll, shall, if required by the Candidates or any one of them, take 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 whereas in cases where the said oaths have been required to be taken, Freeholders Professing the Religion of the Church of Rome, have thereby been prevented from Polling: And whereas it is just and expedient that all His Majesty's faithful subjects, should participate in the enjoyment of a right equally interesting to all, as far as may be consistent with the safety and security of His Majesty's Person and Government,

Be it therefore enacted by the President, Council, and Assembly, That at any future Election of Representatives to serve in General Assembly, instead of the oaths appointed to be taken by the said Act, made in the first year of the Reign of His late Majesty King George the First as aforesaid, every Elector at the time of Polling, and before he is admitted to

Poll

Poll at the Election, shall, if required by the Candidates, or any one of them, take the following oath, that is to say,

I A. B. do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty King George the Third, and him will defend to the utmost of my power, against all traitorous conspiracies and attempts whatsoever, which shall be made against His Person, Crown or Dignity. And I will do my utmost endeavour to disclose and make known to His Majesty and His Successors, all treasons and traitorous conspiracies which I shall know to be against him or any of them. So help me God!---or being one of the People called Quakers, shall, if required as aforesaid, solemnly affirm the effect of the said oath; which oath or affirmation the Sheriff or any sworn Clerk duly appointed for taking the Poll, is hereby authorised to administer: Provided that this Act shall not be in force until His Majesty's Royal approbation be thereunto had and declared.

Oath to be taken instead of the Oaths formerly appointed.

This Act was confirmed, finally enacted, and ratified by an Order of His Royal Highness the Prince Regent in Council, in the name and on the behalf of His Majesty, dated at the Court at Whitehall, the 22d of June, 1811.

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Anno Regni GEORGH III.
Britanniarum Regis,
Quinquagesimo Secundo.

AT the General Assembly of the Province of New Brunswick, begun and holden at Fredericton, on the twenty-seventh day of January, Anno Domini, one thousand eight hundred and ten, in the fiftieth year of the Reign of our said Sovereign Lord GEORGE the THIRD, by the Grace of GOD, of the United Kingdom of Great-Britain and Ireland, KING, Defender of the Faith, &c. and from thence continued by several Prorogations, to Tuesday the first day of February, one thousand eight hundred and twelve; being the Second Session of the Fifth General Assembly convened in the said Province.

CAP. I.

Refer to 47 Geo.
3. c. 10.
50 Geo. 3. c. 14.

An Act to continue and amend the Act for raising a Revenue in this Province, and the Act in amendment thereof.

Passed the 21st February, 1812.

Preamble.

WHEREAS an Act made and passed in the fiftieth year of His present Majesty's Reign, to continue and amend an Act made and passed in the forty-seventh year of the same Reign, intituled "An Act for raising a Revenue in this Province," will expire on the first day of April next, and whereas it is expedient further to continue the same,

I. *Be it therefore enacted by the President, Council, and Assembly,* That the same Acts be, and the same are hereby further continued, as herein after amended, 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 fourteen.

Continued to 1st of April, 1814.

II. *And be it further enacted,* That the Bonds hereafter to be taken by the Treasurer and his Deputies, to secure the payment of the duties arising under the said Act for raising a Revenue in this Province, shall be taken in the name of the King's Majesty, and payable to His said Majesty, his Heirs and Successors, and not in the name of the Treasurer, as provided in and by the same Act, and that the said Bonds be respectively conditioned for the payment of the monies thereby secured as in the said Act is provided.

Bonds to be taken to the King, instead of the Treasurer.

See further 53 Geo. 3, c. 9.

54 Geo. 3, c. 14, 18, 19.

56 Geo. 3, c. 29.

and 57 Geo. 3, c. 2.

CAP. II.

An Act to amend an Act, intituled "An Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery and Fornication."

Refer to 31 Geo. 3, c. 3; and 48 Geo. 3, c. 3.

Passed the 21st of February, 1812.

WHEREAS in and by an Act made and passed in the thirty-first year of His Majesty's Reign, intituled "An Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery, and Fornication," it is provided and enacted,

Preamble.

ed, that in case there shall be no Parson, Vicar, Curate or other Person in Holy Orders of the Church of England, in any Town or Parish in this Province, in which any Persons of lawful age and capacity, shall intend to make a contract of marriage, it shall and may be lawful for any of His Majesty's Justices of the Peace, being of the Quorum, in the County where such Persons respectively reside, to solemnize and take the acknowledgment of marriage between such parties, in the manner and form directed and prescribed in and by the said Act, first giving such notification of such Banns of Matrimony as is directed in and by the same Act; And whereas by His Majesty's Letters Patent, or Royal Charter, granted, made and passed under the Great Seal of this Province, to the Mayor, Aldermen and Commonalty of the City of Saint John, ratified and confirmed by an Act of the General Assembly, made and passed in the twenty-sixth year of His Majesty's Reign, it was among other things granted to the said Mayor, Aldermen and Commonalty of the said City, and to their Successors for ever, that the Mayor, Recorder and Aldermen of the said City, for the time being, should be at all times for ever thereafter Justices, and each of them a Justice of the Peace within the City and County of Saint John, and that they the said Mayor, Recorder and Aldermen of the said City, for the time being, and such other Person and Persons as His Majesty, his Heirs and Successors should from time to time assign to be Justice and Justices of the Peace, within the said City and County of Saint John, whereof

whereof the said Mayor, Recorder, or any one of the Aldermen of the said City, for the time being, should be one, should and might forever thereafter hold and keep four Courts of General Quarter Sessions of the Peace, in and for the said City and County, in every year. And whereas great inconveniences have arisen from the want of some Person or Persons duly authorised to solemnize and take the acknowledgment of marriage between such parties as aforesaid, intending to make a contract of marriage, in the several Parishes in the said County of Saint John, distinct from the said City, in which there is not any Parson, Vicar, Curate or other Person in Holy Orders of the Church of England, by reason that no Persons other than the said Mayor, Recorder and Aldermen of the said City, can, consistently with the said Royal Charter ratified and confirmed as aforesaid, be appointed Justices of the Quorum in the said County: For remedy whereof,

I. *Be it enacted by the President, Council, and Assembly,* That from and after the passing of this Act, it shall and may be lawful for His Majesty's Justices of the Peace, for the said City and County of Saint John, not being of the Quorum, severally and respectively to solemnize and take the acknowledgment of marriage, in all cases where any Justice of the Peace, being of the Quorum, may solemnize and take the same by virtue of the said first herein before in part recited Act, in manner and form as prescribed by the same Act, to such Justice of the Peace being of the Quorum, and such Justice of the Peace shall have

Justices in the City and County of Saint John, not being of the Quorum, may solemnize marriage

have the like power and authority in every respect as any Justice of the Peace, being of the Quorum, can or may have under and by virtue of the same Act : any thing in the same Act contained to the contrary thereof in any wise notwithstanding.

Subject to the same rules, &c. as Justices of the Quorum are by the recited Act.

II. *And be it further enacted,* That such Justices of the Peace as aforesaid, as shall solemnize and take the acknowledgment of any marriage under and by virtue of this Act, shall be respectively subject and liable to the same rules, regulations, penalties, and forfeitures, in every respect, and to all intents and purposes as Justices of the Peace, being of the Quorum, are subject and liable to, under and by virtue of the said first herein before recited Act : any thing in the same Act contained to the contrary thereof in any wise notwithstanding.

Recited Act continued in force.

III. *And be it further enacted,* That the said first herein before recited Act, and every clause, matter, and thing therein contained, not altered and amended by this Act, shall be and remain in full force : any thing in this Act contained to the contrary thereof in any wise notwithstanding.

CAP. III.

An Act to continue for a limited time 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 and Parishes in this Province.

Refer to 50 Geo. 3, c. 6.

Passed the 21st of February, 1812.

*Further continued by 54 Geo. 3, c. 7,
and 56 Geo. 3, c. 24.*

CAP. IV.

An Act to repeal an Act passed in the thirty-first year of His Majesty's Reign, intituled " An Act for fixing permanently the boundary lines between the different Grants in this Province."

Refer to 31 Geo. 3, c. 8

Passed the 21st of February, 1812.

WHEREAS the Provisions made by an Act passed in the thirty-first year of His Majesty's Reign, intituled " An Act for fixing permanently the boundary lines between the different Grants in this Province," have been found ineffectual for the purposes intended, by reason of the increasing variations of the magnetic needle from the true meridian, which are different in different places, and in the same places at different times, so that the course or direction of any line now to be run by the needle would differ widely from what it would have been, had the same nominal course been so run, at or soon after the time of the passing of the said Act.

Preamble.

I. *Be it therefore enacted by the President, Council, and Assembly, That the said Act for*

Act 31, G. 3, c. 8, repealed.

fixing permanently the boundary lines between the different Grants in this Province, be, and the same is hereby repealed.

Proceedings under the repealed Act confirmed.

II. *Provided always*, That nothing in this Act contained, shall extend, or be construed to extend to invalidate or any wise effect any proceedings already had in any part of this Province under and by virtue of the said herein before recited Act, but that such proceedings shall be and remain in the same force as if this present Act had not been passed.

The lines of certain Grants in the County of Charlotte, to be ascertained by reference to the true meridian.

III. *And whereas*, in certain Grants of Land in the County of Charlotte, passed under the Seal of the Province of Nova-Scotia, the courses of the boundary lines have by mistake been specified as lines to be run by the magnetic needle, *Be it further enacted*, that in the said Grants the courses of the boundary lines shall be ascertained by reference to the true meridian, as represented on the plans thereto annexed.

CAP. V.

An Act to appropriate a sum of money as an aid to His Majesty in the defence of the Province.

Passed the 7th of March, 1812.

[*Expired.*]

CAP. VI.

An Act to impose a Duty on certain Articles imported into this Province.

Passed the 7th of March, 1812.

Preamble.

WHEREAS it is deemed expedient that a Duty be laid on certain Articles imported into this Province, for the purpose of increasing the Revenue,

I.

I. *Be it therefore enacted by the President, Council, and Assembly,* That from and after the first day of May next, there be, and is hereby granted to His Majesty, his Heirs, and Successors, for the use of this Province, and for the support of the Government thereof, the several rates and duties on the articles herein after mentioned, which shall or may be brought or imported into this Province from the United States of America, to be paid by the person or persons importing or bringing the same---that is to say, on every ton of square Timber, *two shillings*; on every Ox, *twenty shillings*; on every Horse, *five pounds*.

Duties on Timber, Oxen, and Horses, imported from the United States.

II. *And be it further enacted,* That the duties so to be levied shall be collected by the Treasurer or his Deputy in the different Counties, and that it shall be the duty of every person importing or bringing any articles made liable to duty, by virtue of this Act, to report the same immediately to the Treasurer or his Deputy as aforesaid, under the same pains and penalties for neglect or refusal so to do, as are prescribed in and by the third section of an Act, made and passed in the forty-seventh year of His Majesty's Reign, intituled "An Act for raising a Revenue in this Province," and that such persons shall pay, or secure to be paid, the amount of such duties in the same manner, and in the same proportions, and under the same pains and penalties as are prescribed in the said in part recited Act, and an Act passed this present Session for continuing and amending the same.

To be paid or secured as directed by the Act for raising a Revenue, and under the like penalties.

III. *And be it further enacted,* That this Act shall

Limitation.

shall be, and remain in full force for two years and no longer.

Continued by 54 Geo. 3, c. 3, to 1818, and to the end of the then next Session.

CAP. VII.

An Act to authorise the Justices of the Peace for the Counties of York and Charlotte, respectively, to regulate the Assize of Bread in the Towns of Fredericton and St. Andrews.

Passed the 7th of March, 1812.

I. **B**E it enacted by the President, Council, and Assembly, That the Justices of the Peace in the respective Counties of York and Charlotte, be, and they are hereby authorised and empowered to make such rules and regulations for ascertaining the Assize of Bread, and sale thereof, for Fredericton, in the County of York, and for Saint Andrews, in the County of Charlotte, as they, or the major part of them, in General Sessions, or at any Special Sessions held for that purpose, shall deem just and expedient, and to enforce such regulations under such fines as they shall think fit. *Provided* that no fine for any one offence shall exceed the sum of *forty shillings*.

Justices in York and Charlotte, may establish an Assize of Bread for the Towns of Fredericton and St. Andrews,

and impose fines.

Fines not to exceed forty shillings.

Limitation.

II. *And be it further enacted*, That this Act shall continue and be in force for two years and no longer.

Made perpetual by 54 Geo. 3, c. 1.

CAP. VIII.

An Act to amend and continue for a limited time an Act, intituled "An Act for better regulating the Militia in this Province."

Passed the 7th of March, 1812.

[*Repealed.*]

CAP.

CAP. IX.

An Act for erecting a Court-House and Gaol
in the County of Northumberland.

Passed the 7th of March, 1812.

See further 56 Geo. 3, c. 14.

CAP. X.

An Act to authorise the Justices of the Peace
for the County of Charlotte, to levy an
Assessment for paying off the County debt,
and for finishing and completeing the
County Gaol and Court-House, lately erect-
ed in said County.

Passed the 7th of March, 1812.

CAP. XI.

An Act to authorise the Common Council of
the City of Saint John, to appoint Consta-
bles for such Wards of the City, as shall
omit to choose the same.

Passed the 7th of March, 1812.

WHEREAS by the Charter of the City
of Saint John, the Freemen and Free-
holders of the said City, being inhabitants,
are authorised and empowered to elect an-
nually, one Constable for each of the six
Wards of the City: And whereas it has fre-
quently happened that in some of the said
Wards no Constable has been chosen a-
greeably to the provisions of the said Char-
ter,

Preamble.

I. *Be it enacted by the President, Council, and
Assembly,* That it shall and may be lawful for
the Common Council of the said City annually,
to appoint one fit person to be Constable, for
each and every of the said Wards, in which

Common Council
may annually ap-
point Constables
for the Wards in
which none shall
have been chosen

no

no Constable shall have been chosen, agreeably to the provisions of the said Charter.

In case of the death, removal from the City, or refusal of any person appointed or elected to the office of Constable, the Common Council may appoint another.

II. *And be it further enacted,* That if any person appointed to the office of Constable, under and by virtue of this Act, or elected to the same office agreeably to the provisions of the said Charter, shall happen to die, or remove out of the said City, within the time for which he shall be so appointed or elected, or shall refuse to take upon himself to execute the said office, when so appointed or elected, it shall and may be lawful for the said Common Council to appoint one other fit person to execute the said office, in the room of such person so dying, or removing, or refusing to take upon himself to execute such office.

Constables to be appointed by the Common Council to be sworn.

And for refusal or neglect of duty to be liable to the same fine as Constables elected under the Charter.

III. *And be it further enacted,* That every person appointed under and by virtue of this Act, shall, before he executes the office of Constable, be duly sworn as is provided by the said Charter, in the case of persons elected to the said office; and any person who shall refuse, deny, delay or neglect to take upon him to execute the said office, when so appointed by the said Common Council, shall be subject to the like fine as is provided by the said Charter, upon the refusal or neglect of any person to take upon him to execute the said office, after being elected to the same; to be imposed or recovered, and levied and collected, as in and by the same Charter is provided.

Constables in the eastern district, to be inhabitants of the Wards for which they are

IV. *And be it further enacted,* That the persons who may be appointed to the office of Constable, under and by virtue of this Act, for the several Wards in the eastern district
of

of the said City, shall be inhabitants of the Wards, for which they shall be respectively appointed, and Freemen of the said City, and the persons who may be in like manner appointed for the Wards in the western district of the said City, shall be inhabitants of the said district, and Freemen of the said City.

appointed, and Freemen; and in the western district to be inhabitants of the district, and Freemen.

CAP. XII.

An Act more effectually to prevent the encumbering or filling up of Harbours, and to authorise the appointment of Harbour Masters.

Passed the 7th of March, 1812.

WHEREAS the Laws now in force “ to Preamble.
 “ prevent the encumbering or filling
 “ up of Harbours,” are found ineffectual: And
 whereas it is necessary for the security of ves-
 sels, that Harbour-Masters should be ap-
 pointed in this Province,

I. *Be it therefore enacted by the President, Council, and Assembly,* That an Act made and passed in the thirty-third year of His Majesty's Reign, intituled “ An Act to prevent the “ encumbering or filling up of Harbours,” and also an Act, made and passed in the fiftieth year of His Majesty's Reign, intituled “ An Act in addition to an Act, to prevent “ the encumbering or filling up of Harbours,” be, and the same are hereby repealed. Former Acts re-
pealed.

II. *And be it further enacted,* That no master or commander of any ship or vessel, shall unload or throw overboard, any ballast or rubbish, into any Road, Port or Harbour, in this Province, or land the same in any other part of such Road, Port or Harbour, than shall No ballast or rubbish to be unloaded or thrown into any other part of any road, port or harbor, than shall be appointed by
 shall

the Harbour Master or Port Wardens under the penalty of £25.

shall be appointed by the Harbour-Master, or Port Wardens of the respective Ports, under the penalty of *twenty-five pounds*, for each and every offence.

In discharging ballast a piece of canvas to be used to prevent ballast from falling into the harbour, under the penalty of £10.

III. *And be it further enacted*, That when ballast is discharged in any of the Harbours of this Province, into boats or lighters, there shall be a sufficient piece of canvas, or tarpauling, reaching from the ballast-port or gunwale of such ship or vessel, to the boat or lighter, to prevent any part of such ballast or rubbish falling into such Harbour, under the penalty of *ten pounds*, for each and every offence; which penalties shall 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 such offence shall be committed; all which penalties, when recovered, shall be paid into the hands of the Commissioners appointed to erect beacons, land marks, buoys, and other necessary purposes in their respective Counties, who shall account to the Justices in their Sessions for the expenditure: Provided always that nothing in this Act shall extend or be construed to extend to the City of Saint John.

To be recovered before two Justices and paid into the hands of the Commissioners appointed to erect Beacons, &c.

Not to extend to the City of Saint John.

Justices of the Inferior Courts of Common Pleas to appoint Harbour-Masters, who shall have power to regulate the ballast berths, and the anchoring and mooring of vessels.

IV. *And be it further enacted*, That it shall and may be lawful for the Justices of the Inferior Court of Common Pleas, in the respective Counties, to appoint Harbour-Masters for such Harbours as may be found to require the same, which Harbour-Masters shall have full power and authority to direct and regulate the proper ballast berths, and also the anchoring and mooring of each and every vessel

vessel coming into such Harbours, and the master or commander of any ship or vessel, who shall refuse or neglect to obey or conform to the directions of such Harbour-Master, shall forfeit and pay the sum of *five pounds*, for each refusal or neglect, to be recovered and applied as aforesaid: And it shall and may be lawful for such Harbour-Master to ask, demand, and receive from the master, commander or consignee, of every ship or vessel, (coasters excepted) which shall come into and anchor in such Harbour, the sum of *five shillings*, for all vessels above fifty tons, and not exceeding one hundred tons; and *ten shillings* for all vessels above one hundred tons, as Harbour-Masters' fees, which Harbour-Masters shall furnish copies of the Regulations made for their respective Harbours, to the Pilots appointed for such Harbours, one copy of which Regulations, such Pilots are hereby required to give to the master or commander of every vessel they may take charge of, for his information; and it shall be the duty of such Harbour-Masters, to prosecute all breaches of this Act.

Masters of vessels disobeying directions of Harbour-Masters, to forfeit £5.

Harbour Masters' fees.

Harbour Masters to furnish copies of Regulations to the Pilots, who shall give one copy to the master of every vessel which they may take charge of.

V. *And be it further enacted*, That this Act shall be in force for two years, and to the end of the then next Session of the General Assembly, and no longer.

Limitation.

Made perpetual by 54, Geo. 3. c. 1.

See further, 57, Geo. 3. c. 6.

Penalties, in certain cases, recoverable before one Justice.

CAP. XIII.

An Act to authorise the Justices of the Peace in the City and County of Saint John, in their General Sessions; to levy an additional Assessment for the purpose of finishing the Gaol of the said City and County, and to discharge the debt already contracted in adding to the said Gaol.

Passed the 7th of March, 1812.

CAP. XIV.

An Act to establish a Winter Road from Bates's Mill-Pond to the River Kennebec-kasis, at or near the site of the old Court-House in King's County.

Passed the 7th of March, 1812.

CAP. XV.

An Act to alter and amend an Act, intituled
 " An Act for the further regulation of
 " Fisheries, and for preventing their de-
 " cay."

Passed the 7th of March, 1812.

Refer to 50-Geo.
3, c. 20.

Preamble.

WHEREAS in and by the second Section of an Act made and passed in the fiftieth year of His Majesty's Reign, intituled " An Act for the better regulation of Fisheries, and for preventing their decay," it is among other things enacted, that no drift net be used for the purpose of catching fish in the harbour of Saint John: And whereas it is just and reasonable that the privilege of catching fish in the different rivers, coves and creeks of this Province, should be equalised where no infringement is made to existing laws, nor injury done to individuals,

I. *Be it therefore enacted by the President, Council, and Assembly,* That from and after the passing of this Act, it shall and may be lawful for the Freemen and Inhabitants of the City of Saint John, to use drift nets for the purpose of catching Shad only, within the said harbour, from the first day of May, to the first day of June, in each and every year, from Navy Island, to Lower Ferry Point, under the direction of the Overseers of the Fisheries, and according to the Laws and Ordinances of the Mayor, Aldermen, and Commonalty of the said City; any thing in the herein before recited Act to the contrary notwithstanding: Provided always, that no nets used for drifting as aforesaid, shall exceed thirty fathoms in length, or be made use of within a less distance than thirty fathoms from each other, under the penalty of *ten pounds*.

II. *And be it further enacted,* That hereafter no drift net shall be used below Worden's tavern, at the head of the Long Reach, after the first day of June, under the penalty of *ten pounds* for each and every offence; any law, usage or custom, to the contrary notwithstanding.

III. *And be it further enacted,* That all penalties incurred by virtue of this Act, shall be recovered and applied in like manner as penalties are recoverable in the herein before recited Act; And whereas the provisions made in the fourth Section of the said herein before recited Act, have been found inefficual for the purposes thereby intended.

The remaining Section, Repealed by 56 Geo. 3. c. 4.

Drift nets may be used for the purpose of taking Shad only from Navy Island to lower ferry point, in the harbour of St John, from the first of May to the first of June, under the direction of the overseers, and according to the laws of the Mayor, Aldermen, &c.

Nets not to exceed 30 fathoms in length, or be used nearer together than 30 fathoms.

No drift net to be used below Worden's tavern, after first of June

Penalties here recovered and applied

CAP. XVI.

An Act authorising the Mayor, Aldermen and Commonalty of the City of Saint John, to make regulations for the more effectual prevention of fires within the said City.

Passed the 7th of March, 1812.

[*Expired.*]

CAP. XVII.

An Act in further addition to an Act, intituled “ An Act for better extinguishing Fires “ that may happen within the City of Saint “ John.”

Passed the 7th of March, 1812.

WHEREAS it is an object of the greatest importance in the City of Saint John, to have Firemen to take charge of, direct and work the Fire Engines within the said City, who are skilful in working and managing the same : And whereas such persons are not to be procured without some further exemptions from public duties, than are at present extended to them ; and without skilful persons to have the care, management and working thereof, the fire engines in the said City, can be of little or no service in cases of casualty, and distress by fire.

I. Be it therefore enacted by the President, Council and Assembly, That the registered Firemen within the said City of Saint John, in addition to all other exemptions, to which they are by law intituled, shall and are hereby declared to be exempt and free from all statute labour on the Highways and Streets, within the said City, during their continuance in the office of Firemen ; any law or usage to the

Refer to 26 Geo.
3, c. 47.
and 28 G. 3, c. 3.

Preamble.

Registered firemen in the City of Saint John, exempted from Statute labour on the highways and streets.

the contrary notwithstanding: *Provided always and be it further enacted*, that the said Firemen shall be liable to perform the same Militia duty as may be required of any other inhabitants of the same City, any thing in the Act made and passed in the twenty-sixth year of His present Majesty's Reign, intituled "An Act for the better extinguishing Fires in the City of Saint John," or, in an Act made and passed in the fiftieth year of His Majesty's Reign, intituled "An Act for better regulating the Militia in this Province," to the contrary thereof notwithstanding.

And made liable to do the same Militia duty as other inhabitants of the City.

See further 56 Geo. 3, c. 2.

CAP. XVIII.

An Act in amendment of an Act, made and passed in the forty-fifth year of His Majesty's Reign, intituled "An Act to regulate the Winter Roads in the Counties of York and Sunbury."

Refer to 45 Geo. 3, c. 8.

Passed the 7th of March, 1812.

I. ***BE*** it enacted by the President, Council, and Assembly, That the first, second, third, and fifth Sections of an Act, made and passed in the forty-fifth year of His Majesty's Reign, intituled "An Act to regulate the Winter Roads in the Counties of York and Sunbury," be, and the same are hereby repealed.

Sections repealed

II. *And be it further enacted*, That from and after the passing of this Act, the Commissioners of Highways, or either of them, for the time being, in the Parishes of Fredericton, Kingsclear, and Saint Mary's, in the County of York, and the Commissioners of Highways,

Commissioners to order Surveyors to summon the inhabitants to mark the roads with one row of evergreen bushes.

or

or either of them, for the time being, in the several towns and parishes in the County of Sunbury, where the major part of such Commissioners shall think it necessary, shall yearly and every year, 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 labour on the said Winter Roads by marking the same in lines as straight as may be, with one row of evergreen bushes, erected at distances not exceeding four rods from each other, and that the said Roads shall be marked on the River Saint John, excepting from the usual landing place, below the town of Fredericton, to the usual landing place above the said town, where the Road shall be marked upon the land through the front street of the Town Plat.

III. *And be it further enacted*, That the said Commissioners, or either of them, are hereby required to lay out the said Winter Roads, on each side of, and within six feet from the said one row of bushes erected as aforesaid, and all persons travelling with their horses, cattle, sleds and carriages of every denomination, on the said Roads, within the aforesaid limits, shall leave the said one row of bushes always on the left hand, 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 upon conviction, before any one of His Majesty's Justices of the Peace, upon the oath of one or more credible witness or witnesses, and levied by

warrant

Roads to be laid out on each side of, and six feet distant from the row of bushes.

Travellers to leave the bushes on the left hand, under the penalty of 10s.

To be recovered before a Justice.

And levied by warrant of distress.

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 whereon to levy, the offender or offenders, shall be imprisoned for a time not exceeding four days.

To the use of the informer.
For want of effects, offender to be imprisoned.

IV. *And be it further enacted*, That the said herein before recited Act, and every clause, matter and thing, therein contained, except whercin the same is hereby altered and repealed, shall be, and continue in full force; any thing herein contained to the contrary in any wise notwithstanding.

Recited Act confirmed.

CAP. XIX.

An Act to amend an Act, intituled "An Act to provide for the more easy partition of Lands in Coparcenery, Joint-Tenancy, and Tenancy in Common."

Refer to 50 Geo. 3, c. 7.

Passed the 7th of March, 1812.

WHEREAS by the first Section of an Act, made and passed in the fiftieth year of His present Majesty's Reign, intituled "*An Act to provide for the more easy Partition of Lands in Coparcenery, Joint-Tenancy, and Tenancy in Common,*" it is enacted, "that upon the petition of any one or more Coparceners, Joint-Tenants or Tenants in Common, to the Supreme Court, praying a division of the lands in which they may be interested, to the proprietors in severalty according to their respective shares and rights, it shall and may be lawful for the said Court to examine the title of the Petitioners preferring such petition, and the quantity

Preamble.

“ quantity of their respective parts and pur-
 “ parts, and accordingly as they shall find
 “ their respective rights, parts and purparts
 “ to be, to award a writ of Partition, as nearly
 “ as may be in the form for that purpose es-
 “ tablished in the register of Judicial writs :”

And whereas, the said recited part of the said Act has been found to be inconvenient,

I. *Be it therefore enacted by the President, Council, and Assembly*, That the same part of the said Act be, and the same is hereby repealed.

II. *And be it further enacted*, That from and after the first day of May next, all proceedings at law for partition between Coparceners, Joint-Tenants, and Tenants in Common, shall commence by writ issuing out of the Supreme Court, as nearly as may be in the form of the writ of Partition issuing out of the Court of Chancery in England, and after such writ of Partition returned, and affidavit being made by any credible person, of due notice given of the said writ of Partition to the Tenant or Tenants to the action, and a copy thereof left with the occupier or Tenant or Tenants, or if they cannot be found, to the wife, son or daughter, (being of the age of twenty-one years or upwards) of the Tenant or Tenants, or to the Tenant in actual possession, by virtue of any estate of Freehold, or for term of years, or uncertain interest, or at will, of the lands, tenements or hereditaments, whereof the Partition is demanded (unless the said Tenant in actual possession be demandant in the action) or if no such person can be found, by publishing such copy in the Royal Ga-

zette,

Part of recited Act repealed.

Proceedings at law for partition, shall commence by writ out of the Supreme Court, as nearly as may be in the form of the writ from Chancery

And after return of such writ and affidavit made of due notice to the Tenant, and of a copy being left with the occupier or Tenant, &c.

or if they cannot be found, being published in the Royal Gazette for 30 days, if an op-

zette, at least thirty days before the day of the return of the said writ of Partition, if the Tenant or Tenants to such writ, or any of them, or the true Tenant to the messuages, lands, tenements and hereditaments, as aforesaid, shall not in such case, on or before the first day of the term next after the return of such writ, cause an appearance to be entered, then in default of such appearance, the demandant having entered his declaration, the Court may proceed to examine the demandant's title and quantity of his part and purpart, and accordingly as they shall find his right, part and purpart, to be, they shall for so much thereof, give judgment by default, and award a writ to make partition, and such proceedings shall be had thereon in every respect as are directed in and by the said herein before recited Act ; any thing herein before contained to the contrary thereof in any wise notwithstanding.

pearance be not entered by the first day of the next term, after the return of the writ.

the demandant having entered his declaration, the Court may examine the title and give judgment by default, and award a writ to make partition.

And proceedings shall be as directed by recited Act.

III. *And be it further enacted,* That if such defendants or Tenants shall appear, the cause shall proceed according to due course of law, and upon judgment that Partition be made between the parties in such action, a writ to make Partition shall be in like manner awarded, and the same shall be executed in such manner and form as are particularly mentioned and directed in and by the same Act ; any thing in the same Act contained to the contrary thereof in any wise notwithstanding.

If defendants appear, proceedings to be according to law, and upon judgment for partition, a writ to be awarded and executed as directed by the recited Act.

IV. *And be it further enacted,* That the Sheriff's respectively, shall give twenty days notice of the execution of the writ to make Par-

Twenty days notice to be given of executing writ to make partition.

tition, instead of forty days, as required by the first Section of the said in part recited Act.

Recited Act confirmed.

V. *And be it further enacted*, That the said herein before recited Act, and every clause, matter and thing therein contained, not altered or amended by this Act, shall be and remain in full force; any thing herein before contained to the contrary thereof in any wise notwithstanding.

CAP. XX.

For former Provisions refer to
26 Geo. 3. c. 3.
27 Geo. 3. c. 9.
32 Geo. 3. c. 2,
and
33 Geo. 3. c. 5.

An Act supplementary to the Acts now in force for the public registering of Deeds, Conveyances, and Wills, and other incumbrances of, or which may affect any lands, tenements, or hereditaments within this Province, and for more effectually securing the title of purchasers of real Estates, against claims of dower.

Passed the 7th of March, 1812.

Preamble.

WHEREAS it has been found to be necessary or expedient to make some further provision for the making and taking of acknowledgments or proof of any Deeds and Conveyances of lands within this Province, in order that the same may be registered in the respective offices erected in the several Counties for registering such Deeds and Conveyances,

If the grantor or bargainor live in any foreign State or Kingdom, the acknowledgment of the deed may

I. *Be it enacted by the President, Council, and Assembly*, That from and after the passing of this Act, if the grantors or bargainors in any Deeds or Conveyances of lands lying within this Province heretofore executed, or hereafter to be executed, shall live in any foreign state

state or kingdom, the acknowledgment or proof of such Deeds or Conveyances 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 Deeds or Conveyances, by and under the hand and seal of such Minister, Ambassador, or Consul, so taking the acknowledgment or proof thereof as aforesaid; and if such grantors or bargainors shall live or reside in any part of the United Kingdom of Great-Britain and Ireland, the acknowledgment and proof of the execution of such Deeds or Conveyances, by the grantors or bargainors respectively, and also the acknowledgment of any Femes Covert therein named, of the execution of the same, by them may in all cases be had and taken before any Mayor, or other Chief Magistrate of the City, Borough or Town Corporate in any part of the said United Kingdom, where or near to which the said grantors or bargainors, and their wives respectively, shall reside, and certified under the Common Seal of such City, Borough, or Town Corporate, or the seal of the office of such officer, or other Chief Magistrate, and that all such acknowledgments or proofs so taken, under and by virtue of this Act, shall be registered with the respective Deeds and Conveyances, so acknowledged in the respective offices, of the Registers of Deeds and Wills, established in and by an Act made and passed in the twenty-sixth year of His Present Majesty's Reign, intituled "*An Act for the public registering of all Deeds, Conveyances, and Wills, and other*

incumbrances

be taken by any public Minister, Ambassador, or Consul, from the Court of Great-Britain, resident in such State or Kingdom, and certified on such deed under the hand and seal of such Minister.

And in Great-Britain and Ireland acknowledgments may be taken before any Mayor or Chief Magistrate of the City. &c. where or near to which the grantors and their wives respectively reside,

And certified under the Common Seal of such City, &c. or the Seal of Office of such officer or Chief Magistrate.

Acknowledgments to be registered with the deeds.

Deeds so acknowledged, certified, and registered, to be subject to the same rules of construction, and have the same effect as other deeds proved and registered agreeably to the Provisions of the Act of 26 Geo. 3. for registering deeds, &c.

Not to deprive any person before authorized of the power of taking the acknowledgment of any person residing in the United Kingdom.

All deeds and conveyances which have been or hereafter shall be duly acknowledged and proved, shall be sufficient to transfer the estate and possession of the lands according to the intents and uses expressed without livery of seisin or other ceremony.

“incumbrances which shall be made of, or that
 “may affect lands, tenements, or hereditaments,
 “within this Province,” and such Deeds or Conveyances so acknowledged, certified, and registered, shall be subject to the same rules of construction, and shall have the same operation, force, and effect, and the certificates of the registry thereof intitled to the same credit in every respect, as any other Deeds or Conveyances, acknowledged or proved, and registered, agreeably to the provisions of the same Act: Provided always, that nothing herein contained shall be construed to deprive any other officers or persons before authorised by any Act of the General Assembly of this Province, of the power of taking the acknowledgment or proof of the execution of any Deeds or Conveyances of any persons residing within the said United Kingdom.

II. *And be it further enacted and declared,* That all Deeds, Grants, and Conveyances, which have been, or which hereafter shall be duly acknowledged or proved, before any Court, or Officer, or person authorised and empowered by the said Act, or by this or any other Act of the General Assembly of this Province, and duly registered agreeably to the provisions thereof, shall be, and shall be deemed and taken to be good, effectual, and available for the passing and transferring the estate and possession of such lands, tenements, and hereditaments, according to the intents and uses and purposes in such Deeds, Grants, and Conveyances, expressed without livery of seisin, or any other act or deed or form or ceremony whatsoever.

III. *And be it further enacted,* That the Registers of Deeds and Wills respectively, shall be intitled to receive for the entering and Registering all Deeds, Conveyances and Wills, and for all Certificates and all office copies, at the rate of *one shilling* for every hundred words contained therein, instead of the fees provided for the same services by the thirteenth Section of the said in part recited Act.

Register's Fees.

CAP. XXI.

An Act more effectually to provide for the public Registering of all Marriages solemnized within this Province.

Refer to 31 Geo.
3, c. 5.

Passed the 7th of March, 1812.

WHEREAS the provisions made for the Registry of Marriages have been found to be ineffectual: and it is expedient that there should be but one book in each County for the Registry of all Marriages solemnized within the same,

Preamble.

I. *Be it therefore enacted by the President, Council, and Assembly,* That the fourth Section of an Act made and passed in the thirty-first year of the Reign of His Present Majesty, intituled "An Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery, and Fornication," be, and the same is hereby repealed.

Fourth Section of
the Marriage Act
repealed.

II. *And be it further enacted,* That immediately after the passing of this Act, the Clerks of the Peace of the several Counties in this Province, shall each be provided with a book at the expence of the Province, for the Registry of the Certificates of all Marriages which may be celebrated and solemnized within the said

Clerks of the
Peace in the several
Counties, to
be provided with
a book for the
Registry of Certi-
ficates of Mar-
riage.

said Counties respectively, which book shall contain six quires of good paper, and be well bound, and every page thereof shall be marked at the top with the figure of the number of every such page, and the same book shall be intitled and deemed and taken to be the book of Registry of Marriages for the same County.

Marriages to be solemnized in presence of two witnesses beside the Minister.

And a Certificate made thereof and signed by the Minister, and the parties, and the witnesses.

III. *And be it further enacted,* That from and after the first day of May next, all Marriages shall be solemnized in the presence of two or more credible witnesses, besides the Minister or person who shall celebrate the same, and that immediately after the celebration of every Marriage, a Certificate thereof shall be made, in which it shall be expressed that the said Marriage was celebrated by Banns or Licence, and if both, or either of the parties named by Licence, be under age, with consent of the Parents or Guardians as the case may be : and shall be signed by the said Minister or other person so celebrating the same, with his proper hand, and also by the parties named, and attested by such two witnesses ; which Certificate shall be made in the form or to the effect following, that is to say :

Form of Certificate.

A. B. of the Parish of and C. D. of the Parish of (or same Parish,) were married by { Banns / Licence } with consent of { Father / Guardian } this day of in the year by me E. F. { Rector, &c. as the / title may be. }

This Marriage was solemnized between us [A. B.] in the presence of [G. H.] [C. D.] [I. K.]

Certificate to be within 2 months transmitted by the Minister to the

And the same Certificate so made and attested, shall be, within two months from the making thereof, transmitted by the said Minister,

nister, or other person so celebrating such Marriage, to the Clerk of the Peace of the said County in which the same Marriage is solemnized, and be forthwith Registered at full length by such Clerk, in the book so provided as aforesaid, and when Registered, an indorsement made thereon of the day of such Registry, and the page of the book in which the same is Registered, and then the same Certificate shall be filed by the said Clerk, to remain in his office.

Clerk of the Peace of the County.

To be by him registered, indorsed and filed.

IV. *And be it further enacted*, That at the time of the celebration of any Marriage, the Minister or person celebrating the same, shall demand and receive the sum of *seven shillings and six-pence*, one moiety thereof as a compensation for making the Certificate of such Marriage, and transmitting the same as herein before mentioned, and the other moiety shall be paid by him to the Clerk of the Peace, as his fee, for Registering and filing such Certificate.

Minister to demand seven shillings and six-pence, one half of which to be to himself, and the other half to be by him paid to the Clerk of the Peace.

V. *And be it further enacted*, That for every neglect or refusal of any person so celebrating any Marriage, to make and transmit the Certificate thereof, or of any Clerk of the Peace to Register and mark and file the said Certificate in manner and form aforesaid, the Person offending 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.

Minister refusing or neglecting to make and transmit Certificate, or Clerk to register, mark and file the same, to forfeit £20.

VI. *And be it further enacted*, That copies from the said Register of the entries therein made, certified by the said Clerk of the Peace, under

Copies from the entries made by the Clerk, certified under his

hand and the seal
of the Court of
Sessions made evi-
dence.

Not to extend to
marriages among
Quakers.

under his hand, and the seal of the Court of General Sessions of the Peace, which the said Clerk is hereby authorised upon such occasions to use, shall be received and taken as evidence in all Courts of Law or Equity in this Province, without other proof of the same being copies: Provided always, that nothing in this Act contained, shall be construed to extend to any Marriages amongst the people called Quakers.

See further 54 Geo. 3, c. 12.

CAP. XXII.

An Act to provide for the payment of the Ordinary Services of the Province.

Passed the 7th of March, 1812.

CAP. XXIII.

An Act to provide for opening and improving Roads and erecting Bridges throughout the Province.

Passed the 7th of March, 1812.

CAP. XXIV.

An Act to encourage the erection of a Passage Boat, to be worked by Steam, for facilitating the communication between the City of St. John and Fredericton.

Passed the 7th of March, 1812.

Preamble.

WHEREAS a Petition has been presented to the General Assembly of this Province, from John Ward, Robert Smith, George D. Berton, James C. F. Bremner, Esquires, and James Fraser and Lauchlan Donaldson, praying for an exclusive privilege for the term of ten years, to be granted to them

them by an Act of the General Assembly of this Province, as an encouragement to the erection of a Passage Boat to be worked by steam, for the accommodation and conveyance of passengers between the City of Saint John and Fredericton: And whereas a convenient Passage Boat, for the accommodation and conveyance of Passengers, between the City of Saint John and Fredericton is much wanted, and if worked by Steam will add greatly to the facility of communication,

I. *Be it therefore enacted by the President, Council, and Assembly,* That the said John Ward, Robert Smith, George D. Berton, and James C. F. Bremner, Esquires, and James Fraser and Lauchlan Donaldson, upon good and sufficient security being given to His Majesty, his Heirs and Successors, by Bond from the said John Ward, Robert Smith, George D. Berton, and James C. F. Bremner, Esquires, and James Fraser and Lauchlan Donaldson, in the penal sum of *five hundred pounds*, conditioned to be void on the erection of a good, sufficient and convenient Boat, to be worked by Steam, and competent to the accommodation of sixty passengers, within two years from the passing of this Act, shall, so soon as such Boat shall be completed and finished, have, possess and enjoy to themselves, their executors, administrators and assigns, the sole right of carrying Passengers, and transporting Freight of different kinds, in a Boat so to be worked by Steam upon the River Saint John, between the said City of Saint John and Fredericton, for the term of ten years; and no other person or persons

7.

whomsoever,

The exclusive privilege of using a Steam Boat granted for ten years upon Bond being given to complete such Boat within two years.

Anno Regni GEORGII III.
Britanniarum Regis,
Quinquagesimo Tertio.

AT the General Assembly of the Province of New-Brunswick, begun and holden at Fredericton, on the twenty-seventh day of January, Anno Domini, one thousand eight hundred and ten, in the fiftieth year of the Reign of our said Sovereign Lord GEORGE the THIRD, by the Grace of GOD, of the United Kingdom of Great-Britain and Ireland, KING, Defender of the Faith, &c. and from thence continued by several Prorogations, to Tuesday the twelfth day of January, one thousand eight hundred and thirteen; being the Third Session of the Fifth General Assembly convened in the said Province.

CAP. I.

An Act for regulating the Militia.
Passed the 3d of March, 1813.
[Repealed.]

CAP. II.

An Act to enlarge the limits of the Parish of Saint Stephen, in the County of Charlotte.

Passed the 3d of March, 1813.

BE it enacted by the President, Council, and Assembly, That all that tract of land in the County of Charlotte, lying southward of the

Boundaries described.

the prolongation of the rear line of the Parish of St. David, to the Cheputnaticook River, and bounded northwardly by the said line, and westwardly by the Cheputnaticook and St. Croix Rivers, and northeastwardly and eastwardly by the line of the Parishes of St. David and St. Stephen, as described in the original formation of the same Parishes, be, and the same is hereby annexed to, and made part and parcel of, the said Parish of St. Stephen.

See 26 Geo. 3,
c. 1, § 4.

CAP. III.

An Act, in amendment of, and in addition to, an Act, intituled “ 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.”

Refer to 43. Geo.
3, c. 1.

5

Passed the 3d of March, 1813.

WHEREAS by the first Section of an Act, made and passed in the forty-third year of His Majesty's Reign, intituled, “ 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,” it is enacted “ That at any time or times hereafter, whenever the General or Commander

Preamble.

“ Commander in Chief of His Majesty’s for-
“ ces, 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 for-
“ tifications 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, Lieut.
“ Governor or Commander in Chief of the
“ Province for the time being, if to his wisdom
“ and discretion it shall appear fit for His Ma-
“ jesty’s service and the security of the Pro-
“ vince, 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 such lands or tene-
“ ments so required are situate, and thereby
“ commanding him, after advertising his in-
“ tention 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 enquire 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 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 thereof,
“ and

“ and to what damage or what prejudice of
 “ the rightful owner or owners. occupant or
 “ occupants respectively it will be, if the said
 “ land and tenements be resumed by and vest-
 “ ed in the King, his Heirs and Successors.”
 And whereas the delay occasioned by the no-
 tification of two months in the Royal Gazette,
 thereby required to be given by such Sheriff,
 may in certain cases be productive of great
 injury to His Majesty's service,

I. *Be it therefore enacted by the President,
 Council, and Assembly,* That any Sheriff, to
 whom any Writ or Writs in His Majesty's
 name, shall be directed for the purposes in the
 said herein before recited Act specified, shall
 and may proceed and make enquiry according
 to the exigence of any such Writ or Writs,
 forthwith after the reception of the same by
 him, and that every inquisition made and re-
 turned under and by virtue of this Act, shall
 be proceeded upon and have the like force and
 effect in all respects as any inquisition made
 and returned under and by virtue of the said
 herein before recited Act, any thing in the
 said herein before recited Law, to the con-
 trary notwithstanding.

Sheriff to proceed
 forthwith accord-
 ing to the exigence
 of the Writ.

Inquisitions so
 made may be pro-
 ceeded upon and
 shall have the like
 effect as if made
 under the former
 law.

And whereas, also certain fortifications and
 other military works have been erected with-
 in the limits of the City of Saint John, partly
 on that part of one of the Public Streets of
 the said City, called and known by the name
 of King-Street, which lies north of and adjoins
 to the lots described on the plan of the said
 City, by the numbers four hundred and twen-
 ty-eight, four hundred and twenty-nine, four
 hundred and thirty, four hundred and thirty-
 one,

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one, four hundred and thirty-two, four hundred and thirty-three, four hundred and thirty-four, and four hundred and thirty-five, and partly on that part of another Street commonly called Wentworth-Street; which lies between the said Street, called King-Street, and another Street called Leinster-Street; which works are deemed necessary for the public defence :---

II. *Be it further enacted,* That the part of the said Street so adjoining the said lots herein before particularly described, to the distance of fifty feet measuring from the south side thereof, as well as that part of the said Street called Wentworth-Street, which lies as aforesaid between King-Street and Leinster-Street, shall cease to be part of the public Streets of the said City, and the same are hereby transferred to, and vested in, the King's Majesty, his Heirs and Successors for the purpose of fortifications, and other military works as aforesaid.

Part of King-Street and of Wentworth Street of the City of St. John vested in His Majesty for military uses.

CAP. IV.

An Act to alter and extend the provisions of an Act, intituled "An Act to encourage the erection of a Passage Boat to be worked by Steam, for facilitating the communication between the City of Saint John and Fredericton," and to relieve the persons named in the same Act from the penalty of a bond given by them to His Majesty in pursuance of the provisions of the same Act.

Refer to 52 Geo.
3, c. 24.

Passed the 3d of March, 1813.

WHEREAS in and by an Act of Assembly made and passed in the fifty-second year of his present Majesty's Reign, intituled "an Act to encourage the erection of a Passage Boat to be worked by Steam, for facilitating the communication between the City of Saint John and Fredericton,---It was enacted that John Ward, Robert Smith, George D. Berton, and James C. F. Bremner, Esquires, and James Fraser and Lauchlan Donaldson, upon good and sufficient security being given to His Majesty, his Heirs and Successors, by bond from the said John Ward, Robert Smith, George D. Berton, and James C. F. Bremner, Esquires, and James Fraser and Lauchlan Donaldson, in the penal sum of *five hundred pounds*, conditioned to be void, on the erection of a good and sufficient and convenient Boat, to be worked by Steam, and competent to the accommodation of sixty passengers, within two years from the passing of the said Act; should so soon as such Boat should be completed and finished, have, possess and enjoy to themselves, their executors, administra-

Preamble

“tors and assigns, the sole right of carrying
 “passengers, and transporting freight of dif-
 “ferent kinds in a Boat so to be worked by
 “Steam upon the River St. John, between
 “the said City of Saint John and Fredericton,
 “for the term of ten years, and that no other
 “person or persons whomsoever, other than
 “the said John Ward, Robert Smith, George
 “D. Berton, and James C. F. Bremner, Es-
 “quires, and James Fraser and Lauchlan Don-
 “aldson, their executors, administrators, or
 “assigns, should use or employ any Boat or
 “Boats to be worked by Steam upon the said
 “River Saint John, for any purpose whatso-
 “ever, during the said term of ten years.”

And whereas the said John Ward, Robert
 Smith, George D. Berton and James C. F.
 Bremner, Esquires, and James Fraser and
 Lauchlan Donaldson, did give bond to His
 Majesty in the penal sum of *five hundred*
pounds, conditioned as in and by the said
 herein before recited Act was provided. And
 whereas a petition has been presented to the
 General Assembly of this Province, from the
 said John Ward, Robert Smith, George D.
 Berton, and James C. F. Bremner, Esquires,
 and James Fraser and Lauchlan Donaldson;
 stating that in consequence of the late De-
 claration of War, by the Government of the
 United States of America against Great-Bri-
 tain, it has become impossible for them at
 present to comply with the condition of their
 said bond, and praying the relief in the pre-
 mises.

I. *Be it therefore enacted by the President,*
Council, and Assembly, That the said bond so
 given

given as aforesaid by the said John Ward, Robert Smith, George D. Berton, James C. F. Bremner, James Fraser and Lauchlan Donaldson, shall be void on the erection of a good sufficient and convenient Boat to be worked by Steam, agreeably to the provisions of the said herein before recited Act, within two years after Peace shall be restored between His Majesty and the said United States, and that the said John Ward, Robert Smith, George D. Berton, James C. F. Bremner, James Fraser and Lauchlan Donaldson, shall so soon as such Boat shall be completed and finished agreeably to the provisions of the said herein before recited Act, and of this Act, have, possess and enjoy to themselves, their executors, administrators and assigns, the sole right of carrying passengers and transporting freight of different kinds in such Boat for the term of ten years; and that no other person or persons whosoever other than the said John Ward, Robert Smith, George D. Berton, James C. F. Bremner, James Fraser and Lauchlan Donaldson, their executors, administrators and assigns, shall use or employ any Boat or Boats to be worked by Steam upon the said River Saint John, for any purpose whatsoever during such term of ten years.

II. *And be it further enacted*, that the said herein before recited Act, and every clause, matter and thing therein contained, except wherein the same is hereby altered and extended, shall be and remain in full force in every respect; any thing herein contained to the contrary thereof in any wise notwithstanding.

CAP.

Bond to be void on the erection of a sufficient boat within two years after peace with the United States.

Exclusive privilege of using such boat granted for ten years after the time when it shall be completed.

Former act continued, except where it is hereby altered.

CAP. V.

An Act for laying additional duties on certain Articles imported into this Province.

Passed the 3d of March, 1813.

[*Expired.*]

CAP. VI.

An Act to provide for the accommodation and billeting of His Majesty's Troops and the Militia, when on their march.

Passed the 3d of March, 1813.

[*Expired.*]

CAP. VII.

An Act to appropriate the Public Money.

Passed the 3d of March, 1813.

CAP. VIII.

An Act to explain an Act, intituled "an Act
"for regulating the Militia."

Passed the 3d of March, 1813.

[*Repealed.*]

CAP. IX.

An Act for the further increase of the Revenue of this Province.

Passed the 3d of March, 1813.

WHEREAS importations are made into this Province by persons non-resident, and whereas it is expedient to lay a duty on such importations for the purpose of increasing the Revenue,

I. *Be it enacted by the President, Council, and Assembly,* That from and after the passing of this Act, all goods of every description (fish and provisions of all kinds excepted) imported

For former Provisions refer to

47 G. 3. c. 10.

50 G. 3. c. 14 &

52 G. 3. c. 1.

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ted into this Province, by any non-resident or non-residents therein, or for his or their account, shall be subject to a duty of two and one half per cent. on the prime cost, which duty shall be payable to the Treasurer or his Deputy, at the port or place where the same shall be imported or entered. *Provided always*, that upon British Merchandize and Manufactures imported and entered for exportation to some other British Colony or Plantation, the duties shall be secured by Bond, to be cancelled upon proof of the exportation of the same (without breaking package) to such other British Colony or Plantation.

Imported goods of every description (fish and provisions excepted) subject to a duty of 2½ per cent on the prime cost.

Upon British goods intended for exportation to a British colony, duties to be secured by bond to be cancelled upon proof of exportation without breaking package.

II. *And be it further enacted*, that it shall be the duty of every person importing or bringing goods of any kind into this Province, or receiving the same, to report the same in writing to the Treasurer or his Deputy, at the port or place where the same shall be imported and entered, within twenty-four hours after the arrival of the vessel in which the same shall be imported as aforesaid, and before the same or any part thereof shall be landed; to make oath whether any, and if any, what part of such goods belongs to any non-resident or non-residents, and all goods so imported, brought or received, respecting which the person importing, bringing or receiving the same, shall not make oath, that no non-resident has directly or indirectly any share or interest therein, shall be subject to the said duty by this Act imposed; and the person or persons importing, or bringing, or receiving the same as Agent or Consignee, shall

Importer or receiver to report to the Treasurer within twenty-four hours, and before landing the goods and make oath whether any and what part belongs to a non-resident.

All goods imported liable to duty unless oath made that no non-resident has any share therein.

Importer or Receiver to pay or secure the duties.

Amount of prime cost to be ascertained by oath of importer or receiver, to be made before the Treasurer.

Differences respecting the quantity or quality of goods to be settled by three merchants on oath.

Importers and Receivers neglecting or refusing to make the requisite oaths, liable to the penalties in the 3d section of the act of 47 Geo. 3. for raising a Revenue in this Province.

Treasurer authorized to seize.

shall pay, or secure to be paid, the aforesaid duty of two and one half per cent, on the prime cost, which shall be ascertained by the oath of the person or persons importing, bringing or receiving such goods as aforesaid, to be made before the said Treasurer or his Deputy, at the port or place where the same shall be imported and entered; which oath, as well as all other oaths required by this Law, the Treasurer, or his Deputy as aforesaid, is hereby empowered to administer. And in case any difference shall arise between the said Treasurer or his Deputy, and the owners or importers of any of the goods herein made liable to duty, as to the quantity, quality, or value thereof, such difference shall be settled by three Merchants, on oath, to be chosen by the said Treasurer, or his Deputy, the decision of two of which Merchants shall be final.

III. *And be it further enacted*, that every person importing or bringing goods of any kind into the Province, or receiving the same as aforesaid, who shall neglect or refuse to report and make oath as herein before particularly provided, shall be subject to the like pains, penalties and forfeitures, as in and by the third Section of an Act made and passed in the forty-seventh year of his present Majesty's Reign, intituled "An Act for raising a Revenue in this Province," are provided for masters of vessels not making report as therein directed; and the Treasurer, or his Deputy as aforesaid, is hereby invested with like authority of search and seizure, and all other powers incident thereto as are prescribed thereby.

IV.

IV. *And be it further enacted*, that it shall be the duty of the Treasurer or his Deputy aforesaid, to demand, collect and receive, the aforesaid duty, or take bond and security for the same in like manner, and under the same penalties as are prescribed by the different Acts now in force, for raising a Revenue in this Province. *Provided always*, and it is to be understood, that no person shall be considered as, or taken to be a non-resident under this Law, who at the time any goods may be imported or brought into the Province, or received as aforesaid, shall be a partner in any established Mercantile House, carrying on, transacting and doing business within the Province, or who shall in his own name have an established house, so carrying on, transacting and doing business.

Treasurer to collect duties to take bonds as prescribed by the Laws for raising a Revenue.

Partners in mercantile houses, or persons having an established house in their own name and doing business within the Province, not to be considered as non-residents.

V. *And be it further enacted*, that this Act shall be and remain in force until the first day of April, which will be in the year of our Lord one thousand eight hundred and sixteen and no longer. *Provided* that this Act shall not be in force until His Majesty's royal approbation be thereunto had and declared.

Limitation

☞ *This Act was confirmed, finally enacted, and ratified, by an order of His Royal Highness the Prince Regent, in Council, in the name and on the behalf of His Majesty, dated at the Court at Carlton House, the 31st of July, 1813.*

Continued by 56 Geo. 3, c. 29, and 57 Geo. 3, c. 2, to March, 1818, and to the end of the then next Session.

Anno Regni GEORGH III.
 Britanniarum Regis,
 Quinquagesimo Quarto.

AT the General Assembly of the Province of New-Brunswick, begun and holden at Fredericton, on the twenty-seventh day of January, Anno Domini, one thousand eight hundred and ten, in the fiftieth year of the Reign of our said Sovereign Lord GEORGE the THIRD, by the Grace of GOD, of the United Kingdom of Great-Britain and Ireland, KING, Defender of the Faith, &c. and from thence continued by several Prorogations, to Tuesday the eleventh day of January, one thousand eight hundred and fourteen; being the Fourth Session of the Fifth General Assembly convened in the said Province.

CAP. I.

An Act to make perpetual several Acts of the General Assembly which are near expiring.

Passed the 7th of March, 1814.

BE it enacted by the President, Council, and Assembly, That an Act made and passed in the forty-seventh year of His Majesty's reign, intituled " An Act to prevent Illicit " and Clandestine Trade, and for imposing a " Duty upon Articles illegally imported or " brought into this Province, to be levied and " paid after the condemnation and sale thereof"

---Also

---Also an Act made and passed in the fifty-second year of His Majesty's Reign, intituled "An Act to authorise the Justices of the Peace for the Counties of York and Charlotte respectively, to regulate the Assize of Bread in the Towns of Fredericton and Saint Andrews"---And an Act made and passed in the fifty-second year of His Majesty's Reign, intituled "An Act more effectually to prevent the incumbering or filling up of Harbours, and to authorise the appointment of Harbour Masters"---Be, and the same are hereby made perpetual.

Act to authorise the Justices of York and Charlotte, to regulate the Assize of Bread, &c.
52 Geo. 3. c. 7.
ibid. c. 12.

Act more effectually to prevent the incumbering or filling up of Harbours, &c.
Made perpetual.

CAP. II.

An Act in addition to an Act, intituled "An Act for regulating the exportation of Fish and Lumber, and for repealing the Laws now in force regulating the same."

Refer to 37 Geo. 3, c. 4.

Passed the 7th of March, 1814.

BE it enacted by the President, Council, and Assembly, That from and after the passing of this Act, Shingles of every length not described in an Act made and passed in the thirty-seventh year of His Majesty's Reign, intituled "An Act for regulating the exportation of Fish and Lumber, and for repealing the Laws now in force regulating the same," shall not be less than four inches wide, and at the butt end half an inch thick, and be free from worm holes, rots and shakes; and all such Shingles shall be surveyed by a sworn Surveyor, who shall be entitled to receive *tenpence* per thousand for the survey thereof, to be paid by the purchaser.

Shingles not described in the Act of 37th Geo 3, "for regulating the exportation of Fish & Lumber," to be not less than four inches wide and half an inch thick at the butt, & free from worm holes, rots and shakes, and be surveyed by a sworn Surveyor.

CAP. III.

An Act to continue several Acts of the General Assembly; that are near expiring.

Passed the 7th of March, 1814.

BE it enacted by the President, Council, and Assembly, That an Act made and passed in the fifty-second year of His Majesty's Reign, intituled "An Act to impose a Duty on certain Articles imported into this Province"---
 An Act made and passed in the fiftieth year of His Majesty's Reign; intituled "An Act to prevent the destruction of Moose on the Island of Grand Manan"---An Act made and passed in the fiftieth year of His Majesty's Reign, intituled "An Act for the better security of the Navigation of certain Harbours in the County of Northumberland"---
 And an Act made and passed in the fiftieth year of His Majesty's Reign, intituled "An Act to provide for the erection of Fences with Gates across Highways leading through Intervale Lands in Queen's County, and the County of Sunbury, where the same may be found necessary"---Be, and the same Acts are hereby declared to be continued and in full force for four years, and until the end of the then next Session of the General Assembly, and no longer.

52 Geo. 3, c. 6.
 50 Geo. 3, c. 22.
 ibid. c. 5.
 Ibid. c. 31.

Act to impose a duty on certain articles.

Act to prevent the destruction of Moose on Grand Manan.

Act for the better security of the navigation of certain Harbours in Northumberland.

Act for the erection of fences and gates in Queen's and Sunbury.

Continued for 4 years.

CAP. IV.

An Act to continue an Act, intituled "An Act to provide for the accommodation and billeting of His Majesty's Troops and the Militia when on their march."

Passed the 7th of March, 1814.

[Expired.]

CAP.

CAP. V.

An Act for the preservation of Partridges.

Passed the 7th of March, 1814.

WHEREAS it is necessary to prevent the killing Partridges during the time of their Breeding, for the preservation of that species of Game,

Be it enacted by the President, Council, and Assembly, That from and after the passing of this Act, every Person who shall take, kill or destroy, or who shall sell or expose for sale, or who shall buy or cause to be bought, between the first day of March and the first day of September in any year, any Partridge, shall for every Partridge so taken, killed, destroyed, sold or exposed for sale, or found dead in his or her possession, forfeit the sum of *ten shillings* to the use of the Person or Persons who shall prosecute or sue for the same, to be recovered before any one of His Majesty's Justices of the Peace for the County where the offence may be committed, on the oath of one or more credible witness or witnesses, or by confession of the party offending, and levied on the goods and chattels of the offender; and for the want of goods and chattels of such offender whereon to levy the same, it shall and may be lawful for such Justice to commit the offender to the common Gaol of the County, for the space of Two Days, or until the fine, together with the costs of prosecution and commitment, shall be paid.

Persons killing, selling or buying Partridges, and Persons in whose possession any Partridge is found dead between the 1st of March and the 1st of September, to forfeit Ten Shillings, to the use of the prosecutor.

For want of goods whereon to levy the fine, the offender may be committed to Gaol.

CAP. VI.

An Act for the better regulation of Licences to Inns, Taverns and Houses, for selling Strong Liquors by Retail.

Passed the 7th of March, 1814.

Preamble.

WHEREAS the Laws concerning the Licencing of Inns, Taverns and other Houses for selling strong or spirituous Liquors by retail, are defective or insufficient for the preventing or correcting abuses and disorders therein,

See 27 G. 3, c. 6.

No License to be granted for keeping an Inn or Tavern, but at the General Sessions.

I. *Be it enacted by the President, Council, and Assembly,* That from and after the passing of this Act, no Licence shall be granted to any Person to keep an Inn or Tavern, but at the General Sessions of the Peace, to be holden in and for the several and respective Counties in this Province; and that all Licences shall be made for One Year only.

Licences to be for one year only.

Persons having retail Licenses not to sell any quantity less than One Pint under the penalty of Twenty Shillings.

II. *And be it further enacted,* That no Person or Persons to whom a Licence shall be granted at any General or Special Sessions of the Peace, to sell Wine, Ale, Beer, Brandy, Rum, or other strong or spirituous Liquors, by retail, shall be allowed or permitted to sell the same under the quantity of One Pint; and if any such Licenced Person or Persons shall sell any Wine, Ale, Beer, Brandy, Rum, or other strong or spirituous Liquors, by retail in any quantity less than One Pint, every Person so offending shall for each and every offence forfeit and pay the sum of *twenty shillings*, to be recovered upon complaint made to any 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

to be recovered on complaint made to a Justice of the Peace.

credible witness or witnesses, and levied by Warrant of distress and sale of the offender's goods, under the hand and seal of such Justices, directed to any Constable of the Town or Parish where such offence shall be committed, tendering 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 Gaol of the County where such offence shall be committed, without bail or mainprize for such time, not exceeding Five Days, 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 which penalty and forfeiture 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 the Person who shall make complaint and sue for the same.

If no Goods found whereon to levy, the offender may be committed to Gaol for a term not exceeding five days,

half the penalty to the use of the Poor, and half to the person who shall complain.

III. *And be it further enacted,* That no Tavern Keeper or Retailer shall sell any Wine, Strong Beer, Ale, Brandy, Rum, or other Spirituous Liquors, mixt or unmixt, to any Person whatsoever (Travellers excepted) on the Lord's Day, commonly called Sunday, under the penalty of *forty shillings*, to be recovered, levied and applied, as is provided in and by the second section of this Act.

No Tavern Keeper, or Retailer, to sell any spirituous Liquors to any Person except Travellers, on Sunday, under the penalty of Forty Shillings.

IV. *And be it further enacted,* That if any Licenced Person shall die or remove from an Inn,

If any Licenced Person shall die or remove,

the Justices at any General Sessions shall be empowered to grant to the Person so succeeding in the house, a Licence for the residue of the term of the first Licence, upon recognizance with sufficient sureties being entered into according to law.

No Licence to authorise any person to sell Liquors in any other place than that in which they were first sold under such Licence.

Act not to interfere with the rights given by the Charter to the Mayor of Saint John.

Limitation.

Inn, Tavern, or other House for selling such Liquors as aforesaid by retail, it shall be lawful for the Justices of the Peace in the several Counties, at any General, or at any Special Sessions of the Peace, to be for that purpose holden, to grant to the person succeeding to such Inn, Tavern, or other House for selling Liquors by retail, a Licence to keep on and continue the said Inn, Tavern, or other House for selling Liquors by retail as aforesaid, during the residue of the term of the said Licence granted to the Person so dying or removing, on condition that the Person so succeeding shall enter into recognizance, with two sufficient sureties, for keeping an orderly House, and obeying the orders of the Justices of the Peace in their General Sessions, according to the form and effect of the Act in such case made and provided: And no Licence shall entitle any Person to keep an Inn or Tavern, or to sell any strong or spirituous Liquors by retail in any other House or place than that in which they were at first kept and sold by virtue of such Licence, and such Licence with regard to all other places shall be null and void.

V. Provided always and be it further enacted, That nothing herein contained shall be construed to extend to interfere with the rights and powers given by the Charter to the Mayor of the City of St. John, in granting Licences to Tavern Keepers and Retailers of Spirituous Liquors, but that such Licences may be granted as heretofore.

VI. And be it further enacted, That this Act shall be in force Two Years, and thence until

til the end of the next Session of the General Assembly.

Continued by 56 Geo. 3, c. 19, for four Years, and until the end of the then next Session.

CAP. VII.

An Act further to continue for a limited time an Act, intituled “ An Act for regulating,
 “ laying out and repairing Highways and
 “ Roads, and for appointing Commission-
 “ ers and Surveyors of Highways within
 “ the several Towns and Parishes in this
 “ Province.”

Refer to
 50 Geo. 3, c. 6.
 52 Geo. 3, c. 3.

Passed the 7th of March, 1814.

BE it enacted by the President, Council, and Assembly, That an Act made and passed in the fiftieth 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 and
 “ Parishes in this Province;” be further continued, and the same is hereby continued and declared to be in full force for the term of
 Two Years, and until the end of the then next
 Session of the General Assembly.

Continued for 2
 years.

Further continued by 56 Geo. 3, c. 24, for two Years, and to the end of the then next Session.

CAP. VIII.

An Act in amendment of an Act, intituled
 “ An Act to repeal all the Acts now in
 “ force relating to Trespasses, and for
 “ making new regulations to prevent the
 “ same.”

41 Geo. 3, c. 3.

Passed the 7th of March, 1814.

Preamble.

WHEREAS doubts have arisen with respect to the power of the Justices in their General Session of the Peace for the Counties of York and Charlotte, to make sufficient regulations for the preventing Trespasses by Horses and Swine in the Parish of Fredericton and Town of Saint Andrews in the said Counties,

Be it enacted by the President, Council, and Assembly, That from and after the passing of this Act, if any Horse, Horses or Swine, shall be found going at large within that part of the Parish of Fredericton situate between Phillis's Creek and the Creek or Gully to the Southward of the late Dr. Earle's dwelling-house in the County of York, or in the Town Plat of St. Andrews, in the County of Charlotte, the owner or owners thereof shall forfeit and pay the sum of *ten shillings* for each and every Horse or Swine so found going at large, one half to the Overseers of the Poor of the said Parishes respectively, and one half to the Informer, to be recovered upon conviction before any one of His Majesty's Justices of the Peace, residing in the said Parishes respectively, and to be levied of the goods and chattels of the owner or owners of such Horse, Horses or Swine. And in case
 the

The owners of any Horses and Swine found going at large in that part of the Parish of Fredericton between Phillis's Creek and the Creek to the Southward of Dr. Earle's dwelling-house, or in the Town Plat of St. Andrews, to forfeit Ten Shillings for each Horse or Swine.

the owner or owners of such Horse, Horses, or Swine, shall not be known, then it shall be the duty of the Hoggreeve or Hoggreeves of the said Parishes, to impound such Horse, Horses or Swine; as shall be found so going at large. And it shall be the duty of the Pound keepers of the said Parishes of Frederickton and Saint Andrews respectively, upon any Horse, Horses or Swine, being so impounded, to advertize the same upon the door of the Pound; and in case the owner or owners of such Horse, Horses, or Swine, shall not within three days after such advertizement being put up as aforesaid, pay the said fine for each Horse or Swine so impounded, together with the accustomed fees and charges for keeping the same, it shall and may be lawful for the said Pound keepers to sell such Horse, Horses or Swine, at Public Auction, and apply the money arising therefrom towards paying the said fine and charges, and pay the overplus (if any) to the owner or owners of such Horse, Horses or Swine, whenever such owner or owners shall appear.

If the owner shall not be known, the Hoggreeve shall impound the Horses or Swine.

And the Pound keeper shall advertize the same on the door of the Pound.

If the owner shall not within three days pay the fine,

the Pound keeper shall sell the Horses or Swine at Public Auction, and apply the money to pay the fine and charges, and pay the overplus (if any) to the owner when he appears.

CAP. IX.

An Act to repeal an Act, intituled "An Act
" in alteration and amendment of an Act,
" for establishing the Rates to be taken
" for Wharfage and Cranage," and for substituting other alterations and amendments of the same Act therein recited in lieu thereof.

Passed the 7th of March, 1814.

WHEREAS the rates established by an Act made and passed in the twenty-sixth

26 Geo. 3, c. 49.

sixth year of His Majesty's Reign, intituled
 "An Act establishing the Rates to be
 "taken for Wharfage and Cranage of Ships
 "and other Vessels within the limits of this
 "Province," and by an Act, intituled "An
 "Act in alteration and amendment of an Act,
 "for establishing the Rates to be taken for
 "Wharfage and Cranage," made and passed
 in the forty-seventh year of His Majesty's
 Reign, have been found too small for the
 encouragement of erecting Wharves and
 keeping the same in repair---

47 Geo. 3, c. 4.

First section of the
 recited Act re-
 pealed.

I. *Be it therefore enacted by the President, Council, and Assembly,* That the first section of the said herein before first mentioned Act, and the said herein before mentioned Act, made in alteration and amendment thereof, be, and the same are hereby repealed.

Rates of wharfage.

II. *And be it further enacted,* That hereafter it shall and may be lawful for the owner or owners, proprietor or proprietors of any Wharf or Wharves now built or hereafter to be erected within the limits of this Province, to ask, demand, take and receive for Vessels whilst careening, loading, unloading or lying fast to any such Wharf or Wharves, the following rates---that is to say, for every decked Vessel, or Vessel of the description called Wood Boats, not exceeding fifty tons, the sum of *one shilling and six-pence*; for every Vessel above fifty tons, and not exceeding one hundred tons, the sum of *two shillings and six-pence*; for every vessel above one hundred tons, and not exceeding one hundred and fifty tons, the sum of *three shillings and six-pence*; for every vessel above

Decked Vessels &
 Wood Boats not
 exceeding Fifty
 tons, one Shilling
 and Six-pence.

From Fifty to One
 Hundred Tons,
 Two Shillings &
 Six-pence.

One Hundred to
 One Hundred and
 Fifty Tons, Three
 Shillings and Six-
 pence

one

one hundred and fifty tons, and not exceeding two hundred tons, the sum of *five shillings*; for every Vessel above two hundred tons, and not exceeding three hundred tons, the sum of *seven shillings and six-pence*; for every vessel above three hundred tons, and not exceeding four hundred tons, the sum of *ten shillings*; and for every vessel above four hundred tons, the sum of *twelve shillings and six-pence*, for each and every day such Vessel shall lie at any such Wharf or Wharves:

One Hundred and Fifty to Two Hundred Tons, Five Shillings.
From Two to Three Hundred Tons, Seven Shillings and Six-pence.
From Three to Four Hundred Tons, Ten Shillings.
Above Four Hundred Tons, twelve Shillings and Six-pence.

III. *And be it further enacted*, That the said herein before first mentioned Act, and every clause therein, except such part thereof as is hereby altered and amended, shall be, and remain in full force.

Former Act to remain in force.

CAP. X.

An Act for the Indemnification of Commissioners of Sewers.

Passed the 7th of March, 1814.

WHEREAS in many instances the Commissions for appointing Commissioners of Sewers have passed under the Seal of the Governor, Lieutenant-Governor or Commander in Chief: And whereas doubts have arisen as to the validity of the powers derived from such Commissions, by reason that the same were not under the Great Seal of the Province: And whereas it is expedient that the Acts of any Commissioner or Commissioners of Sewers who may have been so appointed, should be rendered valid---

Preamble.

Be it therefore enacted by the President, Council, and Assembly, That all and every Act and

Acts of Commissioners of Sewers appointed by Commissions under the Seal of the Governor, to be as valid as if their Commissions had been under the Great Seal.

Acts heretofore done and transacted by all and every of the Commissioners of Sewers in this Province, who have been appointed by Commissions under the Seal of the Governor, Lieutenant-Governor or Commander in Chief, shall be deemed and taken, and are hereby declared to be equally valid and effectual to all intents and purposes, as if such Commissioners had severally and respectively been appointed by commission or commissions under the Great Seal.

CAP. XI.

An Act to authorise the Rector, Church Wardens, and Vestry of Saint Andrews' Church, in the Parish of Saint Andrews, to convey to the King's Majesty, a certain piece of Glebe Land of the Parish, for the purpose of erecting military fortifications thereon.

Passed the 7th of March, 1814.

Preamble.

WHEREAS a certain piece of Land situate in the Parish of Saint Andrews, in the County of Charlotte, being part of a Lot heretofore granted by Letters Patent under the Great Seal of this Province, to the Rector, Church Wardens, and Vestry of Saint Andrews' Church, in the said Parish of Saint Andrews, as a Glebe for the use, benefit and behoof of the Rector, Parson, or Minister of the said Church for the time being, has been fixed upon by the commanding Royal Engineer, as a proper site for the erection of fortifications and other military works, for the better security and defence of this Province---which piece of land

is

is bounded and described as follows, to wit, beginning at a stake about seven chains and eighty links from the South-west corner of said Glebe Lot, on the line dividing the said Glebe from the Town Plat of St. Andrews, thence South forty-five degrees East, fourteen chains of four poles each, along the said dividing line to a stake; thence North forty-five degrees East, five chains to a stake; thence North forty-five degrees West, fourteen chains along the line dividing the said Glebe Lot from the lands belonging to Thomas Tomkins, to a stake; thence South forty-five degrees West, five chains to the place of beginning, containing seven acres---

And whereas the said Rector, Church Wardens, and Vestry of Saint Andrews' Church, in the said Parish of Saint Andrews, have, with the consent of the Reverend Samuel Andrews, the present Rector or Minister of the said Parish, and the approbation of the Right Reverend the Bishop of Nova-Scotia, agreed to surrender the said piece of land to His Majesty, for the use aforesaid, upon condition of receiving a Grant to them from His Majesty of a certain other piece of land situate in the said Parish of St. Andrews, being part of a tract reserved by the Surveyor-General of the Woods, for the use of the Crown, and bounded and described as follows, to wit, "beginning at a stake on
" a line dividing the said reserve from the
" Town Plat of Saint Andrews, opposite the
" Southwest corner of Block lettered P, at
" the intersection of Parr-street and Harriot-
" street; thence running North forty-five
2c3 " degrees

“ degrees East, eleven chains of four poles
 “ each, along the line of Harriot-street, to
 “ the Northwest corner of the said Town
 “ Plat; thence North forty-five degrees
 “ West, along the North-easterly line of the
 “ said reserve, twelve chains to a stake;
 “ thence South forty-five degrees West, six
 “ chains to the road leading to the said Town
 “ of Saint Andrews; and thence South-
 “ easterly along the said road, about thir-
 “ teen chains to the place of beginning, con-
 “ taining ten acres:” And whereas applica-
 tion has been duly made by the Lieutenant-
 General commanding His Majesty’s Forces,
 that the said agreement may be carried into
 effect---

Rector, Wardens
 and Vestry of St.
 Andrew’s Church
 in the Parish of St.
 Andrews, autho-
 rised upon receiv-
 ing a Grant of a
 certain piece of
 land described in
 the Preamble, to
 convey to the
 King another
 piece of land, also
 described in the
 Preamble.

*Be it therefore enacted by the President, Coun-
 cil, and Assembly,* That the said Rector,
 Church Wardens, and Vestry of Saint An-
 drews’ Church, in the Parish of Saint An-
 drews, be, and they are hereby authorised
 and empowered, upon receiving a Grant
 under the Great Seal of this Province of
 the said herein before last described piece
 of land to them and their successors for ever,
 as a Glebe for the use, benefit, and behoof
 of the Rector or Minister of the said Church,
 for the time being, forthwith by a good and
 sufficient deed to convey to His Majesty,
 and his Heirs and Successors, the said herein
 before first described piece of ground, to
 hold the same to His said Majesty, in right of
 his Crown, and to his Heirs and Successors
 for ever.

CAP. XII.

An Act in addition to an Act, intituled
 “ An Act more effectually to provide for the
 “ Public Registering of all Marriages so-
 “ lemnized within this Province.”

Refer to 52 Geo.
3, c. 21.

Passed the 7th of March, 1814.

WHEREAS by an Act, made and pas-
 sed in the fifty-second year of His
 Majesty's Reign, intituled “ An Act more
 “ effectually to provide for the public Re-
 “ gistering of all Marriages solemnized with-
 “ in this Province,” it is enacted as follows,
 viz : “ That from and after the first day of
 “ May next, all Marriages shall be solemn-
 “ ized in the presence of two or more cre-
 “ dible witnesses besides the Minister or per-
 “ son who shall celebrate the same ; and that
 “ immediately after the celebration of every
 “ Marriage, a certificate thereof shall be
 “ made, in which it shall be expressed that
 “ the said Marriage was celebrated by banns
 “ or license, and if both or either of the par-
 “ ties named by license, be under age, with
 “ the consent of parents or guardians, as the
 “ case may be, and shall be signed by the
 “ said Minister or other person so celebra-
 “ ting the same, with his proper hand, and
 “ also by the parties named and attested by
 “ such two witnesses,” which certificate is in
 and by the said in part recited act, to be
 transmitted, within two months, to the
 Clerk of the Peace of the County in which
 such Marriage shall be solemnized, under a
 certain penalty therein named : And whereas
 it has in several instances happened that per-
 sons solemnizing Marriage, have been pre-
 vented

Preamble.

vented from transmitting the Certificates of Marriages by them celebrated, in consequence of the refusal of the persons married to sign the Certificate of Marriage---For remedy whereof,

Every person who shall be married shall immediately sign the Certificate prescribed by the Act of 52 Geo. 3, under the penalty of twenty pounds, to be recovered to the use of His Majesty in the Supreme Court.

Be it enacted by the President, Council, and Assembly, That every person who shall hereafter be married, shall, immediately after the celebration of the Marriage ceremony, sign the Certificate prescribed in and by the said in part recited Act, as therein and thereby prescribed, under the penalty of *twenty pounds*, for the use of His Majesty, to be recovered, with costs of suit, by bill, plaint, or information, in the Supreme Court of Judicature.

CAP. XIII.

An Act to empower and authorise the Justices of the County of Westmorland, at their General Sessions of the Peace, to regulate the grazing and depasturing of the several Marshes, low Land or Meadows, within the said County.

Passed the 7th of March, 1814.

Preamble.

WHEREAS there are within the County of Westmorland, several large enclosed tracts of Marsh, low Land or Meadow, which are held in severalty, but not subdivided with fences, and are depastured in common: And whereas many inconveniences have arisen for the want of some general regulations for the grazing and depasturing the same---For the remedy whereof,

I. *Be it enacted by the President, Council, and Assembly,* That the Justices of the Peace in and for the said County, or the major part of them at their General Sessions, be, and they are hereby authorised and empowered, upon the application, or by consent and concurrence of the proprietors of at least one-half the quantity of any tract of Marsh, low land or Meadow, to make such regulations for the grazing and depasturing of such Marsh, low Land or Meadow, as shall be most expedient and agreeable to the nature and circumstances of the case; and if any Neat Cattle, Horses or Sheep, shall be found going at large, or grazing upon such tract of Marsh, low land or Meadow, contrary to any regulations so made, the owner or owners thereof shall forfeit and pay to the informer, for each and every Neat Cattle or Horse, the sum of *five shillings*, and for each and every Sheep, *one shilling*, so found going at large, or grazing as aforesaid---to be recovered upon conviction before any one of His Majesty's Justices of the Peace for the said County, to be levied upon the goods and chattels of the owner or owners of such Neat Cattle, Horses or Sheep; and in case the owner or owners of such Neat Cattle, Horses or Sheep, shall not be known, then it shall be lawful for the person or persons who shall find such Neat Cattle, Horses or Sheep, going at large or grazing contrary to the regulations so made as aforesaid, to drive the same to the nearest Pound in the Parish where such offence shall be committed; and it shall be the duty of the keeper

Justices in their General Sessions, upon application or by consent of the proprietors of one half of any tract of Marsh, &c. may make regulations for the grazing and pasturing thereof.

Pensley on the owners of Cattle or Sheep found grazing upon such land contrary to such regulations,

to be recovered before a Justice of the Peace.

If the owner shall not be known, the Cattle to be impounded,

keeper

and detained by
the Pound keeper
till the fine is paid.

keeper of such Pound to receive and detain such Neat Cattle, Horses or Sheep, so found going at large or grazing as aforesaid, until the owner or owners shall pay to the use of the informer the aforesaid fine of *five shillings* for and each and every Neat Cattle or Horse, and the aforesaid fine of *one shilling* for each and every Sheep, and also *one shilling* per day to the Pound keeper for feeding each neat Cattle, or Horse, and *three-pence* per day for feeding each Sheep, together with the usual charges for impounding the same.

if the owner shall
neglect or refuse
to pay the penal-
ties and charges,

Pound keeper, af-
ter ten days no-
tice, to sell so
many of the Cat-
tle as may be ne-
cessary for that
purpose.

II. *And be it further enacted,* That in case the owner or owners of such Neat Cattle, Horses or Sheep, so impounded, shall neglect or refuse to pay the aforesaid penalties and charges, then the said Pound keeper, having first given ten days previous notice of the sale, is hereby authorised to sell publicly the said Neat Cattle, Horses or Sheep, or so many of them as may be necessary for that purpose; and the overplus money arising from such sale, shall be paid by the Pound keeper to the owner or owners thereof, whenever he or they shall appear to claim the same.

Limitation.

III. *And be it further enacted,* That this Act shall be and remain in full force, for and during the term of two years, and thence until the end of the then next Session of the General Assembly.

*Continued by 56 Geo. 3, c. 19, for 4
years, and to the end of the then next
Session.*

CAP. XIV.

An Act to give full effect to, and to prevent the evasion of an Act, intituled " An Act " for the further increase of the Revenue " of this Province."

Refer to 53 Geo.
3, c. 9.

Passed the 7th of March, 1814.

WHEREAS in and by the first section of an Act, made and passed in the fifty-third year of His Majesty's Reign, intituled " An Act for the further increase of " the Revenue of this Province," it is enacted as follows, viz : " That from and after the " passing of this Act, all Goods of every " description (fish and provisions of all kinds " excepted) imported into this Province, by " any non-resident, or non-residents therein, " or for his or their account, shall be subject to a duty of two and one half per cent. " on the prime cost, which duty shall be " payable at the port or place where the " same shall be imported or entered : *Provided always*, that upon British merchandize and manufactures imported and entered for exportation, to some other British Colony or Plantation, the duties shall be secured by bond, to be cancelled upon proof of the exportation of the same (without breaking package) to such other British Colony or Plantation : " And whereas no mode is pointed out in the said Act, for the collection of the said duty on goods imported into the Province by land, by any non-resident or non-residents, or for his or their account---

Preamble.

Be it therefore enacted by the President, Council, and Assembly, That from and after the passing

Goods imported by land made subject to duties in like manner as goods imported in vessels.

passing of this Act, it shall be the duty of every person importing or bringing goods of any kind into this Province by land, (fish and provisions of all kinds excepted) to report the same to the Treasurer or his Deputy, at the place nearest to where the same shall be imported or brought, within twenty-four hours after their arrival within this Province, under the like oath or oaths, and subject to the like pains, penalties, forfeitures, regulations, rules, directions and references, in all respects as are provided in and by the second, third, and fourth sections of the said herein before mentioned Act, for goods imported into the Province in any vessel.

And for the prevention of pretended partnerships for the purpose of evading the provisions of said herein before mentioned, and in part recited, Act,

No person intitled to the benefits of the proviso in the fourth section of the recited Act, unless liable to the debts & contracts of the persons importing goods, & intitled to one-tenth of the annual profits of all the business carried on by such persons in this Province.

Be it further enacted, That no person shall be considered as entitled to the benefit of the proviso in the fourth section of the same Act, who at the time of the importation shall not be under full legal responsibility for the debts, contracts, and dealings of the person or persons composing the established Mercantile House, carrying on, transacting, and doing business within the Province, who may import and bring into the Province any goods subject to the duty imposed in and by the same Act, and entitled to at least one tenth of the yearly profits of all the business carried on by such Mercantile House in this Province.

Continued by 56 Geo. 3, c. 29, and by 57 Geo. 3, c. 2, to March, 1818, and to the end of the then next Session.

CAP.

CAP. XV.

An Act to enlarge the limits of the Parishes of Saint Patrick and Saint George, in the County of Charlotte. See 26 Geo 3, c. 1, § 4.

Passed the 7th of March, 1814.

I. **B**E it enacted by the President, Council, and Assembly, That all that tract of Land in the County of Charlotte, lying Westward of the prolongation of the Westerly line of the Parish of Saint George, to the Northerly line of the County, and bounded Northerly by the said Northerly line of the County; Westerly by the Easterly line of the Parish of Saint David, and its prolongation to the said County line; and Southwardly by the line as described in the original formation of the Parish of Saint Patrick, be, and the same is hereby annexed to, and made a part and parcel of the said Parish of Saint Patrick.

Boundaries of St. Patrick described.

II. *And be it further enacted,* That all that tract of Land in the County of Charlotte, lying Westward of the prolongation of the Westerly line of the Parish of Pennfield, to the Northerly line of the County, and bounded Northerly by the said Northerly line of the County; Westwardly by the Easterly line of the Parish of Saint Patrick; and Southerly by the line as described in the original formation of the Parish of Saint George, be, and the same is hereby annexed to, and made a part and parcel of the said Parish of Saint George.

Boundaries of St. George.

CAP. XVI.

An Act to continue for a limited time “ An
 “ Act to provide for the more effectually
 “ repairing the Streets and Bridges in the
 “ City and County of Saint John.”

Refer to 50 Geo.
3, c. 16.

Passed the 7th of March, 1814.

BE it enacted by the President, Council, and
 Assembly, That an Act, passed in the
 fiftieth year of His Majesty's Reign, intituled
 “ An Act to provide for the more effec-
 “ tually repairing the Streets and Bridges in
 “ the City and County of Saint John,” be,
 and the same is hereby continued for the
 term of two years, and to the end of the
 then next Session of the General Assembly.

Continued for 2
Years.

*Further continued by 56 Geo. 3, c. 25,
 for 2 years, and to the end of the
 then next Session.*

CAP. XVII.

An Act in further addition to an Act, inti-
 tuled “ An Act for the better ascertainig
 “ 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, § 9.

Passed the 7th of March, 1814.

WHEREAS the Towns or Parishes of
 New-Castle and Alswick, in the
 County of Northumberland, as bounded and
 established by an Act, made and passed in
 the twenty-sixth year of the Reign of His
 present Majesty, intituled “ An Act for the
 “ better ascertainig and confirming the
 “ Boundaries of the several Counties within
 “ this Province, and for subdividing them
 “ into

Preamble.

“ into Towns and Parishes”---are so extensive as to render it very inconvenient to perform the several parochial duties in the manner as by Law required--For remedy whereof,

I. *Be it enacted by the President, Council, and Assembly,* That the said Towns or Parishes of New-Castle and Alnwick shall be, and the same are hereby bounded and limited respectively, in the manner herein after described; any thing in the said Act contained to the contrary notwithstanding---that is to say: The said Town or Parish of New-Castle to be bounded Southeasterly by the River Mirimachi; Southwesterly by the division line, between the public Lot number Three, on which the Gaol and Court-House of the County stand, and the adjoining Lot number Two, and by the prolongation of that line until it intersects the prolongation of the rear or Southerly line of the first division of Lots in the Tracadi Grant, to William Ferguson and associates, running West from the Sea shore; North-easterly by a line through the centre of Bartabogue River to the distance of six miles from its mouth, measured by its several courses, and from thence by a line running North, until it intersects the prolongation of the rear line of the Tracadi Grant aforesaid; and on the North by the same line, including Bartobogue Island: And the said Town or Parish of Alnwick to be bounded Westerly by the said Town or Parish of New-Castle; Southerly and Easterly by the Bay of Miramichi and the Sea shore; and on the North by the said rear

Parishes of New-Castle and Alnwick described.

New-Castle,

Alnwick.

rear line of the Tracadi Grant aforesaid, including Sheldrake Island at the mouth of the River Miramichi, and the Islands on the Coast in front, which lie to the Northward of the principal entrance into the said Bay : And whereas it has become necessary by the means of the increase of population in the said County of Northumberland, to constitute other Towns or Parishes within the said County---

Nine other Parishes erected and described.

II. *Be it therefore further enacted,* That there be erected and constituted in the said County, and there are hereby erected and constituted within the same, nine other Towns or Parishes, to be bounded, described and named as follows, to wit :---

Wellington.

The first Town or Parish to be called, known and distinguished, by the name of Wellington; to be bounded Southerly by the said division line between the Counties of Northumberland and Westmorland, to the distance of twenty miles from the point of Shediack Island; Westerly by a line running North twenty-two degrees West, from the termination of the said distance of twenty miles; Northeasterly by the Sea shore, including the Islands in front, and Northwesterly by a line through the centre of a small River called Chockfish, lying about half-way between Richebucto and Chebuctuche, from its mouth to the distance of three miles, and from thence by a line running South sixty-eight degrees West, till it meets the prolongation of the said line running North, twenty-two degrees West, from the said division-line of the said Counties of Northumberland and Westmorland.

The

The second Town or Parish to be called, known, and distinguished by the name of Carleton; and to be bounded Southeasterly by the said Town or Parish of Wellington; North-easterly by the Sea shore, including the Islands in front of Cape Escuminac; Northwesterly by a line running South sixty-eight degrees West from the said Cape Escuminac, until it intersects the prolongation of the said line forming the rear of the said Town or Parish of Wellington, which same line is to be the rear or Southwestern bound of the said Parish of Carleton.

The third Town or Parish to be called, known, and distinguished by the name of Glenelg; to be bounded Southeasterly by the Town or Parish of Carleton; Northwesterly by the Bay of Miramichi, and by a line through the centre of the River Nappan, from its mouth about eight miles, or until it intersects the before mentioned line running North, twenty-two degrees West, and forming the rear of the said Parishes of Wellington and Carleton; and Southwesterly by the same line, including all the Islands in front, and lying to the Southward of the principal entrance of the said Bay of Miramichi.

The fourth Town or Parish to be called, known, and distinguished by the name of Chatham; to be bounded on the Southeast and Northeast by the said Parish of Glenelg; on the Northwest by the River Miramichi; and on the Southwest, by the line running South, twenty-two degrees East, from a marked Pine Tree, being the upper bounds

of Lot number sixty-one, in the Grant to William Ledden and associates, and by the prolongation of that line until it intersects the said line from Cape Escuminac prolonged; and on the Southeast by that line including Middle Island.

Nelson.

The fifth Town or Parish to be called, known, and distinguished by the name of Nelson; to be bounded on the Northeast by the said Town or Parish of Chatham; on the Southeast by the prolongation of the said line running South sixty-eight degrees West, from Cape Escuminac; on the Southwest by a line running South, twenty-two degrees East, and North twenty-two degrees West, from the mouth of Renow's River; and on the Northwest by a line running South sixty-eight degrees West from Beobear's Point, including Beobear's Island.

Ludlow.

The sixth Town or Parish to be called, known, and distinguished by the name of Ludlow; to be bounded on the Northeast by the said Town or Parish of Nelson; and the prolongation of the said line, running South, twenty-two degrees East, from the mouth of Renow's River, until it meets the County line; Southerly and Westerly by the said County lines; and Northwesterly by the prolongation of the said line running South, sixty-eight degrees West, from Beobear's Point.

Saumarez.

The seventh Town or Parish to be called, known, and distinguished by the name of Saumarez; to be bounded on the North by the South line of lot number one, in the Grant to Simon Arsenau and associates, near
the

the Little Nipissiquid, on the Bay of Chaleur; and the continuation of that line West, until it meets the line of the said public lot on which the Gaol and Court-House stand, prolonged; on the South by the said Towns or Parishes of New-Castle and Alnwick; and Northerly, Easterly, and Southerly by the Bay of Chaleur, and Gulph of St. Lawrence, including the Islands Shippegan and Miscou, and the other Islands in front.

The eighth Town or Parish to be called, known, and distinguished by the name of Beresford; to be bounded Southerly by the Parish of Saumarez, and the continuation of the North line thereof, until it meets the County line, Easterly, Northerly, and Northwesterly, by the Bay of Chaleur, and the River Restigouche, including Heron Islands, and the Islands in the said Restigouche River; and Southwesterly by the said County line.

Beresford.

The ninth Town or Parish to be called, known and distinguished by the name of Northesk; to be bounded Northeasterly by the said Towns or Parishes of New-Castle and Saumarez; Southeasterly by the said Towns or Parishes of Nelson and Ludlow; Southwesterly by the County of York; and Northerly by the said Town or Parish of Beresford: All which said lines of the said Towns or Parishes herein before described, are to be considered as lines run by the Magnet and not otherwise, except where the same Towns or Parishes are limited and bounded by the lines of the County.

Northesk.

CAP. XVIII.

An Act to continue an Act for raising a Revenue in this Province, and the Acts in amendment thereof.

Passed the 7th of March, 1814.

Preamble.

WHEREAS an Act, made and passed in the forty-seventh year of His Majesty's Reign, intituled "An Act for raising a Revenue in this Province:" also an Act, made and passed in the fiftieth year of His Majesty's Reign, intituled "An Act to continue and amend an Act, intituled "An Act for raising a Revenue in this Province"---and also an Act, made and passed in the fifty-second year of His Majesty's Reign, intituled "An Act to continue and amend the Act for raising a Revenue in this Province, and the Act in amendment thereof," will expire on the first day of April next: And whereas it is expedient further to continue the same,

Continued till 1st
of April, 1816.

Be it therefore enacted by the President, Council, and Assembly, That the same Acts be, and the same are hereby further 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 sixteen.

*Further continued by 56 Geo. 3, c. 29,
and 57 Geo. 3, c. 2.*

CAP. XIX.

An Act for laying additional Duties on certain articles imported into this Province. Refer to 47 Geo. 3, c. 19

Passed the 7th of March, 1814.

I. **B**E it enacted by the President, Council, and Assembly, That from and after the first day of April next, there be, and hereby is granted to the King's Most Excellent Majesty, His Heirs and Successors, for the use of this Province, and for the support of the Government thereof, in addition to the several Rates and Duties already imposed by an Act, made and passed in the forty-seventh year of his present Majesty's Reign, and now in force, intituled "An Act for raising a Revenue in this Province"---the several Rates and Duties on the articles herein after mentioned, which shall or may be brought or imported into any port or place within this Province, to be paid by the importer or importers thereof, that is to say, for every Gallon of Rum, *two-pence-half-penny*, where two-thirds of such Rum have been purchased with the produce of this Province, and imported in a vessel or vessels, part whereof is owned therein, and an additional *half-penny* per Gallon, on all Rum otherways imported; for every Gallon of Wine, *six-pence*; and for every Gallon of Gin, Brandy, and all other distilled Spirituous Liquors, *nine-pence*; and that the same shall be collected and received in the same manner, and under and subject to the same rules, regulations, penalties and forfeitures, in all respects, as are prescribed and provided by the said herein before recited Act,

Additional duties granted.

Duties per Gallon on Rum,

On Wine,

On Gin, Brandy, and other distilled Spirituous Liquors, to be collected as directed by the Revenue Act of 47 Geo. 3, and other Acts in addition to, or amendment thereof.

and all other Acts made and passed in addition to or amendment thereof.

Drawback allowed on the exportation of dutiable articles.

II. *And be it further enacted*, That upon the articles of Rum, Wine, Brandy, and Gin, herein before in the preceding section of this Act specified, which shall be imported into this Province after the commencement of this Act, and upon which the additional Rates and Duties herein before imposed have been paid, or secured to be paid, agreeable to the provisions of the herein before recited Act, there shall be allowed a drawback to the amount of such additional Rates and Duties, upon the exportation of the same, under and subject to the like regulations, provisions and restrictions, of the herein before recited Act, and all other Acts made and passed in amendment thereof.

Limitation.

III. *And be it further enacted*, That this Act shall remain and be in force until the first day of April, which will be in the year of our Lord one thousand eight hundred and sixteen.

Continued for one year by 56 Geo. 3, c. 29.

Further continued by 57 Geo. 3, c. 2, for one year, and to the end of the then next Session.

CAP. XX.

An Act to authorize the Justices of the Peace for the County of Northumberland, to hold a Special Session for the purpose of appointing Town or Parish Officers for the present year.

Passed the 7th of March, 1814.

[*Expired.*]

CAP.

CAP. XXI.

An Act to continue and amend an Act, intituled " An Act for regulating the Militia."

Passed the 7th of March, 1814.

[*Repealed.*]

CAP. XXII.

An Act to appropriate a part of the Public Revenue for the Services therein mentioned.

Passed the 7th of March, 1814.

CAP. XXIII.

An Act to provide for opening and improving Roads and erecting Bridges throughout the Province.

Passed the 7th of March, 1814.

(280)

Anno Regni GEORGII III.
Britanniarum Regis,
Quinquagesimo Sexto.

*A*T the General Assembly of the Province of New-Brunswick, begun and holden at Fredericton, on the twenty-seventh day of January, Anno Domini, one thousand eight hundred and ten, in the fiftieth year of the Reign of our said Sovereign Lord GEORGE the THIRD, by the Grace of GOD, of the United Kingdom of Great-Britain and Ireland, KING, Defender of the Faith, &c. and from thence continued by several Prorogations, to Thursday the eleventh day of January, one thousand eight hundred and sixteen; being the Fifth Session of the Fifth General Assembly convened in the said Province.

CAP. I.

An Act to increase the number of Constables in the City of Saint John.

Passed the 7th of March, 1816.

Preamble.

WHEREAS in and by the Charter of the City of Saint John, the number of Constables in and for the said City is limited to six, that is to say, one Constable for each Ward in the said City, and that number is found by experience to be greatly insufficient in the present increased state of the population of the said City---

I. *Be it therefore enacted by the President, Council, and Assembly,* That from and after the passing of this Act, it shall and may be lawful to, and for the Mayor, Aldermen, and Commonalty of the said City of Saint John, or the major part of them, in Common Council convened, on the first Tuesday in April in each and every year, to name and appoint such and so many of the Inhabitants of the said City, being freeholders there, or freemen of the said City, as they shall see convenient, not to exceed the number of twelve, to be Constables in the said City for the ensuing year, in addition to the Constables annually elected and chosen in each respective Ward in the said City, under and by virtue of the said Charter.

Mayor, &c. empowered to appoint additional Constables.

Not to exceed twelve.

II. *And be it further enacted,* That the Constables to be appointed by virtue of this Act, shall take the same oaths, and be subject and liable to the same fines, penalties, duties, rules, ordinances and regulations, in every respect, and to all intents and purposes, that the Constables so elected and chosen under and by virtue of the said Charter, are by the said Charter directed to take, and are by the said Charter or otherwise by Law subject and liable unto.

Constables appointed by virtue of this Act, to take the same oaths, and be subject to the same fines, &c. as Constables elected and chosen under and by virtue of the Charter.

III. *And be it further enacted,* That if any Constable in the said City of Saint John, shall be guilty of any neglect or misbehaviour in the execution of the duty of his office, he shall forfeit and pay, for the use of the Mayor, Aldermen, and Commonalty of the said City, the sum of *forty shillings*, for every such neglect and misbehaviour, to be recovered

Constable neglecting or misbehaving in the execution of his duty, made subject to a fine of 40s.

vered upon proof of such neglect or misbehaviour, by the oath of one credible witness, before the Mayor or Recorder, and any one of the Aldermen of the said City, 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.

CAP. II.

Refer to 28 Geo.
3. c. 3.

An Act to increase the number of Firemen in the City of Saint John.

Passed the 7th of March, 1816.

Preamble.

WHEREAS in and by 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 the better extinguishing Fires that may happen within the City of St. John;" the number of Firemen of the said City to be appointed by virtue of the said last mentioned Act, made and passed in the twenty-sixth year of His Majesty's Reign, is limited to forty, and that number is found by experience to be insufficient in the present increased state of the population of the said City,

Number of Firemen extended to sixty.

I. *Be it therefore enacted by the President, Council, and Assembly,* That the number of Firemen to be appointed by virtue of the said herein before recited Act, made and passed in the twenty-sixth year of His Majesty's Reign, shall and may be increased and extended to sixty and no more; any thing in the said herein before recited Act, or in the Act therein referred, to the contrary notwithstanding.

II.

II. *And be it further enacted*, That the said Firemen shall and may during their continuance in the office of Firemen, have, hold, exercise, and enjoy all the immunities, privileges, and exemptions, in the said herein before recited Act, or in the Act therein referred to in that behalf expressed and contained.

Privileges of Firemen during their continuance in office.

CAP. III.

An Act in amendment of an Act, intituled
 “ An Act for regulating the Fisheries in
 “ the County of Northumberland.”

Refer to 39 Geo.
3, c 5.

Passed the 7th of March, 1816.

WHEREAS in and by the first Section of an Act, made and passed in the thirty-ninth year of the Reign of His present Majesty, intituled “ An Act for regulating the Fisheries in the County of Northumberland :” it is provided, that from Lot number sixty-one to Lot number fifty-seven inclusive, on the River Miramichi, no Net should extend into the River more than sixty-five fathoms from low water : And whereas it is found by experience that by confining the length of the Net in front of the said Lot number fifty-seven, to only sixty-five fathoms from low water mark, owing to a flat lying in front of the same, the Fishery there is rendered of but little use---For remedy whereof,

Preamble.

I. *Be it enacted by the President, Council, and Assembly*, That the Net permitted to be set in front of the said Lot number fifty-seven, (which Lot is at present occupied by William Gordon) may be of the length and extend

Net to be set in front of Lot No. 57, may extend 65 fathoms beyond 40 fathoms, from low-water.

extend sixty-five fathoms beyond forty fathoms from low water; any thing in the said recited Act to the contrary notwithstanding.

To be considered
as a Public Act.

II. *And be it further enacted*, That this Act shall be taken and considered as a public Act, and continue and be in force during the time provided for the continuance of the herein before recited Act, and no longer.

Limitation.

*Continued to 1820.---See 50 Geo. 3,
c. 4.*

CAP. IV.

An Act to alter an Act, intituled "An Act
" for the further regulation of Fisheries,
" and for preventing their decay:" and
also to alter another Act, intituled "An
" Act to alter and amend an Act, intituled
" An Act for the further regulation of
" Fisheries, and for preventing their de-
" cay."

Passed the 7th of March, 1816.

4th Sect. of the
Act, 50th Geo. 3,
and 4th Sect. 52d
Geo. 3, repealed.

BE it enacted by the President, Council,
and Assembly, That the fourth Section
of an Act, made and passed in the fiftieth
year of His Majesty's Reign, intituled "An
" Act for the further regulation of Fisheries,
" and for preventing their decay:" and also,
that the fourth Section of an Act, made and
passed in the fifty-second year of His Ma-
jesty's Reign, intituled "An Act to alter and
" amend an Act, intituled "An Act for the
" further regulation of Fisheries, and for
" preventing their decay"---be, and the same
Sections of the said recited Acts, are sever-
rally and respectively repealed.

CAP.

CAP. V.

An Act to provide for the Punishment of Horse-stealing.

Passed the 7th of March, 1816.

BE it enacted by the President, Council, and Assembly, That from and after the passing of this Act, if any Person shall feloniously steal, take, and carry away any Horse, Gelding, or Mare, every such offence shall be deemed felony and larceny, and every person so offending shall suffer such and the like punishment as if he or she had stolen any other Goods of the like value with any such Horse, Gelding, or Mare, so stolen, taken, and carried away; any thing to the contrary thereof in any wise notwithstanding.

CAP. VI.

An Act for the organization and regulation of the Militia of this Province.

Passed the 7th of March, 1816.

WHEREAS a well-regulated Militia is essential to the security of this Province,

Preamble.

I. *Be it therefore enacted by the President, Council, and Assembly,* That every male white Inhabitant or resident within this Province, from sixteen to sixty years of age (excepting such as are herein after excepted) shall be enrolled in and liable to serve in the Militia, and the Militia shall be formed into Battalions by Counties, or if any County shall be sufficiently populous to admit of more Battalions than one, the Governor or Commander-in-Chief may divide the same County

Male white Inhabitants, residents, from 16 to 60 years of age, to be enrolled.

Militia to be formed into Battalions by Counties. And in Counties sufficiently populous to admit of more Battalions than one, the same

may be divided into two or more Battalions.

Companies not to be more than 60 Rank and File, with one Captain and two Subalterns.

District of Companies to be determined by the Commanding Officer of the Battalion.

Officers commanding Companies to enroll persons liable to serve.

In insular and remote situations where the number of men does not exceed 80, the whole may be formed into one Company.

Persons exempted from being enrolled.

County into two or more Battalions, and affix the limits of the Districts composing such Battalions, and each Company in such Battalion shall consist of not more than sixty rank and file, and be commanded by one Captain and two Subalterns, and the extent of the Districts of the Companies shall be determined by the Commanding Officer for the time being of the Battalion to which they belong; and all Captains or Commanding Officers of Companies, are hereby required to take due care from time to time, to enroll in a Book to be by them kept for that purpose, the names of those persons who are liable to serve as aforesaid within their respective Districts: Provided always, that in insular and remote situations where the number of persons in the island or neighbourhood liable to serve in the Militia, exceeds the number of sixty, but does not exceed the number of eighty, the whole may be enrolled in one Company: And Provided also, that the Members of His Majesty's Council, Members of the Assembly, established Clergymen and licensed Ministers of the Gospel, all persons exercising Commissions Civil or Military under His Majesty, Officers on half-pay, supernumerary Militia Officers now in commission, Officers of His Majesty's Customs, Revenue and Naval Officers, Physicians and Surgeons licensed by the Governor or Commander-in-Chief to practice as such; one Miller to each grist mill, and one Ferry-man to each established Ferry, shall be exempted from being enrolled as aforesaid: And Provided also, that every

every person professing himself to be of the people called Quakers, and producing to the Commanding Officer of the Battalion of the District in which he resides, a certificate signed by two people of that persuasion, that such person has been deemed and allowed to be one of the same persuasion, for at least one year before the date of such certificate, shall in like manner be exempted from being enrolled as aforesaid.

Quakers producing a Certificate, exempted.

II. *And be it further enacted,* That it shall be the duty of every Captain or Commanding Officer of a Company, to furnish the Officer commanding the Battalion to which he may belong, at all times when ordered, a fair written Roll of his Company, and a return of the state of their Arms and Accoutrements; and the Commanding Officers of Battalions shall furnish to the Commander-in-Chief when ordered, such rolls, returns, and statements of their Battalions as may be required.

Captains, when required, to make returns of their Companies, and of Arms, &c to the Commanding Officer of the Battalion.

Commanding Officers of Battalions to make returns to the Commander in Chief.

III. *And be it further enacted,* That the Commanding Officer of each Battalion shall have power to appoint, from time to time, suitable persons as Drummers, Buglers, and Fifers, to his Battalion, and to displace them and appoint others in their stead, and that the Captain or Commanding Officer of a Company shall have power, with the consent of the Commanding Officer of the Battalion to which he may belong, to nominate and appoint Serjeants and Corporals for the Company under his Command; and if any person so to be appointed shall refuse to accept the office to which he shall be appointed,

Commanding Officers of Battalions to appoint Buglers, &c.

Officers Commanding Companies, with consent of Commanding Officers of Battalions, to appoint Serjeants and Corporals.

Persons so appointed refusing to serve, shall forfeit 20s.

Three Serjeants and three Corporals to each Company, except flank Companies, which may have four Serjeants.

Serjeants or Corporals for misbehaviour, may be tried by a Court Martial.

Commander in Chief may call out and keep together the Militia, one day in each year.

No person to travel more than 30 miles from his usual place of residence to train.

Battalions to be called out and rendezvous by Companies two days in each year.

ed, or having accepted, shall refuse or neglect to perform his duty, he shall, for every offence, forfeit and pay the sum of *twenty shillings*, to be recovered in the same manner as is provided for the recovery of fines in the eighth section of this Act: Provided always, that no more than three Serjeants and three Corporals shall be appointed to any one Company, except Flank Companies, which may have four Serjeants each.

IV. *And be it further enacted*, That if any Serjeant or Corporal shall be guilty of any misbehaviour in his office, he may be tried by a Court-Martial, to consist of not less than three Commissioned Officers, and by the sentence of such Court, if approved of by the Commanding Officer of the Battalion, be displaced from his office.

V. *And be it further enacted*, That for the purpose of inspecting and improving the Militia in martial exercises, the Commander-in-Chief may at such convenient season of the year as he may judge fit, interfering as little as possible with seed time and harvest, order out and keep each Battalion together, or in divisions, within their respective districts, one day in each year: Provided always, that no person shall be required to travel more than thirty miles from his usual place of residence, to attend the training of the Battalion or the division thereof to which he may belong.

VI. *And be it further enacted*, That every Battalion, except those persons above fifty years of age, shall be called out and rendezvous by Companies, two days in every year, interfering

interfering as little as possible with seed time and harvest, for the purpose of disciplining and improving in martial exercises; the times and places of such rendezvous to be appointed by the Commanding Officer of the Battalion, and arranged on different days, or in such manner that the Field and Staff Officers may have an opportunity of attending the several Companies, in order to introduce uniformity in the manœuvres and discipline of the Battalion; and the Commanding Officer of any Battalion may assemble any two or more of the Companies together as he may judge expedient: Provided that no Company shall be obliged to go more than twelve miles from the usual place of rendezvous of such Company.

Times and places of such rendezvous to be appointed by the Commanding Officer of the Battalion, and arranged in such manner that the Field and Staff Officers may have an opportunity of attending the several Companies.

And may assemble two or more Companies together

Provided that no Company shall go more than twelve miles from the usual rendezvous.

VII. *And be it further enacted,* That notice of the times and places appointed for assembling the Militia by Battalions or divisions thereof, or by Companies as aforesaid, shall be given in writing by the Captains or Officers commanding Companies, who shall cause such notice to be posted up by a Non-Commissioned Officer, at least ten days before the respective times of meeting, in three of the most public and conspicuous places within the Districts of the several Companies; which notification so given shall be deemed a sufficient warning: Provided always, that five days personal notice to the individual of the time and place of assembling, shall in all cases be deemed sufficient, without such notice in writing.

Ten days notice in writing to be given by the Captains of the times and places of assembling.

To be posted up by a non-commissioned Officer.

Five days personal notice sufficient.

VIII. *And be it further enacted,* That every Non-commissioned Officer and Private, who

Non-commissioned Officers

and Privates neglecting to appear at any Battalion or Company muster, to forfeit 10s. for each and every day he shall so neglect to appear.

shall neglect to appear at any Battalion or Company muster, agreeable to the provisions of this Act, shall be liable to a fine of *ten shillings* for each and every day that he shall so neglect to appear; and every Non-commissioned Officer and Private, who after having appeared at any Battalion or Company muster, shall at any time during the said days herein before required of him to attend, be absent from his Battalion or Company without leave from his Commanding Officer, shall for each and every time that he shall be so absent without leave, be liable to a fine of *ten shillings*.

No excuse to be admitted but sickness or lameness, or illness of delinquent's family.

Provided always, That no excuse shall be admitted for non-attendance, except sickness, or lameness of the individual to prevent his attendance, or extreme illness of some part of his family, or detention by unforeseen and unavoidable circumstances, to be manifest by legal proof given on the part of the delinquent: *And Provided also*, That persons other than substitutes, who shall have been embodied and on actual service for the space of twenty days, and also persons who shall have procured substitutes to perform such actual service, shall not be required to attend any such Battalion or Company muster during the same year in which such actual service shall have been performed.

Or detention by unforeseen or unavoidable circumstances.

Persons who have been embodied for 20 days, And also persons who shall have procured substitutes, excused from attending muster during that year.

Fines to be recovered before the Captains of Companies, and levied by a Non-commissioned Officer by distress.

IX. *And be it further enacted*, That the fines imposed by the next preceding section, shall be recoverable before the Captain or Officer commanding the Company to which the delinquent may belong, and be levied by distress

distress and sale of the delinquent's Goods, by an order of the said Commanding Officer, directed to a Non-commissioned Officer of the same Company, who is hereby empowered to serve and execute the same, (with the like fees as Constables may receive) rendering the overplus, if any, after deducting the costs and charges of such distress and sale, to the delinquent; and if no goods or effects shall be found whereon to levy the said fine, such delinquent shall, by warrant under the hand and seal of such Commanding Officer, be committed to the County Gaol, there to remain for the term of two days, for the fine of each days delinquency; and the Keeper of any Gaol is hereby authorized to receive and keep such delinquent during the time specified in such warrant, and then to discharge him on payment of the customary Gaol fees, together with such fees as the Non-commissioned Officer may be entitled to receive, as herein before mentioned: *Provided always*, That any such delinquent may appeal from the sentence of the Commanding Officer of the Company to which he may belong, to the Commanding Officer of the Battalion, who is hereby authorised and empowered to remit the fine imposed upon such delinquent, either in part or the whole, as the circumstances of the case may require.

For want of goods delinquent to be imprisoned.

Delinquent may appeal from the sentence of the Captain to the Commanding Officer of the Battalion.

X. *And be it further enacted*, That all orders to be issued by any Commanding Officer of a Company, under and by virtue of the provisions of this Act, for the purpose of levying fines, shall be in the form following, viz :

Form of an order
of distress.

“ To A. B. Serjeant (or Corporal) you are
 “ hereby required forthwith to demand of
 “ N. B. the sum of being the amount of
 “ a fine imposed upon him, under and by vir-
 “ tue of the Militia Law, and on his refusal to
 “ pay the same, to levy and distrain the a-
 “ mount thereof off the Goods and Chattels
 “ of the said N. B. and to sell and dispose of
 “ the Goods and Chattels so to be distrained,
 “ within six days, unless the said sum of
 “ together with reasonable charges of taking
 “ and keeping such distress, shall be sooner
 “ paid, and return to me what you shall do
 “ by virtue of this order.

“ Given under my Hand, this day of
 And that all warrants to be issued by the
 Commanding Officer of any Company for
 the imprisonment of any delinquent, shall
 be in the form following, to wit :---

“ To A. B. Serjeant (or Corporal.)

Form of an order
of commitment.

“ Whereas a Fine of has been
 “ imposed upon N. B. for an offence against
 “ the provisions of the Militia Law, which
 “ fine has not been paid : these are therefore
 “ to require and command you to convey
 “ and deliver into the custody of the Keeper
 “ of the common County Gaol, the body of
 “ the said N. B. ; and you the said Keeper,
 “ are hereby required to receive the said
 “ N. B. into your custody in the said Gaol,
 “ and him there safely keep, for the space
 “ of days, unless the said fine, with
 “ the accustomed fees, shall be sooner paid.

“ Given under my Hand and Seal, the
 “ day of

XI. *And be it further enacted,* That every
 person

person enrolled as aforesaid, when ordered out as aforesaid, shall appear with such arms, ammunition and accoutrements, as have been or hereafter may be issued to him by Government, or (if he shall so choose) with arms, ammunition, and accoutrements of his own, equally good, in complete order; and for appearing without such arms, ammunition, and accoutrements, or appearing with a part and not the whole, or with any of them which in the opinion of the Commanding Officer for the time being, at the place where such Militia are ordered to assemble, are not in good and serviceable order, such person shall forfeit and be ordered by the said Commanding Officer, to pay a sum not less than *two* nor more than *twenty shillings*; which if not paid within twenty-four hours after such person is dismissed from his then attendance, shall be by an order of the said Commanding Officer, directed to one of the Non-commissioned Officers of the Company to which such person shall belong, levied (with the like fees as Constables may receive) upon the Goods and Chattels of such delinquent; and for want of Goods and Chattels whereon to levy the same, the said delinquent shall, by warrant under the hand and seal of such Commanding Officer, be committed to the County Gaol, there to remain not exceeding four days; and the Keeper of any Gaol is hereby authorized to receive and keep such delinquent during the time specified in such warrant, and then to discharge him on payment of the customary Gaol fees, together with such fees as the Non-commissioned Officer

Persons called out to appear with arms, ammunition and accoutrements in complete order.

And for appearing without, or with only a part, or not in good order in the opinion of the Commanding Officer for the time being, to forfeit not less than 2s. nor more than 20s.

Which if not paid within 24 hours after the delinquent is dismissed, shall be levied by the Commanding Officer's order, directed to a Non-commissioned Officer.

For want of goods delinquent to be imprisoned, not exceeding 4 days

may be entitled to receive as herein before mentioned.

Officers commanding Battalions to order inspections of the arms and accoutrements of the Battalions.

To be made by the Subaltern Officers of the Companies,

Who shall report in writing, under oath.

Every person who shall refuse to submit to such inspection, or whose arms and accoutrements shall be found in unserviceable condition, out of order, or deficient, shall forfeit the like sum, as if such had been the case when ordered out.

Commanding Officer of the Company may in all cases make the in-

XII. *And be it further enacted,* That the Commanding Officer of any Battalion, shall and may once in each year, and oftener if he deem it necessary, order an inspection of arms and accoutrements of such Battalion, when the Subaltern Officers of the Company (each taking such part as the Captain or Commanding Officer of the Company shall direct) shall call on each and every man of the Company at his usual place of abode, and then and there carefully inspect and examine such persons arms and accoutrements, to see whether the same are all in good order, and shall make an exact report to the Commanding Officer of the Company, of the state and condition in which the same were found, which report shall be made in writing, and shall be sworn to by the person making it, before some one of His Majesty's Justices of the Peace of the County where such inspection may take place, which oath such Justice is hereby authorized to administer, and shall certify without fee; and every person who shall refuse to submit to such inspection, or whose arms or accoutrements shall be found in unserviceable condition, out of order, or deficient, shall forfeit and pay for each deficiency, the like sum as if such had been the case when ordered out as herein before mentioned, to be in like manner inflicted and recovered: *Provided always,* That the Commanding Officer of the Company may in all cases inspect the arms and accoutrements himself, either with or without

out an order from the Commanding Officer of the Battalion, and proceed to fine for any deficiency or bad state of the arms and accoutrements, or any or either of them, and levy the same in the same manner as is herein before provided, upon the report of the Subaltern Officers.

specion himself without an order, and proceed to fine for deficiencies or bad state of the arms, &c.

XIII. *And be it further enacted,* That it shall be the duty of the Adjutants appointed, or to be appointed to the several Battalions, to attend their respective Battalions when the same or any part thereof shall be ordered out under this Act, and at such and all other times to do and perform and attend to such duty as is incumbent on and appertaining to the proper office of Adjutant, or as they may be ordered by the respective Commanding Officers of such Battalions, and such Adjutants shall be allowed each, as a full compensation for all the services he is hereby ordered to perform, (except when on actual service) ten shillings for each day he shall be actually employed, the number of days to be certified by the Commanding Officer of the Battalion, provided that no one Adjutant shall be allowed more than *fifteen pounds* in any one year.

The Adjutants to attend their respective Battalions when called out, and to perform all such other duties as may be ordered by the Commanding Officer, and be allowed 10s. per day.

Days to be certified by the Commanding Officer of the Battalion. Pay not to exceed £15 per annum.

XIV. *And be it further enacted,* That if any Non-commissioned Officer or Private shall be guilty of drunkenness, contemptuous or riotous behaviour, disobedience of orders, or shall otherwise misbehave himself during the time he shall be ordered out, as herein before provided, it shall and may be lawful for the Commanding Officer to order such person so offending, to be confined under

Non-commissioned Officers or Privates guilty of drunkenness, or misbehaving during the time they shall be ordered out, to be put under guard and tried by a Court-Martial, who may sentence him to pay a fine of not less than 5s. nor more than 40s.

der

To be levied and recovered as directed by the IXth Section of this Act.

Persons wilfully interrupting any detachment of Militia at exercise, may be confined.

And shall forfeit 20s. to be recovered before a Justice of the Peace.

And levied by distress and sale of the offender's Goods and Chattels.

For want of goods, &c. offender to be committed to the County Gaol for the term of four days unless sooner paid.

Captains or Subalterns guilty of improper behaviour when ordered out, may be put under arrest by the Commanding Officer, and forthwith to be tried by a Court-Martial to consist of two Captains and three Subalterns.

der guard during the muster, and such offenders shall be liable to the payment of a fine of not less than *five*, nor more than *forty shillings*, to be levied and recovered as is directed in and by the ninth section of this Act.

XV. *And be it further enacted.* That if any person shall wilfully interrupt any body of Militia when ordered out under this Act, whilst on duty or at exercise, it shall and may be lawful for the Commanding Officer for the time being, to confine such person during the performance of such duty, or the continuance of such days exercise or muster (if he shall think necessary) to prevent the continuance of such insult or wilful interruption; and every person so offending shall forfeit and pay a sum not exceeding *twenty shillings*, for each and every offence, to be recovered with costs, on conviction before any Justice of the Peace where such offence may be committed, and levied by distress and sale of the offender's Goods and Chattels, and for want of such Goods and Chattels to commit the offender to the County Gaol for the term of four days, unless the fine and costs shall be sooner paid.

XVI. *And be it further enacted,* That if any Captain or Subaltern Officer of any Battalion shall be guilty of contemptuous behaviour, disobedience of orders, or otherwise misbehave himself at any time when ordered out as herein before mentioned, it shall and may be lawful for the Commanding Officer for the time being, of such Battalion or division thereof, to order such Officer

ficer under arrest, and forthwith to try him by a Court-Martial, to consist of not less than two Captains and three Subalterns of the same Battalion; and in case such charge is proved, it shall be the duty of such Court-Martial to report their proceedings to the Commanding Officer, who shall report to the Commander-in-Chief of the Province, and if approved of by him, such Officer so found guilty shall be cashiered and dismissed.

And if the charge be proved, report to be made to the Commanding Officer, who shall report to the Commander-in-Chief, and if approved of by him, offender to be dismissed.

XVII. *And be it further enacted,* That every Officer (at all times when ordered out under this Act) shall appear equipped with a sufficient Sword and Belt, under the penalty of *twenty shillings* for each offence, to be inflicted by the Commanding Officer for the time being of the Battalion to which he may belong, and if not paid upon an order from the said Commanding Officer, the same shall be levied upon the Goods and Chattels of such offenders, by warrant under the hand and seal of such Commanding Officer, directed to the Adjutant of such Battalion.

Officers to appear equipped with sufficient swords and belts, under the penalty of 20s.

XVIII. *And be it further enacted,* That the Commanding Officer of every Company shall immediately when required, furnish the Commanding Officer of the Battalion to which he may belong, with the name of every delinquent belonging to his Company, who shall at any time neglect to appear when ordered out under this Act, or to perform any of the duties herein required, or in any other manner offend; and if any one is excused from any cause whatsoever, shall assign such excuse to the said Commanding Officer

Commanding Officers of Companies when required, to furnish the Commanding Officer of the Battalion with the names of delinquents who shall neglect to appear or perform their duty.

And if any one is excused, to assign the excuses for his approbation.

Officer for his approbation, and if not admitted, such delinquent or offender shall be proceeded against according to Law.

Serjeant-Major,
Quarter-Master-
Serjeant & Clerk,
to be appointed,
who are liable to
be tried and pu-
nished by a Court
Martial.

XIX. *And be it further enacted,* That it shall and may be lawful for the Officer commanding any Battalion to appoint a Serjeant-Major, a Quarter-Master-Serjeant and Clerk for such Battalion, who are hereby made liable to be tried by a Court-Martial for disobedience of orders, or contemptuous and improper behaviour, which said Court-Martial shall be constituted as herein before mentioned, for the trial of any Officer misbehaving when called out on duty, and shall have power to punish by fine, or imprisonment in the County Gaol, such fine not exceeding *forty shillings*, or imprisonment ten days: *Provided always, and be it further enacted,* That no sentence of any Court-Martial shall be put in execution until approved by the Commanding Officer of such Battalion, and the Serjeant-Major, Quarter-Master-Serjeant, and Clerk, so appointed, shall be exempted from all balloting for actual service.

And are exempted
from balloting for
actual service.

Quarter-Masters
to give bond for
the faithful dis-
charge of their
duty

XX. *And be it further enacted,* That the Quarter-Master of every Battalion shall before he commences the duties of his office under this Act, give bond to His Majesty, with two sufficient sureties, in the penal sum of *two hundred pounds*, for the faithful discharge of such duties, and for his duly accounting for and applying all monies he may receive by virtue of this Act, and for all arms, accoutrements, and stores he may receive as Quarter-Master of such Battalion, which
bond

bond shall be taken by the Commanding Officer of such Battalion, and lodged by him in the Secretary's Office of the Province; and that each Quarter-Master shall be allowed in his general account of monies, ten per cent. for all sums received and paid over by him; this allowance to cease to be made to any Quarter-Master who may be on actual service and in receipt of full pay.

Allowed ten per cent. for monies received.

XXI. *And be it further enacted,* That the Captains or Officers commanding Companies, shall on or before the first day of June in each year, make out and transmit to the Officer commanding the Battalion, lists of all Persons residing within the Districts of their Companies respectively, who are by this Act exempt from being enrolled in the Militia, specifying the ages of such persons, and the causes of their respective exemptions, which lists shall be entered by the Clerk of the Battalion in a Book to be by him kept for that purpose, and that all persons so exempted (one Ferry-man to each established ferry excepted) shall on or before the first day of September in each and every year, pay to the Quarter-Master *ten shillings*, and if not then paid, the same to be forthwith recovered with costs, by and at the suit of such Quarter-Master, in the like manner as is provided by the fifteenth section of this Act: *Provided always, and be it further enacted,* That any person liable as aforesaid to pay the said sum of *ten shillings*, shall be excused from paying the same by enrolling himself in the Company of Militia of the District in which he resides, and that

when

List of exempts to be transmitted by Officers commanding Companies, to the Commanding Officer of the Battalion, and entered by the Clerk in a Book.

Exempts to pay to the Quarter-Master 10s. a year.

Exempts may excuse themselves from paying, by enrolling themselves.

when such person has so enrolled himself, he shall be, and he is hereby made liable to do and perform all and singular the duties required of other men belonging to the Company, and under and subject to the same penalties and forfeitures in every respect.

Ferry-men to convey Militiamen going on duty, over their ferries, free of expense.

XXII. *And be it further enacted,* That the Ferry-men excepted by the next preceding Section, shall upon all occasions when the Militia are called out by Battalions or Detachments for general training, carry over their respective ferries the said Militia, and each and every of them, in going out and returning home, without any demand for ferryage whatever, under the penalty of *ten shillings* for each and every offence, to be recovered by the party complaining before any one of His Majesty's Justices of the Peace, upon the oath of one credible witness.

Arms lent by Government not to be used for any other purpose than that for which they may have been supplied, under the penalty of 10s. for each and every offence,

To be recovered before a Justice of the Peace.

XXIII. *And be it further enacted,* That no person who has been, or may hereafter be furnished with arms, accoutrements, and ammunition, by Government, shall use the same for any other purpose than that for which they may have been supplied, under a penalty of *ten shillings* for each and every offence, to be recovered before any one Justice of the Peace in same manner as prescribed in the next preceding section of this Act, and when recovered to be paid to the person who shall prosecute for the same, and for want of effects whereon to levy the said fine of *ten shillings*, such offender shall be imprisoned two days.

XXIV.

XXIV. *And be it further enacted,* That the Governor or Commander-in-Chief shall be, and he is hereby authorized and empowered in case of any actual invasion or imminent danger thereof, if he in his discretion shall think it necessary or expedient, to call out the Militia of the Province, and the exempts as described in the first section of this Act, (established Clergymen, licensed Ministers of the Gospel, Millers and Ferry-men excepted) or any part thereof, into actual service.

Militia may be called out in case of invasion or imminent danger thereof.

XXV. *And be it further enacted,* That in case of any actual invasion or imminent danger thereof, in any County or District where the Commander-in-Chief cannot in time be consulted, the Commanding Officer of the Battalion shall have power (if he in his discretion shall think it necessary or expedient) to call out the Militia and the exempts as aforesaid, or any part thereof, into real service; and in case of any such actual invasion or imminent danger thereof in any Town, Parish, or Company District, where the Commanding Officer of the Battalion cannot in time be consulted, the Officer commanding the Militia in such Town, Parish, or Company District, shall have power (if he in his discretion shall think it necessary or expedient) to call out the Militia under his command, and also the exempts as aforesaid within the same, 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 Officer commanding the Battalion

Where the Commander-in-Chief cannot be immediately consulted, the Commanding Officer of the Battalion may call out the Militia and Exempts into actual service.

Where the Commanding Officer of the Battalion cannot be immediately consulted, inferior Officers may call out the Militia under their command, and report to the Officer commanding the Battalion, who is to send an express to the Commander-in-Chief.

Persons refusing to go when so ordered, to forfeit £10 or be imprisoned.

talion to which he belongs, who is hereby required in either case, forthwith to dispatch an express to the Governor or Commander-in-Chief, notifying the danger and the strength and motions of the enemy; and every person liable to be so called, who shall when called on refuse to go, shall pay the sum of *ten pounds*, or forthwith be committed to the County Gaol, by a written order of the Commanding Officer of the Battalion or Company to which he may belong, or if necessary for safe custody, be sent to any other place of confinement at the discretion of such Commanding Officer, and such offender shall remain in imprisonment three months, or until such fine be paid; and all Gaolers are hereby ordered to receive and safely keep such person so to be committed during the time herein specified.

Militia on service to march to any part of the Province.

XXVI. *And be it further enacted*, That the Militia, or any part thereof, and the exempts as aforesaid, so called out into real service by virtue of the provisions of 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 actual invasion or imminent danger thereof.

Militia on service to obey all lawful commands of superior Officers.

XXVII. *And be it further enacted*, That when the Militia, or any part thereof, shall be upon real service, every Officer or person so called into service, is hereby bound and required to yield obedience to all lawful commands of his superior Officers for mounting guards, erecting works, and other military services for repelling, resisting, or guarding against the

the attacks of the enemy, under the penalty of incurring the forfeitures appointed by this Act for disobedience of orders.

XXVIII. *And be it further enacted,* That whenever the Governor 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, a draft by ballot shall be made from each Company in exact proportion according to the number then fit for duty, which shall be on the oath of the Captain or Commanding Officer of such Company to the best of his knowledge, if required, of all persons from the age of eighteen to fifty years, which ballot shall take place and be made in presence of one or more of His Majesty's Justices of the Peace; or if no such Justice shall be resident near to the place where such ballot shall be made, then and in that case the same shall be made in presence of three or more respectable Freeholders, who are exempted by age from being drafted themselves, and on such occasions all the persons within the County in which any part of the Militia shall be called out as aforesaid, between eighteen and fifty years of age, who are herein before declared to be exempted from being enrolled in the Militia in manner herein before mentioned (except established Clergymen and licensed Ministers of the Gospel; one Miller to each grist mill, and one Ferry-man to each established Ferry) who shall not have joined any Company, shall be formed into a Company by and under the direction of the

Militia to be drafted for service by ballot.

Exempts to be formed into a Company, and subject to be drafted.

Persons drafted to serve in their own persons, or find good substitutes, under the penalty of £10.

the Commanding Officer of the Battalion, and shall be liable to the same draft by ballot as any other Company in such Battalion, 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 and sufficient man in his room, and for his neglect or disobedience herein, he shall be subjected to a fine of *ten pounds*, which if he neglect or refuse to pay, he shall be committed to the nearest County Gaol where he can be safely kept, by warrant from the Commanding Officer of the Battalion, or if necessary to his safe custody, be removed to any other Gaol at the discretion of the Commanding Officer, where he shall remain three months, or until he pays the said fine, 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 and sufficient man in his room as aforesaid; but if he shall so neglect or refuse, then he shall be subjected 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 and sufficient man as aforesaid, and so as often as such case shall happen: *Provided always*, that in case any part of the Militia or the exempts as aforesaid 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: *Provided also*, that nothing in this Act shall

No person to be a second time drafted until all the others belonging to the same Company shall have been drafted.

shall be construed to extend to oblige the Firemen appointed, or to be appointed by the Corporation of the City of Saint John to the Engines in that City, or Firemen that may be appointed to any Engine that may be hereafter established in any other Town in this Province, to do duty beyond the limits of the said City and Town respectively; and also further provided that if any person called and duly certified to be a Quaker, shall upon being drafted, refuse to serve or procure a substitute as aforesaid, it shall and may be lawful for the Captain or Officer commanding the Company to which such Quaker belongs, to procure and hire a substitute for him and at his expense, not to exceed the sum of *ten pounds*, which if he shall refuse or neglect to pay, the same shall and may be recovered before any two of His Majesty's Justices of the Peace, in a summary way, at the suit of the said Captain or Commanding Officer of the Company, and levied with costs upon the Goods and Chattels of such delinquent, or for want thereof, such delinquent shall be committed to Gaol, there to remain for three months, or until he pays the same: *Provided also*, that those who have already served in the embodied Militia, and those to be hereafter drafted, shall not be liable to be again drafted until all the others belonging to the same Company shall have been drafted.

Firemen in Saint John, not to do duty beyond the limits of the City.

Substitutes to be hired for Quakers, who are to pay the expence not exceeding £10.

Persons who have served in the embodied Militia, exempted from draft till all the others of the same Company shall have been drafted.

XXIX. *And be it further enacted*, That whenever the Governor or Commander-in-Chief for the time being, shall in consequence of any actual invasion or imminent

Volunteers may be accepted, and be on the same footing with drafted men.

danger thereof as aforesaid, think it expedient to order a proportion of the Militia on real service---volunteers who offer themselves for such service, being able of body in the opinion of the Field Officers of the Battalion to which such volunteer shall belong, shall be accepted, and being so accepted shall be subject to all the provisions of this Act as though they had been drafted by ballot.

Officers on service may be cashiered by a general Court-Martial for disobedience, or neglect of duty.

XXX. *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 of the Battalion, or of any party or command, not under the degree of a Captain, to order a 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*, and in addition thereto,

Non-commissioned Officers and Privates may be confined and tried by a Court-Martial and fined.

thereto, if a Non-commissioned Officer, reducing him to the ranks at the discretion of the Court; which fine so ordered by the Court-Martial, if he neglect or refuse to pay, shall be either stopped out of the pay of such offender, or such offender shall be imprisoned or subject to hard labour for a term not exceeding ten days: *Provided always*, nevertheless, that no sentence of such Court-Martial shall be put in execution until approved of by the Officer ordering such Court-Martial, and no Officer being the accuser shall be a member.

Fines may be stopped out of the pay

No sentence to be put in execution 'till approved by the Officer ordering the Court.

XXXI. *And be it farther enacted*, That if any Officer, Non-commissioned Officer or Private, shall in the field, upon a march, or in quarters, on actual service, begin, excite, or join any mutiny, or knowing of such mutiny begun, or intended, shall not give information thereof to his Commanding or other superior Officer, or shall not when thereunto ordered, use his utmost endeavours to suppress such mutiny, or shall desert the Company or Command to which he belongs, or shall disobey orders---if a commissioned Officer, he shall be put under arrest by any superior Officer---if a Non-commissioned Officer or Private, he shall be committed to the next County or any other Gaol, as soon as convenient, by order in writing under the hand of the Officer commanding the Battalion, Company or Detachment, to which such person so offending shall belong; and it shall and may be lawful for the Governor or Commander-in-Chief of the Province for the time being, to order a general Court-

Mutiny, desertion, and disobedience of orders on actual service, to be tried before a general Court-Martial, to be appointed by warrant under the hand and seal of the Commander-in-Chief,

Martial, by warrant under his hand and seal, for the trial of such offenders, 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 rank of a Field Officer, and there shall be as many Captains as conveniently may 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 any of the above offences that shall come before them, and shall also have power to punish with death, or by fine and imprisonment, in proportion to the enormity of the offence---the fine not exceeding *fifty pounds*, nor imprisonment six months: *Provided always*, that no sentence of any Court-Martial shall extend to death, unless for desertion to the enemy, for mutiny and sedition, for traitorous correspondence with, or traitorously delivering up to the enemy any garrison, fortress, post or guard ; nor shall the sentence of any general Court-Martial be carried into execution until it has been approved of by the Governor or Commander-in-Chief for the time being.

Court may administer oaths, and may punish with death or by fine and imprisonment, not exceeding £50 and six months.

XXXII. *And be it further enacted*, That in all trials by general Court-Martial, the President and every member thereof, before any proceedings be had, shall take the following oath, and the Judge Advocate is hereby authorized to administer the same, to wit :---
 “ I, A. B. do swear, that I will duly admini-
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Members of a general Court-Martial to be sworn.

“ster justice according to law, without partiality, favour or affection ; and I do further swear, that I will not divulge the sentence of this Court, until it shall be approved by the Commander-in-Chief of this Province ; neither will I on any account, at any time whatever, disclose or discover the vote or opinion of any particular member of the Court-Martial, unless required to give evidence thereof as a witness by a Court of Justice, in a due course of Law. So help me God :”---and no sentence of Death shall be given by any such general Court-Martial, unless twelve Officers present shall concur therein, and the Governor or Commander-in-Chief 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 *fifteen shillings* per diem, during the time he shall actually be employed in such service, which Judge Advocate so appointed, shall previous to any proceedings had on the trial of any prisoner, take the following oath, to be administered by the President of the Court, to wit :---“ I, A. B. do swear, that I will not upon any account, at any time whatever, disclose or discover the vote or opinion of any particular member of this Court-Martial, unless required to give evidence thereof as a witness by a Court of Justice, in a due course of Law.---So help me God.”

No sentence of death to be given unless twelve Officers concur.

Judge Advocate to be appointed and sworn, and allowed 15s. per day.

XXXIII. *And be it further enacted*, That no person shall be put to Death under the sentence of a general Court-Martial, until a

No sentence of death to be executed without a warrant under the

hand and seal of
the Commander-
in-Chief.

Manner of execu-
ting to be by
shooting or hang-
ing.

Warrant to be
read previous to
execution.

No Officer under
the rank of Cap-
tain to try a Field
Officer.

Militia on service
to receive the same
pay and allow-
ances as the King's
troops,

warrant under the hand and seal of the Governor or Commander-in-Chief, shall issue for the execution of such sentence, which warrant shall direct the time and place when and where the person sentenced to Death shall be executed; and all sentences of Death shall be executed by either shooting or hanging the offender, as the same may be directed and ordered in the said warrant, which warrant shall be a sufficient justification to the Officer or Officers to whom the same shall be directed, and to all those lawfully employed under them in executing such sentence: *Provided always*, that previous to any persons being put to death pursuant to the sentence of a general Court-Martial, such sentence and warrant for the execution thereof, shall be publicly read in the hearing of the bye-standers at the time and place appointed for such execution.

XXXIV. *And be it further enacted*, That no Officer under the rank of a Captain shall sit upon a Court-Martial for the trial of any Field Officer.

XXXV. *And be it further enacted*, That whenever the whole or any part of the Militia of this Province shall be called out into actual service, the Officers, Non-commissioned Officers, Drummers, Fifers, Buglers, and Privates, shall be entitled to the same pay and allowances as the Officers, Non-commissioned Officers, Drummers, Fifers, Buglers, and Privates of His Majesty's regular troops respectively receive, to be reckoned from the day that they march from the rendezvous of their respective Companies

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to go on actual service, until they shall be dismissed by order of the Governor or Commander-in-Chief; and at the time of their dismissal they shall be allowed respectively a number of days pay to defray their expences to their usual places of residence, according to the distance, at the rate of fifteen miles per day, together with a bounty to each man of the Non-commissioned Officers, Drummers, Fifers, Buglers, and Privates, who shall have served faithfully during the time or times they shall so have continued on actual service, at and after the rate of *thirty shillings* per month, for every calendar month which they shall respectively have been and remained on actual service, but not to exceed in the whole the sum of *five pounds* for each separate time or occasion on which they shall so have respectively been called out into actual service as aforesaid, which bounty shall be provided for and paid out of the Province Treasury.

XXXVI. *And be it further enacted*, That every person who shall entice or encourage a Militia-man when on service to desert, or aid or assist, or harbour and conceal any deserter, knowing him to be such, shall forfeit and pay for every offence, the sum of *ten pounds*, to be recovered on conviction before any one of His Majesty's Justices of the Peace for the County where such offence may be committed, upon the oath of any one or more credible witness or witnesses, or the confession of the party offending, and on the failure of the payment of such fine by the party offending, he shall be committed

And also a bounty to those who have served faithfully, of 30s. per month, not to exceed in the whole £5.

Bounty to be paid out of the Province Treasury.

Persons enticing or aiding Militiamen when on service to desert, to forfeit £10 to be recovered before a Justice of the Peace,

And on failure of payment, to be committed to Gaol for three months.

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ted to the County Gaol, by warrant under the hand and seal of such Justice, there to remain for the space of three months, or until such fine is paid.

Male Blacks to be enrolled and formed into Companies, and to serve as Pioncers, or as the Commander-in-Chief may direct,

XXXVII. *And be it further enacted,* That all the male Blacks and people of colour, between sixteen and fifty years of age, within each and every of the Counties within this Province, shall be formed into one or more Companies as may be thought expedient, and attached to the several Battalions within the District in which they may respectively reside, and shall have such Officers to command them as the Governor or Commander-in-Chief for the time being may think fit to appoint, and shall be considered as the Pioneers of the Battalions to which they may respectively belong, or otherwise as the Commander-in-Chief may direct, and be subject to the same or the like drafts for actual service as the Militia in general are liable to in times of invasion or imminent danger thereof; and also be liable to perform the same duties and under the same penalties, as required and appointed by the ninth section of this Act.

And be drafted for service.

In case of invasion, &c. the Commander-in-Chief may direct the building of Boats.

XXXVIII. *And be it further enacted,* That it shall and may be lawful for the Governor or Commander-in-Chief for the time being, and he is hereby authorized in case of actual invasion or imminent danger thereof, to direct the building of such a number of Boats as in his judgment and discretion may appear requisite, and on such a construction as he shall judge most proper for the purpose of transporting the Militia with greater facility

facility to different parts of this Province, as well as for the annoying the enemy : Provided that the sum or sums to be expended in building such Boats shall not exceed the sum of *four hundred pounds*.

XXXIX. *And be it further enacted*, That it shall and may be lawful for the Governor or Commander-in-Chief for the time being, in any place or places where he may judge it to be necessary or expedient, to cause one or more Company or Companies of Sea-fencibles to be formed, (to be composed of the sea-faring people and such as are principally employed on the water) to belong to and form a part of the Battalions of Militia respectively in the Districts in which the same may be formed, and to direct the mode of drilling and instructing the Officers and men of the same Companies, provided that the time required of the Officers and men thereof shall not exceed that required by this Act of other persons belonging to the Militia. and for neglect or refusal on the part of either the Officers or men of either of the said Companies of Sea-fencibles to discharge the duty required of them in compliance with such direction of the Commander-in-Chief, they shall severally incur the like penalty and penalties as other persons of the like rank in the Battalions to which they may belong, and to be recovered and applied in like manner as is herein provided.

Commander-in-Chief may in places where he may judge it necessary, order Companies of Sea Fencibles to be formed of the sea-faring people, and direct the mode of drilling and instructing them.

XL. *And be it further enacted*, That whenever the Commanding Officer of the Militia in any County or District where such Boats are provided, shall find it necessary to order
the

Militia and Sea Fencibles may be ordered to do duty in the Boats.

the Boats so provided, or any other Boats or Vessels with which he may be furnished, to proceed in repelling the enemy, or to the assistance of any neighbouring District or place, or to be stationed as a watch for the defence of any such place, the Militia of any such County, and particularly the Sea-fencibles, shall on the orders of such Commanding Officer, proceed in such Boats accordingly.

Captains refusing to collect or neglecting to pay over fines, &c. made liable to an action of debt at the suit of the Quarter-Master.

XLI. *And be it further enacted,* That if any Captain or Officer commanding a Company, shall refuse or neglect to collect within six months after the commission of the offence for which the party shall have become liable, or refuse or neglect to pay into the hands of the Quarter-Master, any fine or penalty by him imposed, or any sum or sums by him received, it shall in any such case or cases be the duty of the Commanding Officer of the Battalion to which such Officer may belong, to order and direct such Officer to be prosecuted by the Quarter-Master, as well for the money by him received as that which he has neglected to collect, before any one of His Majesty's Justices of the Peace, provided the same shall not exceed the sum of *five pounds*, and when the same shall exceed the sum of *five pounds*, then before any two of His Majesty's Justices of the Peace, and that it shall be the duty of such Quarter-Master forthwith to proceed for the recovery of the same.

Persons not being British subjects, who have resided for two months in the Province,

XLII. *And be it further enacted,* That all persons other than British subjects, and who shall have resided for the space of two months in

in this Province, shall pay to the Quarter-Master of the Battalion in the district in which they shall reside, the sum of *thirty shillings* each, and the Quarter-Master of such Battalion is hereby authorized to demand and receive the same, and upon neglect or refusal to pay the same, the said Quarter-Master is hereby authorized and required to proceed for the recovery thereof in the like manner as is provided by the twenty-first section of this Act: *Provided always*, That no person not being a British subject shall be liable to pay in any one year, during his residence in this Province, more than the said sum of *thirty shillings*.

to pay 30s. per annum, to be demanded and recovered by the Quarter-Masters of Battalions.

XLIII. *And be it further enacted*, That all fines, penalties and sums of money whatsoever received, or which shall hereafter be received under and by virtue of the provisions of this Act, shall be paid into the hands of the Quarter-Masters of the different Battalions, and the Quarter-Master of each Battalion shall every six months render an account of all such fines, penalties and sums of money so by him received, to the Commanding Officer of the Battalion, and forthwith pay the amount thereof into the Province Treasury, rendering therewith an account of the same, subject nevertheless to such appropriations as the Commander-in-Chief shall from time to time direct, for the contingent uses of the respective Battalions.

All fines, penalties, and sums of money recovered, to be paid into the hands of the Quarter-Masters of Battalions,

Who shall render an account every six months to the Commanding Officer of the Battalion, And forthwith pay the amount thereof into the Province Treasury, &c. Subject to such appropriations as the Commander in Chief shall from time to time direct for the contingent uses of the respective Battalions.

XLIV. *And be it further enacted*, That whenever the Militia or any part thereof shall be called into actual service, it shall and may be lawful for the Officer commanding

Commanding Officers of Militia

may impress
boats, men and
horses.

In case of attack
on any sea port or
place where Mer-
chant vessels are
lying, the Officer
commanding Mi-
litia may compel
the persons be-
longing to such
vessels to do duty
on shore, or in
any boat or vessel.

The whole of any
Artillery, Sea-fen-
cible or Flank
Company, may be
ordered for duty
when necessary.

Militia Officers
doing duty with
His Majesty's re-
gular forces, to
take rank as
youngest of their
degree.

ding any Battalion, Detachment, or Party, to impress boats, men, horses and teams, as the service may require.

XLV. *And be it further enacted,* That whenever it shall be rendered necessary by any attack made or threatened, suddenly to be made in any sea-port, City, Town, or other place, at or in the harbour of which any Merchant ships or vessels may be lying, the Officer commanding the Militia is hereby authorized and fully empowered to compel the persons belonging to such ships or vessels, to do duty on shore with the Militia Artillery, if any such there be, or in any boats or vessels, or with any part of the Militia where they can be the most usefully employed in resisting the attack of the enemy, and that in case of any great emergency which may render the service of Artillerymen necessary, the Officer commanding any Battalion to which there may be an Artillery Company, may require the service of the whole, or a part of such Artillery Company as he may judge necessary, although the numbers required may exceed the proportion of men wanted or required from the rest of the Battalion, and so in like manner with any Company of Sea-fencibles, or any or either of the flank Companies.

XLVI. *And be it further enacted,* That the commissioned Officers of the Militia when on actual service and doing duty in Garrison, or in the field with His Majesty's regular or fencible forces, shall rank with the Officers of such forces as the youngest of their degree, and that the said Officers of the regular

lar and fencible Forces in this Province, and the Officers of the Militia, shall be entitled reciprocally to command and be subject to be commanded in the same manner as is provided by the Laws of Great-Britain and the Articles of War, for the government of the regular and Militia forces thereof, and subject to the like pains and penalties on the part of the Officers of Militia as are herein before prescribed by the thirty-first and thirty-second sections of this Act.

XLVII. *And be it further enacted,* That if any person be wounded or disabled when on actual service, he shall be taken care of and provided for at the expence of the Province, during his disability.

Persons disabled to be provided for at the expence of the Province.

XLVIII. *And be it further enacted,* That any person sued for any thing done in the execution of his duty under and by virtue of this Act, may plead the general issue, and under such, be at liberty at the time of trial to give any special matter in evidence in like manner as if such matter had been fully and specially pleaded, and that no action whatever shall be maintainable against any such person for any such cause, unless commenced within six months from the time of the act done, for which any such action may be brought.

Persons sued for any thing done in the execution of their duty under this Act, may plead the general issue, and give special matter in evidence.

No suit maintainable, unless commenced within six months.

XLIX. *And be it further enacted,* That the Governor or Commander-in-Chief may at his pleasure constitute and establish one or more troops, or such a number of Cavalry as he may judge expedient for the good of the service, and under such regulations as he may deem proper to make, which regulations

Commander-in-Chief may establish troops of Cavalry, under such regulations as he may deem proper.

tions so made, and under which the persons shall voluntarily enroll themselves, shall be equally binding as if the same were inserted in this Act, and subject to the like pains and penalties for breach of the same, as are herein before provided for others belonging to the Militia.

Clerks in the Military Offices exempted from Militia service.

L. *And be it further enacted,* That Clerks employed in the Military Offices, who have been announced as such in general orders; shall be altogether exempt from doing Militia duty, and also from the payment of the exempt money.

Non-commissioned Officers and Privates exempted from arrest while on Militia duty, unless for some criminal matter, or unless the sum due amounts to £20

LI. *And be it further enacted,* That no Non-commissioned Officer or Private, shall be liable to be arrested upon any process or execution whatsoever (other than for some criminal matter) while attending any training of the Battalion or division thereof to which he may belong, or doing duty upon real service, or marching to or returning from the place appointed for such training or duty, except the original sum due for which he may be arrested, shall amount to the value of *twenty pounds*.

LII. *And whereas* arms and accoutrements have been issued from His Majesty's stores for the use of the Militia in several parts of this Province, and it is necessary to provide for the security of those arms and accoutrements, and such as may hereafter be issued: *Be it further enacted,* that such arms so issued, or which may hereafter be issued, shall be branded distinctly on the broad part of the butt with the letter M, and the name of the County to the Militia of which they are issued,

Arms to be marked.

issued, also with a Capital letter to denote the Company to which they belong, and a number to distinguish each firelock to its owner, such brand to be provided by the Commanding Officer of the Battalion, and all Captains or other Officers commanding Companies shall be, and they are hereby made responsible (except in case of unavoidable accident) for the safe keeping and return (if called for) of such arms and accoutrements as were issued to the men in their respective Companies, or may hereafter be so issued, and such Captains or Officers commanding Companies, are hereby empowered and required to take into their possession all such arms and accoutrements, except where the person to whom they have been or shall be issued, shall give bond with sufficient surety to our Sovereign Lord the King in the penalty of *five pounds*, conditioned for the safe keeping and the return of the said arms and accoutrements, which bonds so given shall be lodged with the Clerks of the Peace in the respective Counties, who are hereby required to receive and file the same in their respective offices, which person so giving bond as aforesaid, shall be entitled to keep possession of such arms and accoutrements while he continues in the same Company, and in case of the removal of any such person from such Company, his arms and accoutrements shall be returned to the Captain or other Officer commanding the said Company, who shall give a receipt for the same to the person so delivering the said arms; and if any person having such arms

Captains made responsible for arms and empowered to take the same into their possession, unless the persons to whom they are issued, will give bonds.

and

Penalty of £10
for selling, ex-
changing, or con-
veying away any
arms and accou-
trements lent by
Government.

and accoutrements in his possession, shall vend, pledge, or exchange the same, or any part thereof, (without leave of the Officer commanding the Company to which such person belongs) 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 to be conveyed on board any boat, ship or vessel, with intent to have the same carried out of the Province, or if the master of such boat, ship or vessel, shall wilfully receive into his boat, ship or vessel, any such arms or accoutrements so intended to be conveyed out of the Province, or if any person shall purchase the said arms and accoutrements, 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 two Justices of the Peace, upon the oath of one or more credible witness or witnesses, and levied by warrant of distress and sale of the offender's Goods, rendering the overplus, if any, after deducting the costs and charges of such distress and sale, to the offender, one half of which penalty shall be paid to the person who shall prosecute for the same, and the other half into the hands of the Quarter-Master of the Battalion, to which such arms and accoutrements belong; and for want of effects whereupon to levy the said fine of *ten pounds*, such offender shall be imprisoned not exceeding six nor less than three months; and in case the said arms and accoutrements shall at any time be called for, to be delivered into His Majesty's Stores, all deficiencies shall

In case the arms
be called for,
to be delivered
into the King's
Stores; the defi-

shall be paid for out of the Treasury of the Province, excepting such arms and accoutrements as shall have been lost on actual service against the enemy: *Provided always, and be it further enacted*, that nothing herein contained shall be construed to render void the bonds heretofore given for any arms and accoutrements, under and by virtue of any Act heretofore passed, but that the same bonds shall be and remain in full force and effect.

ciences to be paid for by the Province.

Bonds given for arms under any former Act, not to be avoided.

LIII. *Provided always nevertheless, and be it further enacted*, That the Battalions of Militia as at present established in this Province, and the Districts of the several and respective Companies composing the said Battalions, and the enrolments of the men in such Companies, shall continue to be the same as they now are, until altered under and by virtue of this Act.

Establishment of Battalions, Company districts and enrolments of men in Companies, continued.

LIV. *Provided also, and be it further enacted*, That an Act, made and passed in the fifty-third year of His Majesty's Reign, entitled "An Act for regulating the Militia," and also an Act, made and passed in the fifty-fourth year of His Majesty's Reign, entitled "An Act to continue and amend an Act, entitled "An Act for regulating the Militia," be, and the same are hereby repealed, saving the right of recovery of such fines and penalties as may have been incurred under and by virtue of the same Acts or either of them.

Former Acts repealed,

Saving the right of recovery of fines and penalties incurred under & by virtue of said Acts.

CAP. VII.

An Act to provide for the purchase of a Place for the residence and accommodation of the Governor or Commander-in-Chief of this Province.

Passed the 7th of March, 1816.

Preamble.

WHEREAS a negotiation has been entered into and concluded upon by and between *William Botsford, James Fraser, and John Allen*, Esquires, a Committee of the House of Assembly of the one part, and Colonel *Harris William Hailes*, the Agent of His Excellency Lieutenant-Governor THOMAS CARLETON, (who is now in England) and the Governor and Trustees of the College of New-Brunswick of the other part, for the purchase of the Mansion House commonly called and known by the name of the Government House, with the Out-Houses and the Lands adjacent thereto, bounded North-easterly on the River Saint John, South-easterly by the Road at the upper end of the Town plat of Fredericton, in the County of York, South-westerly by the highway leading from Fredericton aforesaid into the Country, and North-westerly by a line extending from the said highway to the said River, parallel to the said Road, and being at the distance of forty-three chains, of four poles each, and fifty links, measured along the said highway from the Road aforesaid, and containing about fifty acres, now in the occupation of His Honor Major-General GEORGE TRACEY SMYTH, the President and Commander-in-Chief of the Province, as a residence for, and the accommodation of
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the Governor or Commander-in-Chief for the time being of this Province: *And whereas* it appears that although the equitable title to the said Premises is in the said Lieutenant-Governor CARLETON, subject to an agreed rent of *six pounds, one shilling, and eight-pence* per annum, upon a part of the said Lands, payable to the said College, yet the legal title thereto rests in the said Governor and Trustees of the said College, which legal title they the said Governor and Trustees have consented and agreed to part with and convey upon such terms, with regard to the said rent, as the General Assembly may deem proper: *And whereas* it appears that the said Agent of the said Lieutenant-Governor CARLETON has consented and agreed to accept of the sum of *three thousand five hundred pounds* of lawful money of this Province for the same premises, and upon the payment thereof, to release and convey all the right and title of the said Lieutenant-Governor CARLETON and his Heirs to the same Premises, in such way and manner as may or can be done by Law: *And whereas* it is considered just and equitable to grant and pay to the said Governor and Trustees of the said College, the sum of *one hundred and fifty pounds* of like lawful money, to redeem the said rent: For the perfecting of which said negotiation and agreement, and for carrying the same into full force and effect,

I. *Be it enacted by the President, Council, and Assembly,* That the said Governor and Trustees of the College of New-Brunswick,

Governor and Trustees of the College of New-Brunswick, en-

powered to convey.

are hereby authorized and empowered to grant and convey all the right, title, and interest which they have of, in and to the same Premises, to the KING's Majesty, his Heirs and Successors, and freed and discharged from the said annual rent.

Purchase money granted.

II. *And be it further enacted,* That immediately upon the due execution of a grant and conveyance by the said Governor and Trustees of the said College of New-Brunswick, of the said Premises, and also of a release and conveyance of the same by the said Agent of the said Lieutenant-Governor CARLETON, for and in the name of the said Lieutenant-Governor CARLETON, to the KING's Majesty, his Heirs and Successors, for the purpose aforesaid; there shall be paid out of the Province Treasury, by warrant from the Governor or Commander-in-Chief for the time being, who is hereby authorized to issue the same with the advice of His MAJESTY's Council, the said sum of *three thousand five hundred pounds*, to the said Lieutenant-Governor CARLETON or his said Agent; and also in like manner to the said Governor and Trustees of the College of New-Brunswick, the said sum of *one hundred and fifty pounds*.

Deeds to be good and effectual.

III. *And be it further enacted,* That the said deeds and conveyances, when duly executed and entered in the office of the Register of the Records of this Province, shall be, and the same are hereby declared to be good and effectual in the Law, to all intents and purposes to transfer to and vest in the KING's Majesty, his Heirs and Successors,
for

for the purpose aforesaid, full and absolute property and seisin of and in the same Premises; saving nevertheless the right and title of any other person or persons, or body corporate and politic, except the said Lieutenant-Governor CARLETON and his Heirs, and the said Governor and Trustees of the College of New-Brunswick.

IV. *And be it further enacted and declared,* That the same Premises shall be from and after the transfer and conveyance thereof as aforesaid, deemed and considered to be holden by his said MAJESTY, and his Heirs and Successors, for the use and benefit of this Province, and for the sole purpose of a residence for, and the accommodation of the Governor or Commander-in-Chief of the Province for the time being, and that the same or any part thereof, shall not in any way, or by any means whatever, be alienated or granted, or disposed of to any person or persons whomsoever, or for any other purpose whatsoever, without an Act of the General Assembly of this Province authorizing the same.

Lands to be conveyed to be held for a residence for the Governor, &c.

And not to be alienated or disposed of without an Act of Assembly.

V. *And be it further enacted,* That the Honorable *Jonathan Bliss*, Chief Justice, the Honorable *John Robinson*, Esq. Speaker of the House of Assembly, *Thomas Wetmore*, Esq. the Attorney-General, *William Franklin Odell*, Esq. the Secretary, and the Honorable *George Sproule*, the Surveyor-General of this Province, and their successors in office respectively, are hereby nominated and appointed to be Commissioners to have the care and management of the said Premises, and the superintendance and controul of any

Commissioners appointed to superintend the repairs.

reparations and improvements to be from time to time made under and by the authority of the General Assembly of this Province.

To be deemed a public Act.

VI. *And be it further enacted*, That this Act shall be deemed and taken to be a public Act, any thing to the contrary thereof notwithstanding.

CAP. VIII.

See 35 Geo. 3, c. 2.

An Act to give two additional Terms in each year for the sittings of the Inferior Court of Common Pleas in the County of Northumberland.

Passed the 7th of March, 1816.

Preamble.

WHEREAS it has become expedient that two additional Terms for the sittings of the Inferior Court of Common Pleas, should be held in the County of Northumberland, as in the other Counties of this Province---

Two additional Terms for the sittings of the Court.

I. *Be it enacted by the President, Council, and Assembly*, That there shall be two additional Terms for the sittings of the Inferior Court of Common Pleas for the said County of Northumberland, at the following times, viz. on the first Tuesday in June and the first Tuesday in November, in each and every year, at which Terms no Jury shall be summoned to attend.

Remaining part of this Act Obsolete.

CAP. IX.

An Act to prevent the cutting or breaking down the Bank of any River, Sea-bank, or Dyke, and for the preservation of the same.

Passed the 7th of March, 1816.

WHEREAS there are large tracts of Marsh Land within this Province dyked in, from which great advantages do arise, and as the dyking and draining those Lands are attended with a very great expence, which expence and advantages may be lost to the ruin of many industrious persons by wicked and evil minded persons, by cutting or destroying said Dykes or Sea-banks---

Preamble

I. *Be it therefore enacted by the President, Council, and Assembly,* That if any person or persons from and after the passing of this Act, shall unlawfully and maliciously break down or cut down any Sea-bank or Dyke, or any part or parts thereof, whereby any Lands shall or may be overflowed or damaged, or be made liable to be overflowed or damaged, every person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony.

Persons breaking or cutting down any Sea-bank or Dyke, guilty of Felony.

II. *And be it further enacted,* That if any person or persons shall at any time hereafter unlawfully and wilfully cut off, draw up, or remove, and carry away any piles, pickets, brush or other materials which are or at any time hereafter may be driven into the ground, placed, fixed, or used for the securing any Marsh Land, Sea-walls, Dykes, River-banks, or Interval Land, or shall cut down or other-

Persons cutting off, drawing up, or removing any Piles, Pickets, &c. placed for the securing any Marsh Land, &c

wise

Or destroying any Trees or Bushes reserved or planted for the preservation of Interval-banks, shall forfeit and pay a fine not less than £10, nor more than £20.

To be recovered before two Justices of the Peace, and levied by warrant of distress & sale.

For want of goods and chattels, offender to be committed to Gaol, not less than one, nor more than two months.

wise destroy any Trees or Bushes, which may have been reserved, planted, or set out for the preservation of the Interval-banks of any River or Stream, every person so offending shall forfeit and pay a fine not less than *ten pounds* and not exceeding *twenty pounds*, with costs, to be paid to the informer upon 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 in the County where such offence shall be committed, 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 for want of sufficient Goods and Chattels, the said Justices are hereby required to commit such offender to the common Gaol of the County wherein such offence shall be committed, there to remain for a term not less than one month, nor exceeding two months.

III. *And be it further enacted*, That this Act shall continue and be in force for four years, and from thence to the end of the next Session of the General Assembly.

Limitation.

CAP. X.

An Act to constitute the Island of Grand-Manan and its appurtenances, in the County of Charlotte, into a distinct Town or Parish.

Refer to 26 Geo
3, c. 1, § 2.

Passed the 7th of March, 1816.

WHEREAS the Island of Grand-Manan being now a part of the Town or Parish of West Isles, in the County of Charlotte, is situated so far distant from the other Islands forming that Town or Parish, as to render it very inconvenient to perform the several Parochial duties within such Town or Parish at large---

Preamble.

I. *Be it therefore enacted by the President, Council, and Assembly,* That the said Island of Grand-Manan with its appurtenances, be constituted a distinct Town or Parish, by the name of the Town or Parish of Grand-Manan; any law or ordinance to the contrary notwithstanding.

The Island of Grand-Manan, with its appurtenances, to be a distinct Town or Parish, by the name of Grand-Manan.

II. *And be it further enacted,* That the Justices of the Peace for the said County, shall and may have power to appoint annually from time to time, officers for the said Town or Parish of Grand-Manan, in the same manner as for the other Towns or Parishes within the said County, which officers shall be sworn to the faithful discharge of their duties respectively, and be liable to the like penalty for not accepting of their respective offices, or neglecting or refusing to perform the duties of their several offices as any other Town or Parish officers within the said County.

Justices to appoint annually Parish Officers, as for the other Towns or Parishes within the County,

Who shall be sworn, and be liable to the like penalty for neglect or refusal, as other Town or Parish Officers.

CAP. XI.

An Act to explain and amend an Act, entitled “ An Act for erecting a Parish in
 “ the City of Saint John, and for incor-
 “ porating the Rectors, Church-Wardens,
 “ and Vestries of the Church of England,
 “ in the several Parishes in this Province.”

Refer to 29 Geo.
3, c. 1.

Passed the 7th of March, 1816.

Preamble.

WHEREAS doubts have arisen whether the provisions of an Act, made and passed in the twenty-ninth year of His Majesty's Reign, entitled “ An Act for erect-
 “ ing a Parish in the City of Saint John, and
 “ incorporating the Rectors, Church-War-
 “ dens, and Vestries of the Church of Eng-
 “ land, in the several Parishes in this Pro-
 “ vince,” do not extend to authorize the Rector, Church-Wardens, and Vestry of Trinity Church, in the said Parish of Saint John, and the Rectors, Church-Wardens, and Vestries of the several and respective Churches already erected, or which shall be hereafter erected in the several and respective Parishes in this Province, to sell and dispose absolutely and in fee simple of the Lands, Tenements and Hereditaments, which now do or hereafter may belong to such Churches respectively: Now for the removing of such doubts,

Act not to authorize any absolute sale of Lands, &c.

I. Be it declared and enacted by the President, Council, and Assembly, That the said herein before recited Act doth not extend, and shall not be construed to extend to authorize any such absolute sale and disposition of any such Lands, Tenements and Hereditaments, which now do, or hereafter may belong to any

any such Church ; any thing in the said herein before recited Act to the contrary thereof in any wise notwithstanding.

II. *And whereas* doubts have arisen whether the said Rectors, Church-Wardens, and Vestries of the several and respective Churches are capable of taking, receiving, and holding Lands in trust for the use of the said several Rectors of the said Churches for the time being : For the removal whereof, *Be it further declared and enacted*, That the said Rector, Church-Wardens, and Vestry of Trinity Church, in the Parish of St. John, and the said Rectors, Church-Wardens, and Vestries of the several and respective Churches erected, or to be erected in the several and respective Parishes in this Province, shall be deemed in all Courts of Law and Equity, capable of purchasing, receiving, taking, and holding any Lands, Tenements or Hereditaments, for the use and benefit of the several Rectors for the time being of the said several and respective Churches ; any thing in the said herein before recited Act or elsewhere, to the contrary thereof notwithstanding : and that all Lands, Tenements or Hereditaments, heretofore granted or conveyed to the said several and respective Rectors, Church-Wardens and Vestries, upon trust, for the use and benefit of such Rectors or of the Ministers of the said several and respective Churches for the time being, shall be held by, and deemed and taken in all Courts of Law and Equity, to be holden by the said several and respective Rectors, Church-Wardens

Corporations empowered to take Lands, &c. for the use of the Rectors.

Lands heretofore granted for the use of the Rectors, to be held for the uses and trusts expressed in the grants.

Wardens and Vestries, for the uses and trusts in the said several grants or conveyances of such Lands, Tenements and Hereditaments respectively expressed, and for no other use, trust or benefit whatever ; any thing to the contrary thereof notwithstanding.

Lands granted to the Corporations for the use of the Rectors, to be held subject to the sole management of the Rectors.

III. *And be it further enacted,* That all Lands, Tenements and Hereditaments, already granted, or hereafter to be granted to the several and respective Rectors, Church-Wardens and Vestries, as herein before mentioned, for the use and benefit of the Rectors or Ministers of the said several and respective Churches for the time being, shall be held subject to the sole management and direction of such Rectors or Ministers, and shall be used, occupied and enjoyed by them severally and respectively for the best benefit and advantage of themselves and their successors, in like manner as the Glebe Lands belonging to any Rectory or Parsonage in that part of Great-Britain called England, are there usually held, occupied and enjoyed.

CAP. XII.

An Act to continue and make perpetual two Acts of the General Assembly that are near expiring.

Passed the 7th of March, 1816.

BE it enacted by the President, Council, and Assembly, That an Act, made and passed in the forty-first year of His Majesty's Reign, entitled "An Act for preserving the Bank of the River Saint John, in front of the Parish of Lincoln, in the County of Sunbury ;" and an Act, made and passed in the thirty-

The Act 41 Geo. 3, c. 9.
The Act 34 Geo. 3, c. 9,
continued and made perpetual.

thirty-fourth year of His Majesty's Reign, entitled "An Act for preserving the Bank of the River Saint John, in front of the Parishes of Maugerville, Sheffield and Waterborough," be, and the same Acts are hereby continued and made perpetual.

CAP. XIII.

An Act in addition to, and to explain an Act, entitled "An Act to explain and amend the Laws now in force for regulating the exportation of Fish and Lumber."

Passed the 7th of March, 1816.

I. **B**E it enacted by the President, Council, and Assembly, 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 with the saw, and be seven-eighths of an inch thick, except those for the Newfoundland and Kingston (Jam.) markets, which shall be one inch thick, and all clear Boards shall be one inch thick---no Board or Plank shall be deemed merchantable if the same be split at both ends, or has a continued split of more than two feet, and is not free from wind shakes and knot holes, and which is not of equal thickness throughout, and one-half of the split shall be allowed for splits---all Boards and Plank shall be marked at the butt end, and the contents in Board measure marked on each Piece; the Surveyor shall carefully examine each side of every Board, Plank and Scantling, and shall be allowed *one shilling* per thousand feet of Board measure, for surveying, to be paid

Refer to 50 Geo. 3, c. 23.

All Boards, Plank and Scantling, for exportation, to be surveyed by a sworn Surveyor.

All merchantable Boards, to be square edged with the saw.

What shall be deemed merchantable.

Boards and Plank shall be marked.

Duty of Surveyor.

Fees for surveying to be paid by the purchaser.

Penalty for shipping Boards, Plank and Scantling, not marked and surveyed.

paid by the purchaser ; and all persons shipping Boards, Plank and Scantling, not so marked and surveyed, shall forfeit and pay *ten shillings* for every thousand feet so shipped by them.

Surveyor to furnish the purchaser with a Survey-Bill, &c.

II. *And be it further enacted*, That every Surveyor of Lumber, surveying any Boards or Plank, shall be and he is hereby required to furnish the purchaser with a Survey-bill, in which shall be set down the quantity of clear Boards, Merchantable Boards, and refuse Boards, separately.

No Ton Timber squared in the Mills to be surveyed in the Water.

III. *And be it further enacted*, That no Ton Timber squared in the Mills, shall be surveyed in the water.

What hardwood squared Timber deemed merchantable.

IV. *And be it further enacted*, That hardwood squared Timber if under the length of sixteen feet, shall be deemed Merchantable, provided the same be at least twelve feet long and twelve inches square.

Penalty imposed upon Surveyors by the Act of 50, Geo. 3, explained.

V. *And whereas* doubts have arisen, whether in and by the third Section of an Act, made and passed in the fiftieth year of His Majesty's Reign, entitled " An Act to explain and amend the Laws now in force for regulating the exportation of Fish and Lumber," the party injured by the misconduct of any surveyor of Lumber, is entitled to the damages which such party may sustain, over and above the forfeiture of *five shillings* in the said Act specified : For remedy whereof, *Be it further enacted*, that the said forfeiture of *five shillings* shall be, and the same is hereby declared to be exclusive, and over and above the damages such Surveyor may be liable to, by reason of his misconduct

misconduct as Surveyor, to the party injured.

VI. *And whereas* no remedy is provided in and by the said herein before recited Act for the recovery of the said forfeiture thereby inflicted, not exceeding *five shillings* per Ton, and to which a Surveyor is made liable for any conduct contrary to the provisions of the said Act: *Be it therefore further enacted*, That the said forfeiture shall be, and the same is hereby made recoverable before any one of His Majesty's Justices of the Peace for the County where the offence shall be committed, with costs of suit, upon the oath of one or more credible witness or witnesses, and 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; one-half of such forfeiture or forfeitures to be for the benefit of the person complaining, and the other half for the benefit of the Poor of the Parish where such offence shall be committed.

Mode of recovering forfeiture imposed by Act 50, Geo. 3.

VII. *And be it further enacted*, That the second section of the said herein before recited Act, be, and the same is hereby repealed.

2d Sec. of recited Act, repealed.

VIII. *And be it further enacted*, That the said herein before recited Act, and the Acts to which the same is an amendment, and every part of the same not hereby repealed, altered, and amended, be, and remain in full force and virtue; any thing herein contained to the contrary notwithstanding.

Former Acts continued.

CAP. XIV.

An Act in addition to an Act, entitled “ An
“ Act for erecting a Court-House and
“ Gaol in the County of Northumber-
“ land.”

Passed the 11th of March, 1816.

CAP. XV.

An Act for establishing a Grammar School
in the Town of Saint Andrews, in the
County of Charlotte.

Passed the 11th of March, 1816.

Preamble.

WHEREAS the Education of Youth
is of the utmost importance in so-
ciety, and public attention to that object has
by experience been found to be attended
with the most beneficial effects---

Grammar School
established in St.
Andrews.

I. *Be it therefore enacted by the President,
Council, and Assembly,* That a Public Gram-
mar School be, and the same is hereby esta-
blished in the Town of Saint Andrews, in
the County of Charlotte.

Corporation ap-
pointed.

II. *And be it further enacted,* That the Rec-
tor of Saint Andrew's Church, in the Parish
of Saint Andrews, for the time being, toge-
ther with *Robert Pagan, John Campbell, John
Dunn, Colin Campbell, David W. Jack, Harris
Hatch, Thomas Wyer, Jun. and John Strang,*
Inhabitants of the County of Charlotte, be,
and they are hereby appointed Trustees and
Directors of the said School, the said Rector
for the time being always to be President of
the Board; and that the said President and
Directors shall be, and they are hereby in-
corporated by the name of the President and
Directors of the Public Grammar School in

Rector of St. An-
drews to be Pre-
sident.

the

the Town of Saint Andrews, 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 Land 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, and for the endowment of the said School.

To have perpetual succession.

And may 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 the 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 Teachers, 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 fines and expulsions, or other public censures as they may judge proper.

Board of Directors to procure a place for a School House,

And provide Teachers,

And may make Bye-Laws.

IV. *And be it further enacted*, That during any vacancy in the Rectory, or absence of the Rector of the said Church, the senior Member of the Board of Directors 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 re-

Board how to be summoned.

requested by three or more of the said Directors, and in case of the sickness or absence of the said Rector, the Board may be summoned by the said senior Member.

Vacancy in the Corporation to be filled.

V. *And be it further enacted,* That in case of the death or removal from the said County of any of the said Directors, the remaining Directors, at a Board for that purpose to be summoned, shall elect another fit person, being an inhabitant of the said County, 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.

Public visitations to be held 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 Tuesday in April, and first Tuesday in September.

Free Scholars may be admitted.

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, when such Master shall be procured, and that the sum
of

of *two 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 income 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.

And also to be received by the said President and Directors.

And to be received by the Legislature.

Annual Grant to cease when the Funds amount to £600 per annum.

CAP. XVI.

An Act to exclude ignorant and unskilful Persons from the Practice of Physic and Surgery.

Passed the 11th of March, 1816.

I. **B**E it enacted by the President, Council, and Assembly, That from and after the passing of this Act, it shall not be lawful for any person not duly qualified by a suitable education, to practice physic or Surgery within this Province, nor to demand or receive any fee or reward directly or indirectly, for the cure of any disease, or the performance of any Surgical operation whatever, and that any person who shall previously have obtained a Diploma or other authentic and sufficient testimonial of his skill and ability from some College or other public institution in Great-Britain or Ireland, legally authorized to grant the same, shall be deem-

Not lawful for persons not duly qualified to practice Physic or Surgery.

Of such Fee

Who shall be deemed duly qualified.

Licences may be granted by the Governor after due examination.

ed and adjudged to be duly qualified as aforesaid; and that any other person who shall have been carefully examined by competent judges to be named and appointed by the Governor or Commander-in-Chief for the time being, and upon their report shall have received a Licence under the hand and seal of the Governor or Commander-in-Chief for the time being, for that purpose, shall also be deemed and adjudged duly qualified for the profession and practice of Physic or Surgery, or both, as may be specified and expressed in such Licence.

Persons who have been established in Practice for 7 years, may be licenced.

II. *And provided always,* That the Governor or Commander-in-Chief for the time being, may, and he is hereby authorized to Licence such persons who have been established in the practice of Physic or Surgery for seven years, immediately preceding the passing of this Act.

Persons qualified may sue for Fees.

III. *And be it further enacted,* That every person duly qualified as aforesaid, shall be entitled to demand, sue for, and recover reasonable and customary fees for his services, and payment for Medicines by him administered in the course of his practice in the capacity either of a Physician or Surgeon.

Act not to extend to military Physicians or Surgeons.

IV. *And be it further enacted,* That nothing in this Act contained, shall extend or be construed to extend to any Physician or Surgeon appointed by commission or warrant to serve in any Garrison or Military Corps, being within the limits of this Province.

CAP. XVII.

An Act more effectually to provide for the support of a Nightly-Watch in the City of Saint John.

Passed the 11th of March, 1816.

WHEREAS the establishment of a Nightly-Watch within the City of Saint John is of very great importance, for the preservation of the persons and properties of the Inhabitants, and very necessary to prevent fires, robberies, and other outrages and disorders---

Preamble

I. *Be it enacted by the President, Council, and Assembly,* That from and after the passing of this Act, it shall and may be lawful for the Mayor, Aldermen, and Commonalty of the said City, in Common Council convened, from time to time to order and appoint what number of Watchmen they shall judge necessary and proper to be kept within the District on the eastern side of the Harbor of the said City, and to direct how they ought to be armed, and how they shall watch, and what wages and allowances shall be given to the said Watchmen for their attendance, and shall make all such other orders and regulations as the nature of each particular service shall seem to require.

Mayor, Aldermen, &c to appoint Watchmen,

And direct the arming and paying of them, &c.

II. And for the better raising and levying the money for paying the wages of the said Nightly-Watchmen and other charges incidental thereto,

Be it further enacted, That the Mayor, Aldermen, and Commonalty of the said City of Saint John, in Common Council assembled, may and they are hereby authorized

Common Council to determine the sum to be raised.

and empowered once in every year, between the first day of April and the first day of May in each and every year, to determine and direct what sum or sums of money shall be raised and levied upon the Inhabitants in the District on the eastern side of the Harbour of the said City, for answering the purposes aforesaid, and to direct by warrant under their common Seal to the assessors herein after mentioned, to make a rate and assessment in due proportion upon all and every the person or persons who do or shall inhabit, hold, occupy or enjoy any Land, House, Shop, Warehouse, or other tenement within the District on the eastern side of the harbour of the said City: *Provided always*, that the sum to be assessed upon any one person in any one year, shall not exceed the sum of *five pounds*, and the said assessors are hereby authorized and required to make such rate and assessment, which same rate and assessment so to be made, shall be collected by a Collector to be by the said Mayor, Aldermen, and Commonalty of the said City for that purpose from time to time appointed, and in case any person or persons so rated and assessed, shall neglect or refuse to pay the said sum so rated upon him, her, or them, it shall and may be lawful for the said Collector to sue for and recover the same, by action of debt in the City Court of the said City, in like manner as any other debt can or may be sued for, prosecuted and recovered in the same Court.

To direct a warrant to the assessors.

Persons liable to be assessed.

Limitation of assessment.

Assessment to be collected by Collectors appointed by the Common Council.

Collectors empowered to sue for rates.

Persons aggrieved may appeal to the

III. *Provided always, and it is hereby declared*, That in case any person or persons shall

shall think him, her, or themselves aggrieved by any rate and assessment to be made as aforesaid, it shall and may be lawful for them respectively, within the space of five days after the sum so rated and assessed shall be demanded, to appeal to the Common Council of the said City, and whose decision shall be final and conclusive, and that a memorandum in writing of such appeal, filed in the common Clerk's Office, within the said time, shall suspend further proceedings until such decision shall be had.

Common Council.

IV. *And be it further enacted,* That it shall and may be lawful for the said Watchmen or any of them, and they are authorized and required in their several stations during the time of their keeping watch as aforesaid, to apprehend all night-walkers, malefactors, rogues, vagabonds, and all other disorderly persons whom they shall find disturbing the public peace, and to carry him, her, or them, as soon as conveniently may be, before the Mayor, Recorder, or one of the Aldermen of the said City, or a Justice of the Peace for the City and County of Saint John, to be examined and dealt with according to Law.

Watchmen to apprehend disorderly Persons, and carry them before the Mayor.

V. *Provided always, and be it further enacted,* That in case there shall be any deficiency in any one year's assessment so to be made as aforesaid, so that the wages and allowances to Watchmen, and other incidental charges, cannot be fully satisfied, paid and discharged in that year, such deficiency shall be made up in, and paid out of the next succeeding year's rate and assessment, and if there shall happen to be any overplus money collected

Deficiencies in the assessment to be made up out of the next year's assessment.

Overplus money
to be carried on
next assessment.

collected by such rate or assessment as aforesaid in any one year, such overplus shall be carried on to the credit of the account of the next year's rate and assessment, and shall be applied for such uses and in such manner as the rates and assessments collected are by this Act directed to be laid out and applied, and to no other use or purpose whatsoever.

Mayor, Aldermen, &c. to appoint assessors.

VI. *And be it further enacted*, That it shall and may be lawful for the said Mayor, Aldermen, and Commonalty of the said City, to appoint annually three discreet persons, being freemen of the said City, to act as assessors under this Act, who shall be sworn to the faithful discharge of such duty, before the Mayor or Recorder of the said City, and any person so appointed who shall neglect or refuse to accept the said appointment, or to become qualified, or having become qualified shall refuse to perform his duty, shall for each and every neglect or refusal, forfeit and pay the sum of *five pounds*, to be recovered on conviction before the Mayor or Recorder of the said City, and levied by distress and sale of the Goods and Chattels of the offender, by warrant under the hand and seal of the said Mayor or Recorder, and paid into the hands of the Chamberlain of the said City, to be applied for such uses and in such manner as the rates and assessments collected under this Law, and for no other use whatsoever; and the said Mayor, Aldermen, and Commonalty of the said City, may appoint some other person or persons, being freemen, in the place or places of any person or persons refusing to act or to become
qualified

Penalty on assessors for refusal or neglect.

Others to be appointed instead of assessors refusing to act.

qualified as required by this Act, so often as such shall be the case, which person or persons so to be appointed in the place or places of such person or persons so neglecting or refusing, shall be liable to the same and like penalties for neglect or refusal, as the said persons first appointed, to be in like manner recovered, paid and applied, and so on as often as the case may happen.

VII. *And be it further enacted,* That the said Collector herein before mentioned to be appointed, shall from time to time as he shall receive the same, pay the money by him collected into the hands of the Chamberlain of the said City for the time being, who is hereby directed to keep a separate and distinct account thereof in a Book, to be by him appropriated for that particular purpose.

Collectors to pay money into the hands of the Chamberlain.

VIII. *And be it further enacted,* That this Act shall be deemed, adjudged and taken to be a public Act, and be judicially taken notice of by all Judges, Justices and other persons whatsoever, without pleading the same.

Act to be deemed public.

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

Limitation.

CAP. XVIII.

An Act to authorize the Justices of the General Sessions of the Peace for the County of York, to levy an assessment for building a County Court-House.

Passed the 11th of March, 1816.

Preamble.

WHEREAS no building has yet been erected within the County of York, for the accommodation of the Courts of General Sessions of the Peace and Inferior Court of Common Pleas for the said County: *And whereas* the Justices of the General Sessions of the Peace of the said County have heretofore levied the whole sum which they were empowered to raise, for the purposes of erecting a Gaol and Court-House in the said County, and necessarily applied the same to the sole purpose of erecting a Gaol: *And whereas* it is expedient that a Court-House should be erected in the said County, *Be it therefore enacted by the President, Council, and Assembly,* That the said Justices of the Peace for the said County at any General Sessions of the Peace hereafter to be holden, or Special Sessions for that purpose expressly convened and holden, are hereby authorized and empowered to make a further rate and assessment of any sum not exceeding the sum of *six hundred pounds*, as they in their discretion may think necessary for the purpose of erecting and finishing a Court-House for the said County, in the Town of Fredericton, the same sum to be assessed, levied, collected and paid in such proportion, and in the same manner, as any other County rates can or may be assessed, levied, collected

Justices at a General or Special Sessions, may make an assessment not exceeding £600.

Mode of collection.

collected and paid by virtue of an Act, made and passed in the twenty-sixth year of His Majesty's Reign, entitled "An Act for assessing, collecting and levying County rates," or any other act now or hereafter to be made for the like purpose.

CAP. XIX.

An Act to continue certain Acts of the General Assembly which are near expiring.

Passed the 11th of March, 1816.

BE it enacted by the President, Council, and Assembly, That an Act, made and passed in the fifty-fourth year of the Reign of his present Majesty, entitled "An Act for the better regulation of Licences to Inns, Taverns, and Houses for selling Spirituous Liquors by retail;" and also another Act, made and passed in the same year, entitled "An Act to empower and authorize the Justices of the County of Westmorland, at their General Sessions of the Peace, to regulate the grazing and depasturing of the several Marshes, low lands or Meadows, within the said County," be, and the same are hereby continued and declared to be in force for four years, and from thence until the end of the next Session of the General Assembly.

54 Geo. 3, c. 6.

54 Geo. 3, c. 13.

Continued for 4 years.

CAP. XX.

An Act for granting further aid in support of the College of New-Brunswick, and of the public Grammar School in the City of Saint John.

Passed the 11th of March, 1816.

Preamble.

WHEREAS the sums heretofore granted to the Governor and Trustees of the College of New-Brunswick, established at Fredericton, for the support of the said College, and to the Public Grammar School established in the City of Saint John, have been found insufficient for the purposes intended---

£150 granted in addition to the sum heretofore allowed.

See 45 Geo. 3, c. 15.

I. *Be it enacted by the President, Council, and Assembly,* That there be annually included in the estimate of the ordinary expences of the Province, and granted to the Governor and Trustees of the said College of New-Brunswick, in addition to the sum of *one hundred pounds* heretofore granted, the sum of *one hundred and fifty pounds*, to be applied by them towards the support of an Usher, for the instruction of Youth in English Grammar, Writing, Arithmetic, and Book-keeping.

£150 to the Grammar School in Saint John.

See 45 Geo. 3, c. 22, § 8.

II. *And be it further enacted,* That a like sum of *one hundred and fifty pounds* be annually included in the estimate of the ordinary expences of the Province, and granted to the President and Directors of the said Public Grammar School in the City of Saint John, in addition to the sum of *one hundred pounds* heretofore granted, to be applied by them to the support of the Master of the said School, and to defray the contingent expences thereof.

CAP.

CAP. XXI.

An Act to establish Grammar Schools in several Counties of this Province.

Passed the 11th of March, 1816.

WHEREAS the education of Youth is of the utmost importance to society,

I. *Be it therefore enacted by the President, Council, and Assembly,* That His Honor the President or Commander-in-Chief for the time being, by and with the advice of His Majesty's Council, shall be, and is hereby empowered to appoint during pleasure, and to remove as he shall see fit, three or more fit and proper persons in the several Counties of this Province, (the Counties of York and Charlotte, and the City and County of Saint John excepted) as Trustees and Directors respectively, for the establishing Grammar Schools in each of the said Counties except as aforesaid.

Governor with advice of the Council, to appoint Trustees and Directors.

II. *And be it further enacted,* That the said Trustees and Directors of the said Grammar Schools in each of the said Counties, except as aforesaid, or the major part of them, shall form a Board for adjusting the business of the said Schools respectively, and they are hereby empowered to procure proper places whereon to erect Buildings suited for the said Schools, in each County aforesaid, and to accept and receive donations for the erection of such Buildings, and for the endowment of such Schools, and to purchase and hold Lands and real Estate, in trust for the use of such Schools, and be enabled to sue and be sued, implead and be impleaded, answer and be answered unto by the name and description aforesaid.

Duties & powers of Trustees and Directors.

III.

Trustees and Directors to procure Masters.

III. *And be it further enacted,* That the said Trustees and Directors, or the major part of them, in each of the said Counties respectively, except as aforesaid, are hereby empowered to procure and retain a Master and Ushers for the said Schools, and to make and establish Bye-Laws, ordinances and regulations for the Government of the said Schools, and to enforce obedience to the same by moderate fines, or expulsions, or other public censures, as they may judge proper, and fix and determine the rates of Tuition in the said Schools: *Provided always,* that no such Bye-Laws or regulations shall have any force or effect until they shall have received the approbation of His Honor the President or Commander-in-Chief for the time being.

Make Bye-Laws.

To be approved by the Commander-in-Chief.

No person to Teach in any School without a Licence.

IV. *And be it further enacted,* That no Master or Masters, Usher or Ushers, shall be employed to teach in any School or Schools now established or hereafter to be established in this Province, unless such Master or Masters, Usher or Ushers, shall be duly qualified and Licenced as by His Majesty's Royal Instructions is required.

Trustees, &c. to hold public visitations.

V. *And be it further enacted,* That the said Trustees and Directors shall hold public visitations and examinations of the said Schools respectively, twice in each and every year, to wit, on the first Monday in May and the first Monday in November.

Course of Tuition for the Scholars.

VI. *And be it further enacted,* That the Scholars in the said Schools shall be taught English Grammar, the Latin and Greek Languages, Orthography, the use of the
Globes,

Globes, and the practical branches of the Mathematics, or such other useful learning as may be judged necessary, and the said Trustees and Directors for the respective Counties shall be, and they are hereby authorized and empowered to nominate and send to the said Schools, any number of Boys not exceeding eight to any one School, to be taught gratis, and such Boys shall be instructed in all the branches of education taught at the said Schools respectively, or in such parts thereof as the said Trustees and Directors shall direct, in the same manner as any other Scholars; and on the removal of any such Boys from the said Schools respectively, the Trustees and Directors shall and may appoint and send others in their stead, so as to keep up at all times the full number of eight free Scholars in each and every of the said Schools respectively: *Provided always*, that such Boys shall be poor Orphans or Children whose Parents cannot afford to pay for their education.

Free Scholars not exceeding eight, may be admitted.

VII. *And be it further enacted*, That the sum of *one hundred pounds* annually, be included in the estimate of the ordinary expences of the Province, for each of the following Counties, that is to say, the Counties of Northumberland, Queen's, Sunbury, King's, and Westmorland, which said sum of *one hundred pounds* shall be granted annually, for the payment of the Masters thereof respectively, the same to be drawn on the Certificate of such Trustees and Directors, in favor of the person or persons intitled thereto.

£100 annually granted to the Counties of Northumberland, Queen's, Sunbury, King's, and Westmorland,

For payment to the Masters,

VIII.

Upon Certificate of the Trustees, &c. that a School-House is prepared, a Master provided, and £100 raised by subscription, half the annual allowance to be issued.

VIII. *And be it further enacted,* That as soon as the said Trustees and Directors in any of the said last mentioned Counties, shall certify to His Honor the President or Commander-in-Chief for the time being, that such County hath provided a Building suitable for a Grammar School, and that they the said Trustees and Directors have provided a Master capable to manage the said School, and that the sum of *one hundred pounds* hath been raised or subscribed by the Inhabitants of such County, payable and to be paid to the said Trustees and Directors of such School, in aid of the support and maintenance of the said Master, that then it shall be lawful for His Honor the President or Commander-in-Chief, to draw by warrant, by and with the advice and consent of His Majesty's Council, on the Treasury of the Province, for one half of the said sum of *one hundred pounds*, in favor of the Master or Teacher of the said School, and so from time to time upon like Certificate; in half yearly payments, for the use of such School: *Provided always,* that all sums of money which shall be borne upon the estimate as aforesaid from year to year, for the use of such Schools, and which shall not be drawn from the Treasury of this Province pursuant to this Act, shall revert to the Provincial Fund, to be appropriated by the Legislature.

Sums not drawn for, to be re-appropriated by the Legislature.

Trustees to be accountable to the Legislature.

IX. *And be it further enacted,* That the Trustees and Directors of the Grammar Schools for the said Counties last mentioned respectively, shall be accountable from time

to

to time to the Legislature of the Province, for their conduct and management of the money to be vested in them, by virtue and in pursuance of this Act.

CAP. XXII.

An Act for the establishment, regulation, and improvement of the Great Roads of Communication through the Province.

Passed the 11th of March, 1816.

WHEREAS it is expedient that a more effectual system should be established for the regulation and improvement of the Great Roads leading through the Province---

Preamble.

I. *Be it therefore enacted by the President, Council, and Assembly,* That the Roads as herein described, be, and they are hereby appointed and established to be the Great Roads of Communication through the Province, that is to say,

Great Roads of Communication established.

That the Road from Fredericton to Saint John, be by the following line or route :--- From Fredericton to the Road leading from the highway near *Daniel Curry's*, in Gage-Town, thence along the said Road to the Mill at the head of Gage-Town Lake, thence following the Road to *Worden's*, thence down the Long Reach to Alwington Manor, thence to meet the Manawagonish Road, thence to the west side of the City of Saint John, commonly called Carleton, thence across the short ferry to the Parish of Portland, and thence to the City of Saint John.

Fredericton to St. John.

That the Road leading from Fredericton to Westmorland, be by the following line or route, that is to say,

Fredericton to Westmorland.

This part of the Section repealed, by 57 Geo. 3, c. 10, § 1, and the route thereby altered.

From Fredericton to *Worden's*, as above described, thence to the head of the Belisle, thence to the Finger-board at *Knox's Farm*, thence through Sussex Vale, thence by *Carlisle's Portage* to *James Blakeney's*, upon the Petticodiac River, thence down the said River to the Bend, thence through the Portage between the Petticodiac and Memramcook Rivers, thence across the Memramcook by the new Bridge, to the Court-House in Dorchester, thence through the Portage to Sackville, thence by the Road leading over the Great Marsh to the Missequash River, the Boundary Line of the Province, to join the Post Road of Nova-Scotia.

Fredericton to St. Andrews.

That the Road leading from Fredericton to Saint Andrews, be by the following line or route, that is to say,

From Fredericton to *John Hazen's*, near the mouth of the Oromocto River, thence by the Road leading through the New-Geary settlement so called, to the Block-house near the Oromocto River, thence to the Block-house near the Forks of the Magaugadavic River, thence by the Pleasant Ridge to *Wittcher's*, thence by the Digdeguash River to *Connick's*, thence to *Gilman's*, thence to *Cookson's*, and thence to Saint Andrews.

Fredericton to the Canada Line.

That the Road leading from Fredericton to the Canada line, be by the following line or route, that is to say,

From Fredericton upon the west side of the River Saint John to *John Kelly's*, thence to cross the River to *Michael M'Nelly's*, thence to *Joseph Wolverton's*, in the Parish of Northampton, thence across the River Saint John

to

to Mr. *Fraser's* lower Farm in Woodstock, thence to the Garrison at Presqu' Isle, thence across the larger Presqu' Isle Creek, near the mouth, to the River Roostock, thence across the said River, near the mouth, thence to the Grand Falls, and from thence to the Canada Line through the Madawaska settlement.

That the Road leading from Fredericton to the Northumberland Court-House, be by the following line or route, that is to say,

Fredericton to
Northumberland.

From Fredericton across the Ferry to Moncton, thence following the present Road to *Duncan M'Leod Senior's* Farm, on the west side of the Nashwalk Creek, thence to cross the said Creek to the widow *M'Leod's*, thence following the present Portage Road to *Porter's*, thence along the south side of the Miramichi River to *Davis's* Tavern, thence to cross the River to *Lewis Mitchel's*, thence along the west side of said River to the Forks of the Miramichi and Etienne Rivers, thence to cross the River Miramichi to *Babcock's*, on the east side of said River, thence along the east side of said River to *Peter Stewart's*, opposite the Indian Town, thence to cross the said River to the Tavern at present occupied by *John Forth*, on the west side of the same, thence along the west side of said River to *Bobear's* Point, thence to cross the north-west branch of the Miramichi River to *Patrick Taylor's*, on the north side of said branch, thence to continue on the north side of said River to the Court-House in the Parish of New-Castle.

Saint John to Saint
Andrews.

That the Road leading from Saint John to Saint Andrews, be by the following line or route, that is to say,

By Carleton to the Bridge upon the Musquash, thence to little Dipper-Harbour, thence to pass in the neighbourhood of great Dipper-Harbour, thence by the Bridge upon the Le Proe River, at the head of *Mace's Bay*, thence to *Vernon's*, thence to the Bridge across the Magaugadavic River, thence to the projected Bridge upon the Digdeguash River, thence through the Buckabec settlement to Chamcook, and thence to St. Andrews.

Saint John to
Westmorland.

That the Road leading from the City of Saint John to Westmorland, be by the following line or route, that is to say,

From Saint John to Hampton Ferry, thence by the Road leading through Hampton to the Burnt Hill, thence by the new Road to *Knox's Farm*, and thence to the Missegush as herein before described.

Width of Roads.

II. *And be it further enacted*, That all the before mentioned public Roads shall be laid out four rods wide, and be opened and worked of such width as the Supervisors in their respective Districts, shall in their discretion deem necessary.

Supervisors ap-
pointed.

III. *And be it further enacted*, That the following persons be, and they are hereby appointed Supervisors of the said public Roads, and in and for the Districts herein specified and limited, that is to say, *Edward W. Miller*, *James Brittain*, and *Henry Nase*, to be Supervisors of that part of the public Road leading from Fredericton to Saint John.

Benjamin

Benjamin Wilson, George Harding, and Ichabod Lewis, to be Supervisors of that part of the public Road leading from Fredericton to Westmorland, which lies between *Worden's Ferry* and the *Misseguash*.

John Campbell, Christopher Hatch, and Gabriel De Veber, to be Supervisors of the aforesaid public Road leading from Fredericton to Saint Andrews.

Daniel Morehouse, Thomas C. Lee, and George D. Berton, to be Supervisors of the public Road leading from Fredericton to the Canada line.

James M^cNabb, Joseph Saunders, and John Henderson, to be Supervisors of the public Road leading from Fredericton to the Northumberland Court-House.

John Mount, Thomas Wyer, Junior, and William Vernon, to be Supervisors of the public Road leading from Saint John to Saint An-

ders, Nathaniel Golding, and to be Supervisors of that part of the public Road leading from Saint John to Westmorland, which lies between the City of Saint John and the Finger-board at *Knox's Farm*.

IV. *And be it further enacted,* That every Supervisor appointed by this Act, shall give such security for the faithful performance of the duties required of him, and for accounting for the public monies intrusted to him, as His Honor the President or Commander-in-Chief for the time being, with the advice of His Majesty's Council, shall deem fit and proper.

Supervisors to give security.

Supervisors to have the sole ordering of repairs and alterations.

V. *And be it further enacted,* That the Supervisors appointed in and by this Act, shall have the sole ordering of the repairs and alterations which may be necessary for the completing the said Roads within their respective limits or Districts, and keeping them at all times, during their continuance in office, in the best practicable state for the passage of Men, Horses, Cattle, Teams and Carriages.

Sums to be allowed from the Province Treasury.

VI. *And be it further enacted,* That there be allowed and paid out of the Province Treasury, the following sums of money, that is to say, to the said *Edward W. Miller, James Brittain,* and *Henry Nase,* Supervisors as aforesaid, the sum of *four thousand pounds,* towards improving and repairing the public Road between Fredericton and Saint John, and for building and repairing Bridges upon the same.

Fredericton to St. John.

To the said *Benjamin Wilson, George [redacted] ding,* and *Ichabod Lewis,* the *[redacted]* thousand pounds, towards improving and repairing the public Road between *Worden [redacted]* and the Misseguash, and for building and repairing Bridges upon the same.

From Worden's to the Misseguash.

To the said *John Campbell, Christopher Hatch,* and *Gabriel DeVeber,* the sum of *three thousand pounds* towards improving and repairing the public Road between Fredericton and Saint Andrews, and for building and repairing Bridges upon the same.

Fredericton to St. Andrews.

To the said *George D. Berton, Thomas C. Lee,* and *Daniel Morehouse,* the sum of *three thousand pounds,* towards improving and repairing the public Road leading from Fredericton

dericton to the Canada line, and for building and repairing Bridges upon the same.

Fredericton to the
Canada Line.

To the said *James M^cNabb, Joseph Saunders,* and *John Henderson,* the sum of *four thousand pounds,* towards improving and repairing the public Road between Fredericton and the Northumberland Court-House, and for building and repairing Bridges upon the same.

Fredericton to
Northumberland.

To the said *John Mount, Thomas Wyer,* Jun. and *Moses Vernon,* the sum of *three thousand pounds,* towards improving and repairing the public Road between the City of Saint John and Saint Andrews, and for building and repairing the Bridges upon the same.

Saint John to Saint
Andrews.

And to the said *Charles I. Peters, Nathaniel Golding,* and *Caleb Wetmore,* the sum of *two thousand pounds,* towards improving and repairing the public Road between the City of St. John and the Finger-board, at *Knox's* Farm, and for building and repairing the Bridges upon the same.

Saint John to the
Finger Board

VII. *And be it further enacted,* That the before mentioned sums of money shall be paid by the Treasurer, by warrant of His Honor the President and Commander-in-Chief for the time being, by and with the advice of His Majesty's Council: *Provided nevertheless,* that no more than one-third part of the said respective sums of money shall be drawn from the Treasury, and be paid to the respective Supervisors at any one time: *And provided also,* that the application for such sums shall be made by a majority of such Supervisors of their respective Districts.

Monies to be paid
by warrant, &c.

Not more than
one third at one
time.

Application to be
made by a major-
ity of Supervi-
sors.

Supervisors to account for the monies, and produce receipts.

VIII. *And be it further enacted,* That the said Supervisors shall respectively keep an exact account of the expenditure of the said several and respective sums, and shall produce receipts in writing from the several and respective persons to whom any part of the said sums of money shall be paid as vouchers for the payments, and shall render an account thereof upon oath, which oath any Justice of the Peace in the several and respective Counties is hereby authorized to administer, to be transmitted to the office of the Secretary of the Province, for the inspection and examination of the General Assembly.

Work to be done by contract where practicable.

IX. *And be it further enacted,* That it shall be the duty of the said Supervisors, when practicable, to prefer Contracts for the making and repairing the Roads and Bridges within their respective Districts, and to avoid as much as possible the hiring of men by days work, the amount of the Contracts, and the wages of Labourers hired by the day, to be paid in Cash.

Statute Labour to be performed under the direction of the Supervisors, who may compel the performance at such times as they think proper, and may expend fines.

X. *And be it further enacted,* That the ordinary statute Labour of all persons residing upon the said public Roads, (liable by Law to work on said Roads) shall be done and performed in the respective Districts, under the authority and direction of the respective Supervisors of such Districts, who shall have the sole power to compel and direct the performance of the same at such times and seasons as to them shall respectively appear convenient and proper, and to expend when collected, as by Law is provided, the fines of

of those who shall neglect or refuse to perform their statute Labour upon the same.

XI. *And be it further enacted,* That all Fences, Timber, Wood, Stones, Boards, Planks, and Rubbish of any kind, which shall be found to remain upon any part of the said public Road, after six days previous public notice by the respective Supervisors to remove the same, shall be forfeited; and it shall and may be lawful for the said Supervisors respectively, or any of them, without any suit or process of Law whatever, to cause all articles so found, to be seized and disposed of in such way and manner as he or they may think proper; and if the same shall be sold, the proceeds of such sale shall be applied by the said Supervisor or Supervisors, for the repairs and improvement of such Roads.

Supervisors may after notice, seize and dispose of Fences, Timber, and other things found on the Roads.

If the articles are sold, the proceeds to be applied on the Roads.

XII. *And be it further enacted,* That in case it shall be necessary or expedient for the Supervisors of their respective Districts to go out of the said Roads to procure materials for the repairs of the said Roads, it shall and may be lawful for the said Supervisors respectively, when, from the absence or obstinacy of the owner or possessor of the soil, no agreement can be made with him, to enter with workmen, carts, carriages and horses upon any uncultivated Lands, and therefrom to dig, take, and carry away for the repairs of the said Roads, stone or gravel, and also therefrom to cut down and carry away Trees and Bushes, for Logs, Poles and Brush-wood to repair the same Roads, and the damage done thereby shall be appraised and

Supervisors may if necessary, go out of the Roads to procure materials for repairs.

Damage to be appraised and paid for.

and ascertained by the judgment of three indifferent Freeholders, to be nominated by the nearest Justice of the Peace for that purpose, and the sum so ascertained shall be paid or tendered by the Supervisors respectively, to the owner of the soil, if demanded, within three months from such appraisement.

Penalty on Persons wilfully interrupting Supervisors.

XIII. *And be it further enacted,* That if any person or persons shall wilfully hinder or interrupt any Supervisor in the lawful exercise of the duties incident to his office, such person or persons so offending shall forfeit the sum of *five pounds*, to be recovered before any Justice of the Peace of the County where such offence may be committed, upon conviction, 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 and Chattels, to be paid to the Supervisors of the District where such offence shall be committed, for the use of the public Road within such District.

Supervisors may plead the general issue in actions brought against them, and give the special matter in evidence.

XIV. *And be it further enacted,* That in case any action of trespass, or upon the case shall be brought against any or either of the said Supervisors by reason of any thing done by them or him in the execution of his duty under and by virtue of this Act, such Supervisor or Supervisors may plead the general issue and give the special matter in evidence at the trial in like manner as if such matter had been fully and specially pleaded.

Allowance to the Supervisors.

XV. *And be it further enacted,* That each of the said Supervisors shall be respectively paid for every day they shall be actually employed

employed in superintending the repair and alterations of the said Road and Bridges, the sum of *twenty shillings* in lieu of commissions for the said service and no more, which sum shall be retained by the said Supervisors out of the monies paid for the service of the said Road from time to time as the same shall become due, and be charged in their accounts respectively, provided that the sum so retained shall not exceed the sum of *seventy-five pounds* to either of the said Supervisors in any one year.---[*Altered by 57 Geo. 3, c. 10, § 3.*]

May retain money for their services.

Not to exceed £75 per annum.

XVI. *And be it further enacted*, That in case of the death, removal from the District, or refusal of any Supervisors to act, it shall and may be lawful for His Honor the President or Commander-in-Chief for the time being, by and with the advice of His Majesty's Council, to nominate and appoint a person, being a substantial freeholder and resident in the District, to act in the stead of the person so deceased or removed from the District, or who shall refuse to act.

In case of death or removal, or refusal to act, Commander-in-Chief to appoint other Supervisors.

XVII. *And be it further enacted*, That all and whatsoever sums of money which have heretofore been granted towards repairing and improving any part or parts of the Roads herein before established as the Great Roads of Communication in this Province, and which remain in the hands of the respective Commissioners or persons entrusted with the expenditure of the same, unexpended and not contracted for at the time of passing

Sums formerly granted for Roads, and remaining in the hands of the Commissioners, to be paid to the Supervisors.

passing this Act, be forthwith paid into the hands of the Supervisors of the respective Districts in which the said sums of money were to have been expended over and above the sums of money herein before granted to them respectively.

Roads through improved Land not to be altered without consent of the owner, or paying the value of the Land and the damages.

Value to be ascertained by appraisal.

XVIII. *And be it further enacted,* That the said Supervisors for the respective Districts shall not make any alterations in any part of the Great Roads within their respective Districts, through any improved Land, without the consent of the owner or owners thereof, or agreeing with or paying to him or them the value of the said improved Land so to be laid out into such public Road, with such damages as he or they may sustain by the said Road, and in case they cannot agree, then the true value to be set and appraised by five disinterested Freeholders, to be nominated and appointed by the next Justice of the Peace for the County of the said Freeholders, which nomination shall be hereby authorized, and the said value and damages hereby ascertained shall be paid by the said owners of the said Land, and the said damages shall be paid by the said Supervisors of the respective Districts, out of the monies herein before granted for the use of the said Road.

Supervisors to make returns in writing, of highways, and of alterations therein, to the Secretary's office, and to the Clerk of the Peace.

XIX. *And be it further enacted,* That the Supervisors of the respective Districts for which they shall be appointed, shall enter in writing the said public highways, and the alterations that may be made from time to time within the same, and make a return thereof into the office of the Secretary of the Province, and also a duplicate thereof into the

the office of the Clerk of the Peace for the County in which such public Road lies, to be by such Clerk entered into a book kept by Law for that purpose, and whatsoever the said Supervisors shall respectively do, according to the powers given to them in this Act, shall be valid and good.

Acts of the Supervisors to be valid.

XX. *Provided always, and be it further enacted,* That nothing herein contained shall be construed to extend to oblige the Supervisors, or any of them, to lay out the several sums heretofore granted, or any or either of them within the current year, unless in cases where the same can be done advantageously to the public interest.

Supervisors not obliged to expend the sums granted, within the current year.

CAP. XXIII.

An Act to encourage the establishment of Schools in this Province.

Passed the 16th of March, 1816.

WHEREAS the Education of Youth is of the utmost importance, and public attention to that object, in affording them easy means of acquiring useful knowledge, has been found to be attended with the most beneficial effects in society---

Preamble.

I. *Be it enacted by the President, Council, and Assembly,* That the Justices of the General Sessions of the Peace for the several and respective Counties in this Province, shall and may at the time of making the annual appointment of Town or Parish Officers, have power and authority to nominate and appoint two or more fit persons to be Trustees of and for Schools in the several Towns or Parishes within their respective Counties,

Justices in Sessions to appoint Trustees for Schools.

Trustees to be sworn, and liable to penalties.

Counties, who shall be sworn to the faithful discharge of their duty, and be in every respect subject to the same rules, regulations, penalties and forfeitures, as any other Town or Parish Officers are subject to, by virtue of an Act, made and passed in the twenty-sixth year of His Majesty's Reign, entitled "An Act for the appointment of Town or Parish Officers in the several Counties of this Province," and in such of the said Counties wherein the said Court of General Sessions has been already held in this year, or shall be held before the publication of this Act, it shall and may be lawful for the Justices of the said Sessions to call and hold, as soon as conveniently may be after the publication of this Act, a Special Session for the purpose of appointing such Trustees as aforesaid, which said Trustees so appointed, shall in all respects act and be liable as if they had been appointed at the General Sessions of the Peace as herein before directed, and shall continue in office until other persons shall be appointed in their stead, in such Counties respectively.

Trustees may be appointed at a Special Session.

Duty of Trustees.

II. *And be it further enacted,* That it shall be the duty of the Trustees, to be appointed under and by virtue of this Act, as soon as may be after their appointment, after giving fifteen days previous public notice, to summon the inhabitants of their respective Towns or Parishes, being Freeholders, or having a yearly income in real or personal estate of the value of *forty shillings*, openly and publicly to meet and assemble in some fit and convenient place to be by the said Trustees

Trustees for that purpose appointed, for the purpose of subscribing or voting for the raising money by assessment in the manner herein after mentioned, for the establishment and support of Schools within their respective Towns or Parishes, to the end that the Youth therein may be taught Orthography, Reading, Writing and Arithmetic: *Provided nevertheless*, that the money so to be subscribed or raised, shall not be less than *thirty pounds*, nor more than *ninety pounds* for one year, and if raised by assessment, the same shall be determined by a majority of the inhabitants present at such meeting.

III. *And be it further enacted*, That it shall and may be lawful for such inhabitants at such meetings, to subscribe or raise money in the manner herein before mentioned, for building, providing or repairing one or more School Houses in their respective Towns or Parishes, and for procuring necessary furniture and utensils for the same, and also to define and settle the limits of such School or Schools.

IV. *And be it further enacted*, That the said Trustees shall at the request of any five Freeholders in their respective Towns or Parishes in like manner, summon such of the inhabitants as are herein before mentioned, to meet once in the year, to wit, on the first Monday in March, or on the first Monday in October, in each and every year, during the continuance of this Act, at such fit and convenient place as shall be by the said Trustees for that purpose appointed, for all or any or either of the purposes herein before

Inhabitants may raise money for Schools.

Justices at the request of five Freeholders, may call an annual meeting of the Inhabitants.

Fifteen days notice to be given.

fore mentioned, first giving fifteen days previous public notice as aforesaid, of the time, place, and purpose of such meeting as aforesaid.

Money being voted to be raised by assessment, and certified to the Assessors, may be raised as sums for support of the Poor.

V. *And be it further enacted*, That upon any sum or sums of money being voted as aforesaid, to be raised by assessment as aforesaid, at any such meeting as aforesaid, and upon the amount of such sum or sums so voted, being certified in writing under the hands of the said Trustees respectively, to the assessors of such Towns and Parishes respectively, the same shall be assessed and collected in like manner as rates for the support of the Poor are by Law assessed and collected, and shall be paid into the hands of the said Trustees respectively of the School or Schools within such Towns and Parishes respectively: *Provided always*, that the sums so voted shall be assessed in manner and form as aforesaid, upon such of the inhabitants as shall reside within three miles of some School-House, and that all and whatsoever sum or sums of money shall be so as aforesaid subscribed at any meeting, for all or any or either of the purposes aforesaid, shall be made recoverable and payable, and be paid to the said Trustees respectively, to be by them disposed of in manner herein after mentioned.

Assessment limited to Inhabitants residing within three miles from a School-House.

Sums subscribed to be recoverable.

Trustees may agree with Schoolmasters, and fix their Salaries.

VI. *And be it further enacted*, That it shall and may be lawful for the said Trustees to agree from time to time with proper persons, being duly licenced, as by His Majesty's Royal instructions is directed, to keep such School or Schools in their respective
Towns

Towns or Parishes, and to fix the salary to be allowed to each and every such School-Master, to be paid out of the money to be subscribed and raised as herein before mentioned, and out of that which may be received from the Treasury of this Province under the provisions of this Act, and the said Trustees are hereby respectively required to use their best endeavours to cause the Youth of the respective Towns or Parishes regularly to attend to the said Schools, and to visit and inspect the same twice in each and every year, during the continuance of this Act, and to enquire into the discipline and regulations thereof, and of the proficiency of the Scholars, and to take care that the benefit of such Schools shall be confined to the Youth of such persons as contribute to their support, in cases where the money shall be raised by subscription.

Trustees to endeavour to cause the youth to be instructed,

And to visit the Schools.

VII. *And be it further enacted,* That the said Trustees shall be, and they are hereby authorized and empowered from time to time, and so often as they shall see fit, to enquire into the conduct of the Master or Teachers employed in the School or Schools within their respective Towns or Parishes, and to report the same to the Court of General Sessions of the Peace for the several and respective Counties, which shall have power to remove such Master or Teachers, if they find him or them negligent, insufficient, or of bad morals.

Trustees to enquire into the conduct of Teachers, and report to the Sessions, who may remove them.

VIII. *And be it further enacted,* That the said Trustees or the major part of them in the respective Towns or Parishes, shall and

Trustees may expel scholars of bad habits.

may, and they are hereby authorized and empowered to remove or expel any Scholar or Scholars being of abandoned and wicked habits, out and from any of the Schools within their respective Towns or Parishes.

Upon certificate that a School-House is provided and a Master appointed, and £30 raised, an allowance to be paid from the Province Treasury.

IX. *And be it further enacted,* That as soon as it shall be certified in writing to His Honor the President or Commander-in-Chief for the time being, by the Court of General Sessions of the Peace in and for any County within this Province, that a School-House has actually been built or provided for, and a School-Master appointed thereto, in any Town or Parish in the said County, and that money has been raised to the amount of *thirty pounds*, that then and in such case there shall be allowed for the further support of such School, the sum of *twenty pounds* per annum, and a like proportion for any larger sum not exceeding *ninety pounds*, the same to be drawn from the Treasury of the Province, by warrant from His Honor the President or Commander-in-Chief for the time being, by and with the advice of His Majesty's Council, in favor of the Trustees of such School, and to be by them applied in support thereof according to the true intent and meaning of this act: *Provided nevertheless,* that no one School in any Town or Parish, shall receive in any one year a larger sum than *twenty pounds*: *And provided also,* that no larger sum than *sixty pounds* shall be paid to the Schools in any one Town or Parish in any one year.

Limitation of Allowance.

X. *And be it further enacted*, That the Trustees in the several Towns or Parishes may if they think fit, retain out of the monies so to be raised in their respective Towns or Parishes as aforesaid, and to be drawn from the Treasury of the Province as aforesaid, a sum of money not to exceed the sum of *twenty shillings* for each and every School in the several Towns or Parishes, to be by them laid out and expended in the purchasing of Stationary, Books, and other suitable rewards, to be by them distributed to those of the Scholars in the several Schools, who shall excel in each of the several branches of Orthography, Reading, Writing, and Arithmetic, at the examination of such Schools: *Provided nevertheless*, that no reward shall be distributed to any Scholar who cannot repeat by heart the Creed, the LORD'S Prayer, and the Ten Commandments.

Trustees may retain money for purchasing rewards to be distributed to the Scholars.

XI. *And be it further enacted*, That at the several Schools so to be established as aforesaid, when the same shall be provided for, and supported by assessment upon the inhabitants, the Scholars shall be taught free from all expence whatsoever, other than their own Books and Stationary, and individual proportion of Fuel.

When Schools are supported by assessment, Scholars to be taught free of expence, except for Books, &c.

XII. *And be it further enacted*. That the said Trustees so as aforesaid to be appointed in the several Towns or Parishes, shall annually account to, and with the Court of General Sessions of the Peace in each County respectively, for all monies by them received; disbursed, and distributed to and for the use of their respective Schools, and shall be sub-

Trustees to account annually to the Sessions.

ject to such rules and orders as the said Court shall from time to time make, touching the funds of the said several Schools, or the application thereof.

Limitation.

XIII. *And be it further enacted,* That this Act shall remain and be in force for four years, and from thence to the end of the next Session of the General Assembly.

CAP. XXIV.

An Act further to continue an Act, entitled
 “ An Act for regulating, laying out, and
 “ repairing Highways and Roads, and for
 “ appointing Commissioners and Survey-
 “ ors of Highways, within the several
 “ Towns and Parishes in this Province.”

Passed the 16th of March, 1816.

*BE it enacted by the President, Council, and
 Assembly,* That an Act, made and passed
 in the fiftieth year of His Majesty's Reign,
 entitled “ An Act for regulating, laying out,
 “ and repairing Highways and Roads, and
 “ for appointing Commissioners and Sur-
 “ veyors of Highways within the several
 “ Towns and Parishes in this Province,” be
 further continued, and the same is hereby
 continued for two years, and until the end
 of the then next Session of the General As-
 sembly.

50 Geo. 3, c. 6.

Continued for two
 years.

CAP. XXV.

An Act further to continue an Act, entitled
 “ An Act to provide for the more effec-
 “ tually repairing the Streets and Bridges
 “ in the City and County of St. John.”

Passed the 16th of March, 1816.

BE it enacted by the President, Council,
 and Assembly, That an Act, made and
 passed in the fiftieth year of His Majesty's
 Reign, intituled “ An Act to provide for the
 “ more effectually repairing the Streets and
 “ Bridges in the City and County of Saint
 “ John,” be, and the same is hereby further
 continued for the term of two years, and to
 the end of the then next Session of the Ge-
 neral Assembly.

50 Geo. 3, c. 16.

Continued for two
 years.

CAP. XXVI.

An Act to encourage the Fisheries of this
 Province.

Passed the 16th of March, 1816.

WHEREAS it is deemed expedient to
 encourage the Cod Fisheries of this
 Province, by giving a Bounty to the owners
 of vessels which shall be employed in the
 same upon the Coasts thereof and of the
 neighbouring Provinces---

Preamble.

I. *Be it therefore enacted by the President,
 Council, and Assembly,* That all vessels of
 thirty tons and upwards, registered in this
 Province, and wholly owned by persons re-
 siding in the same, which shall be employed
 and engaged in the Cod Fisheries upon any
 part of the Coasts of this Province, or of the
 Province of Nova-Scotia, or of the Island
 of Cape Breton, or in any part of the Gulf
 of

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

of St. Lawrence, or upon the Labradore Coast, or in any Bay or Harbor within any of the same places, or upon the Banks of Newfoundland, for the space of four complete Calendar months, between the first day of April and the first day of December, in any year during the continuance of this Act, or which shall be so employed for the space of three complete Calendar months, between the days before specified, and which shall within that time make a complete fare of Cod or scale Fish, at and after the rate of ten quintals for each and every Ton of each and every such Vessel, shall be entitled to receive a bounty at and after the rate of *twenty shillings* per ton, according to the Registered Tonnage thereof, to be paid out of the Province Treasury to the owner or owners of every such Vessel, by warrant of the Governor or Commander-in-Chief for the time being, to be issued by and with the advice of His Majesty's Council: *Provided always*, that the sum to be paid in any one year for such bounties, shall not exceed the sum of *three thousand pounds*: *Provided also*, that all Vessels so to be employed in the Cod Fisheries as aforesaid, shall at the time of clearing out at the Custom-House, be fully provided with Salt, Stores, and equipments necessary for carrying on the said Fisheries, that the Master and owner of such Vessel shall declare it to be his or their intention to prosecute such Fisheries with effect.

Bounty to be paid to the owner by warrant.

Bounty in one year not to exceed £3000.

Vessels to be provided with Salt and other necessaries.

Declaration to be made by the Master.

Before the issuing of a warrant for Bounty, proof to be made that the vessel has been

II. *And be it further enacted*, That before any warrant shall issue for the bounty herein before given and granted, proof shall be made

made to the satisfaction of the said Governor or Commander-in-Chief for the time being, and His Majesty's Council, by affidavit of the Master or person acting as such, and the men, or the major part of them, belonging to the Vessel claiming such bounty, made before one of His Majesty's Justices of the Peace, that the same Vessel has been actually employed and engaged in the said Fisheries for such length of time as to entitle her to the said bounty, under and by virtue of this Act, which affidavit shall be accompanied by a certificate of such Justice, that he verily believes the facts stated in such affidavit are true: *Provided always*, that in cases where there shall be any reasonable ground to suspect fraud in any application for the said bounty, other proof may be required for the removal of such suspicion.

actually employed in the Fisheries as required by this Act.

If fraud suspected, further proof may be required.

III. *And be it further enacted*, That if any person or persons shall be guilty of false swearing in any affidavit so made before any one of His Majesty's Justices of the Peace as aforesaid, such person or persons so offending, shall upon conviction thereof before the Supreme Court, or any Court of Oyer and Terminer or Gaol Delivery, be liable to suffer the pains and penalties by Law inflicted for wilful and corrupt perjury.

False swearing made perjury.

IV. *And be it further enacted*, That this Act shall be in force for two years, and until the end of the then next Session of the General Assembly.

Limitation

See further 57 Geo. 3, c. 3.

CAP. XXVII.

An Act to erect into a separate Parish all the Lands in Queen's County, in the rear of the Parishes of Wickham and Waterborough.

Refer to 26 Geo. 3. c. 1, § 6.

Passed the 16th of March, 1816.

Parish to be called Brunswick.

I. *BE it enacted by the President, Council, and Assembly,* That all that Tract of Land in Queen's County, situate in the rear of the Towns or Parishes of Wickham and Waterborough, be one distinct Town or Parish, distinguished by the name of the Town or Parish of *Brunswick*.

Justices empowered to appoint Parish officers.

II. *And be it further enacted,* That the Justices of the Peace for the said County, shall and may have power to appoint annually from time to time, officers for the said Town or Parish of Brunswick, in the same manner as for the other Towns or Parishes within the said County, and also that the said Justices may at a special Session for that purpose to be holden, have power and authority to appoint such officers for the present year, which officers shall be sworn to the faithful discharge of their duties respectively, and be liable to the like penalty for not accepting of their respective offices, or neglecting or refusing to perform the duties of their several offices as any other Town or Parish Officers within the said County.

Justices may appoint officers for the present year, at a special Session.

Inhabitants of New-Canaan to be considered as belonging to the Parish of Brunswick.

And whereas the boundary lines of the said County have not yet been run out, and doubts may exist whether the whole of the inhabitants forming the settlement commonly called the New-Canaan settlement, will be within the limits of the above named
Town

Town or Parish of Brunswick : For removal whereof,

III. *Be it further enacted*, That until the said boundary lines shall be run out by some person duly authorized for that purpose, the whole of the said inhabitants forming the said settlement, shall be deemed and taken to belong to the said Town or Parish of Brunswick; any thing to the contrary thereof notwithstanding.

CAP. XXVIII.

An Act to enable the Minister and Elders for the time being of the Church in Communion with the Kirk of Scotland, lately erected in the City of Saint John, to hold the same to them and their Successors for ever, and for other purposes therein mentioned.

Passed the 16th of March, 1816.

WHEREAS sundry inhabitants of the Preamble.
City of Saint John and its vicinity, being of the Protestant profession of Worship, approved of by the General Assembly of the Church of Scotland, have by voluntary contributions, aided by a grant of moneey out of the Treasury of this Province, erected a large and handsome building for a place of public Worship, which it is intended shall be in connection with the said Church of Scotland: *And whereas* the title to the Lots on which the same Church has been erected, situate in Queen's Ward of the said City, and fronting on Germain Street, is now in sundry inhabitants of the said City, who hold the same in trust for the public use,

use, intent and purpose of a site for the said building as a place of public Worship, for the use of the persons of the profession as aforesaid: *And whereas* the said persons are desirous that the said title to the said Lots should be transferred to and vested in the Minister and Elders of the said Church, and that the said Minister and Elders, and their Successors, should be incorporated for such purpose and other purposes, for the better support of the same Church.

Minister and Elders when duly chosen and appointed, and the Minister approved and licenced by the Governor, to be proprietors of the Lots whereon the Building is erected,

I. *Be it therefore enacted by the President, Council, and Assembly,* That the Minister and Elders of the said Church commonly called and known by the name of the Kirk of Scotland, whenever such Minister and Elders shall be duly chosen and appointed, according to the usages of the said Church of Scotland, and the said Minister being first approved and licensed by the Governor or Commander-in-Chief of the said Province for the time being, shall be deemed and taken to be in all Courts of Law and equity, the proprietors of the said Lots, instead of the said persons now having title thereto as aforesaid, and that the said title to the said Lots shall thence-forward be transferred to, and vested in the said Minister and Elders, and their Successors forever, being so elected and appointed and approved and licensed as aforesaid, to have, hold, use and enjoy the same for the use and intent aforesaid, by the name of *The Minister and Elders of the Kirk of Scotland, in the City of Saint John*: saving nevertheless the right of His Majesty, his Heirs and Successors, and of all bodies Politic

Saving the rights of the King and of others.

litic and Corporate, and of all other Persons to the said Lots, except the said Persons in whom the title is vested as aforesaid for the use aforesaid.

II. *And be it further enacted*, That the said Minister and Elders of the Kirk of Scotland in the City of Saint John, and their Successors, shall and may have power to sell or let the Pews in the said Church, upon such terms as they may judge fit, and can agree for with the persons desirous to purchase or hire the same; and that when the said Pews are so sold or let, the persons purchasing or hiring the same, shall hold and enjoy the same according to the tenor of the contract, or terms on which the same may be so sold or let.

Minister and Elders may sell the Pews.

Purchasers may hold Pews according to the Contract.

CAP. XXIX.

An Act to continue and amend the several Acts now in force for raising a Revenue in this Province.

Passed the 16th of March, 1816.

I. **B**E it enacted by the President, Council, and Assembly, That an Act, made and passed in the forty-seventh year of His Majesty's Reign, intituled "An Act for raising a Revenue in this Province," and also an Act in amendment thereof, made and passed in the fiftieth year of His Majesty's Reign, intituled "An Act to continue and amend an Act, intituled "An Act for raising a Revenue in this Province;" and also another Act in amendment of the said two Acts, made and passed in the fifty-second year of His Majesty's Reign, intituled "An Act to continue and amend the Act for raising

Former Acts continued for one year.

47 Geo. 3, c. 10.

50 Geo. 3, c. 24.

52 Geo. 3, c. 1.

53 Geo. 3, c. 9. "raising a Revenue in this Province, and
 "the Act in amendment thereof," and also
 an Act, made and passed in the fifty-third
 year of His Majesty's Reign, intituled "An
 "Act for the further increase of the Reve-
 "nue of this Province," and also an Act,
 54 Geo. 3, c. 14. made and passed in the fifty-fourth year of
 His Majesty's Reign, intituled "An Act to
 "give full effect to, and to prevent the eva-
 "sion of an Act, intituled "An Act for the
 "further increase of the Revenue of this
 "Province;" and also another Act, made
 54 Geo. 3, c. 19. and passed in the same year, intituled "An
 "Act for laying additional duties on certain
 "articles imported into this Province," be,
 and the same Acts are hereby continued and
 declared to be in full force, except wherein
 the same, or any of them, are herein-after
 amended and altered, until the first day of
 April, which will be in the year of our Lord
 one thousand eight hundred and seventeen.

Credit for duties
extended.

II. *And be it further enacted,* That in all
 cases where the rates and duties arising on
 any one Cargo of Articles, upon which the
 same rates and duties are imposed by the
 herein before recited Acts, or either of them,
 shall exceed the sum of *one hundred pounds.*
 bonds shall be taken for securing the pay-
 ment of the same as follows, to wit, one-third
 in six months, one-third in twelve months,
 and the remaining one-third in eighteen
 months; any thing in the same recited Acts,
 or any or either of them, to the contrary
 notwithstanding.

CAP. XXX.

An Act to appropriate a part of the public Revenue for the services therein mentioned.

Passed the 16th of March, 1816.

CAP. XXXI.

An Act to provide for opening and repairing Roads and erecting Bridges throughout the Province, and improving the Navigation of the River St. John and its branches.

Passed the 16th of March, 1816.

CAP. XXXII.

An Act for the encouragement of the Trade of this Province in Plaster of Paris, otherwise called Gypsum.

Passed the 11th of March, 1816.

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

Preamble.

I. Be it enacted by the President, Council, and Assembly, That from and after the first day of May next, no Plaster of Paris, otherwise called Gypsum, which shall be laden or put on board any ship or vessel at any port or place within the limits of this Province, to be transported from thence to any other port or place within or without the same limits,

No Plaster of Paris laden on board any vessel within this Province, to be landed at any port within the same, except the harbours of Saint John and St. Andrews,

Nor at any place in the United States of America eastward of Boston, under the penalty of forfeiture of the vessel with the Boat, tackle, &c.

limits, shall directly or indirectly be unladen or landed or put on shore at any other port or place within the limits of this Province, except the harbour of the City of St. John, and the harbour of the Town of Saint Andrews, nor at any port or place in the United States of America eastward of Boston, in the State of Massachusetts, nor unladen or put on board any American Ship, Vessel, Boat, or Shallop of any description, at any port or place eastward of Boston aforesaid, under the penalty of the forfeiture of every such Ship or Vessel from which any such Plaster of Paris or Gypsum shall be so unladen contrary to the provisions of this Act, together with her Boat, Tackle, Apparel and Furniture, to be seized and prosecuted in manner herein after mentioned.

No Plaster to be put on board any vessel in this Province for transportation, until Bond given with one surety in double the value of the Cargo, with condition to be void if the Plaster be not landed contrary to the Provisions of this Act.

II. *And be it further enacted,* That no Plaster of Paris or Gypsum, shall be laden or put on board any Ship or Vessel at any port or place within the limits of this Province, to be transported from thence to any other port or place within or without the same limits, until Bond shall be given to His Majesty at the office of the Treasurer of this Province, or of his Deputy; at or nearest to the port or place where such Plaster shall be intended to be so laden by the Owner or Master of such Ship or Vessel, with one sufficient surety in a sum double the amount of the value of the Plaster so intended to be shipped, estimating each Ton at *twenty shillings*, with a condition to render the same void if the said Plaster or Gypsum so intended to be laden or put on board such Ship
or

or Vessel, shall not directly or indirectly be unladen or landed or put on shore at any other port or place within the limits of this Province, except the harbour of the City of Saint John, and the harbour of the Town of Saint Andrews, nor at any port or place in the United States of America, eastward of Boston aforesaid, in the State of Massachusetts, nor unladen or put on board any Ship, Vessel, Boat or Shallop of any description, at any port or place eastward of Boston aforesaid; and the said Treasurer or his Deputy as aforesaid, shall forthwith upon the execution of such bond, give to the Master of such Ship or Vessel, a certificate that such Bond as aforesaid has been given, which certificate shall be kept by the said Master to be produced by him as occasion may afterwards require: and if any Plaster of Paris or Gypsum shall be laden or put on board any Ship or Vessel at any port or place within the limits of this Province, to be transported from thence to any other port or place within or without the same limits, before such Bond as aforesaid shall be given, every such Ship or Vessel, and the said Plaster so laden before such Bond given as aforesaid, together with her Boat, tackle, apparel and furniture, shall be forfeited, and shall and may be seized and prosecuted in manner herein-after mentioned.

III. *And be it further enacted,* That if any Ship or Vessel on board which any Plaster of Paris or Gypsum shall be laden as aforesaid, at any port or place within the limits of this Province, shall be afterwards found

Treasurer to certify that Bond has been given.

Certificate to be kept by the Master, to be produced as occasion may require.

If Plaster be put on board any vessel for transportation, before Bond given, vessel and cargo to be forfeited.

Vessels on board of which Plaster shall be laden, found without certificate of Bond having been given, to be forfeited with the Cargo, &c.

in

in any other place, not having such certificate as aforesaid of such Bond as aforesaid having been given, every such Ship or Vessel, and the said Plaster on board such Ship or Vessel, together with her Boat, tackle, apparel and furniture, shall be forfeited, and shall and may be seized and prosecuted in manner herein-after mentioned.

Bonds to be cancelled by the Treasurer within six months, upon production of a certificate from a Collector or British Consul, that the Plaster was unladen at a place to the westward of Boston,

Or if any unladen at St. John or St. Andrews, upon certificate of the Treasurer or his Deputy.

Proof of shipwreck or loss at sea, equivalent to certificate.

Fee to the Treasurer for Bond.

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

V. *And be it further enacted,* That for every Bond and certificate herein before required to be given as aforesaid, the said Treasurer or his Deputy as aforesaid, shall be

be

be entitled to demand and receive the sum of *ten shillings* and no more.

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

Treasurer may seize vessels liable to forfeiture.

Information to be made by the Attorney-General in the Supreme Court.

Proceeds applied half to the officer seizing and the remainder to the Province Treasury.

VII. *And be it further enacted*, That any person or persons producing or attempting to produce, or having at any time produced any false or fraudulent Certificate, Paper or Papers, Voucher or Vouchers, in order to cancel any Bond required by this Act, or in any manner to evade the true intent and meaning of this Act, such offender or offenders shall each and every one of them forfeit and pay the sum of *one hundred pounds*, to

Persons producing or attempting to produce false certificates or vouchers, to forfeit £100.

To be recovered and applied as directed by the third section of 47 Geo. 3, c. 10.

be recovered and applied in the same manner as is provided in and by the third section of an Act, made and passed in the forty-seventh year of the Reign of his present Majesty, intituled "An Act for raising a Revenue in this Province."

In cases of hardship, relief may be had by applying to the Governor,

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

Who, with the advice of the Council, may release seizures or stay prosecutions.

Act not to be in force until a similar Act shall be passed in Nova-Scotia, and made known by Proclamation of the Governor of this Province.

IX. *And be it further enacted*, That this Act shall not be in force until similar and corresponding provisions as near as may be in all material respects, shall be made and enacted by some Act of the General Assembly of the Province of Nova-Scotia, to be made and passed for that purpose, with regard to all Plaster of Paris or Gypsum, which shall be laden on board any Ship or Vessel within the limits of that Province, nor until such Provisions shall be published and made known by Proclamation from the Governor or Commander-in-Chief of this Province for the time being, to be issued by and with the advice and consent of His Majesty's Council for that purpose.

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

Limitation of the Act.

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

Suspended until the Royal approbation be declared.

This Act declared, by Proclamation, to be in force from the 31st January, 1817.

Anno Regni GEORGII III.
 Britanniarum Regis,
 Quinquagesimo Septimo.

AT the General Assembly of the Province of New-Brunswick, begun and holden at Fredericton, on the fourth day of February, Anno Domini, one thousand eight hundred and seventeen, in the fifty-seventh year of the Reign of our said Sovereign Lord GEORGE the THIRD, by the Grace of GOD, of the United Kingdom of Great-Britain and Ireland, KING, Defender of the Faith, &c. being the First Session of the Sixth General Assembly convened in the said Province.

CAP. I.

An Act to prohibit the exportation of Corn, Meal, Flour, and Potatoes out of the Province for a limited time.

Passed the 17th of February, 1817.

WHEREAS it is expedient under the present circumstances, owing to the failure of the late Crops, to prohibit the exportation of any sort of Corn, Meal or Flour, and other articles made thereof, and of Potatoes from any part of this Province---

Preamble

Exportation of
Grain, Meal,
Bread, and Po-
tatoes, prohibited
for four months.

I. *Be it therefore enacted by the President, Council, and Assembly,* That from and after the passing of this Act, and until the end of four months to be accounted from the same, it shall not be lawful for any person or persons to export in any Ship, Vessel or Boat, from any part of this Province) the necessary Stores and Provisions for such Ship, Vessel or Boat excepted) any Wheat, Rye, Barley, Oats, or any Meal, Flour or Bread, or Biscuit made thereof, or any Potatoes.

Persons export-
ing or putting on
board any vessel
with intent to ex-
port the articles
prohibited, to for-
feit £100.

II. *And be it further enacted,* That if any person or persons shall export or shall load or lay on board any Ship, Vessel, or Boat, with an intent to export the same, any Corn or other of the articles aforesaid, the person or persons so exporting or loading or laying on board, with intent to export the same, and each and every of them, shall forfeit and pay the sum of *one hundred pounds*, to be recovered and applied in the same manner as is provided in and by the third section of an Act, made and passed in the forty-seventh year of the Reign of his present Majesty, intituled "An Act for raising a Revenue in
" this Province."

Recovered and
applied as directed
by the 47th Geo.
3; c. 10.

Treasurer and his
Deputies to seize
vessels having
Corn, &c. on
board.

III. *And be it further enacted,* That it shall and may be lawful for the Treasurer of this Province and his Deputies, or either of them, and they are hereby authorized and required to seize and take any such Ship, Vessel or Boat, and the said Corn or other articles aforesaid loaded and laid on board as aforesaid, and to detain the same, and that information shall and may be thereupon made by His Majesty's Attorney-General in
the

Information to be
made by the At-
torney-General.

the Supreme Court of this Province, and proceedings had to condemnation and sale, according to the course of the said Court, and upon such condemnation and sale, the proceeds thereof shall be paid and applied as follows, that is to say, one moiety thereof, after deducting the costs and charges of prosecution, to the officer who shall seize the same, or to the person who shall have given information in consequence of which such seizure shall have been made and prosecuted as the Court before which such prosecution may be had, shall adjudge, and the other moiety to the Treasurer of the Province, for the use of the same.

Proceeds after condemnation and sale to be applied.

IV. *Provided also and be it further enacted,* That it shall and may be lawful for the Governor or Commander-in-Chief of this Province for the time being, by and with the advice and consent of His Majesty's Council, at any time to suspend the operation of this Act, by Proclamation under his hand and seal for that purpose made and published.

Governor with the advice of the Council may suspend the Act.

CAP. II.

An Act further to continue the several Acts now in force for raising a Revenue in this Province.

Passed the 22d of March, 1817.

BE it enacted by the President, Council, and Assembly, That an Act, made and passed in the forty-seventh year of His Majesty's Reign, intituled "An Act for raising a Revenue in this Province;" and also an Act in amendment thereof, made and passed in the fiftieth year of His Majesty's

47 Geo. 3, c. 10.

50 Geo. 3, c. 14.

Reign, intituled “ An Act to continue and
 “ amend an Act, intituled “ An Act for raising
 “ a Revenue in this Province ;” and also
 another Act in amendment of the said two
 Acts, made and passed in the fifty-second
 year of His Majesty’s Reign, intituled “ An
 “ Act to continue and amend the Act for
 “ raising a Revenue in this Province, and
 “ the Act in amendment thereof ;” and also
 an Act, made and passed in the fifty-third
 year of His Majesty’s Reign, intituled “ An
 “ Act for the further increase of the Reve-
 “ nue of this Province ;” and also an Act,
 made and passed in the fifty-fourth year of
 His Majesty’s Reign, intituled “ An Act to
 “ give full effect to, and to prevent the eva-
 “ sion of an Act, intituled “ An Act for the
 “ further increase of the Revenue of this
 “ Province ;” and also another Act, made
 and passed in the same year, intituled “ An
 “ Act for laying additional duties on certain
 “ articles imported into this Province ;” and
 also another Act, made and passed in the
 fifty-sixth year of His Majesty’s Reign, inti-
 tuled “ An Act to continue and amend the
 “ several Acts now in force for raising a
 “ Revenue in this Province,” be, and the same
 Acts are hereby continued and declared to
 be in force for one year, and from thence to
 the end of the next Session of the General
 Assembly.

Continued for one
 year.

CAP. III.

An Act to amend and explain an Act, intituled "An Act to encourage the Fisheries in this Province."

Passed the 22d of March, 1817.

WHEREAS doubts have arisen whether in and by the first section of an Act, passed in the fifty sixth year of His Majesty's Reign, intituled "An Act to encourage the Fisheries of this Province," such vessels are entitled to the bounty of *twenty shillings* per ton, which shall have been constantly employed in the Cod Fishery in any of the places specified in that Act, for the full space of four calendar months, and shall have complied with all other the conditions of said Act, but may not within that time have made a complete fare of Cod and Scale Fish, at and after the rate of ten quintals for every register ton of such vessel: For remedy whereof,

Preamble.

I. *Be it enacted by the President, Council, and Assembly,* That all vessels of thirty tons and upwards, owned and registered as the Act directs, which have been or may hereafter be employed in the Cod Fishery for the full and complete space of four calendar months, and the owner or owners of such vessels shall have complied, or may hereafter comply with the other conditions of the said Act, such vessels shall be entitled to the bounty specified therein, although such vessel or vessels shall not have been or may not hereafter be so fortunate, as to make up the full and complete fare aforesaid.

Vessels of 30 Tons employed for four months, and the Owners having complied with the requisite conditions, entitled to the Bounty, although the full fare of Fish be not made.

II.

Limitation.

II. *And be it further enacted*, That this Act shall be in force for one year and until the end of the then next Session of the General Assembly.

CAP. IV.

An Act in addition to and amendment of an Act, intituled "An Act for regulating "Pilots."

Passed the 22d of March, 1817.

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 Pilots," no authority is given to displace such persons as, after their appointment as Pilots, shall by improper conduct render themselves unfit for such important trust---

Pilots may be removed by Justices of the Common Pleas, upon complaint of Port-Wardens, proved by one credible witness.

I. *Be it therefore enacted by the President, Council, and Assembly*, That it shall be the duty of the Justices of the Common Pleas in each County, where Pilots have been or hereafter may be appointed, to inquire into complaints preferred against any such Pilot by the Wardens of the Ports respectively where such Pilot shall have been approved and appointed, and on satisfactory evidence being produced, on the oath of one or more credible witness or witnesses, of improper conduct, it shall and may be lawful for said Justices, or the major part of them, to remove from his office such Pilot so convicted, and to declare him from that time not entitled to recover Pilotage from the Master or Owner of any Ship or Vessel he may presume to Pilot after such removal.

Provided

Provided always, That nothing herein contained shall interfere with the regulation of Pilots in the City of Saint John.

CAP. V.

An Act to encourage the raising of Bread Corn on new Land.

Passed the 22d of March, 1817.

WHEREAS the allowing of Bounties on Wheat, Rye, Indian Corn, Buckwheat, Barley and Oats, will tend to the encouragement of agriculture in this Province---

Preamble.

I. *Be it therefore enacted by the President, Council, and Assembly,* That there shall be allowed and paid for every Bushel of Wheat, Rye, Indian Corn, Buckwheat, Barley and Oats, which shall be raised on any new Land in this Province, within two years from the time when the wood growing thereon shall have been cut down, burned, or cleared off, and the said Land be laid down with grass seed or prepared for a second crop, the following Bounties, namely, for every Bushel of Wheat, Rye, Indian Corn or Buckwheat, the sum of *one shilling*; for every Bushel of Barley, *eight-pence*; and for every Bushel of Oats, *four-pence*.

Bounties allowed on Grain raised on new Land, within two years from the time when it shall have been cleared.

II. *And be it further enacted,* That to entitle any owner or occupier of Land to the foregoing Bounties, he shall first take the following Oath, the same to be set down in writing, and his name thereto subscribed, namely:---I do swear, that bushels of were really and truly raised on the Land occupied by me, and are actually

Proof to be made by the owner of the Land, to entitle him to the Bounty,

tually of the Crop of the year , and that the wood was cut down, burnt or cleared off from the Land on which the same was raised within two years previous to the time that the said Crop was taken off, which said Oath shall be made before any Justice of the Peace of the County wherein such person shall reside, who is hereby authorized to administer the same, and which Oath shall be accompanied by a certificate of such Justice, that he verily believes the facts stated therein to be true.

Before a Justice of the Peace.

Justices in Sessions, after six weeks notice, to determine claims for Bounties, on oath of the Party, and certificate,

III. *And be it further enacted,* That it shall and may be lawful for the Justices of the Peace in the several Counties at their General Sessions or at any Special Sessions holden for that purpose, first giving six weeks previous notice of such Special Sessions, to determine and settle all claims for Bounties given by this Act, and they shall determine the same on the Oath and Certificate hereinbefore required to be made being produced before them, or on the Oath of the person claiming the Bounty, being made before them at such General or Special Sessions, and shall certify in one general Schedule all such claims as they shall then and there allow, and transmit the same to the Secretary of the Province.

And transmit certificates of claims allowed to the Secretary's office.

Bounties to be paid by the Governor's Warrant, in favour of the Sessions, and by them distributed.

IV. *And be it further enacted,* That it shall and may be lawful for the Governor or Commander-in-Chief for the time being, to draw by Warrant on the Treasurer, by and with the advice and consent of His Majesty's Council, the amount of such Schedules in favor of the General or Special Sessions, which

which shall certify the same, and to be by them paid and distributed to the respective claimants.

V. *And be it further enacted*, That no Bounties shall be paid under and by virtue of this Act, until the year of our Lord one thousand eight hundred and eighteen.

No Bounties to be paid until 1818.

VI. *And be it further enacted*, That this Act shall continue and be in force for three years, and from thence to the end of the next Session of the General Assembly.

Limitation.

CAP. VI.

An Act in amendment of an Act, intituled
 “ An Act more effectually to prevent the
 “ encumbering or filling up of Harbours,
 “ and to authorize the appointment of
 “ Harbour-Masters.”

Passed the 22d of March, 1817.

WHEREAS the penalties imposed in and by an Act, made and passed in the fifty-second year of His Majesty's Reign, intituled “ An Act more effectually to prevent the encumbering or filling up of Harbours, and to authorize the appointment of Harbour-Masters,” made perpetual by an Act, made and passed in the fifty-fourth year of His Majesty's Reign, are made recoverable before two Justices of the Peace: *And whereas* the said Act has been violated with impunity, in many of the Harbours, by reason that two Justices of the Peace were not found resident at or near the place to put the same in force---For remedy of which evil,

Preamble.

If two Justices are not residing at or within ten miles of the place, the Penalties may be recovered before one Justice.

I. *Be it enacted by the President, Council, and Assembly,* That henceforth in case two Justices shall not be found residing at or within ten miles of the place where such offence shall be committed, the several penalties in the said recited Act mentioned, may be recovered before any one of His Majesty's Justices of the Peace for the County where the offence shall be committed, in like manner as mentioned in the said recited Act.

Limitation.

II. *And be it further enacted,* That this Act shall continue and be in force for two years, and no longer.

CAP. VII.

An Act to provide for the necessities of the Province, occasioned by the failure of the late Crop.

Passed the 22d of March, 1817.

Preamble.

WHEREAS Legislative aid is required to alleviate the extraordinary distress of many of the Inhabitants of this Province,

Commissioners to be appointed by the Governor, with the advice of the Council, in the several Counties to inquire into the wants of the inhabitants,

I. *Be it enacted by the President, Council, and Assembly,* That as soon as conveniently may be after the passing of this Act, a proper number of fit persons, not exceeding five nor less than three Freeholders and Inhabitants in the several and respective Counties in this Province, being appointed Commissioners in each and every of the said Counties respectively, by the Governor, Lieutenant-Governor or Commander-in-Chief, by and with the advice and consent of His Majesty's Council, for the purpose of making inquiry into the wants and sufferings

ferings of the Inhabitants in their several and respective Counties, occasioned by the failure of the Crops in the last year, shall be sworn to the diligent, faithful and impartial discharge of the duties enjoined upon them by this Act, before some one of His Majesty's Justices of the Peace in the County for which they shall be respectively appointed, which oath the said Justices are hereby authorized respectively to administer.

To be sworn before a Justice of the Peace.

II. *And be it further enacted,* That it shall be the duty of the said Commissioners thereupon without delay, and with all practicable diligence and dispatch, to make inquiry into the wants and sufferings as aforesaid of the several and respective Inhabitants in their several and respective Counties, who shall make application to them in this behalf; and the said Commissioners, or the major part of them in the several and respective Counties, after due consultation thereon, shall be, and they are hereby authorized forthwith to purchase and provide such quantities of Seed Wheat, Rye, Barley, Oats, Indian Corn or Potatoes, as shall be necessary for the supply of the several and respective Inhabitants applying to them for the same, for seed for the ensuing spring, in such proportions and in such quantities as the said Commissioners, or the major part of them shall judge sufficient for the wants of such Inhabitants in this behalf; and also to relieve the wants and sufferings of such indigent Inhabitants as may stand in absolute need thereof; and it shall be the duty of the said Commissioners, and they are hereby

Commissioners to make diligent inquiry into the wants of persons applying to them.

And after due consultation, to purchase Grain and Potatoes for seed.

And also to relieve the wants of indigent inhabitants.

To take receipts for articles supplied, with promises to repay the same without interest, at the price for which the same were purchased,

Certificates of Labour performed on Roads, &c. to cancel Receipts to the extent of the sum specified in such Certificate.

Blank Receipts, with a copy of this Act, and a warrant of appointment, to be furnished to Commissioners.

hereby respectively authorized and required in all cases to take from such persons respectively, a receipt in writing for the amount in value, at the price for which the same shall have been purchased, of such articles as shall be supplied and delivered to them, with a promise in such receipt to be accountable for, and to repay such amount, without interest, to the Province Treasurer, or his Deputy in the several and respective Counties, or to such other person as shall be appointed by the Governor, Lieutenant-Governor or Commander-in-Chief of the Province, to receive the same: *Provided always*, that upon the production on the part of the person giving such receipt, of a certificate from any Supervisor of the Great Roads, or from any Commissioner of Bye Roads, Streets or Bridges, that such person has performed labour upon any public or private Road, Street or Bridge, within the District of such Supervisor or Commissioner, that then and in such case such receipt shall be cancelled to the extent of the sum specified in such certificate to be due for such labour.

III. *And be it further enacted*, That in order to enable the said Commissioners respectively to perform the duties required by this Act, a competent number of blank receipts shall be furnished to the said Commissioners respectively, together with the warrant of their appointment and a copy of this Act; and that there shall be paid to them respectively out of the first monies to be drawn from the Province Treasury, such

sums

sums as shall be sufficient for the purposes of this Act, which several and respective sums shall be paid by the Treasurer of the Province to such Commissioners respectively, by warrant of the Governor, Lieutenant-Governor or Commander-in-Chief, by and with the advice and consent of His Majesty's Council, which Commissioners shall render an account to the General Assembly at their next Session, of all monies received by them respectively under and by virtue of this Act: *Provided always*, that the sums so to be drawn shall not exceed the following sums to the Commissioners in the several and respective Counties, that is to say:---To the Commissioners to be appointed for the City and County of Saint John, the sum of *one thousand pounds*---To the Commissioners to be appointed for the County of Charlotte, the sum of *seven hundred and fifty pounds*---To the Commissioners to be appointed for the County of York, the sum of *twelve hundred pounds*---To the Commissioners to be appointed for the County of Northumberland, the sum of *one thousand pounds*---To the Commissioners to be appointed for the County of Sunbury, the sum of *five hundred pounds*---To the Commissioners to be appointed for Queen's County, the sum of *three hundred pounds*---To the Commissioners to be appointed for King's County, the sum of *seven hundred and fifty pounds*---To the Commissioners to be appointed for the County of Westmorland, the sum of *five hundred pounds*.

Sums sufficient for the purposes of this Act, to be paid to them out of the first monies to be drawn by the Governor's warrant from the Treasury.

Commissioners to account to the General Assembly at the next Session.

Sums allowed to the several Counties—

Saint John,

Charlotte,

York,

Northumberland,

Sunbury,

Queen's,

King's,

Westmorland.

Commissioners to transmit accounts and vouchers with the Receipts to be taken by them, to the Secretary's office.

Commissioners may transmit an account for their time and expences, for the consideration of the General Assembly.

The Governor, with the advice of the Council, may upon representation in behalf of inhabitants unable to pay, and upon recommendation of the Commissioners, remit the

IV. *And be it further enacted,* That the said Commissioners shall keep an exact account of the monies expended by them, or under their direction, by virtue of this Act, and shall produce vouchers therefor, which account and vouchers, together with the receipts to be taken by them as herein-before directed, shall be transmitted by them respectively to the office of the Secretary of the Province, for the inspection of the General Assembly at their next Session, and that they shall and may also, if they shall so think fit, transmit at the same time, and in like manner, an account of the number of days that they shall have been respectively employed, and of any expences which shall have been actually incurred by them respectively, in the performance of the duties required by this Act, for the consideration of the General Assembly at their next Session.

V. *And be it further enacted,* That upon a representation made to the Governor, Lieutenant-Governor or Commander-in-Chief of the Province, by or on the behalf of any of the Inhabitants in the several and respective Counties, who shall have given receipts as herein-before directed for any supplies under and by virtue of this Act, of their inability to repay the sums for which they shall be made accountable by such receipts, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander-in-Chief, by and with the advice and consent of His Majesty's Council, upon a recommendation for that purpose from the Commissioners, or major part of them in their respective Counties,

Counties, to remit to such applicants respectively, the whole or any part of the said sums respectively, as to him shall seem meet.

VI. *And be it further enacted,* That this Act shall be and remain in full force for the term of one year, and from thence to the end of the next Session of the General Assembly.

whole or any part of the sums for which receipts shall have been given.

Limitation.

CAP. VIII.

An Act to regulate the exportation of dutiable articles from and out of this Province.

Passed the 22d of March, 1817.

I. ***BE*** it enacted by the President, Council, and Assembly, That whenever any Rum, Wine, Brandy, Gin, or Brown Sugar, reported for exportation, shall be exported from and out of this Province in the same bottom in which they were imported, or in any Vessel or Barque, to the American Lines to the Eastward of Machias Harbour, and there re-shipped and put on board of any American Ship or Vessel, to be landed in any port or place within the United States to the Westward of the said Machias Harbour, that then and in such case the monies which may have been paid for the rates and duties arising thereon, shall be repaid, and the bonds so taken to secure such duties so far as may relate to the said Rum, Wine, Brandy, Gin, or Brown Sugar, so exported, shall be cancelled and considered of no validity, saving and reserving for the use of the Province, *one penny* for each and every gallon of Rum, Wine, Brandy, or Gin, and *six-pence* for every hundred weight of **Sugar**

Dutiable articles exported to the American Lines east of Machias, and there put on board an American vessel, to be landed in the U.S. to the westward of Machias, the duties thereon to be repaid, excepting one penny per gallon on Rum, &c. and six-pence per cwt. for Brown Sugar.

Sugar so exported, which the Treasurer of the Province or his Deputies, are hereby authorized and required to save and reserve, except in such cases where the said dutiable articles shall be exported in the same bottoms in which they were imported, when no reservation as aforesaid shall be made: *Provided* always, that the evidence to be required of such exportation, when exported in the same bottoms in which they were imported, shall, in addition to the oath of the Master and affidavit of the Owner or Consignee, as required in and by the ninth section of an Act, made and passed in the forty-seventh year of His Majesty's Reign, intituled "An Act for raising a Revenue in this Province," be the following oath to be taken and subscribed by the Master of the Ship or Vessel in which the same articles were exported, before the said Treasurer or either of his Deputies, to wit:---

"I do swear, that the articles exported on board the _____ whereof I am Master, have been really and bona fide shipped and put on board of the American Vessel _____ whereof _____ was Master, and that the same or any part thereof are not again to be landed in any part of this Province, to the best of my knowledge and belief.---So help me God."

Evidence required of exportation in any other vessel.

II. *And be it further enacted*, That the evidence of such exportation of dutiable articles as aforesaid, when exported in any Vessel or Barque to the American Lines as aforesaid, other than the Vessel in which they were imported into this Province, shall, in addition

to

If exported in the same bottoms in which they were imported, no reservation to be made.

Evidence required of exportation when exported in the same bottom.

to the oath of the Importer and Master, as required in and by the thirteenth section of the herein before recited Act, be the oath of the Master herein before recited.

III. *And be it further enacted,* That in all cases where dutiable articles shall have been exported from and out of this Province to the American Lines, and there shipped and put on board of an American Vessel, it shall be incumbent on the owner or importer of such dutiable articles, to produce to the Treasurer or to the Deputy, to whom the duties shall have been secured, a certificate under the hand and seal of the Collector or principal Officer of the Customs at the port or place in the United States to which the same shall be exported, that the same articles have been there landed; and it shall be further incumbent on the owner or importer, upon producing such certificate, to make and subscribe the following oath before the Treasurer or one of his Deputies, to wit :---

Owner or importer of dutiable articles to produce certificates under the seal of an officer of the Customs of the landing of exported articles,

And make oath.

“ I do swear, that the articles by me exported on board the Ship or Vessel called _____ whereof _____ was Master, (a certificate of the landing of which is now exhibited by me) were shipped on board of the American Vessel _____ whereof _____ was Master, at _____ and have been really and bona fide landed at _____, and that the same or any part thereof are not again to be landed in any part of this Province, to the best of my knowledge and belief.---So help me God.”

Limitation.

IV. *And be it further enacted,* That this Act shall be and continue in force for one year, and thence until the end of the next Session of the General Assembly.

CAP. IX.

An Act for appointing Firewards in the Towns of Fredericton and Saint Andrews, and ascertaining their power and duty, and more effectually to prevent Fires in the said Towns.

Passed the 22d of March, 1817.

Governor, with the advice of the Council, to appoint Firewards,

I. *BE it enacted by the President, Council, and Assembly,* That the Governor or Commander-in-Chief for the time being, is hereby authorized and empowered, with the advice of His Majesty's Council, from time to time, by warrant under his hand and seal, to appoint a sufficient number of prudent and discreet persons, not exceeding eight, in the several parts of the Towns (commonly called the Town Plats) of Fredericton and Saint Andrews respectively, and their respective vicinities, to be Firewards, who shall be sworn to the faithful discharge of their duty respectively, before any one of His Majesty's Justices of the Peace for the said Counties of York and Charlotte, and certificates thereof indorsed on the several warrants of appointment, for which warrants, oaths and certificates, no fees shall be demanded or received from the persons so appointed and sworn.

Who shall be sworn before a Justice of the Peace, and certificate endorsed on the warrants of appointment, without fee.

Firewards on duty to carry a Staff and Speaking-trumpet.

II. *And be it further enacted,* That in order that the said Firewards may be distinguished from others, when on duty at a Fire,
and

and to enable them to communicate their directions with more facility, they shall each carry a Staff seven feet in length, coloured red, and also a Speaking Trumpet, painted white, with the names of their respective Towns painted on it in black letters.

III. *And be it further enacted*, That whenever any Fire shall break out in the said Towns of Fredericton or Saint Andrews, or in their respective vicinities, and during the continuance thereof, the said Firewards respectively, for and in their respective Towns, are hereby authorized and required, jointly or separately, to command assistance for extinguishing the fire and removing household stuff, furniture, books, public stores, goods and merchandize, out of any houses, store-houses and other buildings actually on fire, or in danger thereof, and to appoint persons to take care of the same, and also to require assistance to prevent the further spreading of the fire in their respective Towns, and to prevent tumults and disorders in the same; and the said Firewards respectively, are hereby required upon the notice of fire breaking forth in their respective Towns (taking their badges and trumpets with them) immediately to repair to the place and vigorously to exert their authority in requiring assistance, and to use their utmost endeavours to extinguish the fire and prevent its spreading, and to preserve and secure property and effects, both public and private; and due obedience is hereby required to be yielded to them, and each and every of them, accordingly for that service,

In case of Fire, the Firewards, jointly or separately, to command assistance for extinguishing Fires and removing Goods, &c.

To appoint Persons to take care of Goods, And to require assistance to prevent the spreading of the Fire, and to prevent tumults.

Firewards, upon notice of Fire, to repair with their Badges to the place, and exert their authority.

Due obedience to be yielded to the Firewards by persons having charge of fire engines.

as well by the person or persons having the charge and management of any Engine or Engines in the said respective Towns, as all other persons whomsoever.

Persons disobeying orders of the Firewards, to forfeit £3, to be recovered before a Justice of the Peace, on the oath of a Fireward or other credible witness, and levied by distress and sale.

IV. *And be it further enacted*, That for every refusal or neglect in any person to obey the order of any Fireward, in performing any of the duties and services herein before mentioned, such person shall forfeit and pay the sum of *three pounds*; to be recovered upon conviction before any one of His Majesty's Justices of the Peace for the said Counties of York and Charlotte respectively, on the oath of a Fireward or any other credible witness, and levied by distress and sale of the offender's goods and chattels; and for want of sufficient distress, such offender shall suffer twelve days imprisonment, unless the penalty and costs shall be sooner paid; which penalty, when recovered, shall be paid into the hands of the Overseers of the Poor of the Parishes of Fredericton and Saint Andrews respectively, towards the support thereof.

For want of distress, offender to suffer twelve days imprisonment

Penalty to the use of the Poor.

Firewards may compel Persons present at a Fire, to form lines for conveyance of water.

V. *And whereas* it is necessary that prompt and implicit obedience should at all times, during the raging of a fire, be paid to the directions of the Firewards: *Be it further enacted*, that the said Firewards respectively, or any or either of them, shall have power, and they and every of them are hereby authorized, when such necessity shall exist, to require and compel the persons present at any fire, to fall in and form the lines or ranks for the conveyance of water for extinguishing the fire, and to remain in such ranks as long as may be deemed necessary. VI.

VI. *And be it further enacted,* That the Firewards in the several and respective Towns of Fredericton and Saint Andrews, or the major part of them, are hereby authorized and empowered from time to time, and at all seasonable times, in the day time, to enter into any house, shop, or other building within the limits of the said respective Towns and their vicinities, and to examine and inspect the manner in which any stove or stove-pipes are set up, placed, fixed or carried, or any hearths constructed; and if such stove and stove-pipes, or such hearths, shall be found to be in the opinion and judgment of the said Firewards, or the major part of them present at such inspection, so set up, placed, fixed or carried or constructed, as to be dangerous, such Firewards are hereby authorized and empowered to give directions in writing, to prevent the continuance of fire in any such stove or any other such hearth, until the same shall have undergone such alteration as shall be pointed out in writing by the same Firewards; and any person or persons who shall disobey any such direction of the said Firewards, shall for each offence forfeit and pay the sum of *five pounds*, to be recovered and applied in manner as aforesaid.

Firewards may at seasonable times, in the day time, enter any House and examine Stoves & Hearths, and if such Stoves and Hearths are so fixed and constructed as in the opinion of the Firewards to be dangerous, they may by written order, forbid the continuance of fire therein, until such alterations as they shall by writing direct be made.

Persons disobeying directions of Firewards, to forfeit £5, to be recovered and applied as before.

VII. *And be it further enacted,* That this Act shall continue and be in force for two years and no longer.

Limitation.

CAP. X.

An Act in addition to and in amendment of an Act, intituled “ An Act for the establishment, regulation and improvement of the Great Roads of Communication throughout the Province.”

Passed the 22d of March, 1817.

Preamble.

WHEREAS in and by the first section of an Act, made and passed in the fifty-sixth year of the Reign of his present Majesty, intituled “ An Act for the establishment, regulation and improvement of the Great Roads of Communication throughout the Province,” the Road leading from Fredericton to Westmorland is established by the following line or route, that is to say, from Fredericton to Worden’s, by the line or route as established by the said Act, for the Road leading from Fredericton to Saint John, thence to the head of Belisle, thence to the Finger-board at Knox’s Farm, thence through Sussex-Vale, thence by Carlisle’s Portage to James Blakeney’s upon the Petticodiac River, thence down the said River to the Bend, thence through the Portage between the Petticodiac and Memramcook Rivers, thence across the Memramcook by the new Bridge to the Court-House in Dorchester, thence through the Portage to Sackville, thence by the Road leading over the Great Marsh to the Misseguash River, the Boundary Line of the Province, to join the Post-Road of Nova-Scotia : And whereas it is found by experience that an alteration in the same route would shorten the distance very much and facilitate the communication,

I.

I. *Be it therefore enacted by the President, Council, and Assembly,* That so much of the said section of the said Act as established the said route from Fredericton to Westmorland, be, and the same is hereby repealed; and that the Road leading from Fredericton to Westmorland be by the following line or route, that is to say---From Fredericton across the Ferry to Nashwalk-House, thence following the present Road through Mau-gerville, Sheffield, and Waterborough, to the Jemseg, thence across the Ferry to Bird-sill's, thence following the road now laid out to the Washademoac, thence to the Bull Moose Hill Road so called, at the head of the Belisle, thence by the same Road as now laid out, to Studholm's Mill Stream, near Ulus Hany's, thence to the main Road near Samuel Hallet's, at the Sussex-Vale, thence by Carlisle's Portage to James Blakeney's upon the Petticodiac River, thence down the said River to the Bend, thence through the Portage between the Petticodiac and Mem-ramcook Rivers, thence across the Mem-ramcook by the new Bridge to the Court-House in Dorchester, thence through the Portage to Sackville, thence by the Road leading over the Great Marsh to the Misse-guash River, the Boundary Line of the Province, to join the Post Road of Nova-Scotia; and that the said route hereby established shall be subject to all the regulations and provisions in the herein before recited Act.

Part of the first section of recited Act, repealed.

Route from Fredericton to Westmorland,

Subject to the provisions of the recited Act.

II. *And be it further enacted,* That the Supervisors appointed by the herein before recited Act, to superintend that part of the Public

Supervisors appointed.

Public Road leading from Fredericton to Westmorland, which lies between Worden's Ferry and the Missequash, be, and the same are hereby appointed to be the Supervisors for the route as established in and by this Act.

Allowance to Supervisors not to exceed £40.

III. *And whereas* in and by the fifteenth section of the said herein before recited Act, the Supervisors are allowed to retain for their services, a sum not exceeding the sum of *seventy-five pounds* to each of the said Supervisors in any one year---*Be it therefore enacted*, That from and after the passing of this Act, no Supervisor shall retain a greater sum than *forty pounds* in any one year, for his services in superintending the repairs and alteration of the Roads and Bridges within his district.

CAP. XI.

An Act to appropriate a part of the Public Revenue for the services therein mentioned.

Passed the 22d of March, 1817.

I. **B**E *it enacted by the President, Council, and Assembly*, That there be allowed and paid out of the Treasury of the Province, unto the several persons hereafter mentioned, the following sums, to wit,

Speakers.

To the Speaker of the House of Assembly, the sum of *one hundred pounds*.

Members.

To the Members of the House of Assembly, for defraying the expences of their attendance during the present Session, and travelling charges, reckoning twenty miles for each day's travel, to be certified by the Speaker,

Speaker, *fifteen shillings* per diem each during the present Session.

To the Chaplain of the Council in General Assembly, the sum of *twenty-five pounds*. Chaplains.

To the Chaplain of the House of Assembly, the sum of *twenty-five pounds*.

To the Clerk of the Council in General Assembly, the sum of *fifty pounds*, and *twenty shillings* per diem during the present Session. Clerks.

To the Clerk of the House of Assembly, the sum of *fifty pounds*, and *twenty shillings* per diem during the present Session.

To the Clerk-Assistant of the House of Assembly, the sum of *twenty shillings* per diem during the present Session.

To the Serjeant at Arms attending the Council in General Assembly, *twenty shillings* per diem during the present Session. Serjeants at Arms.

To the Serjeant at Arms attending the House of Assembly, *twenty shillings* per diem during the present Session.

To the Door-keepers and Messengers attending the Council and Assembly, *ten shillings* per diem each during the present Session. Door-keepers and Messengers.

To the Tide-Surveyor of the City of Saint John, the sum of *one hundred pounds* for his services and expences from the first day of March, one thousand eight hundred and sixteen, to the first day of March, one thousand eight hundred and seventeen. Tide-Surveyor.

To Thomas Bonner, Esquire, for his services as Agent for the Province, for the year one thousand eight hundred and sixteen, the sum of *one hundred pounds* sterling. Agent.

To

Contingencies.

To His Honor the President and Commander-in-Chief, for defraying the contingent expences of the Province, a sum not exceeding *three hundred pounds*, for the year one thousand eight hundred and seventeen.

Adjutants of Militia.

To the Adjutants of the Militia of the different Counties in this Province, a sum not exceeding *one hundred and ninety pounds*, for the year one thousand eight hundred and seventeen, agreeable to a Law of this Province.

Indian Missionary.

To His Honor the President or Commander-in-Chief for the time being, the sum of *fifty pounds* sterling, for the purpose of paying a Missionary to the Indians, for the year one thousand eight hundred and seventeen.

Assistant to Clerk of the Council.

To the Clerk of the Council, for defraying the expences of an Assistant Clerk during the present Session of the Legislature, the sum of *twenty-five pounds*.

Courier from Fredericton to Northumberland.

To Commissioners to be appointed by His Honor the President, towards defraying the expences of a Courier between Fredericton and New-Castle, in the County of Northumberland, for the year one thousand eight hundred and seventeen, the sum of *one hundred pounds*.

Saint Andrews.

To Commissioners to be appointed by His Honor the President, towards defraying the expences of a Courier between Fredericton and Saint Andrews, for the year one thousand eight hundred and seventeen, the sum of *one hundred pounds*.

Saint John to St. Andrews.

To Commissioners to be appointed by His Honor the President, towards defraying the

the expences of a Courier between St. John and St. Andrews, for the year one thousand eight hundred and seventeen, the sum of *one hundred pounds*.

To the Commissioner to be appointed by His Honor the President, to defray the expences of bringing over the Mail weekly from the American Post-Office at Robinstown, to St. Andrews, for the year one thousand eight hundred and seventeen, the sum of *fifteen pounds*.

For bringing the Mail from Robinstown to Saint Andrews.

To William Reynolds, being the amount of a Bond given by him for the transient duty on sundry articles imported into the Province in May, 1816, the sum of *twenty-one pounds, nine shillings and eight-pence*.

Wm. Reynolds.

To the Commissioners for superintending the repairs of the Government-House, the balance of an account exhibited by them, being *eighteen pounds, one shilling and ten-pence*.

Government-House.

To the Commissioners for superintending the repairs of the Government-House, the further sum of *two hundred and fifty pounds*, to repair the same and the out-buildings, and the further sum of *twenty pounds* for fuel, consumed in airing the building.

To Thomas Wetmore, Esquire, the Attorney-General for this Province, for past services, the sum of *one hundred pounds*.

Attorney General.

To John Robinson, Esquire, Treasurer of the Province, for his services from the first day of March, one thousand eight hundred and sixteen, to the first day of March, one thousand eight hundred and seventeen, the sum of *five hundred pounds*.

Treasurer.

To

N. Atcheson, Esq.

To Nathaniel Atcheson, Esquire, Secretary to the Society of British North American Merchants, and Agent for some of His Majesty's North American Colonies, for his services from February, one thousand eight hundred and sixteen, to February, one thousand eight hundred and seventeen, the sum of *one hundred pounds* sterling, to be remitted by the Committee of Correspondence.

Packet between
Digby and Saint
John.

To such person as His Honor the President may appoint, a sum not exceeding the sum of *one hundred and fifty pounds*, for the support of a Packet to ply between Digby and Saint John for one year, to commence from the fifth day of April next; provided a similar provision is made by the Legislature of the Province of Nova-Scotia, and no Packet is established at the exclusive expence of the General Post-Office for that purpose.

John Pendlebury.

To John Pendlebury, in full for past services, in keeping a Packet plying between St. John and St. Andrews, the sum of *fifty pounds*.

Treasurer's Con-
tingencies.

To the Treasurer of the Province, to defray expences incurred by him for Stationary, &c. for the year 1816, the sum of *twenty pounds, six shillings and three-pence*.

John Chaloner.

To John Chaloner, for Guaging and Weighing in the year one thousand eight hundred and sixteen, the sum of *one hundred and thirty-seven pounds, nineteen shillings and six-pence*.

For encouraging
Fisheries.

To His Honor the President, a sum not exceeding *three thousand pounds*, to be paid in bounties for the encouragement of the Cod Fisheries of this Province, agreeable to the

the Law of this Province, for the year one thousand eight hundred and seventeen.

To His Honor the President, for the encouragement of Schools, agreeable to the Law of this Province, the sum of *three thousand pounds*, for the year one thousand eight hundred and seventeen.

Encouragement of Schools.

To the Sheriffs of the several Counties in this Province, for executing Writs of Election, and returning the Members to serve in General Assembly, the following sums, to wit,

Sheriffs for executing Writs of Election.

To the Sheriff of the County of York, the sum of *twenty pounds*.

York.

To the Sheriff of the County of Sunbury, the sum of *twenty pounds*.

Sunbury.

To the Sheriff of the County of Westmorland, the sum of *twenty-two pounds, ten shillings*.

Westmorland.

To the Sheriff of the County of Charlotte, the sum of *twenty five pounds*.

Charlotte.

To the Sheriff of Queen's County, the sum of *twenty pounds*.

Queen's.

To the Sheriff of the County of Northumberland, the sum of *twenty-five pounds*.

Northumberland.

To the Sheriff of the City and County of Saint John, the sum of *twenty-five pounds*.

Saint John.

To the Sheriff of King's County, the sum of *twenty-one pounds*.

King's.

To His Honor the President, the sum of *eight hundred and fifty pounds*, towards the further improving that part of the Great Road of Communication leading from Fredericton to Saint John.

Great Road from Fredericton to St. John.

To His Honor the President, the sum of *eleven hundred and fifty pounds*, for the further

From Fredericton to Saint Andrews.

ther improving that part of the Great Road of Communication leading from Fredericton to Saint Andrews.

From Fredericton to the Canada Line.

To His Honor the President, the sum of *eleven hundred and fifty pounds*, for the further improving that part of the Great Road of Communication leading from Fredericton to the Canada Line.

From Fredericton to Northumberland.

To His Honor the President, the sum of *eleven hundred and fifty pounds*, towards further improving that part of the Great Road of Communication leading from Fredericton to the Northumberland Court-House.

From St. John to St. Andrews.

To His Honor the President, the sum of *eleven hundred and fifty pounds*, for the further improving that part of the Great Road of Communication leading from Saint John to Saint Andrews; and that the Supervisors allot a part of this sum to enable the Settlers at Dipper Harbour and its neighbourhood, to improve their present Road leading from thence to the Great Road of Communication, and that the principal part of the remaining sum be expended on that part of the Great Road leading through the wilderness land, between Mount's and Vernon's.

Supervisors to allot a part, &c. to enable the Settlers at Dipper Harbour, &c. to improve their present Road leading to the Great Road of Communication.

Principal part of the remaining sum to be expended on that part of the Great Road leading through the wilderness, between Mount's and Vernon's.

From St. John to the Finger-board.

To His Honor the President, the sum of *one thousand pounds*, for further improving that part of the Great Road of Communication leading from the City of Saint John towards Westmorland, which lies between St. John and the Finger-board:

And that the sum of *three hundred pounds*, part of the said sum of *one thousand pounds*, be

be expended on that part of the Road between Hampton Ferry and the Finger-board.

Between Hampton Ferry and the Finger-board.

To His Honor the President, the sum of *ninety pounds* per annum for three years, for the purpose of establishing three Settlers at the rate of *thirty pounds* each for that period, on that part of the Great Road of Communication leading from Fredericton to St. Andrews, which lies between the Block-House at the Oromocto and the Block-House at the Magagaudavic River; one where he is now placed at Shin Creek, one at the half-way House lately built, and a third at such place between that and the Magaguadavic, as the Supervisors of that road may point out,--- the sum for the first year to be paid to the said Settlers on their becoming bound to His Majesty, with two sureties, to be approved of by the Justices of the Peace for the County of Sunbury or Charlotte, in General or Special Sessions assembled, that each of them will clear five acres of the Land appropriated to them, and will also reside thereon for a term of five years.

Settlers between Fredericton and St Andrews.

Sums for the first year to be paid on their becoming bound to His Majesty, &c.

Sureties to be approved by the Justices of Sunbury or Charlotte, in Sessions.

To John Dustin Woodberry, the sum of *fifty pounds*, to assist him in making an establishment on the Great Road from Saint John to Saint Andrews, near the Pocologon River; and the further sum of *thirty pounds* per annum for three years, for his further encouragement; and to

J. Dustin Woodberry, to assist him in making a settlement.

James Hewson, the sum of *fifty pounds*, to assist him in making an establishment on the same road, about six miles west of Musquash, and the further sum of *thirty pounds* per annum for three years for his further encouragement---

James Hewson, to assist him in making a settlement.

agement--the said first mentioned sums to be paid to the said Settlers on their becoming bound to His Majesty, with two sureties, to be approved of by the Justices of the Peace for the County of Charlotte or Saint John, in General or Special Sessions assembled, that they will clear five acres each of the land that may be appropriated to them, and will also build and reside thereon for a term of five years from the period of their entering on said Lands, under the direction of the Supervisors.

Settler on the Great Road leading from Fredericton to Northumberland, which lies between the Nashwalk and Harris's.

To His Honor the President, the sum of *fifty pounds*, for the encouragement of a Settler on that part of the Great Road of Communication, leading from Fredericton to the Northumberland Court-House, which lies between the Nashwalk and William Harris's, and the further sum of *thirty pounds* per annum for three years, for the further encouragement of such Settler; the said first mentioned sum to be paid to the said Settler on his becoming bound to His Majesty, with two sureties, to be approved of by the Justices of the Peace for the County of York, in General or Special Sessions assembled, that he will clear five acres of land that may be appropriated to him, and will also build and reside thereon for a term of five years from the period of his entering on said lands, under the direction of the Supervisors.

John M. Dougall.

To John M. Dougall, the Settler at Shin Creek, the sum of *twenty pounds*, to relieve him from his present distress, occasioned by the loss of his provisions in transporting them to Shin Creek.

To

To the Governor and Trustees of the College of New-Brunswick, the sum of *two hundred and fifty pounds*, for the year one thousand eight hundred and seventeen, conformably to the provisions of two Acts of the General Assembly.

College of New-Brunswick.

To the President and Directors of Saint John Grammar School, for the year one thousand eight hundred and seventeen, the sum of *two hundred and fifty pounds*, agreeably to the provisions of the two Acts of the General Assembly.

Saint John Grammar School.

To Zalmon Wheeler, the sum of *eighteen pounds, eleven shillings and two-pence*, for drawbacks on one pipe of Gin and one pipe of Brandy, by him exported to Nova-Scotia: it appearing that he was not able to obtain the same at the time of exportation, owing to the illness of the late Treasurer.

Zalmon Wheeler, for drawbacks.

To Nehemiah Merritt and Robert James, the sum of *fifteen pounds, seventeen shillings and three-pence*, for drawback on 423 gallons of Rum, exported by them in the schooner Perseverance for Boston: it appearing that the proper papers could not be obtained at the time of the shipment, owing to the sickness of the late Treasurer.

Nehemiah Merritt and Robert James, for drawbacks.

To Ezekiel Barlow, the sum of *twenty-four pounds, seven shillings and six-pence*, for drawback on six puncheons of Rum, containing 650 gallons, by him exported to Nova-Scotia: it appearing that he was not able to obtain the same at the time of exportation, owing to the sickness of the late Treasurer.

Ezekiel Barlow, for drawbacks.

Hugh Johnston &
Co. for draw-
backs.

To Hugh Johnston & Company, the sum of *twenty-seven pounds, fifteen shillings*, for drawback on seven puncheons of Rum exported to Nova-Scotia, containing seven hundred and forty gallons: it appearing that they were not able to obtain the same at the time of exportation, owing to the sickness of the late Treasurer.

Thomas Millidge,
for drawbacks.

To Thomas Millidge, the sum of *eight pounds, five shillings*, the amount of drawback on two hundred and twenty-one gallons of Rum exported to Nova-Scotia: it appearing that he was not able to obtain the same at the time of exportation, owing to the sickness of the late Treasurer.

Overseers of the
Poor of St. John.

To the Overseers of the Poor for the City of Saint John, the sum of *three hundred and eighty-eight pounds, sixteen shillings and fourpence*, to reimburse them for expences incurred towards defraying the expence of the support of a number of the transient Poor and Black Refugees lately brought into the Province, and who remained in the City of Saint John.

Samuel Hallett.

To Samuel Hallett and Samuel Fairweather, the sum of *ten pounds*, being the sum overpaid by them as Commissioners in building a Bridge over Studholm's Mill-stream.

Toler Thompson,
to assist him in
cutting a Canal.

To Toler Thompson, the sum of *one hundred pounds*, to assist him in cutting a Canal from Sackville River to Point Megic, which will be of great advantage to the Great Road of Communication, leading from Fredericton to Nova-Scotia.

Justices of Char-
lotte, to reimburse
them for the ex-

To the Justices in Sessions for the County of Charlotte, the sum of *seventy-four pounds, seventeen*

seventeen shillings and four-pence, to reimburse sundry Magistrates for the expence of a prosecution commenced and carried on by William Vance against them, in consequence of proceedings had before them in their judicial character.

pences of a prosecution.

To James Brittain, late a Lieut.-Colonel of the King's County Militia, the sum of *twenty-six pounds, seven shillings and six-pence*, the balance of expences incurred in defending a prosecution commenced against him by the Flaglors, in the year 1809.

James Brittain.

To John Mackay, an aged and infirm Soldier, the sum of *twenty-five pounds*, towards his future support.

John M'Kay.

To Lieut.-Colonel Miles, commanding the Sunbury Militia, the sum of *sixty-three pounds, four shillings and eight-pence*, to reimburse him for expences incurred in consequence of a prosecution commenced and carried on by Ephraim Treadwell against him, in the year 1809.

Lieut.-Col. Miles.

To such person as His Honor the President may appoint, in aid of individual exertions, the sum of *one hundred pounds*, to remove Rocks from the Channel of the Digdeguash River.

To remove rocks from the channel of Digdeguash River.

To such persons as His Honor the President may appoint, the sum of *one hundred pounds*, in aid of individual exertions, to remove rocks and other obstructions to the navigation of the South-west branch of the River Miramichi.

To remove obstruction to the navigation of the S.W. branch of Miramichi River.

To such persons as His Honor the President may appoint, the sum of *one hundred and fifty pounds*, to remove Rocks from the Channel

To remove rocks in Magogadavic River.

Channel of the Long Rapids, above the second Falls of the River Magagaudavic, and other places near M'Dougall's Falls.

To remove rocks from the channel of the River Saint Croix.

To such persons as His Honor the President may appoint, the sum of *two hundred pounds*, in aid of individual exertions, to remove Rocks from the Channel of the River St. Croix, above the upper Mills on that River.

Great Road from Fredericton to Westmorland.

To His Honor the President, the sum of *two thousand pounds*, to be expended in repairing and improving the Great Road of Communication from Fredericton to Westmorland, *one hundred pounds* of which to be expended by the Supervisors in cutting a

Canal from Mud Creek to the nearest Lake at the head of the Great Marsh in Sackville.

Canal from Mud Creek to the nearest Lake at the head of the Great Marsh in Sackville, provided the Proprietors of said Marsh do complete the same.

Saint Andrew's Grammar School.

To the Trustees of the Saint Andrew's Grammar School, the sum of *sixty pounds*, to aid them in completing the building.

Settlers between the Rivers Miramichi and Nipisigwit.

To His Honor the President, the sum of *one hundred pounds*, for the encouragement of two Settlers, at the rate of *fifty pounds* each, on the Road leading from the River Miramichi to the River Nipisigwit; and also the further sum of *thirty pounds* per annum for three years, as an additional encouragement to each of the said Settlers; one of them to settle about fifteen miles from the River Miramichi, and the other about fifteen miles from the River Nipisigwit---The said first mentioned sums to be paid to the said two Settlers upon their becoming bound to His Majesty, with two sureties, to be ap-

proved
First payment on security being given, with sureties to be approved by Justices of Northumberland, in Sessions.

proved

proved of by the Justices of the Peace for the County of Northumberland, in General or Special Sessions assembled, that they will clear five acres each of the land that may be appropriated and laid out for them, and will also build and reside thereon for a term of five years from the period of their entering on said lands.

To the Executrix of the late Donald M'Donald, Esquire, the sum of *ten pounds*, to refund that sum paid by Mr. M'Donald, while Deputy Treasurer of the County of Charlotte, for the apprehension of a Deserter, which sum was not sustained by the Treasurer, in consequence of the same sum having been paid by him for the same service, to Major Drummond.

Executrix of the late Donald Mac-Donald.

To the Clerk of the House of Assembly, the sum of *two hundred and twenty-one pounds, eight shillings and four-pence*, for Stationary, Fuel, and other expences of the present Session.

Expences of Session.

To George K. Lugin, the sum of *thirty-two pounds, twelve shillings*, for his account of Printing.

Geo K. Lugin, for Printing.

To the Overseers of the Poor for the Parish of Fredericton, the sum of *one hundred pounds*, to reimburse in part the extraordinary expences incurred in the support of disbanded Soldiers and the Widows and Families of deceased Soldiers.

Overseers of the Poor of Fredericton.

To the Overseers of the Poor for the Parish of Portland, in the County of St. John, the sum of *sixty pounds*, to reimburse in part expences incurred by them in support of numerous disbanded Soldiers in that Parish.

Overseers of the Poor in Portland.

To

Wm F. Odell,
for copies of
Laws, &c.

To William F. Odell, for preparing copies of the Laws, and affixing the Province Seal to the same, with duplicates, the sum of *one hundred and six pounds, nineteen shillings and four-pence.*

Secretary of the
Province for War-
rants.

To William F. Odell, Esq. for issuing two hundred and fourteen Warrants, at five shillings each, from the twelfth February, one thousand eight hundred and sixteen, to the twenty-sixth January, one thousand eight hundred and seventeen, the sum of *fifty-three pounds, ten shillings.*

Surveyor General.
for a Clerk.

To the Honorable George Sproule, Surveyor-General of the Province, the sum of *one hundred pounds,* for the purpose of enabling him to procure and instruct a Clerk to be employed by him in his Office, who, in case of any accident to himself, to which from his advanced years he is liable, will be ready to take charge of the many and important papers in the Office, and to give the necessary information to a successor.

Geo. K. Lugin,
for Printing Jour-
nals, &c.

To George K. Lugin, the sum of *one hundred and nine pounds, ten shillings,* being a balance due him for Printing Journals, Laws, &c.

Wm. Harris, Sen.

To William Harris, Senior, a Settler on the Miramichi Portage, the sum of *thirty pounds,* for the year one thousand eight hundred and seventeen, as a further encouragement.

Samuel Buchanan.

To Samuel Buchanan, the sum of *fifteen pounds,* for airing and taking care of the Province Hall, for the year one thousand eight hundred and sixteen.

II. *And be it further enacted,* That all the before mentioned sums of money shall be paid by the Treasurer, by Warrants 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.

To be paid by
Warrant, with the
advice of the
Council.

An Act to establish a Winter Road from Bates's Millpond, to the River Kennebeckacis, at or near the site of the old Court-House, in King's County.

Passed the 7th of March, 1812.

WHEREAS the sum of *thirty pounds* has been granted, to be applied to the purpose of opening a Winter Road from the head of Bates's Millpond so called, in the Parish of Kingston, in King's County, to the River Kennebeckacis---

Preamble.

1. *Be it enacted by the President, Council, and Assembly,* That the Commissioner or Commissioners to be appointed by the President, to expend the said sum of *thirty pounds*, shall have full power and authority to lay out a Winter Road, on such part of the land lying between the head of the said Millpond and the Kennebeckacis River, as he or they shall judge proper; which doings of such Commissioner or Commissioners, shall be returned to the Clerk of the Peace for said County, and shall be by him registered as other roads and highways by law are required to be done; and in case any person or persons shall obstruct or lay any incumbrance on said road, he or they shall be liable to the same fines and penalties, as he or they would be subject to for the same offence on any other road or highway.

Commissioners to be appointed by the President to lay out a Winter Road from the Millpond to the Kennebeckacis.

And make return to the Clerk of the Peace to be registered.

Penalty for obstructing the road.

AN
I N D E X
TO THE
A C T S
OF THE
GENERAL ASSEMBLY,
OF THE
PROVINCE
OF
NEW-BRUNSWICK,

FROM THE FORTY-SEVENTH TO THE FIFTY-SEVENTH YEAR OF THE
REIGN OF KING GEORGE III. BOTH INCLUSIVE.

AN

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Partridges.

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ERRATA.

In the Table containing the Titles of the Acts.

Page vi. after the 8th Title, insert the following :

9. *An Act for the further increase of the Revenue of this Province.*

Page vii. Line 4. For *registry*, read *registering*.

In the Acts.

Page 1. & 2. After each of the Titles of the 1st and 2d Chapters, insert—
Passed the 5th of March, 1807.

Page 3. Line 28. For *fieri*, read *scire*.

29. Line 30. }

30. Line 2. } For *Guage, Guagers. &c.* read *gauge, Gaugers, &c.*

31. Line 19. For *53 Geo. 3. c. 5*, read *53 Geo. 3, c. 9*.

33. Line 4. For *eight*, read *eighth*.

35. Line 18. For *seize in form*, read *seize, inform*.

44. Line 9. For *II*, read *III*.

54. In marginal note at §5, after *revived*, read *and continued*.

86. In the 3d Line from the bottom, read *year of our Lord*.

109. Line 12, for *Sund.y.* read *Saturd.y.*

187. Line 1. For *LII. GEORGE II*, read *LIII*.

336. Line 12. For *Crop*, read *Crops*.